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Senate

The Senate met at 9:30 a.m. and was called to order by the Honorable BENJAMIN L. CARDIN, a Senator from the State of Maryland.

PRAYER

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

Let us pray.

O God, some of us are able to give much, yet we give little. Some of us would give more, but we have little. Inspire us today to give You our best. Help us to focus on serving You and bringing honor to Your Name.

Guide our lawmakers in their challenging work. Open their minds and hearts to be ready to do Your bidding. Use them as instruments of Your purposes, shining Your light through them to dispel the shadows in our world. Help them to live to please You, demonstrating conclusively with actions that they follow You. Empower them to live in a manner that will glorify You. Give them the wisdom to encourage and help each other in the important work of guarding our freedom.

We pray in Your holy Name. Amen.

PLEDGE OF ALLEGIANCE

The Honorable BENJAMIN L. CARDIN led the Pledge of Allegiance, as follows:

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

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

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

The legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, DC, February 28, 2007.

To the Senate:

Under the provisions of rule I, paragraph 3, of the Standing Rules of the Senate, I hereby appoint the Honorable BENJAMIN L. CARDIN, a Senator from the State of Maryland, to perform the duties of the Chair.

ROBERT C. BYRD,
President pro tempore.

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

RECOGNITION OF THE MAJORITY LEADER

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

SCHEDULE

Mr. REID. Mr. President, this morning the Senate will be in a period of morning business for 60 minutes. The first 30 will be controlled by the majority, and the remaining 30 minutes will be under the control of the Republicans.

Following this period of morning business, the Senate will begin consideration of S. 4, the 9/11 legislation. This is a very important piece of legislation. That is why it has a low number. It is one of the 10 that I thought we should complete as soon as possible. I am happy we are there. I thank the Republican leader for his cooperation in allowing consent to be granted for us to switch the cloture vote from the Commerce Committee-reported legislation to S. 4, which is, of course, the measure reported by the Homeland Security Committee. I hope Members will be here early to offer amendments to the legislation.

Once I have laid down the substitute amendment, which will encompass provisions from several committees—Homeland Security, Banking, and Commerce—we will be ready for the amendment process. Members should expect rollcall votes throughout the day. We could go into late evening sessions. We really need to complete this bill. As I told Members yesterday, except for Friday late in the day, because of Senator LIEBERMAN, our manager of the bill—he starts his Sabbath at sundown on Friday—we are going to move this bill. We could very likely have Friday afternoon votes. So everyone who has airplane reservations should cover themselves because we may have to be here. If progress is not sufficient to finish this bill next week, we will have to start working longer hours. I hope we can get things available Monday so that we have more than one vote Monday night. We really need to start legislating. We have had, in my mind, too much time off.

I see the distinguished Senator from Colorado. We have the first time, but we have no one here at this stage; they are on their way. If he would like to speak now, we will use part of his time now.

Mr. ALLARD. I thank the majority leader for that opportunity. I have a bill I would like to introduce briefly this morning and talk about it for a few minutes. If somebody shows up from his side, I will yield.

RESERVATION OF LEADER TIME

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

MORNING BUSINESS

The ACTING PRESIDENT pro tempore. Under the previous order, there will now be a period for the transaction of morning business for 60 minutes, with Senators permitted to speak therein for up to 10 minutes each. Under the previous order, the first 30 minutes will be controlled by the majority leader or his designee.

The Senator from Colorado is recognized.

(The remarks of Mr. ALLARD pertaining to the introduction of S. 699 are located in today's RECORD under ''Statements on Introduced Bills and Joint Resolutions.'')

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

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Mr. ALLARD. I suggest the absence of a quorum and ask unanimous consent that time under the quorum call be charged equally to both sides.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered. The clerk will call the roll.

The bill clerk proceeded to call the roll.

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

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

HEALTH CARE

Mr. DURBIN. Mr. President, if one travels across the States of Maryland or Illinois and stops at any business, large or small, and has a conversation about how the business is going, it won't take long for the conversation to move to the issue of health care. Virtually every business I have visited in Illinois in the last 10 or 20 years—or labor union, for that matter—wants to talk about health care. There is a growing concern that the cost of health insurance keeps going up and coverage keeps going down. It is affecting our competitive edge in America. It compromises the security many families want to feel when it comes to medical care necessary for their loved ones.

Yesterday, I was visited by a spokesman for the Business Roundtable. They are infrequent visitors in the offices of Democratic Senators, but it was a good, positive meeting. We talked about a number of issues and started with their concern and our growing concern about the limited availability of health care and its cost.

We now have some 47 million uninsured Americans and many who are underinsured and more and more who are vulnerable each year. There was a disturbing story in this morning's Washington Post about a young mother who lost her son because she had no way to pay for the extraction of a tooth. The child's tooth became decayed, abscessed, and led to a terrible condition which ultimately cost him his life. So for an $80 tooth extraction, this little boy gave up his life. It is unthinkable, in a great country such as America, that such could occur. It is one small example of a life that has been lost because of a lack of concern we have about extending health care coverage.

It has been a long time since we have had a real conversation about this issue. One has to go back to the previous administration, when President Clinton came forward with a plan. It was complicated. It was controversial. I joined in the debate on the plan because I thought it was long overdue. After some months, the forces in the health care industry, which is very profitable today, came together and killed the idea. So for 10 years nothing has happened except the situation has disintegrated and we are now facing a real crisis.

Recently, President Bush put forward a health coverage proposal that claims to make health coverage more affordable, make the tax treatment of health benefits more equitable, and create incentives for people to enroll in lower cost health plans. I welcome the President's proposal as a sign that he, too, believes the status quo of health care in America is unacceptable and we need to begin the hard work to reform it. But when you take a close look at the President's proposals, some questions arise, and some concerns.

The heart of the plan is a proposal to equalize the tax treatment of health benefits, whether you obtain health coverage through an employer or purchase it yourself in the individual insurance market. On the surface, it sounds very appealing. After all, some people simply do not have access to employer-sponsored coverage. But such a change would not provide people with two equally good options for obtaining health insurance.

Employer-sponsored health coverage is far superior to the individual insurance market for the vast majority of people, even if they have access to a tax deduction. Unless you are in perfect health, individual-market insurance is often unaffordable or unavailable. To a much greater extent than employer coverage, insurers in the individual market can deny you coverage if you have a preexisting medical condition or can refuse to cover you at all. Insurers in the individual market also can charge much higher premiums if you are older or sicker. In short, if you are not in perfect health, you do not want to be in the individual market. Recognizing this, the President's proposal to equalize tax treatment is really not as appealing as it sounds unless you happen to be one of those very young, very healthy people who can go to an individual market and find a competitive rate.

The President's plan has an even more alarming implication. The way he has constructed it, equalizing the tax treatment of benefits could weaken employer-sponsored coverage, which is the bedrock of our current health coverage system. He could do it in two ways.

First, offering the same tax deduction, for either employer-provided coverage or individual coverage, could create an incentive for some employers to drop coverage. They can just basically say: Now you are on your own. We are finished providing health coverage. Use the tax deduction to buy your own plan. Given the current state of the individual insurance market, this could be terrible news for everyone but the youngest and healthiest workers. Most people losing employer coverage would likely end up with insurance that costs more and covers less—if they are lucky to find a policy at all.

The second adverse effect is that even if an employer maintains health coverage, young and healthy employees would have an incentive to leave their employer plan for individual coverage. You know what that means: When the younger and healthier workers leave the pool, there is more risk and higher premiums for those who remain.

Another major element of the President's plan is a proposal to cap the tax deduction for health benefits at $15,000 for families and $7,500 for individuals. Those with health benefits above this cap would face a new tax on the health benefits exceeding this threshold. The President says capping the tax deduction would dissuade people from enrolling in ''gold-plated'' or ''Cadillac'' health plans, which the administration has fixated on as a major cause of rising health care costs. Some have gone so far as to characterize this part of the President's plan as a way to tax the rich and their expensive health benefits in order to help lower income people.

What a curious juxtaposition, that for 6 years this administration has argued for tax breaks for people at the highest income categories, saying they must be rewarded, even at the expense of middle-income and lower income families and now, when it comes to health insurance, the tables are turned and the administration is arguing that we should not be rewarding expensive health benefits, we should be, in fact, trying to help lower income people, though his approach does not achieve that.

A closer look at his plan raises even more serious questions. It rests on a shaky premise that large numbers of Americans have an overabundance of health insurance. The President believes Americans are overinsured when it comes to health care protection. There may be some people out there who fit in that category, but most of the people I talk to do not. They are very anxious about their coverage. They are anxious about the cost of their premiums, their deductibles, and their copayments. We find a lot of important health services are not covered.

We know what is happening in bankruptcy courts. Those who can make it through the new maze that has been created by this Congress and this administration usually are there primarily for medical bills. The real problem is not the overinsured but the 16 million Americans who are underinsured. Their health coverage is not adequate to protect them if they have a serious problem. Forty-seven million Americans have no coverage at all. The President's focus on the overinsured seems misplaced, to put it mildly.

Part of the problem stems from this notion of ''Cadillac'' health plans. The phrase suggests that buying health coverage is like buying a car: You can buy the basic model, which allows you to get to work, pick up the kids, and go to the store, or, if you have some extra money, you can buy the high-end model with lots of extras—leather seats, more horsepower, some electronics, and a fancy stereo. Health coverage just does not work that way. The

cost of health coverage typically has more to do with the characteristics of who is being covered: How old are you? Do you have a medical problem? Where do you live? These are some of the factors which are taken into consideration when people assess the cost of a health care plan.

I am concerned that the new health tax the President proposes would hit many people who are older, with chronic conditions, medical problems, those who live in high-cost coverage areas. If this is the case, the tax is highly unfair. It raises the taxes on the people who can afford to pay them the least.

It also is going to hit people who have sacrificed wage increases in the past for comprehensive health care coverage. I cannot tell you how many labor unions I visit where they say their members have to make a hard call: take-home pay or better health care protection. If they chose better health care protection, the President's approach is going to penalize them. That is not fair.

To make matters worse, the $15,000 cap the President proposes could increase only at the rate of general inflation, even though the cost of health benefits usually rises much faster than inflation. For example, since 2000, premiums for family coverage for health insurance have increased five times faster than general inflation—a 73-percent increase in premiums for family coverage for health insurance in the last 6 years; and the overall inflation rate, up 14 percent—73 percent to 14 percent. So when the President says he is going to index the $15,000 in health coverage, it is not going to keep up with the actual increase in health care costs.

The administration estimates that 20 percent of people would be subject to this new tax. But that number could grow considerably over time. Before long, people with below-average coverage would start to pay the tax. That approach only makes sense if the goal of the administration is actually to reduce health care coverage in America—hardly a worthy goal of this Nation.

The President's plan also misses another critical point. A tax deduction really does not help people with low or moderate incomes. The value of a tax deduction increases with income. Someone with a high income receives a large deduction under the President's plan. Someone with a lower income, even people with moderate incomes, has little to look forward to. The President should have proposed a tax credit.

The last piece of the President's health plan—called the Affordable Choices Initiative—is the part about which we know the least. Under this initiative, funds that now go to help hospitals care for low-income and uninsured patients would be taken away and used instead for the purchase of basic private insurance. The plan would snip away the existing safety net without guaranteeing health insurance for everyone. Even by the administration's own estimates, only a fraction of the uninsured would gain coverage. Already hard-pressed safety net providers would still be responsible for caring for the uninsured and underinsured, yet they would have fewer funds to do so.

It appears those who would gain private health insurance would be enrolled in health plans that may not meet their needs. The President's proposal makes reference to changing State benefit requirements and premium-setting rules, which could make health insurance more expensive or provide less coverage for those who need it.

I appreciate the President has put forward a plan. My vision of health reform differs from his. We should have a health system that covers everyone regardless of income or health status. We should make sure everyone has the health benefits they need to prevent illness and to obtain care when they get sick. We should conduct the research that tells us which medical interventions work best and create incentives for physicians to provide recommended care, and we need to do a better job of managing chronic disease.

On the insurance front, the starting point should be legislation I have introduced with Senator BLANCHE LAMBERT LINCOLN of Arkansas. Here is a radical concept: What if we established a standard across America that small businesses would be able to offer the same type of health insurance that is available to Members of Congress? How about that for a revolutionary statement?

It turns out that Members of Congress are part of the Federal Employees Health Benefits Program. In other words, we are in the same pool with 8 million Federal employees and their families all across America. Of course, that employee pool includes younger workers, older workers, workers who are healthy and those who are not, and people who live all across our Nation in large cities and small, in rural areas and urban areas. It is a plan that has worked for 40 years. For 40 years, we have pooled together Federal employees and we have asked private insurance companies to bid for their business, and they do.

We have the best deal as Federal employees. Every year, there is an open enrollment period. Think about this in your own family situation. Let's assume you are unhappy with the health insurance you have at work or what you had to buy in the individual market. Sometimes you are stuck with it, you have no choice in changing it. A Federal employee has a decision each and every year at the end of the calendar year: Did you like the way you were treated last year by your health insurance company? If you did not, chose another one.

In my State of Illinois, my wife and I have nine choices. We can choose from nine different health care plans that could protect us. Well, of course, we take a look at what the cost might be, what the coverage might be, and pick the one best for our circumstances. If we pick a plan with more coverage, they take more out of my paycheck; lower coverage, less out of my paycheck—just as it should be.

These are private insurance companies bidding for the business of Federal employees. The Federal Government administers this plan with an overhead cost of less than 2 percent. It is widely popular. It is successful. It has worked for 40 years. Why couldn't we take the same model—that is what Senator LINCOLN and I believe—and apply it to small businesses across America and say no matter where you are, you can join a pool of small businesses, and you as a small business employer and your employees would be sought after by the same private insurance companies?

We sat down with some of the major health insurance companies and said: We don't want to write the bill like legislators. We want to write the bill like insurance companies. We want to make sure, when it is all said and done, there is some potential business for you here. Well, they helped us write the bill.

We do provide some tax incentives in the bill which I think are entirely appropriate. If you have a small business, low-income employees, you still want to have health insurance for the owners of the business and the people who work for you, and you want to offer this and provide a little toward paying those costs, I think we ought to reward you. I think the Tax Code ought to create incentives for that to happen.

Now, we have had a debate within the last year on the floor. Senator MIKE ENZI of Wyoming is my colleague and friend. He sees this issue the same as I do in terms of needing a solution. Our approaches have been different. We have sat down to speak since then about how we might merge our two approaches. I hope we can.

It would be good for us around here once in a while to cooperate, to compromise, and to come up with a bipartisan approach that says to families across America: We are just not coming to the floor to score political points; we are just not coming here to disagree; we are going to try to find areas of agreement and try to move forward so that at the end of the day we can point to a positive accomplishment.

I think this bill Senator LINCOLN and I have introduced is a good starting point. I believe if a President of the United States said to the American people: We are going to eliminate Americans being uninsured in America in just a certain number of years—4 or 5 or 10 years—that would be a positive step forward. We could set a goal, and then it would be up to us in Congress to work with the President each year to reduce the 47 million uninsured even more. I think we can do it. I think we have to do it. We cannot be competitive as a nation, we cannot have a compassionate policy when it comes to

health protection for our fellow citizens unless we show initiative and leadership in the area of health care.

Our vision differs from the President's that I described earlier, but the goal is important and affects every American. I welcome the President's interest in health care. Let's begin the debate.

Mr. President, I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Washington is recognized.

VETERANS HEALTH CARE

Mrs. MURRAY. Mr. President, since this body recessed 10 days ago, I have been outraged to see report after report after report detailing this administration's complete failure to care for our troops and for our veterans. What is worse, since we returned on Monday, I have heard several of our Republican colleagues attempt to question our patriotism and our support for those troops. So I felt compelled this morning to come to the floor to speak up.

For more than 4 years, this administration has failed to plan for the true cost of the war in Iraq and Afghanistan. They have demanded blind loyalty from Congress, asking us for rubberstamps for their emergency budgets, avoiding oversight, and pursuing their own strategy in the face of criticism from Members of Congress, from generals, and the American public. Yesterday Senator MARTINEZ, I thought, encapsulated the White House position better than I ever could. He said:

> At a time of war, the Congress should do only one thing, which is to support our President, to try to unite behind our troops and unite behind our effort.

I couldn't disagree more. As elected Members of Congress, and even as mere citizens of this country, we can and we must question the policies implemented by our Government. That is our job. It is our responsibility. At no time is that more important than in a time of war when the lives of our bravest men and women are on the line.

But my colleagues don't have to take my word for it. General Pace, the chairman of the Joint Chiefs of Staff, told a congressional hearing recently:

> Our troops understand the need for debate back home and are sophisticated enough to know that debate does not equate to lack of support.

But that important debate, that important discussion, and all oversight was stifled for years. Unfortunately for everyone, for the first years of this war Congress was under Republican control and that led to a stunning lack of oversight, an outrageous number of rubberstamps, and an impotence from this Congress that should shame us all.

Well, those days are over.

I don't have the time this morning to outline each and every failure I have seen by the administration. I don't have the time to detail the many ways the administration has failed our troops, our men and women who are serving us. I don't have time to detail how many ways the administration has failed the men and women who serve us when they come home and go into the VA system.

So instead I want my colleagues to know I am going to be here on this floor speaking frequently and loudly, because I think it is so important to get this administration once and for all to pay the troops and our veterans the attention they deserve 4 years into this war in Iraq. My Democratic colleagues and I are committed to supporting our troops from the battlefield all the way back to their local VA and everywhere in between. We have worked very hard to ensure they get the care they deserve, the care they have earned.

My real worry is that this administration continues to be slow to react to these problems and rarely, if ever, takes proactive measures to stop the many problems before they even begin. From sending our troops to war without the critical armor they need to protect themselves, to housing them in squalor at Walter Reed as we heard about a week ago, to leaving them to fend for themselves when they need mental health care, this administration is utterly failing our servicemembers, our veterans, and all of their families.

Nowhere is that failure more apparent than in the handling of what will one day, I believe, become known as the signature wound of this war, and that is traumatic brain injury. Right now it is estimated that 10 percent of our Iraq and Afghanistan veterans have suffered from these traumatic brain injuries because of their service. One of the big problems with traumatic brain injury, or TBI, is it is an unseen wound and too often it is misdiagnosed. Many times, unless a servicemember is involved directly in an IED incident and is bleeding, he or she won't be documented as having been involved in that explosion. Even if they are two or three tanks behind where the IED exploded, they can get the impact and be a victim of TBI and not know it. As a result, I believe the actual number of Iraq and Afghanistan veterans with TBI will be even higher than the statistics we are now seeing.

We owe it to these men and women in uniform to come on this floor and say: We are going to do everything we can to help you. We should say: We will screen for TBI, we will document TBI, and we will not fail to treat veterans suffering from the signature wound of this war. It is clear our system today is not catching all of the TBI patients this war is producing.

I hope every one of my colleagues saw the special broadcast last evening. ABC News anchor Bob Woodruff detailed his own experience with a traumatic brain injury. I was personally moved by Bob Woodruff's struggle with his injury, by his family's unrelenting hope for recovery, and their ongoing work toward triumph over this horrible situation.

While Bob Woodruff has seen a tremendous recovery from his horrendous injury, I fear the care he received has not been duplicated for thousands of other troops when they return home. He detailed several cases of soldiers who were suffering from injuries not unlike his own, and the lack of care they received was clear when they left our flagship care centers for some of the smaller local hospitals. While so many of us know this injury has become the signature wound of this war, I fear last night's program once again showed us that this administration and the VA in particular has not stepped to the plate to handle the crush of troops with brain injuries who are returning from war each and every day.

What is worse, I am very concerned that we do not even know today the real number of troops who are suffering from traumatic brain injury. The Defense and Veterans Brain Injury Center, the place that gathers all of this information on these injuries, has so far refused—refused—to release it publicly. That information is collected at taxpayer expense, and that information, I hope, could provide us with a baseline of how many of our troops have suffered from a traumatic brain injury. That is a critical and important starting point for dealing with these terrible injuries.

What we do know is that while the Department of Defense claims that less than 30,000 troops have been injured during this war, 205,000 troops have enrolled for care at the VA. Let me say that again. The Department of Defense claims that only 30,000 troops—only? That is a big number, 30,000 troops—have been injured, but 205,000 troops have enrolled for care at the VA. To me, those numbers don't add up. So yesterday I asked Defense Secretary Robert Gates to provide us with the data that has been compiled by the Defense and Veterans Brain Injury Center on the actual number of TBI victims. We don't have this information yet, but I see no reason why it shouldn't be shared with Congress and the American people.

In addition, I was heartened to hear, I have to say, yesterday that the Department of Veterans Affairs, in a long overdue step forward, finally announced they will begin screening every recent combat veteran for TBI. But we have to do a lot more. We can't simply take the Department of Veterans Affairs at their word. Their record of care and openness has left a lot to be desired. As every Member of the Senate knows, we went through that debate several years ago where they denied time and time again they were short-funded and then came and told us: Yes, they were indeed billions of dollars short, and we had to provide additional dollars in the supplemental to make sure our veterans were getting the most basic care. The lines are still long. Veterans are not getting care. We are now dealing with a high number of TBI victims of this war and we are not dealing with it realistically.

We have to develop a system to address traumatic brain injuries, from the battlefield all the way back to the VA hospitals and beyond. Screening is absolutely critical. Pre- and post-deployment screening has to be done. This signature wound has to be a top priority at each and every step along the path to recovery for these wounded members of the armed services.

The bottom line is we have not yet offered our brave men and women a real plan to take care of them when they come home. The Department of Defense and Veterans Affairs must come together to solve these problems plaguing the system. Too many of our men and women get lost in the transition between the Department of Defense and Veterans Affairs. I pledge to them and I pledge to our fighting men and women and to all of their families that this new Democratic Congress is going to hold them accountable for their inaction and finally ensure that we are going to give these men and women what they deserve when they come home.

We hear a lot in this body about who supports the troops. Well, I say to my colleagues that each and every one of us has a responsibility to support these troops, particularly those who are injured, particularly those who come home with TBI and other injuries, not just when they come home but far into the future, and we have not yet budgeted responsibly to do that. We have not provided the programs to do that. We have not done everything we can. This is one Senator who is going to keep talking until we get it done.

Mr. President, I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Georgia is recognized.

IRAQ

Mr. ISAKSON. Mr. President, in approximately half an hour we begin proceeding to debate on the 9/11 bill. Saturday a week ago we concluded without resolution a debate on an Iraq resolution. I come to the floor of the Senate this morning to share with my colleagues my thoughts on Iraq and where we are, and to do so in the context of 9/11.

When I collected my thoughts about what I would say this morning, I thought back to a lot of lessons I learned from a great Georgian. In fact, on Saturday of last week, the day we had that debate, it was the 75th birthday of former Senator Zell Bryan Miller of Towns County, GA. I learned a lot from Zell Miller in my lifetime. I learned humility when he beat me for Governor of Georgia in 1990. I learned respect for class in 1996 when he came back and asked me to chair the State Board of Education after he taught me a lesson in humility 6 years earlier. When I read his book, ''Corps Values: Everything You Need to Know I Learned in the Marines,'' I learned about commitment.

Also in the final debate I had with Zell Miller in 1990, I learned about how you snatch victory when somebody else thought they had it. In the closing debate, 48 hours before the general election when the cameras went on each of us for our last 60 seconds, Zell Miller's closing remarks were simply this. He said:

> You know, ladies and gentlemen, we are going to have a race for governor in 2 days and it's all up to you. But I want you to remember something. Zell Miller knows one thing. If you ever walk down a country road and you see a turtle sitting on a fence post, there is one thing you know for sure. He did not get there by himself.

In taking that remark, I would remind my colleagues we didn't get to where we are by ourselves. We got here together at least in terms of Iraq. After 9/11 happened, within days, the United States of America changed and the President announced to the Congress we would no longer as a nation have a defense policy based on reaction. We would have a defense policy based on preemption. We learned on 9/11 you can't wait to find the smoking gun in terrorism to react, because if you do, it is too late. In the case of 9/11, there were 3,000 dead citizens of this world because we didn't preempt. The United Nations, 171 countries, voted unanimously in favor of resolution 1441 which authorized or threatened military action against Saddam Hussein if he didn't cooperate with the disclosures and the inspectors that the U.N. was prompting. When the U.N. failed to act and this President, George W. Bush, wanted to act, he came to this Congress and we voted overwhelmingly to support using force to hold Saddam Hussein accountable and to go after weapons of mass destruction and to go after those sanctuaries of terrorism.

One would think, in listening to the debate in the Senate in the last few weeks, that some people have bad memories. They forgot about those votes. They forgot about the fact that George Bush didn't get there by himself. He got there with us. Now, are we disappointed in some of the things that have happened? Yes. Do we want to change some things? Yes. Do we differ? Yes, and the Senate is the place we differ. But while we differ, we should not discourage our troops. We should not discourage the people who are deployed in Iraq and Afghanistan and around the world in terms of our resolve.

So I would suggest as we go to the debate on the 9/11 bill, we consider it as a wonderful opportunity to make a simple statement, a statement that while we may differ, there is one thing we don't differ on: We don't differ on the fact that we will give our troops the support and the finances and everything they need to carry out the mission to which they are assigned. That is precisely what Senator JUDD GREGG of New Hampshire wanted to do in his resolution that never could come to the floor in that 2 weeks of debate on the Iraq resolution that failed to get enough votes to get a final vote. It is time, with a bill as relevant as this 9/11, which is the genesis of all we deal with today, that we send that clear message. While we may differ on some policies, we do not differ on the financial support and the absolute commitment to our men and women in harm's way.

I wish to put one other thing into perspective. As much bad news as we always talk about, a lot of good things happen. While some people may differ with the President's commitment to a surge in Iraq, even in the anticipation of that surge, there are some good things that have happened. Moqtada al-Sadr left Sadr City. He saw what was coming. Prime Minister al-Maliki already called for—and there are now talks about it—a regional conference on Iraq, including all the neighbors in the region—something many in here have called for, and I support, including getting the Iranians and Syrians into dialog.

Last week, the Iraqi council approved the foundation of a hydrocarbon bill, oil revenue sharing with the people and provinces of Iraq. That is soon to go to that assembly. Think of something; the people of Iraq are on the doorstep of having equity for the very first time in their history.

There are also disappointing things that have happened. Yes, we wish we were home with a victory already. But we have accomplished a lot, and we are this close to accomplishing the ultimate goal, which is a peaceful democracy in Iraq, terrorism without a sanctuary, and a statement that people are more important than power and dictators and terror.

The United States is the country that has, in history, led and today needs to lead as well. I encourage our colleagues, as we get into this 9/11 debate, let's not forget about the debate we had on Iraq. We ought to send a clear message of support to our troops, understanding that we may differ on the policy. It should be clear and precise that this Congress and this country will see to it that our men and women have the finances and resources to carry out the orders to which they are responsible and they take on without any reservation.

I began my remarks by acknowledging my friend, Zell Miller, and his 75th birthday and all of the lessons I have learned from him. He preceded me in this Senate, and I extend to him a belated birthday wish today in this speech. I also want us to be reminded of Zell Miller's many speeches on the U.S. Marine Corps, service to our country, patriotism, and commitment. Zell Miller knew as a soldier, he knew as the Governor of a State commanding the National Guard, and as a member of the Senate that while there may be political differences on the end result, there should be no difference in the support for the men and women who defend us and fight for freedom every day.

As this debate unfolds, it is my hope we will have the opportunity to bring the Gregg amendment to the floor and vote to send a clear message to our men and women in harm's way that we support them, the funding will be there, and we will stay with them as they pursue the cause on behalf of peace, liberty, freedom, and democracy in Iraq, Afghanistan, and around the world.

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

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

The assistant legislative clerk proceeded to call the roll.

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

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

Mr. CHAMBLISS. Mr. President, I recently came to the Senate floor to express my views relative to the deliberations this body was undertaking approving and disapproving of the President's way forward in Iraq. I am strongly in favor of this body debating the U.S. policy relative to Iraq and believe all my colleagues are as well.

However, as I stated in my earlier speech, it is not appropriate to allow the majority party to completely dictate the terms of that debate, as they have tried to do over the last several weeks. That is why I voted against cloture on the motion to proceed to the Reid resolution on February 17, along with a vast majority of my Republican colleagues.

Mr. President, since that time, a new strategy relative to this debate has come forward. The strategy is essentially an attempt to deauthorize or restrict U.S. military action in Iraq by revoking or altering the Iraq war resolution, which passed this body by a vote of 77 to 23 on October 11, 2002. I don't agree with this tactic.

On January 26, the Senate unanimously approved GEN David Petraeus for his fourth star and to be commander of the multinational forces, Iraq. No Senator opposed his nomination. General Petraeus supports President Bush's plan and new strategy in Iraq and has embarked on the mission for which President Bush chose him and for which this body unanimously confirmed him. Once again, now we are being asked to disapprove and deauthorize the very mission we have unanimously confirmed him to execute. Hopefully, my colleagues can see the irony, as well as the inconsistency, in the choice they are presenting before this body.

As I have said before, we need to give the new strategy in Iraq a chance to work. If General Petraeus comes and says it is not working, then I am prepared to change course. President Bush's current strategy is not guaranteed to work. However, no approach I have seen or heard discussed in the past several months has any greater chance of success than the course we are now taking. Therefore, this strategy deserves a chance.

In talking with some of my colleagues, on the Republican side as well as the Democratic side, who recently returned from Iraq, I am very hopeful that based on the comments they have made, per their visual inspection of what is going on in Iraq today, based upon their conversations with General Petraeus, we are seeing some successes, even though they are minimal at this point. But there is now hope and encouragement that this strategy is going to work.

If Members of Congress truly don't support our efforts in Iraq and believe we should withdraw troops, they should vote to cut off funds for the war, which is the primary authority Congress has in this area. However, having refused to allow the Senate to vote on protecting funding for our troops serving in harm's way, the Democrats are now proposing another symbolic resolution.

This is the fourth resolution that the Senate Democratic leadership has backed to address the troop increase, and the Democrats still insist on avoiding the fundamental issue of whether they will cut off funds for troops serving in Iraq.

As the Wall Street Journal wrote in an editorial:

> Democrats don't want to leave their fingerprints on defeat in Iraq by actually voting to bring the troops home. So instead, they're hoping to put restrictions on troop deployments that will make it impossible for the Iraq commander, General David Petraeus, to fulfill his mission.

This is essentially an attempt to ensure the policy does not succeed. Logically, the Senate should be giving General Petraeus everything he needs to succeed, both in terms of financial as well as political support. But that is not what the majority party is trying to do.

Democrats in the House of Representatives have undertaken a plan that would tie war funding in a supplemental spending bill to strict new standards for resetting, equipping, and training troops. This strategy to choke off resources and the Senate plan to revise the use of force authorization are attempts to make the war in Iraq unwinnable while avoiding political responsibility.

As Charles Krauthammer has said:

> Slowly bleeding our forces by defunding what our commanders think they need to win or rewording the authorization of the use of force so that lawyers decide what operations are to be launched is no way to fight a war. It is no way to end a war. It is a way to complicate the war and make it inherently unwinnable—and to shirk the political responsibility for doing so.

There is nothing easy or pretty about war, and this war is no exception. Not a day passes that I don't consider the human cost of our attempt to defeat the terrorists and eradicate extremism in Iraq and replace it with a self-reliant and representative government.

The debate, as we move forward, should focus on how we can most quickly and effectively achieve the victory that all of us desire. It is not about political posturing. It is about what Congress can do to support our young men and women in Iraq and help them accomplish this critical mission.

Losing the global war on terrorism is not an option. Failure in Iraq would be devastating to our national security, entangling the Middle East in a web of chaos that breeds terror and extremism. The Iraq Study Group and countless expert witnesses have testified that simply leaving Iraq, without stabilizing the country, would be disastrous.

As the senior Senator from my State, my support of our mission and our troops includes a responsibility to examine the tactics and question the steps that we take to reach our goal. I will continue to do that in a very deliberate way, but I intend to be constructive in my approach and criticism in order to do everything we can to ensure that our troops and our mission succeed, rather than doing whatever I can to make sure they fail.

When this motion to deauthorize or micromanage the war in Iraq comes to the floor of the Senate, I urge my colleagues to oppose it.

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

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

The assistant legislative clerk proceeded to call the roll.

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

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

CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER. Morning business is closed.

IMPROVING AMERICA'S SECURITY ACT OF 2007

The PRESIDING OFFICER. Under the previous order, the Senate will now proceed to the consideration of S. 4, which the clerk will report.

The assistant legislative clerk read as follows:

> A bill (S. 4) to make the United States more secure by implementing unfinished recommendations of the 9/11 Commission to fight the war on terror more effectively, to improve homeland security, and for other purposes.

The Senate proceeded to consider the bill which had been reported from the Committee on Homeland Security and Governmental Affairs, with an amendment to strike all after the enacting clause and insert in lieu thereof the following:

S. 4

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

[SECTION 1. SHORT TITLE.

[This Act may be cited as the ''Improving America's Security by Implementing Unfinished Recommendations of the 9/11 Commission Act of 2007''.

[SEC. 2. SENSE OF CONGRESS.

[It is the sense of Congress that Congress should enact, and the President should sign, legislation to make the United States more secure by implementing unfinished recommendations of the 9/11 Commission to fight the war on terror more effectively and to improve homeland security.]

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Improving America's Security Act of 2007''.

SEC. 2. DEFINITIONS.

In this Act:

(1) DEPARTMENT.—The term ''Department'' means the Department of Homeland Security.

(2) SECRETARY.—The term ''Secretary'' means the Secretary of Homeland Security.

SEC. 3. TABLE OF CONTENTS.

The table of contents for this Act is as follows:

Sec. 1. Short title.
Sec. 2. Definitions.
Sec. 3. Table of contents.

TITLE I—IMPROVING INTELLIGENCE AND INFORMATION SHARING WITHIN THE FEDERAL GOVERNMENT AND WITH STATE, LOCAL, AND TRIBAL GOVERNMENTS

Subtitle A—Homeland Security Information Sharing Enhancement

Sec. 111. Homeland Security Advisory System and information sharing.
Sec. 112. Information sharing.
Sec. 113. Intelligence training development for State and local government officials.
Sec. 114. Information sharing incentives.

Subtitle B—Homeland Security Information Sharing Partnerships

Sec. 121. State, Local, and Regional Fusion Center Initiative.
Sec. 122. Homeland Security Information Sharing Fellows Program.

Subtitle C—Interagency Threat Assessment and Coordination Group

Sec. 131. Interagency Threat Assessment and Coordination Group.

TITLE II—HOMELAND SECURITY GRANTS

Sec. 201. Short title.
Sec. 202. Homeland Security Grant Program.
Sec. 203. Technical and conforming amendments.

TITLE III—COMMUNICATIONS OPERABILITY AND INTEROPERABILITY

Sec. 301. Dedicated funding to achieve emergency communications operability and interoperable communications.
Sec. 302. Border Interoperability Demonstration Project.

TITLE IV—ENHANCING SECURITY OF INTERNATIONAL TRAVEL

Sec. 401. Modernization of the visa waiver program.
Sec. 402. Strengthening the capabilities of the Human Smuggling and Trafficking Center.
Sec. 403. Enhancements to the Terrorist Travel Program.
Sec. 404. Enhanced driver's license.
Sec. 405. Western Hemisphere Travel Initiative.

TITLE V—PRIVACY AND CIVIL LIBERTIES MATTERS

Sec. 501. Modification of authorities relating to Privacy and Civil Liberties Oversight Board.
Sec. 502. Privacy and civil liberties officers.
Sec. 503. Department Privacy Officer.
Sec. 504. Federal Agency Data Mining Reporting Act of 2007.

TITLE VI—ENHANCED DEFENSES AGAINST WEAPONS OF MASS DESTRUCTION

Sec. 601. National Biosurveillance Integration Center.
Sec. 602. Biosurveillance efforts.
Sec. 603. Interagency coordination to enhance defenses against nuclear and radiological weapons of mass destruction.

TITLE VII—PRIVATE SECTOR PREPAREDNESS

Sec. 701. Definitions.
Sec. 702. Responsibilities of the private sector office of the Department.
Sec. 703. Voluntary national preparedness standards compliance; accreditation and certification program for the private sector.
Sec. 704. Sense of Congress regarding promoting an international standard for private sector preparedness.
Sec. 705. Report to Congress.
Sec. 706. Rule of construction.

TITLE VIII—TRANSPORTATION SECURITY PLANNING AND INFORMATION SHARING

Sec. 801. Transportation security strategic planning.
Sec. 802. Transportation security information sharing.
Sec. 803. Transportation Security Administration personnel management.

TITLE IX—INCIDENT COMMAND SYSTEM

Sec. 901. Preidentifying and evaluating multijurisdictional facilities to strengthen incident command; private sector preparedness.
Sec. 902. Credentialing and typing to strengthen incident command.

TITLE X—CRITICAL INFRASTRUCTURE PROTECTION

Sec. 1001. Critical infrastructure protection.
Sec. 1002. Risk assessment and report.
Sec. 1003. Use of existing capabilities.

TITLE XI—CONGRESSIONAL OVERSIGHT OF INTELLIGENCE

Sec. 1101. Availability to public of certain intelligence funding information.
Sec. 1102. Response of intelligence community to requests from Congress.
Sec. 1103. Public Interest Declassification Board.

TITLE XII—INTERNATIONAL COOPERATION ON ANTITERRORISM TECHNOLOGIES

Sec. 1201. Promoting antiterrorism capabilities through international cooperation.
Sec. 1202. Transparency of funds.

TITLE XIII—MISCELLANEOUS PROVISIONS

Sec. 1301. Deputy Secretary of Homeland Secretary for Management.
Sec. 1302. Sense of the Senate regarding combating domestic radicalization.
Sec. 1303. Sense of the Senate regarding oversight of homeland security.
Sec. 1304. Report regarding border security.

TITLE I—IMPROVING INTELLIGENCE AND INFORMATION SHARING WITHIN THE FEDERAL GOVERNMENT AND WITH STATE, LOCAL, AND TRIBAL GOVERNMENTS

Subtitle A—Homeland Security Information Sharing Enhancement

SEC. 111. HOMELAND SECURITY ADVISORY SYSTEM AND INFORMATION SHARING.

(a) ADVISORY SYSTEM AND INFORMATION SHARING.—

(1) IN GENERAL.—Subtitle A of title II of the Homeland Security Act of 2002 (6 U.S.C. 121 et seq.) is amended by adding at the end the following:

''SEC. 203. HOMELAND SECURITY ADVISORY SYSTEM.

''(a) REQUIREMENT.—The Secretary shall administer the Homeland Security Advisory System in accordance with this section to provide warnings regarding the risk of terrorist attacks on the homeland to Federal, State, local, and tribal government authorities and to the people of the United States, as appropriate. The Secretary shall exercise primary responsibility for providing such warnings.

''(b) REQUIRED ELEMENTS.—In administering the Homeland Security Advisory System, the Secretary shall—

''(1) establish criteria for the issuance and revocation of such warnings;

''(2) develop a methodology, relying on the criteria established under paragraph (1), for the issuance and revocation of such warnings;

''(3) provide, in each such warning, specific information and advice regarding appropriate protective measures and countermeasures that may be taken in response to that risk, at the maximum level of detail practicable to enable individuals, government entities, emergency response providers, and the private sector to act appropriately; and

''(4) whenever possible, limit the scope of each such warning to a specific region, locality, or economic sector believed to be at risk.

''SEC. 204. HOMELAND SECURITY INFORMATION SHARING.

''(a) INFORMATION SHARING.—Consistent with section 1016 of the Intelligence Reform and Terrorism Prevention Act of 2004 (6 U.S.C. 485), the Secretary shall integrate and standardize the information of the intelligence components of the Department, except for any internal protocols of such intelligence components, to be administered by the Chief Intelligence Officer.

''(b) INFORMATION SHARING AND KNOWLEDGE MANAGEMENT OFFICERS.—For each intelligence component of the Department, the Secretary shall designate an information sharing and knowledge management officer who shall report to the Chief Intelligence Officer regarding coordinating the different systems used in the Department to gather and disseminate homeland security information.

''(c) STATE, LOCAL, AND PRIVATE-SECTOR SOURCES OF INFORMATION.—

''(1) ESTABLISHMENT OF BUSINESS PROCESSES.—The Chief Intelligence Officer shall—

''(A) establish Department-wide procedures for the review and analysis of information gathered from sources in State, local, and tribal government and the private sector;

''(B) as appropriate, integrate such information into the information gathered by the Department and other departments and agencies of the Federal Government; and

''(C) make available such information, as appropriate, within the Department and to other departments and agencies of the Federal Government.

''(2) FEEDBACK.—The Secretary shall develop mechanisms to provide feedback regarding the analysis and utility of information provided by any entity of State, local, or tribal government or the private sector that gathers information and provides such information to the Department.

''(d) TRAINING AND EVALUATION OF EMPLOYEES.—

''(1) TRAINING.—The Chief Intelligence Officer shall provide to employees of the Department opportunities for training and education to develop an understanding of—

''(A) the definition of homeland security information; and

''(B) how information available to such employees as part of their duties—

''(i) might qualify as homeland security information; and

''(ii) might be relevant to the intelligence components of the Department.

''(2) EVALUATIONS.—The Chief Intelligence Officer shall—

''(A) on an ongoing basis, evaluate how employees of the Office of Intelligence and Analysis and the intelligence components of the Department are utilizing homeland security information, sharing information within the Department, as described in this subtitle, and participating in the information sharing environment established under section 1016 of the Intelligence Reform and Terrorism Prevention Act of 2004 (6 U.S.C. 485); and

''(B) provide a report regarding any evaluation under subparagraph (A) to the appropriate component heads.

''SEC. 205. COORDINATION WITH INFORMATION SHARING ENVIRONMENT.

''All activities to comply with sections 203 and 204 shall be—

''(1) implemented in coordination with the program manager for the information sharing environment established under section 1016 of the Intelligence Reform and Terrorism Prevention Act of 2004 (6 U.S.C. 485); and

''(2) consistent with and support the establishment of that environment, and any policies, guidelines, procedures, instructions, or standards established by the President or, as appropriate, the program manager for the implementation and management of that environment.''.

(2) TECHNICAL AND CONFORMING AMENDMENTS.—

(A) IN GENERAL.—Section 201(d) of the Homeland Security Act of 2002 (6 U.S.C. 121(d)) is amended—

(i) by striking paragraph (7); and

(ii) by redesignating paragraphs (8) through (19) as paragraphs (7) through (18), respectively.

(B) TABLE OF CONTENTS.—The table of contents in section 1(b) of the Homeland Security Act of 2002 (6 U.S.C. 101 et seq.) is amended by inserting after the item relating to section 202 the following:

''Sec. 203. Homeland Security Advisory System.
''Sec. 204. Homeland Security Information Sharing.
''Sec. 205. Coordination with information sharing environment.''.

(b) INTELLIGENCE COMPONENT DEFINED.—

(1) IN GENERAL.—Section 2 of the Homeland Security Act of 2002 (6 U.S.C. 101) is amended—

(A) by redesignating paragraphs (9) through (16) as paragraphs (10) through (17), respectively; and

(B) by inserting after paragraph (8) the following:

''(9) The term 'intelligence component of the Department' means any directorate, agency, or other element or entity of the Department that gathers, receives, analyzes, produces, or disseminates homeland security information.''.

(2) TECHNICAL AND CONFORMING AMENDMENTS.—

(A) HOMELAND SECURITY ACT OF 2002.—Section 501(11) of the Homeland Security Act of 2002 (6 U.S.C. 311(11)) is amended by striking ''section 2(10)(B)'' and inserting ''section 2(11)(B)''.

(B) OTHER LAW.—Section 712(a) of title 14, United States Code, is amended by striking ''section 2(15) of the Homeland Security Act of 2002 (6 U.S.C. 101(15))'' and inserting ''section 2(16) of the Homeland Security Act of 2002 (6 U.S.C. 101(16))''.

(c) RESPONSIBILITIES OF THE UNDER SECRETARY FOR INFORMATION ANALYSIS AND INFRASTRUCTURE PROTECTION.—Section 201(d) of the Homeland Security Act of 2002 (6 U.S.C. 121(d)) is amended—

(1) in paragraph (1), by inserting '', in support of the mission responsibilities of the Department and consistent with the functions of the National Counterterrorism Center established under section 119 of the National Security Act of 1947 (50 U.S.C. 50 U.S.C. 404o),'' after ''and to integrate such information''; and

(2) by striking paragraph (7), as redesignated by subsection (a)(2)(A) of this section, and inserting the following:

''(7) To review, analyze, and make recommendations for improvements in the policies and procedures governing the sharing of intelligence information, intelligence-related information, and other information relating to homeland security within the Federal Government and among the Federal Government and State, local, and tribal government agencies and authorities, consistent with the information sharing environment established under section 1016 of the Intelligence Reform and Terrorism Prevention Act of 2004 (6 U.S.C. 485) and any policies, guidelines, procedures, instructions or standards established by the President or, as appropriate, the program manager for the implementation and management of that environment.''.

SEC. 112. INFORMATION SHARING.

Section 1016 of the Intelligence Reform and Terrorist Prevention Act of 2004 (6 U.S.C. 485) is amended—

(1) in subsection (a)—

(A) by redesignating paragraphs (1) through (4) as paragraphs (2) through (5), respectively;

(B) by inserting before paragraph (2), as so redesignated, the following:

''(1) HOMELAND SECURITY INFORMATION.—The term 'homeland security information' has the meaning given that term in section 892 of the Homeland Security Act of 2002 (6 U.S.C. 482).'';

(C) in paragraph (5), as so redesignated—

(i) by redesignating subparagraphs (A) through (D) as clauses (i) through (iv), respectively, and adjusting the margin accordingly;

(ii) by striking ''''terrorism information' means'' and inserting the following: '' 'terrorism information'—

''(A) means'';

(iii) in subparagraph (A)(iv), as so redesignated, by striking the period at the end and inserting ''; and''; and

(iv) by adding at the end the following:

''(B) includes homeland security information and weapons of mass destruction information.''; and

(D) by adding at the end the following:

''(6) WEAPONS OF MASS DESTRUCTION INFORMATION.—The term 'weapons of mass destruction information' means information that could reasonably be expected to assist in the development, proliferation, or use of a weapon of mass destruction (including chemical, biological, radiological, and nuclear weapons) that could be used by a terrorist or a terrorist organization against the United States, including information about the location of any stockpile of nuclear materials that could be exploited for use in such a weapon that could be used by a terrorist or a terrorist organization against the United States.'';

(2) in subsection (b)(2)—

(A) in subparagraph (H), by striking ''and'' at the end;

(B) in subparagraph (I), by striking the period at the end and inserting a semicolon; and

(C) by adding at the end the following:

''(J) integrates the information within the scope of the information sharing environment, including any such information in legacy technologies;

''(K) integrates technologies, including all legacy technologies, through Internet-based services;

''(L) allows the full range of analytic and operational activities without the need to centralize information within the scope of the information sharing environment;

''(M) permits analysts to collaborate both independently and in a group (commonly known as 'collective and noncollective collaboration'), and across multiple levels of national security information and controlled unclassified information;

''(N) provides a resolution process that enables changes by authorized officials regarding rules and policies for the access, use, and retention of information within the scope of the information sharing environment; and

''(O) incorporates continuous, real-time, and immutable audit capabilities, to the maximum extent practicable.'';

(3) in subsection (f)—

(A) in paragraph (1)—

(i) by striking ''during the two-year period beginning on the date of designation under this paragraph unless sooner'' and inserting ''until''; and

(ii) by striking ''The program manager shall have and exercise governmentwide authority.'' and inserting ''Except as otherwise expressly provided by law, the program manager, in consultation with the head of any affected department or agency, shall have and exercise governmentwide authority over the sharing of information within the scope of the information sharing environment by all Federal departments, agencies, and components, irrespective of the Federal department, agency, or component in which the program manager may be administratively located.''; and

(B) in paragraph (2)(A)—

(i) by redesignating clause (iii) as clause (v); and

(ii) by striking clause (ii) and inserting the following:

''(ii) assist in the development of policies, as appropriate, to foster the development and proper operation of the ISE;

''(iii) issue governmentwide procedures, guidelines, instructions, and functional standards, as appropriate, for the management, development, and proper operation of the ISE;

''(iv) identify and resolve information sharing disputes between Federal departments, agencies, and components; and'';

(4) in subsection (g)—

(A) in paragraph (1), by striking ''during the two-year period beginning on the date of the initial designation of the program manager by the President under subsection (f)(1), unless sooner'' and inserting ''until'';

(B) in paragraph (2)—

(i) in subparagraph (F), by striking ''and'' at the end;

(ii) by redesignating subparagraph (G) as subparagraph (I); and

(iii) by inserting after subparagraph (F) the following:

''(G) assist the program manager in identifying and resolving information sharing disputes between Federal departments, agencies, and components;

''(H) identify appropriate personnel for assignment to the program manager to support staffing needs identified by the program manager; and'';

(C) in paragraph (4), by inserting ''(including any subsidiary group of the Information Sharing Council)'' before ''shall not be subject''; and

(D) by adding at the end the following:

''(5) DETAILEES.—Upon a request by the Director of National Intelligence, the departments and agencies represented on the Information Sharing Council shall detail to the program manager, on a reimbursable basis, appropriate personnel identified under paragraph (2)(H).'';

(5) in subsection (h)(1), by striking ''and annually thereafter'' and inserting ''and not later than June 30 of each year thereafter''; and

(6) by striking subsection (j) and inserting the following:

''(j) REPORT ON THE INFORMATION SHARING ENVIRONMENT.—

''(1) IN GENERAL.—Not later than 180 days after the date of enactment of the Improving America's Security Act of 2007, the President shall report to the Committee on Homeland Security and Governmental Affairs of the Senate, the Select Committee on Intelligence of the Senate, the Committee on Homeland Security of the House of Representatives, and the Permanent Select Committee on Intelligence of the House of Representatives on the feasibility of—

''(A) eliminating the use of any marking or process (including 'Originator Control') intended to, or having the effect of, restricting the sharing of information within the scope of the information sharing environment between and among participants in the information sharing environment, unless the President has—

''(i) specifically exempted categories of information from such elimination; and

''(ii) reported that exemption to the committees of Congress described in the matter preceding this subparagraph; and

''(B) continuing to use Federal agency standards in effect on such date of enactment for the collection, sharing, and access to information within the scope of the information sharing environment relating to citizens and lawful permanent residents;

''(C) replacing the standards described in subparagraph (B) with a standard that would allow mission-based or threat-based permission to access or share information within the scope of the information sharing environment for a particular purpose that the Federal Government, through an appropriate process, has determined to be lawfully permissible for a particular agency, component, or employee (commonly known as an 'authorized use' standard); and

''(D) the use of anonymized data by Federal departments, agencies, or components collecting, possessing, disseminating, or handling information within the scope of the information sharing environment, in any cases in which—

''(i) the use of such information is reasonably expected to produce results materially equivalent to the use of information that is transferred or stored in a non-anonymized form; and

''(ii) such use is consistent with any mission of that department, agency, or component (including any mission under a Federal statute or directive of the President) that involves the storage, retention, sharing, or exchange of personally identifiable information.

''(2) DEFINITION.—In this subsection, the term 'anonymized data' means data in which the individual to whom the data pertains is not identifiable with reasonable efforts, including information that has been encrypted or hidden through the use of other technology.

''(k) ADDITIONAL POSITIONS.—The program manager is authorized to hire not more than 40 full-time employees to assist the program manager in—

''(1) identifying and resolving information sharing disputes between Federal departments, agencies, and components under subsection (f)(2)(A)(iv); and

''(2) other activities associated with the implementation of the information sharing environment, including—

''(A) implementing the requirements under subsection (b)(2); and

''(B) any additional implementation initiatives to enhance and expedite the creation of the information sharing environment.

''(l) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section $30,000,000 for each of fiscal years 2008 and 2009.''.

SEC. 113. INTELLIGENCE TRAINING DEVELOPMENT FOR STATE AND LOCAL GOVERNMENT OFFICIALS.

(a) CURRICULUM.—The Secretary, acting through the Chief Intelligence Officer, shall develop curriculum for the training of State, local, and tribal government officials relating to the handling, review, and development of intelligence material.

(b) TRAINING.—To the extent possible, the Federal Law Enforcement Training Center and other existing Federal entities with the capacity and expertise to train State, local, and tribal government officials based on the curriculum developed under subsection (a) shall be used to carry out the training programs created under this section. If such entities do not have the capacity, resources, or capabilities to conduct such training, the Secretary may approve another entity to conduct the training.

(c) CONSULTATION.—In carrying out the duties described in subsection (a), the Chief Intelligence Officer shall consult with the Director of the Federal Law Enforcement Training Center, the Attorney General, the Director of National Intelligence, the Administrator of the Federal Emergency Management Agency, and other appropriate parties, such as private industry, institutions of higher education, nonprofit institutions, and other intelligence agencies of the Federal Government.

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

SEC. 114. INFORMATION SHARING INCENTIVES.

(a) AWARDS.—In making cash awards under chapter 45 of title 5, United States Code, the President or the head of an agency, in consultation with the program manager designated under section 1016 of the Intelligence Reform and Terrorist Prevention Act of 2004 (6 U.S.C. 485), may consider the success of an employee in sharing information within the scope of the information sharing environment established under that section in a manner consistent with any policies, guidelines, procedures, instructions, or standards established by the President or, as appropriate, the program manager of that environment for the implementation and management of that environment.

(b) OTHER INCENTIVES.—The head of each department or agency described in section 1016(i) of the Intelligence Reform and Terrorist Prevention Act of 2004 (6 U.S.C. 485(i)), in consultation with the program manager designated under section 1016 of the Intelligence Reform and Terrorist Prevention Act of 2004 (6 U.S.C. 485), shall adopt best practices regarding effective ways to educate and motivate officers and employees of the Federal Government to engage in the information sharing environment, including—

(1) promotions and other nonmonetary awards; and

(2) publicizing information sharing accomplishments by individual employees and, where appropriate, the tangible end benefits that resulted.

Subtitle B—Homeland Security Information Sharing Partnerships

SEC. 121. STATE, LOCAL, AND REGIONAL FUSION CENTER INITIATIVE.

(a) IN GENERAL.—Subtitle A of title II of the Homeland Security Act of 2002 (6 U.S.C. 121 et seq.), as amended by this Act, is amended by adding at the end the following:

''SEC. 206. STATE, LOCAL, AND REGIONAL FUSION CENTER INITIATIVE.

''(a) DEFINITIONS.—In this section—

''(1) the term 'Chief Intelligence Officer' means the Chief Intelligence Officer of the Department;

''(2) the term 'fusion center' means a collaborative effort of 2 or more Federal, State, local, or tribal government agencies that combines resources, expertise, or information with the goal of maximizing the ability of such agencies to detect, prevent, investigate, apprehend, and respond to criminal or terrorist activity;

''(3) the term 'information sharing environment' means the information sharing environment established under section 1016 of the Intelligence Reform and Terrorism Prevention Act of 2004 (6 U.S.C. 485);

''(4) the term 'intelligence analyst' means an individual who regularly advises, administers, supervises, or performs work in the collection, analysis, evaluation, reporting, production, or dissemination of information on political, economic, social, cultural, physical, geographical, scientific, or military conditions, trends, or forces in foreign or domestic areas that directly or indirectly affect national security;

''(5) the term 'intelligence-led policing' means the collection and analysis of information to produce an intelligence end product designed to inform law enforcement decision making at the tactical and strategic levels; and

''(6) the term 'terrorism information' has the meaning given that term in section 1016 of the Intelligence Reform and Terrorist Prevention Act of 2004 (6 U.S.C. 485).

''(b) ESTABLISHMENT.—The Secretary, in consultation with the program manager of the information sharing environment established under section 1016 of the Intelligence Reform and Terrorist Prevention Act of 2004 (6 U.S.C. 485), the Attorney General, the Privacy Officer of the Department, the Officer for Civil Rights and Civil Liberties of the Department, and the Privacy and Civil Liberties Oversight Board established under section 1061 of the Intelligence Reform and Terrorist Prevention Act of 2004 (5 U.S.C. 601 note), shall establish a State, Local, and Regional Fusion Center Initiative to establish partnerships with State, local, and regional fusion centers.

''(c) DEPARTMENT SUPPORT AND COORDINATION.—Through the State, Local, and Regional Fusion Center Initiative, the Secretary shall—

''(1) coordinate with the principal officer of each State, local, or regional fusion center and the officer designated as the Homeland Security Advisor of the State;

''(2) provide operational and intelligence advice and assistance to State, local, and regional fusion centers;

''(3) support efforts to include State, local, and regional fusion centers into efforts to establish an information sharing environment;

''(4) conduct exercises, including live training exercises, to regularly assess the capability of individual and regional networks of State, local, and regional fusion centers to integrate the efforts of such networks with the efforts of the Department;

''(5) coordinate with other relevant Federal entities engaged in homeland security-related activities;

''(6) provide analytic and reporting advice and assistance to State, local, and regional fusion centers;

''(7) review homeland security information gathered by State, local, and regional fusion centers and incorporate relevant information with homeland security information of the Department;

''(8) provide management assistance to State, local, and regional fusion centers;

''(9) serve as a point of contact to ensure the dissemination of relevant homeland security information;

''(10) facilitate close communication and coordination between State, local, and regional fusion centers and the Department;

''(11) provide State, local, and regional fusion centers with expertise on Department resources and operations;

''(12) provide training to State, local, and regional fusion centers and encourage such fusion centers to participate in terrorist threat-related exercises conducted by the Department; and

''(13) carry out such other duties as the Secretary determines are appropriate.

''(d) PERSONNEL ASSIGNMENT.—

''(1) IN GENERAL.—The Chief Intelligence Officer may, to the maximum extent practicable, assign officers and intelligence analysts from components of the Department to State, local, and regional fusion centers.

''(2) PERSONNEL SOURCES.—Officers and intelligence analysts assigned to fusion centers under this subsection may be assigned from the following Department components, in consultation with the respective component head:

''(A) Office of Intelligence and Analysis, or its successor.

''(B) Office of Infrastructure Protection.

''(C) Transportation Security Administration.

''(D) United States Customs and Border Protection.

''(E) United States Immigration and Customs Enforcement.

''(F) United States Coast Guard.

''(G) Other intelligence components of the Department, as determined by the Secretary.

''(3) PARTICIPATION.—

''(A) IN GENERAL.—The Secretary may develop qualifying criteria for a fusion center to participate in the assigning of Department officers or intelligence analysts under this section.

''(B) CRITERIA.—Any criteria developed under subparagraph (A) may include—

''(i) whether the fusion center, through its mission and governance structure, focuses on a broad counterterrorism approach, and whether that broad approach is pervasive through all levels of the organization;

''(ii) whether the fusion center has sufficient numbers of adequately trained personnel to support a broad counterterrorism mission;

''(iii) whether the fusion center has—

''(I) access to relevant law enforcement, emergency response, private sector, open source, and national security data; and

''(II) the ability to share and analytically exploit that data for authorized purposes;

''(iv) whether the fusion center is adequately funded by the State, local, or regional government to support its counterterrorism mission; and

''(v) the relevancy of the mission of the fusion center to the particular source component of Department officers or intelligence analysts.

''(4) PREREQUISITE.—

''(A) INTELLIGENCE ANALYSIS, PRIVACY, AND CIVIL LIBERTIES TRAINING.—Before being assigned to a fusion center under this section, an officer or intelligence analyst shall undergo—

''(i) appropriate intelligence analysis or information sharing training using an intelligence-led policing curriculum that is consistent with—

''(I) standard training and education programs offered to Department law enforcement and intelligence personnel; and

''(II) the Criminal Intelligence Systems Operating Policies under part 23 of title 28, Code of Federal Regulations (or any corresponding similar regulation or ruling);

''(ii) appropriate privacy and civil liberties training that is developed, supported, or sponsored by the Privacy Officer appointed under section 222 and the Officer for Civil Rights and Civil Liberties of the Department, in partnership with the Privacy and Civil Liberties Oversight Board established under section 1061 of the Intelligence Reform and Terrorism Prevention Act of 2004 (5 U.S.C. 601 note); and

''(iii) such other training prescribed by the Chief Intelligence Officer.

''(B) PRIOR WORK EXPERIENCE IN AREA.—In determining the eligibility of an officer or intelligence analyst to be assigned to a fusion center under this section, the Chief Intelligence Officer shall consider the familiarity of the officer or intelligence analyst with the State, locality, or region, as determined by such factors as whether the officer or intelligence analyst—

''(i) has been previously assigned in the geographic area; or

''(ii) has previously worked with intelligence officials or emergency response providers from that State, locality, or region.

''(5) EXPEDITED SECURITY CLEARANCE PROCESSING.—The Chief Intelligence Officer—

''(A) shall ensure that each officer or intelligence analyst assigned to a fusion center under this section has the appropriate clearance to contribute effectively to the mission of the fusion center; and

''(B) may request that security clearance processing be expedited for each such officer or intelligence analyst.

''(6) FURTHER QUALIFICATIONS.—Each officer or intelligence analyst assigned to a fusion center under this section shall satisfy any other qualifications the Chief Intelligence Officer may prescribe.

''(e) RESPONSIBILITIES.—An officer or intelligence analyst assigned to a fusion center under this section shall—

''(1) assist law enforcement agencies and other emergency response providers of State, local, and tribal governments and fusion center personnel in using Federal homeland security information to develop a comprehensive and accurate threat picture;

''(2) review homeland security-relevant information from law enforcement agencies and other emergency response providers of State, local, and tribal government;

''(3) create intelligence and other information products derived from such information and other homeland security-relevant information provided by the Department;

''(4) assist in the dissemination of such products, under the coordination of the Chief Intelligence Officer, to law enforcement agencies and other emergency response providers of State, local, and tribal government; and

''(5) assist in the dissemination of such products to the Chief Intelligence Officer for collection and dissemination to other fusion centers.

''(f) DATABASE ACCESS.—In order to fulfill the objectives described under subsection (e), each officer or intelligence analyst assigned to a fusion center under this section shall have direct access to all relevant Federal databases and information systems, consistent with any policies, guidelines, procedures, instructions, or standards established by the President or, as appropriate, the program manager of the information sharing environment for the implementation and management of that environment.

''(g) CONSUMER FEEDBACK.—

''(1) IN GENERAL.—The Secretary shall create a mechanism for any State, local, or tribal emergency response provider who is a consumer of the intelligence or other information products described under subsection (e) to voluntarily provide feedback to the Department on the quality and utility of such intelligence products.

''(2) RESULTS.—The results of the voluntary feedback under paragraph (1) shall be provided electronically to Congress and appropriate personnel of the Department.

''(h) RULE OF CONSTRUCTION.—

''(1) IN GENERAL.—The authorities granted under this section shall supplement the authorities granted under section 201(d) and nothing in this section shall be construed to abrogate the authorities granted under section 201(d).

''(2) PARTICIPATION.—Nothing in this section shall be construed to require a State, local, or regional government or entity to accept the assignment of officers or intelligence analysts of the Department into the fusion center of that State, locality, or region.

''(i) GUIDELINES.—The Secretary, in consultation with the Attorney General of the United States, shall establish guidelines for fusion centers operated by State and local governments, to include standards that any such fusion center shall—

''(1) collaboratively develop a mission statement, identify expectations and goals, measure performance, and determine effectiveness for that fusion center;

''(2) create a representative governance structure that includes emergency response providers and, as appropriate, the private sector;

''(3) create a collaborative environment for the sharing of information within the scope of the information sharing environment established under section 1016 of the Intelligence Reform and Terrorism Prevention Act of 2004 (6 U.S.C. 485) among Federal, State, tribal, and local emergency response providers, the private sector, and the public, consistent with any policies, guidelines, procedures, instructions, or standards established by the President or, as appropriate, the program manager of the information sharing environment;

''(4) leverage the databases, systems, and networks available from public and private sector entities to maximize information sharing;

''(5) develop, publish, and adhere to a privacy and civil liberties policy consistent with Federal, State, and local law;

''(6) ensure appropriate security measures are in place for the facility, data, and personnel;

''(7) select and train personnel based on the needs, mission, goals, and functions of that fusion center; and

''(8) offer a variety of intelligence services and products to recipients of fusion center intelligence and information.

''(j) AUTHORIZATION OF APPROPRIATIONS.—Except for subsection (i), there are authorized to be appropriated $10,000,000 for each of fiscal years 2008 through 2012, to carry out this section, including for hiring officers and intelligence analysts to replace officers and intelligence analysts who are assigned to fusion centers under this section.''.

(b) TECHNICAL AND CONFORMING AMENDMENT.—The table of contents in section 1(b) of the Homeland Security Act of 2002 (6 U.S.C. 101 et seq.) is amended by inserting after the item relating to section 205, as added by this Act, the following:

''Sec. 206. State, Local, and Regional Information Fusion Center Initiative.''.

(c) REPORTS.—

(1) CONCEPT OF OPERATIONS.—Not later than 90 days after the date of enactment of this Act and before the State, Local, and Regional Fusion Center Initiative under section 206 of the Homeland Security Act of 2002, as added by subsection (a), (in this section referred to as the ''program'') has been implemented, the Secretary, in consultation with the Privacy Officer of the Department, the Officer for Civil Rights and Civil Liberties of the Department, and the Privacy and Civil Liberties Oversight Board established under section 1061 of the Intelligence Reform and Terrorist Prevention Act of 2004 (5 U.S.C. 601 note), shall submit to the Committee on Homeland Security and Governmental Affairs of the Senate and the Committee on Homeland Security of the House of Representatives a report that contains a concept of operations for the program, which shall—

(A) include a clear articulation of the purposes, goals, and specific objectives for which the program is being developed;

(B) identify stakeholders in the program and provide an assessment of their needs;

(C) contain a developed set of quantitative metrics to measure, to the extent possible, program output;

(D) contain a developed set of qualitative instruments (including surveys and expert interviews) to assess the extent to which stakeholders believe their needs are being met; and

(E) include a privacy and civil liberties impact assessment.

(2) PRIVACY AND CIVIL LIBERTIES.—Not later than 1 year after the date on which the program is implemented, the Privacy and Civil Liberties Oversight Board established under section 1061 of the Intelligence Reform and Terrorist Prevention Act of 2004 (5 U.S.C. 601 note), in consultation with the Privacy Officer of the Department and the Officer for Civil Rights and Civil Liberties of the Department, shall submit to Congress, the Secretary, and the Chief Intelligence Officer of the Department a report on the privacy and civil liberties impact of the program.

SEC. 122. HOMELAND SECURITY INFORMATION SHARING FELLOWS PROGRAM.

(a) ESTABLISHMENT OF PROGRAM.—Subtitle A of title II of the Homeland Security Act of 2002 (6 U.S.C. 121 et seq.), as amended by this Act, is amended by adding at the end the following:

''SEC. 207. HOMELAND SECURITY INFORMATION SHARING FELLOWS PROGRAM.

''(a) ESTABLISHMENT.—

''(1) IN GENERAL.—The Secretary, acting through the Chief Intelligence Officer, and in consultation with the Chief Human Capital Officer, shall establish a fellowship program in accordance with this section for the purpose of—

''(A) detailing State, local, and tribal law enforcement officers and intelligence analysts to the Department in accordance with subchapter VI of chapter 33 of title 5, United States Code, to participate in the work of the Office of Intelligence and Analysis in order to become familiar with—

''(i) the relevant missions and capabilities of the Department and other Federal agencies; and

''(ii) the role, programs, products, and personnel of the Office of Intelligence and Analysis; and

''(B) promoting information sharing between the Department and State, local, and tribal law

enforcement officers and intelligence analysts by assigning such officers and analysts to—

''(i) serve as a point of contact in the Department to assist in the representation of State, local, and tribal homeland security information needs;

''(ii) identify homeland security information of interest to State, local, and tribal law enforcement officers, emergency response providers, and intelligence analysts; and

''(iii) assist Department analysts in preparing and disseminating terrorism-related products that are tailored to State, local, and tribal emergency response providers, law enforcement officers, and intelligence analysts and designed to prepare for and thwart terrorist attacks.

''(2) PROGRAM NAME.—The program under this section shall be known as the 'Homeland Security Information Sharing Fellows Program'.

''(b) ELIGIBILITY.—

''(1) IN GENERAL.—In order to be eligible for selection as an Information Sharing Fellow under the program under this section, an individual shall—

''(A) have homeland security-related responsibilities;

''(B) be eligible for an appropriate national security clearance;

''(C) possess a valid need for access to classified information, as determined by the Chief Intelligence Officer;

''(D) be an employee of an eligible entity; and

''(E) have undergone appropriate privacy and civil liberties training that is developed, supported, or sponsored by the Privacy Officer and the Officer for Civil Rights and Civil Liberties, in partnership with the Privacy and Civil Liberties Oversight Board established under section 1061 of the Intelligence Reform and Terrorist Prevention Act of 2004 (5 U.S.C. 601 note).

''(2) ELIGIBLE ENTITIES.—In this subsection, the term 'eligible entity' means—

''(A) a State, local, or regional fusion center;

''(B) a State or local law enforcement or other government entity that serves a major metropolitan area, suburban area, or rural area, as determined by the Secretary;

''(C) a State or local law enforcement or other government entity with port, border, or agricultural responsibilities, as determined by the Secretary;

''(D) a tribal law enforcement or other authority; or

''(E) such other entity as the Secretary determines is appropriate.

''(c) OPTIONAL PARTICIPATION.—No State, local, or tribal law enforcement or other government entity shall be required to participate in the Homeland Security Information Sharing Fellows Program.

''(d) PROCEDURES FOR NOMINATION AND SELECTION.—

''(1) IN GENERAL.—The Chief Intelligence Officer shall establish procedures to provide for the nomination and selection of individuals to participate in the Homeland Security Information Sharing Fellows Program.

''(2) LIMITATIONS.—The Chief Intelligence Officer shall—

''(A) select law enforcement officers and intelligence analysts representing a broad cross-section of State, local, and tribal agencies; and

''(B) ensure that the number of Information Sharing Fellows selected does not impede the activities of the Office of Intelligence and Analysis.

''(e) DEFINITIONS.—In this section—

''(1) the term 'Chief Intelligence Officer' means the Chief Intelligence Officer of the Department; and

''(2) the term 'Office of Intelligence and Analysis' means the office of the Chief Intelligence Officer.''.

(b) TECHNICAL AND CONFORMING AMENDMENT.—The table of contents in section 1(b) of the Homeland Security Act of 2002 (6 U.S.C. 101 et seq.) is amended by inserting after the item relating to section 206, as added by this Act, the following:

''Sec. 207. Homeland Security Information Sharing Fellows Program.''.

(c) REPORTS.—

(1) CONCEPT OF OPERATIONS.—Not later than 90 days after the date of enactment of this Act, and before the implementation of the Homeland Security Information Sharing Fellows Program under section 207 of the Homeland Security Act of 2002, as added by subsection (a), (in this section referred to as the ''Program'') the Secretary, in consultation with the Privacy Officer of the Department, the Officer for Civil Rights and Civil Liberties of the Department, and the Privacy and Civil Liberties Oversight Board established under section 1061 of the Intelligence Reform and Terrorist Prevention Act of 2004 (5 U.S.C. 601 note), shall submit to the Committee on Homeland Security and Governmental Affairs of the Senate and the Committee on Homeland Security of the House of Representatives a report that contains a concept of operations for the Program, which shall include a privacy and civil liberties impact assessment.

(2) REVIEW OF PRIVACY IMPACT.—Not later than 1 year after the date on which the Program is implemented, the Privacy and Civil Liberties Oversight Board established under section 1061 of the Intelligence Reform and Terrorist Prevention Act of 2004 (5 U.S.C. 601 note), in consultation with the Privacy Officer of the Department and the Officer for Civil Rights and Civil Liberties of the Department, shall submit to Congress, the Secretary, and the Chief Intelligence Officer of the Department a report on the privacy and civil liberties impact of the Program.

Subtitle C—Interagency Threat Assessment and Coordination Group

SEC. 131. INTERAGENCY THREAT ASSESSMENT AND COORDINATION GROUP.

(a) IN GENERAL.—As part of efforts to establish the information sharing environment established under section 1016 of the Intelligence Reform and Terrorism Prevention Act of 2004 (6 U.S.C. 485), the program manager shall oversee and coordinate the creation and ongoing operation of an Interagency Threat Assessment and Coordination Group (in this section referred to as the ''ITACG'').

(b) RESPONSIBILITIES.—The ITACG shall facilitate the production of federally coordinated products derived from information within the scope of the information sharing environment established under section 1016 of the Intelligence Reform and Terrorism Prevention Act of 2004 (6 U.S.C. 485) and intended for distribution to State, local, and tribal government officials and the private sector.

(c) OPERATIONS.—

(1) IN GENERAL.—The ITACG shall be located at the facilities of the National Counterterrorism Center of the Office of the Director of National Intelligence.

(2) MANAGEMENT.—

(A) IN GENERAL.—The Secretary shall assign a senior level officer to manage and direct the administration of the ITACG.

(B) DISTRIBUTION.—The Secretary, in consultation with the Attorney General and the heads of other agencies, as appropriate, shall determine how specific products shall be distributed to State, local, and tribal officials and private sector partners under this section.

(C) STANDARDS FOR ADMISSION.—The Secretary, acting through the Chief Intelligence Officer and in consultation with the Director of National Intelligence, the Attorney General, and the program manager of the information sharing environment established under section 1016 of the Intelligence Reform and Terrorist Prevention Act of 2004 (6 U.S.C. 485), shall establish standards for the admission of law enforcement and intelligence officials from a State, local, or tribal government into the ITACG.

(d) MEMBERSHIP.—

(1) IN GENERAL.—The ITACG shall include representatives of—

(A) the Department;

(B) the Federal Bureau of Investigation;

(C) the Department of Defense;

(D) the Department of Energy;

(E) law enforcement and intelligence officials from State, local, and tribal governments, as appropriate; and

(F) other Federal entities as appropriate.

(2) CRITERIA.—The program manager for the information sharing environment, in consultation with the Secretary of Defense, the Secretary, the Director of National Intelligence, and the Director of the Federal Bureau of Investigation shall develop qualifying criteria and establish procedures for selecting personnel assigned to the ITACG and for the proper handling and safeguarding of information related to terrorism.

(e) INAPPLICABILITY OF THE FEDERAL ADVISORY COMMITTEE ACT.—The ITACG and any subsidiary groups thereof shall not be subject to the requirements of the Federal Advisory Committee Act (5 U.S.C. App.).

TITLE II—HOMELAND SECURITY GRANTS

SEC. 201. SHORT TITLE.

This title may be cited as the ''Homeland Security Grant Enhancement Act of 2007''.

SEC. 202. HOMELAND SECURITY GRANT PROGRAM.

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

''TITLE XX—HOMELAND SECURITY GRANTS

''SEC. 2001. DEFINITIONS.

''In this title, the following definitions shall apply:

''(1) ADMINISTRATOR.—The term 'Administrator' means the Administrator of the Federal Emergency Management Agency.

''(2) COMBINED STATISTICAL AREA.—The term 'combined statistical area' means a combined statistical area, as defined by the Office of Management and Budget.

''(3) DIRECTLY ELIGIBLE TRIBE.—The term 'directly eligible tribe' means—

''(A) any Indian tribe that—

''(i) is located in the continental United States;

''(ii) operates a law enforcement or emergency response agency with the capacity to respond to calls for law enforcement or emergency services;

''(iii) is located—

''(I) on, or within 50 miles of, an international border or a coastline bordering an ocean or international waters;

''(II) within 10 miles of critical infrastructure or has critical infrastructure within its territory; or

''(III) within or contiguous to 1 of the 50 largest metropolitan statistical areas in the United States; and

''(iv) certifies to the Secretary that a State is not making funds distributed under this title available to the Indian tribe or consortium of Indian tribes for the purpose for which the Indian tribe or consortium of Indian tribes is seeking grant funds; and

''(B) a consortium of Indian tribes, if each tribe satisfies the requirements of subparagraph (A).

''(4) ELIGIBLE METROPOLITAN AREA.—The term 'eligible metropolitan area' means the following:

''(A) IN GENERAL.—A combination of 2 or more incorporated municipalities, counties, parishes, or Indian tribes that—

''(i) is within—

''(I) any of the 100 largest metropolitan statistical areas in the United States; or

''(II) any combined statistical area, of which any metropolitan statistical area described in subparagraph (A) is a part; and

''(ii) includes the city with the largest population in that metropolitan statistical area.

''(B) OTHER COMBINATIONS.—Any other combination of contiguous local or tribal governments that are formally certified by the Administrator as an eligible metropolitan area for purposes of this title with the consent of the State

or States in which such local or tribal governments are located.

''(C) INCLUSION OF ADDITIONAL LOCAL GOVERNMENTS.—An eligible metropolitan area may include additional local or tribal governments outside the relevant metropolitan statistical area or combined statistical area that are likely to be affected by, or be called upon to respond to, a terrorist attack within the metropolitan statistical area.

''(5) INDIAN TRIBE.—The term 'Indian tribe' has the meaning given that term in section 4(e) of the Indian Self-Determination Act (25 U.S.C. 450b(e)).

''(6) METROPOLITAN STATISTICAL AREA.—The term 'metropolitan statistical area' means a metropolitan statistical area, as defined by the Office of Management and Budget.

''(7) NATIONAL SPECIAL SECURITY EVENT.—The term 'National Special Security Event' means a designated event that, by virtue of its political, economic, social, or religious significance, may be the target of terrorism or other criminal activity.

''(8) POPULATION.—The term 'population' means population according to the most recent United States census population estimates available at the start of the relevant fiscal year.

''(9) POPULATION DENSITY.—The term 'population density' means population divided by land area in square miles.

''(10) TARGET CAPABILITIES.—The term 'target capabilities' means the target capabilities for Federal, State, local, and tribal government preparedness for which guidelines are required to be established under section 646(a) of the Post-Katrina Emergency Management Reform Act of 2006 (6 U.S.C. 746(a)).

''(11) TRIBAL GOVERNMENT.—The term 'tribal government' means the government of an Indian tribe.

"SEC. 2002. HOMELAND SECURITY GRANT PROGRAM.

''(a) ESTABLISHMENT.—There is established a Homeland Security Grant Program, which shall consist of—

''(1) the Urban Area Security Initiative established under section 2003, or any successor thereto;

''(2) the State Homeland Security Grant Program established under section 2004, or any successor thereto;

''(3) the Emergency Management Performance Grant Program established under section 2005 or any successor thereto; and

''(4) the Emergency Communications and Interoperability Grants Program established under section 1809, or any successor thereto.

''(b) GRANTS AUTHORIZED.—The Secretary, through the Administrator, may award grants to State, local, and tribal governments under the Homeland Security Grant Program for the purposes of this title.

''(c) PROGRAMS NOT AFFECTED.—This title shall not be construed to affect any authority to award grants under any of the following Federal programs:

''(1) The firefighter assistance programs authorized under section 33 and 34 of the Federal Fire Prevention and Control Act of 1974 (15 U.S.C. 2229 and 2229a).

''(2) Except as provided in subsection (d), all grant programs authorized under the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5121 et seq.), including the Urban Search and Rescue Grant Program.

''(3) Grants to protect critical infrastructure, including port security grants authorized under section 70107 of title 46, United States Code.

''(4) The Metropolitan Medical Response System authorized under section 635 of the Post-Katrina Emergency Management Reform Act of 2006 (6 U.S.C. 723).

''(5) Grant programs other than those administered by the Department.

''(d) RELATIONSHIP TO OTHER LAWS.—

''(1) IN GENERAL.—The Homeland Security Grant Program shall supercede—

''(A) all grant programs authorized under section 1014 of the USA PATRIOT Act (42 U.S.C. 3714); and

''(B) the Emergency Management Performance Grant authorized under the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5121 et seq.) and section 662 of the Post-Katrina Emergency Management Reform Act of 2006 (6 U.S.C. 762).

''(2) PROGRAM INTEGRITY.—Each grant program described under paragraphs (1) through (4) of subsection (a) shall include, consistent with the Improper Payments Information Act of 2002 (31 U.S.C. 3321 note), policies and procedures for—

''(A) identifying activities funded under the Homeland Security Grant Program that are susceptible to significant improper payments; and

''(B) reporting the incidence of improper payments to the Department.

''(3) ALLOCATION.—Except as provided under paragraph (2) of this subsection, the allocation of grants authorized under this title shall be governed by the terms of this title and not by any other provision of law.

''(e) MINIMUM PERFORMANCE REQUIREMENTS.—

''(1) IN GENERAL.—The Administrator shall—

''(A) establish minimum performance requirements for entities that receive homeland security grants;

''(B) conduct, in coordination with State, regional, local, and tribal governments receiving grants under the Homeland Security Grant Program, simulations and exercises to test the minimum performance requirements established under subparagraph (A) for—

''(i) emergencies (as that term is defined in section 102 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5122)) and major disasters not less than twice each year; and

''(ii) catastrophic incidents (as that term is defined in section 501) not less than once each year; and

''(C) ensure that entities that the Administrator determines are failing to demonstrate minimum performance requirements established under subparagraph (A) shall remedy the areas of failure, not later than the end of the second full fiscal year after the date of such determination by—

''(i) establishing a plan for the achievement of the minimum performance requirements under subparagraph (A), including—

''(I) developing intermediate indicators for the 2 fiscal years following the date of such determination; and

''(II) conducting additional simulations and exercises; and

''(ii) revising an entity's homeland security plan, if necessary, to achieve the minimum performance requirements under subparagraph (A).

''(2) WAIVER.—At the discretion of the Administrator, the occurrence of an actual emergency, major disaster, or catastrophic incident in an area may be deemed as a simulation under paragraph (1)(B).

''(3) REPORT TO CONGRESS.—Not later than the end of the first full fiscal year after the date of enactment of the Improving America's Security Act of 2007, and each fiscal year thereafter, the Administrator shall submit to the Committee on Homeland Security and Governmental Affairs of the Senate and to the Committee on Homeland Security of the House of Representatives a report describing—

''(A) the performance of grantees under paragraph (1)(A);

''(B) lessons learned through the simulations and exercises under paragraph (1)(B); and

''(C) efforts being made to remedy failed performance under paragraph (1)(C).

"SEC. 2003. URBAN AREA SECURITY INITIATIVE.

''(a) ESTABLISHMENT.—There is established an Urban Area Security Initiative to provide grants to assist high-risk metropolitan areas in preventing, preparing for, protecting against, responding to, and recovering from acts of terrorism.

''(b) APPLICATION.—

''(1) IN GENERAL.—An eligible metropolitan area may apply for grants under this section.

''(2) ANNUAL APPLICATIONS.—Applicants for grants under this section shall apply or reapply on an annual basis for grants distributed under the program.

''(3) INFORMATION.—In an application for a grant under this section, an eligible metropolitan area shall submit—

''(A) a plan describing the proposed division of responsibilities and distribution of funding among the local and tribal governments in the eligible metropolitan area;

''(B) the name of an individual to serve as a metropolitan area liaison with the Department and among the various jurisdictions in the metropolitan area; and

''(C) such information in support of the application as the Administrator may reasonably require.

''(c) STATE REVIEW AND TRANSMISSION.—

''(1) IN GENERAL.—To ensure consistency with State homeland security plans, an eligible metropolitan area applying for a grant under this section shall submit its application to each State within which any part of the eligible metropolitan area is located for review before submission of such application to the Department.

''(2) DEADLINE.—Not later than 30 days after receiving an application from an eligible metropolitan area under paragraph (1), each such State shall transmit the application to the Department.

''(3) STATE DISAGREEMENT.—If the Governor of any such State determines that an application of an eligible metropolitan area is inconsistent with the State homeland security plan of that State, or otherwise does not support the application, the Governor shall—

''(A) notify the Administrator, in writing, of that fact; and

''(B) provide an explanation of the reason for not supporting the application at the time of transmission of the application.

''(d) PRIORITIZATION.—In allocating funds among metropolitan areas applying for grants under this section, the Administrator shall consider—

''(1) the relative threat, vulnerability, and consequences faced by the eligible metropolitan area from a terrorist attack, including consideration of—

''(A) the population of the eligible metropolitan area, including appropriate consideration of military, tourist, and commuter populations;

''(B) the population density of the eligible metropolitan area;

''(C) the history of threats faced by the eligible metropolitan area, including—

''(i) whether there has been a prior terrorist attack in the eligible metropolitan area; and

''(ii) whether any part of the eligible metropolitan area, or any critical infrastructure or key resource within the eligible metropolitan area, has ever experienced a higher threat level under the Homeland Security Advisory System than other parts of the United States;

''(D) the degree of threat, vulnerability, and consequences to the eligible metropolitan area related to critical infrastructure or key resources identified by the Secretary or the State homeland security plan, including threats, vulnerabilities, and consequences from critical infrastructure in nearby jurisdictions;

''(E) whether the eligible metropolitan area is located at or near an international border;

''(F) whether the eligible metropolitan area has a coastline bordering ocean or international waters;

''(G) threats, vulnerabilities, and consequences faced by the eligible metropolitan area related to at-risk sites or activities in nearby jurisdictions, including the need to respond to terrorist attacks arising in those jurisdictions;

''(H) the most current threat assessments available to the Department;

''(I) the extent to which the eligible metropolitan area has unmet target capabilities;

''(J) the extent to which the eligible metropolitan area includes—

''(i) all incorporated municipalities, counties, parishes, and Indian tribes within the relevant metropolitan statistical area or combined statistical area; and

''(ii) other local governments and tribes that are likely to be called upon to respond to a terrorist attack within the eligible metropolitan area; and

''(K) such other factors as are specified in writing by the Administrator; and

''(2) the anticipated effectiveness of the proposed spending plan for the eligible metropolitan area in increasing the ability of that eligible metropolitan area to prevent, prepare for, protect against, respond to, and recover from terrorism, to meet its target capabilities, and to otherwise reduce the overall risk to the metropolitan area, the State, and the Nation.

''(e) OPPORTUNITY TO AMEND.—In considering applications for grants under this section, the Administrator shall provide applicants with a reasonable opportunity to correct defects in the application, if any, before making final awards.

''(f) ALLOWABLE USES.—Grants awarded under this section may be used to achieve target capabilities, consistent with a State homeland security plan and relevant local and regional homeland security plans, through—

''(1) developing and enhancing State, local, or regional plans, risk assessments, or mutual aid agreements;

''(2) purchasing, upgrading, storing, or maintaining equipment;

''(3) designing, conducting, and evaluating training and exercises, including exercises of mass evacuation plans under section 512 and including the payment of overtime and backfill costs in support of such activities;

''(4) responding to an increase in the threat level under the Homeland Security Advisory System, or to the needs resulting from a National Special Security Event, including payment of overtime and backfill costs;

''(5) establishing, enhancing, and staffing with appropriately qualified personnel State and local fusion centers that comply with the guidelines established under section 206(i);

''(6) protecting critical infrastructure and key resources identified in the Critical Infrastructure List established under section 1001 of the Improving America's Security Act of 2007, including the payment of appropriate personnel costs;

''(7) any activity permitted under the Fiscal Year 2007 Program Guidance of the Department for the Urban Area Security Initiative or the Law Enforcement Terrorism Prevention Grant Program, including activities permitted under the full-time counterterrorism staffing pilot; and

''(8) any other activity relating to achieving target capabilities approved by the Administrator.

''(g) DISTRIBUTION OF AWARDS TO METROPOLITAN AREAS.—

''(1) IN GENERAL.—If the Administrator approves the application of an eligible metropolitan area for a grant under this section, the Administrator shall distribute the grant funds to the State or States in which the eligible metropolitan area is located.

''(2) STATE DISTRIBUTION OF FUNDS.—Each State shall provide the eligible metropolitan area not less than 80 percent of the grant funds. Any funds retained by a State shall be expended on items or services approved by the Administrator that benefit the eligible metropolitan area.

''(3) MULTISTATE REGIONS.—If parts of an eligible metropolitan area awarded a grant are located in 2 or more States, the Secretary shall distribute to each such State—

''(A) a portion of the grant funds in accordance with the proposed distribution set forth in the application; or

''(B) if no agreement on distribution has been reached, a portion of the grant funds in proportion to each State's share of the population of the eligible metropolitan area.

''SEC. 2004. STATE HOMELAND SECURITY GRANT PROGRAM.

''(a) ESTABLISHMENT.—There is established a State Homeland Security Grant Program to assist State, local, and tribal governments in preventing, preparing for, protecting against, responding to, and recovering from acts of terrorism.

''(b) APPLICATION.—

''(1) IN GENERAL.—Each State may apply for a grant under this section, and shall submit such information in support of the application as the Administrator may reasonably require.

''(2) ANNUAL APPLICATIONS.—Applicants for grants under this section shall apply or reapply on an annual basis for grants distributed under the program.

''(c) PRIORITIZATION.—In allocating funds among States applying for grants under this section, the Administrator shall consider—

''(1) the relative threat, vulnerability, and consequences faced by a State from a terrorist attack, including consideration of—

''(A) the size of the population of the State, including appropriate consideration of military, tourist, and commuter populations;

''(B) the population density of the State;

''(C) the history of threats faced by the State, including—

''(i) whether there has been a prior terrorist attack in an urban area that is wholly or partly in the State, or in the State itself; and

''(ii) whether any part of the State, or any critical infrastructure or key resource within the State, has ever experienced a higher threat level under the Homeland Security Advisory System than other parts of the United States;

''(D) the degree of threat, vulnerability, and consequences related to critical infrastructure or key resources identified by the Secretary or the State homeland security plan;

''(E) whether the State has an international border;

''(F) whether the State has a coastline bordering ocean or international waters;

''(G) threats, vulnerabilities, and consequences faced by a State related to at-risk sites or activities in adjacent States, including the State's need to respond to terrorist attacks arising in adjacent States;

''(H) the most current threat assessments available to the Department;

''(I) the extent to which the State has unmet target capabilities; and

''(J) such other factors as are specified in writing by the Administrator;

''(2) the anticipated effectiveness of the proposed spending plan of the State in increasing the ability of the State to—

''(A) prevent, prepare for, protect against, respond to, and recover from terrorism;

''(B) meet the target capabilities of the State; and

''(C) otherwise reduce the overall risk to the State and the Nation; and

''(3) the need to balance the goal of ensuring the target capabilities of the highest risk areas are achieved quickly and the goal of ensuring that basic levels of preparedness, as measured by the attainment of target capabilities, are achieved nationwide.

''(d) MINIMUM ALLOCATION.—In allocating funds under subsection (c), the Administrator shall ensure that, for each fiscal year—

''(1) except as provided for in paragraph (2), no State receives less than an amount equal to 0.45 percent of the total funds appropriated for the State Homeland Security Grant Program; and

''(2) American Samoa, the Commonwealth of the Northern Mariana Islands, Guam, and the Virgin Islands each receive not less than 0.08 percent of the amounts appropriated for the State Homeland Security Grant Program.

''(e) MULTISTATE PARTNERSHIPS.—

''(1) IN GENERAL.—Instead of, or in addition to, any application for funds under subsection (b), 2 or more States may submit an application under this paragraph for multistate efforts to prevent, prepare for, protect against, respond to, or recover from acts of terrorism.

''(2) GRANTEES.—Multistate grants may be awarded to either—

''(A) an individual State acting on behalf of a consortium or partnership of States with the consent of all member States; or

''(B) a group of States applying as a consortium or partnership.

''(3) ADMINISTRATION OF GRANT.—If a group of States apply as a consortium or partnership such States shall submit to the Secretary at the time of application a plan describing—

''(A) the division of responsibilities for administering the grant; and

''(B) the distribution of funding among the various States and entities that are party to the application.

''(f) FUNDING FOR LOCAL AND TRIBAL GOVERNMENTS.—

''(1) IN GENERAL.—The Administrator shall require that, not later than 60 days after receiving grant funding, any State receiving a grant under this section shall make available to local and tribal governments and emergency response providers, consistent with the applicable State homeland security plan—

''(A) not less than 80 percent of the grant funds;

''(B) with the consent of local and tribal governments, the resources purchased with such grant funds having a value equal to not less than 80 percent of the amount of the grant; or

''(C) grant funds combined with resources purchased with the grant funds having a value equal to not less than 80 percent of the amount of the grant.

''(2) EXTENSION OF PERIOD.—The Governor of a State may request in writing that the Administrator extend the period under paragraph (1) for an additional period of time. The Administrator may approve such a request, and may extend such period for an additional period, if the Administrator determines that the resulting delay in providing grant funding to the local and tribal governments and emergency response providers is necessary to promote effective investments to prevent, prepare for, protect against, respond to, and recover from terrorism, or to meet the target capabilities of the State.

''(3) INDIAN TRIBES.—States shall be responsible for allocating grant funds received under this section to tribal governments in order to help those tribal communities achieve target capabilities. Indian tribes shall be eligible for funding directly from the States, and shall not be required to seek funding from any local government.

''(4) EXCEPTION.—Paragraph (1) shall not apply to the District of Columbia, the Commonwealth of Puerto Rico, American Samoa, the Commonwealth of the Northern Mariana Islands, Guam, or the Virgin Islands.

''(g) GRANTS TO DIRECTLY ELIGIBLE TRIBES.—

''(1) IN GENERAL.—Notwithstanding subsection (b), the Secretary may award grants to directly eligible tribes under this section.

''(2) TRIBAL APPLICATIONS.—A directly eligible tribe may apply for a grant under this section by submitting an application to the Administrator that includes the information required for an application by a State under subsection (b).

''(3) STATE REVIEW.—

''(A) IN GENERAL.—To ensure consistency with State homeland security plans, a directly eligible tribe applying for a grant under this section shall submit its application to each State within which any part of the tribe is located for review before submission of such application to the Department.

''(B) DEADLINE.—Not later than 30 days after receiving an application from a directly eligible tribe under subparagraph (A), each such State

shall transmit the application to the Department.

''(C) STATE DISAGREEMENT.—If the Governor of any such State determines that the application of a directly eligible tribe is inconsistent with the State homeland security plan of that State, or otherwise does not support the application, the Governor shall—

''(i) notify the Administrator, in writing, of that fact; and

''(ii) provide an explanation of the reason for not supporting the application at the time of transmission of the application.

''(4) DISTRIBUTION OF AWARDS TO DIRECTLY ELIGIBLE TRIBES.—If the Administrator awards funds to a directly eligible tribe under this section, the Administrator shall distribute the grant funds directly to the directly eligible tribe. The funds shall not be distributed to the State or States in which the directly eligible tribe is located.

''(5) TRIBAL LIAISON.—A directly eligible tribe applying for a grant under this section shall designate a specific individual to serve as the tribal liaison who shall—

''(A) coordinate with Federal, State, local, regional, and private officials concerning terrorism preparedness;

''(B) develop a process for receiving input from Federal, State, local, regional, and private officials to assist in the development of the application of such tribe and to improve the access of such tribe to grants; and

''(C) administer, in consultation with State, local, regional, and private officials, grants awarded to such tribe.

''(6) TRIBES RECEIVING DIRECT GRANTS.—A directly eligible tribe that receives a grant directly under this section is eligible to receive funds for other purposes under a grant from the State or States within the boundaries of which any part of such tribe is located, consistent with the homeland security plan of the State.

''(7) RULE OF CONSTRUCTION.—Nothing in this section shall be construed to affect the authority of an Indian tribe that receives funds under this section.

''(h) OPPORTUNITY TO AMEND.—In considering applications for grants under this section, the Administrator shall provide applicants with a reasonable opportunity to correct defects in the application, if any, before making final awards.

''(i) ALLOWABLE USES.—Grants awarded under this section may be used to achieve target capabilities, consistent with a State homeland security plan, through—

''(1) developing and enhancing State, local, tribal, or regional plans, risk assessments, or mutual aid agreements;

''(2) purchasing, upgrading, storing, or maintaining equipment;

''(3) designing, conducting, and evaluating training and exercises, including exercises of mass evacuation plans under section 512 and including the payment of overtime and backfill costs in support of such activities;

''(4) responding to an increase in the threat level under the Homeland Security Advisory System, including payment of overtime and backfill costs;

''(5) establishing, enhancing, and staffing with appropriately qualified personnel State and local fusion centers, that comply with the guidelines established under section 206(i);

''(6) protecting critical infrastructure and key resources identified in the Critical Infrastructure List established under section 1001 of the Improving America's Security Act of 2007, including the payment of appropriate personnel costs;

''(7) any activity permitted under the Fiscal Year 2007 Program Guidance of the Department for the State Homeland Security Grant Program or the Law Enforcement Terrorism Prevention Grant Program, including activities permitted under the full-time counterterrorism staffing pilot; and

''(8) any other activity relating to achieving target capabilities approved by the Administrator.

"SEC. 2005. EMERGENCY MANAGEMENT PERFORMANCE GRANTS PROGRAM.

''(a) ESTABLISHMENT.—There is established an Emergency Management Performance Grants Program to make grants to States to assist State, local, and tribal governments in preventing, preparing for, protecting against, responding to, recovering from, and mitigating against all hazards, including natural disasters, acts of terrorism, and other man-made disasters.

''(b) APPLICATION.—

''(1) IN GENERAL.—Each State may apply for a grant under this section, and shall submit such information in support of an application as the Administrator may reasonably require.

''(2) ANNUAL APPLICATIONS.—Applicants for grants under this section shall apply or reapply on an annual basis for grants distributed under the program.

''(c) ALLOCATION.—Funds available under the Emergency Management Performance Grants Program shall be allocated as follows:

''(1) BASELINE AMOUNT.—

''(A) IN GENERAL.—Except as provided in subparagraph (B), each State shall receive an amount equal to 0.75 percent of the total funds appropriated for grants under this section.

''(B) TERRITORIES.—American Samoa, the Commonwealth of the Northern Mariana Islands, Guam, and the Virgin Islands each shall receive an amount equal to 0.25 percent of the amounts appropriated for grants under this section.

''(2) PER CAPITA ALLOCATION.—The funds remaining for grants under this section after allocation of the baseline amounts under paragraph (1) shall be allocated to each State in proportion to its population.

''(d) ALLOWABLE USES.—Grants awarded under this section may be used to achieve target capabilities, consistent with a State homeland security plan or a catastrophic incident annex developed under section 613 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5196b) through—

''(1) any activity permitted under the Fiscal Year 2007 Program Guidance of the Department for Emergency Management Performance Grants; and

''(2) any other activity approved by the Administrator that will improve the capability of a State, local, or tribal government in preventing, preparing for, protecting against, responding to, recovering from, or mitigating against all hazards, including natural disasters, acts of terrorism, and other man-made disasters.

''(e) COST SHARING.—

''(1) IN GENERAL.—The Federal share of the costs of an activity carried out with a grant under this section shall not exceed 75 percent.

''(2) IN-KIND MATCHING.—Each recipient of a grant under this section may meet the matching requirement under paragraph (1) by making in-kind contributions of goods or services that are directly linked with the purpose for which the grant is made.

''(f) LOCAL AND TRIBAL GOVERNMENTS.—

''(1) IN GENERAL.—In allocating grant funds received under this section, a State shall take into account the needs of local and tribal governments.

''(2) INDIAN TRIBES.—States shall be responsible for allocating grant funds received under this section to tribal governments in order to help those tribal communities improve their capabilities in preventing, preparing for, protecting against, responding to, recovering from, or mitigating against all hazards, including natural disasters, acts of terrorism, and other man-made disasters. Indian tribes shall be eligible for funding directly from the States, and shall not be required to seek funding from any local government.

"SEC. 2006. TERRORISM PREVENTION.

''(a) LAW ENFORCEMENT TERRORISM PREVENTION PROGRAM.—

''(1) IN GENERAL.—The Administrator shall designate not less than 25 percent of the combined amount appropriated for grants under sections 2003 and 2004 to be used for law enforcement terrorism prevention activities.

''(2) USE OF FUNDS.—Grants awarded under this subsection may be used for—

''(A) information sharing to preempt terrorist attacks;

''(B) target hardening to reduce the vulnerability of selected high value targets;

''(C) threat recognition to recognize the potential or development of a threat;

''(D) intervention activities to interdict terrorists before they can execute a threat;

''(E) overtime expenses related to a State homeland security plan, including overtime costs associated with providing enhanced law enforcement operations in support of Federal agencies for increased border security and border crossing enforcement;

''(F) establishing, enhancing, and staffing with appropriately qualified personnel State and local fusion centers that comply with the guidelines established under section 206(i);

''(G) any other activity permitted under the Fiscal Year 2007 Program Guidance of the Department for the Law Enforcement Terrorism Prevention Program; and

''(H) any other terrorism prevention activity authorized by the Administrator.

''(b) OFFICE FOR THE PREVENTION OF TERRORISM.—

''(1) ESTABLISHMENT.—There is established in the Department an Office for the Prevention of Terrorism, which shall be headed by a Director.

''(2) DIRECTOR.—

''(A) REPORTING.—The Director of the Office for the Prevention of Terrorism shall report directly to the Secretary.

''(B) QUALIFICATIONS.—The Director of the Office for the Prevention of Terrorism shall have an appropriate background with experience in law enforcement, intelligence, or other antiterrorist functions.

''(3) ASSIGNMENT OF PERSONNEL.—

''(A) IN GENERAL.—The Secretary shall assign to the Office for the Prevention of Terrorism permanent staff and other appropriate personnel detailed from other components of the Department to carry out the responsibilities under this section.

''(B) LIAISONS.—The Secretary shall designate senior employees from each component of the Department that has significant antiterrorism responsibilities to act as liaisons between that component and the Office for the Prevention of Terrorism.

''(4) RESPONSIBILITIES.—The Director of the Office for the Prevention of Terrorism shall—

''(A) coordinate policy and operations between the Department and State, local, and tribal government agencies relating to preventing acts of terrorism within the United States;

''(B) serve as a liaison between State, local, and tribal law enforcement agencies and the Department;

''(C) in coordination with the Office of Intelligence and Analysis, develop better methods for the sharing of intelligence with State, local, and tribal law enforcement agencies;

''(D) work with the Administrator to ensure that homeland security grants to State, local, and tribal government agencies, including grants under this title, the Commercial Equipment Direct Assistance Program, and grants to support fusion centers and other law enforcement-oriented programs are adequately focused on terrorism prevention activities; and

''(E) coordinate with the Federal Emergency Management Agency, the Department of Justice, the National Institute of Justice, law enforcement organizations, and other appropriate entities to support the development, promulgation, and updating, as necessary, of national voluntary consensus standards for training and personal protective equipment to be used in a

tactical environment by law enforcement officers.

''(5) PILOT PROJECT.—

''(A) IN GENERAL.—The Director of the Office for the Prevention of Terrorism, in coordination with the Administrator, shall establish a pilot project to determine the efficacy and feasibility of establishing law enforcement deployment teams.

''(B) FUNCTION.—The law enforcement deployment teams participating in the pilot program under this paragraph shall form the basis of a national network of standardized law enforcement resources to assist State, local, and tribal governments in responding to natural disasters, acts of terrorism, or other man-made disaster.

''(6) CONSTRUCTION.—Nothing in this section may be construed to affect the roles or responsibilities of the Department of Justice.

"SEC. 2007. RESTRICTIONS ON USE OF FUNDS.

''(a) LIMITATIONS ON USE.—

''(1) CONSTRUCTION.—

''(A) IN GENERAL.—Grants awarded under this title may not be used to acquire land or to construct buildings or other physical facilities.

''(B) EXCEPTIONS.—

''(i) IN GENERAL.—Notwithstanding subparagraph (A), nothing in this paragraph shall prohibit the use of grants awarded under this title to achieve target capabilities through—

''(I) the construction of facilities described in section 611 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5196); or

''(II) the alteration or remodeling of existing buildings for the purpose of making such buildings secure against terrorist attacks or able to withstand or protect against chemical, radiological, or biological attacks.

''(ii) REQUIREMENTS FOR EXCEPTION.—No grant awards may be used for the purposes under clause (i) unless—

''(I) specifically approved by the Administrator;

''(II) the construction occurs under terms and conditions consistent with the requirements under section 611(j)(8) of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5196(j)(8)); and

''(III) the amount allocated for purposes under clause (i) does not exceed 20 percent of the grant award.

''(2) PERSONNEL.—

''(A) IN GENERAL.—For any grant awarded under section 2003 or 2004—

''(i) not more than 25 percent of the amount awarded to a grant recipient may be used to pay overtime and backfill costs; and

''(ii) not more than 25 percent of the amount awarded to the grant recipient may be used to pay personnel costs not described in clause (i).

''(B) WAIVER.—At the request of the recipient of a grant under section 2003 or section 2004, the Administrator may grant a waiver of any limitation under subparagraph (A).

''(3) RECREATION.—Grants awarded under this title may not be used for recreational or social purposes.

''(b) MULTIPLE-PURPOSE FUNDS.—Nothing in this title shall be construed to prohibit State, local, or tribal governments from using grant funds under sections 2003 and 2004 in a manner that enhances preparedness for disasters unrelated to acts of terrorism, if such use assists such governments in achieving capabilities for terrorism preparedness established by the Administrator.

''(c) EQUIPMENT STANDARDS.—If an applicant for a grant under this title proposes to upgrade or purchase, with assistance provided under that grant, new equipment or systems that do not meet or exceed any applicable national voluntary consensus standards developed under section 647 of the Post-Katrina Emergency Management Reform Act of 2006 (6 U.S.C. 747), the applicant shall include in its application an explanation of why such equipment or systems will serve the needs of the applicant better than equipment or systems that meet or exceed such standards.

''(d) SUPPLEMENT NOT SUPPLANT.—Amounts appropriated for grants under this title shall be used to supplement and not supplant other State, local, and tribal government public funds obligated for the purposes provided under this title.

"SEC. 2008. ADMINISTRATION AND COORDINATION.

''(a) ADMINISTRATOR.—The Administrator shall, in consultation with other appropriate offices within the Department, have responsibility for administering all homeland security grant programs administered by the Department and for ensuring coordination among those programs and consistency in the guidance issued to recipients across those programs.

''(b) NATIONAL ADVISORY COUNCIL.—To ensure input from and coordination with State, local, and tribal governments and emergency response providers, the Administrator shall regularly consult and work with the National Advisory Council established under section 508 on the administration and assessment of grant programs administered by the Department, including with respect to the development of program guidance and the development and evaluation of risk-assessment methodologies.

''(c) REGIONAL COORDINATION.—The Administrator shall ensure that—

''(1) all recipients of homeland security grants administered by the Department, as a condition of receiving those grants, coordinate their prevention, preparedness, and protection efforts with neighboring State, local, and tribal governments, as appropriate; and

''(2) all metropolitan areas and other recipients of homeland security grants administered by the Department that include or substantially affect parts or all of more than 1 State, coordinate across State boundaries, including, where appropriate, through the use of regional working groups and requirements for regional plans, as a condition of receiving Departmentally administered homeland security grants.

''(d) PLANNING COMMITTEES.—

''(1) IN GENERAL.—Any State or metropolitan area receiving grants under this title shall establish a planning committee to assist in preparation and revision of the State, regional, or local homeland security plan and to assist in determining effective funding priorities.

''(2) COMPOSITION.—

''(A) IN GENERAL.—The planning committee shall include representatives of significant stakeholders, including—

''(i) local and tribal government officials; and

''(ii) emergency response providers, which shall include representatives of the fire service, law enforcement, emergency medical response, and emergency managers.

''(B) GEOGRAPHIC REPRESENTATION.—The members of the planning committee shall be a representative group of individuals from the counties, cities, towns, and Indian tribes within the State or metropolitan areas, including, as appropriate, representatives of rural, high-population, and high-threat jurisdictions.

''(e) INTERAGENCY COORDINATION.—The Secretary, through the Administrator, in coordination with the Attorney General, the Secretary of Health and Human Services, and other agencies providing assistance to State, local, and tribal governments for preventing, preparing for, protecting against, responding to, and recovering from natural disasters, acts of terrorism, and other man-made disasters, and not later than 12 months after the date of enactment of the Improving America's Security Act of 2007, shall—

''(1) compile a comprehensive list of Federal programs that provide assistance to State, local, and tribal governments for preventing, preparing for, and responding to, natural disasters, acts of terrorism, and other man-made disasters;

''(2) develop a proposal to coordinate, to the greatest extent practicable, the planning, reporting, application, and other requirements and guidance for homeland security assistance programs to—

''(A) eliminate redundant and duplicative requirements, including onerous application and ongoing reporting requirements;

''(B) ensure accountability of the programs to the intended purposes of such programs;

''(C) coordinate allocation of grant funds to avoid duplicative or inconsistent purchases by the recipients; and

''(D) make the programs more accessible and user friendly to applicants; and

''(3) submit the information and proposals under paragraphs (1) and (2) to the Committee on Homeland Security and Governmental Affairs of the Senate and the Committee on Homeland Security of the House of Representatives.

"SEC. 2009. ACCOUNTABILITY.

''(a) REPORTS TO CONGRESS.—

''(1) FUNDING EFFICACY.—The Administrator shall submit to Congress, as a component of the annual Federal Preparedness Report required under section 652 of the Post-Katrina Emergency Management Reform Act of 2006 (6 U.S.C. 752), an evaluation of the extent to which grants Administered by the Department, including the grants established by this title—

''(A) have contributed to the progress of State, local, and tribal governments in achieving target capabilities; and

''(B) have led to the reduction of risk nationally and in State, local, and tribal jurisdictions.

''(2) RISK ASSESSMENT.—

''(A) IN GENERAL.—For each fiscal year, the Administrator shall provide to the Committee on Homeland Security and Governmental Affairs of the Senate and the Committee on Homeland Security of the House of Representatives a detailed and comprehensive explanation of the methodology used to calculate risk and compute the allocation of funds under sections 2003 and 2004 of this title, including—

''(i) all variables included in the risk assessment and the weights assigned to each;

''(ii) an explanation of how each such variable, as weighted, correlates to risk, and the basis for concluding there is such a correlation; and

''(iii) any change in the methodology from the previous fiscal year, including changes in variables considered, weighting of those variables, and computational methods.

''(B) CLASSIFIED ANNEX.—The information required under subparagraph (A) shall be provided in unclassified form to the greatest extent possible, and may include a classified annex if necessary.

''(C) DEADLINE.—For each fiscal year, the information required under subparagraph (A) shall be provided on the earlier of—

''(i) October 31; or

''(ii) 30 days before the issuance of any program guidance for grants under sections 2003 and 2004.

''(b) REVIEWS AND AUDITS.—

''(1) DEPARTMENT REVIEW.—The Administrator shall conduct periodic reviews of grants made under this title to ensure that recipients allocate funds consistent with the guidelines established by the Department.

''(2) GOVERNMENT ACCOUNTABILITY OFFICE.—

''(A) ACCESS TO INFORMATION.—Each recipient of a grant under this title and the Department shall provide the Government Accountability Office with full access to information regarding the activities carried out under this title.

''(B) AUDITS AND REPORTS.—

''(i) AUDIT.—Not later than 12 months after the date of enactment of the Improving America's Security Act of 2007, and periodically thereafter, the Comptroller General of the United States shall conduct an audit of the Homeland Security Grant Program.

''(ii) REPORT.—The Comptroller General of the United States shall submit a report to the Committee on Homeland Security and Governmental

Affairs of the Senate and the Committee on Homeland Security of the House of Representatives on—

''(I) the results of any audit conducted under clause (i), including an analysis of the purposes for which the grant funds authorized under this title are being spent; and

''(II) whether the grant recipients have allocated funding consistent with the State homeland security plan and the guidelines established by the Department.

''(3) AUDIT REQUIREMENT.—Grant recipients that expend $500,000 or more in grant funds received under this title during any fiscal year shall submit to the Administrator an organization-wide financial and compliance audit report in conformance with the requirements of chapter 75 of title 31, United States Code.

''(4) RECOVERY AUDITS.—The Secretary shall conduct a recovery audit (as that term is defined by the Director of the Office of Management and Budget under section 3561 of title 31, United States Code) for any grant administered by the Department with a total value of $1,000,000 or greater.

''(c) REMEDIES FOR NONCOMPLIANCE.—

''(1) IN GENERAL.—If the Administrator finds, after reasonable notice and an opportunity for a hearing, that a recipient of a grant under this title has failed to substantially comply with any provision of this title, or with any regulations or guidelines of the Department regarding eligible expenditures, the Administrator shall—

''(A) terminate any payment of grant funds to be made to the recipient under this title;

''(B) reduce the amount of payment of grant funds to the recipient by an amount equal to the amount of grants funds that were not expended by the recipient in accordance with this title; or

''(C) limit the use of grant funds received under this title to programs, projects, or activities not affected by the failure to comply.

''(2) DURATION OF PENALTY.—The Administrator shall apply an appropriate penalty under paragraph (1) until such time as the Secretary determines that the grant recipient is in full compliance with this title or with applicable guidelines or regulations of the Department.

''(3) DIRECT FUNDING.—If a State fails to substantially comply with any provision of this title or with applicable guidelines or regulations of the Department, including failing to provide local or tribal governments with grant funds or resources purchased with grant funds in a timely fashion, a local or tribal government entitled to receive such grant funds or resources may petition the Administrator, at such time and in such manner as determined by the Administrator, to request that grant funds or resources be provided directly to the local or tribal government.

"SEC. 2010. AUDITING.

''(a) AUDIT OF GRANTS UNDER THIS TITLE.—

''(1) IN GENERAL.—Not later than the date described in paragraph (2), and every 2 years thereafter, the Inspector General of the Department shall conduct an audit of each entity that receives a grant under the Urban Area Security Initiative, the State Homeland Security Grant Program, or the Emergency Management Performance Grant Program to evaluate the use of funds under such grant program by such entity.

''(2) TIMING.—The date described in this paragraph is the later of 2 years after—

''(A) the date of enactment of the Improving America's Security Act of 2007; and

''(B) the date that an entity first receives a grant under the Urban Area Security Initiative, the State Homeland Security Grant Program, or the Emergency Management Performance Grant Program, as the case may be.

''(3) CONTENTS.—Each audit under this subsection shall evaluate—

''(A) the use of funds under the relevant grant program by an entity during the 2 full fiscal years before the date of that audit;

''(B) whether funds under that grant program were used by that entity as required by law; and

''(C)(i) for each grant under the Urban Area Security Initiative or the State Homeland Security Grant Program, the extent to which funds under that grant were used to prepare for, protect against, respond to, or recover from acts of terrorism; and

''(ii) for each grant under the Emergency Management Performance Grant Program, the extent to which funds under that grant were used to prevent, prepare for, protect against, respond to, recover from, or mitigate against all hazards, including natural disasters, acts of terrorism, and other man-made disasters.

''(4) PUBLIC AVAILABILITY ON WEBSITE.—The Inspector General of the Department shall make each audit under this subsection available on the website of the Inspector General.

''(5) REPORTING.—

''(A) IN GENERAL.—Not later than 2 years and 60 days after the date of enactment of the Improving America's Security Act of 2007, and annually thereafter, the Inspector General of the Department shall submit to Congress a consolidated report regarding the audits conducted under this subsection.

''(B) CONTENTS.—Each report submitted under this paragraph shall describe—

''(i)(I) for the first such report, the audits conducted under this subsection during the 2-year period beginning on the date of enactment of the Improving America's Security Act of 2007; and

''(II) for each subsequent such report, the audits conducted under this subsection during the fiscal year before the date of the submission of that report;

''(ii) whether funds under each grant audited during the period described in clause (i) that is applicable to such report were used as required by law; and

''(iii)(I) for grants under the Urban Area Security Initiative or the State Homeland Security Grant Program audited, the extent to which, during the period described in clause (i) that is applicable to such report, funds under such grants were used to prepare for, protect against, respond to, or recover from acts of terrorism; and

''(II) for grants under the Emergency Management Performance Grant Program audited, the extent to which funds under such grants were used during the period described in clause (i) applicable to such report to prevent, prepare for, protect against, respond to, recover from, or mitigate against all hazards, including natural disasters, acts of terrorism, and other man-made disasters.

''(b) AUDIT OF OTHER PREPAREDNESS GRANTS.—

''(1) IN GENERAL.—Not later than the date described in paragraph (2), the Inspector General of the Department shall conduct an audit of each entity that receives a grant under the Urban Area Security Initiative, the State Homeland Security Grant Program, or the Emergency Management Performance Grant Program to evaluate the use by that entity of any grant for preparedness administered by the Department that was awarded before the date of enactment of the Improving America's Security Act of 2007.

''(2) TIMING.—The date described in this paragraph is the later of 2 years after—

''(A) the date of enactment of the Improving America's Security Act of 2007; and

''(B) the date that an entity first receives a grant under the Urban Area Security Initiative, the State Homeland Security Grant Program, or the Emergency Management Performance Grant Program, as the case may be.

''(3) CONTENTS.—Each audit under this subsection shall evaluate—

''(A) the use of funds by an entity under any grant for preparedness administered by the Department that was awarded before the date of enactment of the Improving America's Security Act of 2007;

''(B) whether funds under each such grant program were used by that entity as required by law; and

''(C) the extent to which such funds were used to enhance preparedness.

''(4) PUBLIC AVAILABILITY ON WEBSITE.—The Inspector General of the Department shall make each audit under this subsection available on the website of the Inspector General.

''(5) REPORTING.—

''(A) IN GENERAL.—Not later than 2 years and 60 days after the date of enactment of the Improving America's Security Act of 2007, and annually thereafter, the Inspector General of the Department shall submit to Congress a consolidated report regarding the audits conducted under this subsection.

''(B) CONTENTS.—Each report submitted under this paragraph shall describe—

''(i)(I) for the first such report, the audits conducted under this subsection during the 2-year period beginning on the date of enactment of the Improving America's Security Act of 2007; and

''(II) for each subsequent such report, the audits conducted under this subsection during the fiscal year before the date of the submission of that report;

''(ii) whether funds under each grant audited were used as required by law; and

''(iii) the extent to which funds under each grant audited were used to enhance preparedness.

''(c) FUNDING FOR AUDITS.—

''(1) IN GENERAL.—The Administrator shall withhold 1 percent of the total amount of each grant under the Urban Area Security Initiative, the State Homeland Security Grant Program, and the Emergency Management Performance Grant Program for audits under this section.

''(2) AVAILABILITY OF FUNDS.—The Administrator shall make amounts withheld under this subsection available as follows:

''(A) Amounts withheld from grants under the Urban Area Security Initiative shall be made available for audits under this section of entities receiving grants under the Urban Area Security Initiative.

''(B) Amounts withheld from grants under the State Homeland Security Grant Program shall be made available for audits under this section of entities receiving grants under the State Homeland Security Grant Program.

''(C) Amounts withheld from grants under the Emergency Management Performance Grant Program shall be made available for audits under this section of entities receiving grants under the Emergency Management Performance Grant Program.

"SEC. 2011. AUTHORIZATION OF APPROPRIATIONS.

''(a) GRANTS.—

''(1) IN GENERAL.—There is authorized to be appropriated for the Homeland Security Grant Program established under section 2002 of this title for each of fiscal years 2008, 2009, and 2010, $3,105,000,000, to be allocated as follows:

''(A) For grants under the Urban Area Security Initiative under section 2003, $1,278,639,000.

''(B) For grants under the State Homeland Security Grant Program established under section 2004, $913,180,500.

''(C) For grants under the Emergency Management Performance Grant Program established under section 2005, $913,180,500.

''(2) SUBSEQUENT YEARS.—There is authorized to be appropriated for the Homeland Security Grant Program established under section 2002 of this title such sums as are necessary for fiscal year 2011 and each fiscal year thereafter.

''(b) PROPORTIONATE ALLOCATION.—Regardless of the amount appropriated for the Homeland Security Grant Program in any fiscal year, the appropriated amount shall, in each fiscal year, be allocated among the grant programs under sections 2003, 2004, and 2005 in direct proportion to the amounts allocated under paragraph (a)(1) of this section.''.

SEC. 203. TECHNICAL AND CONFORMING AMENDMENTS.

(a) IN GENERAL.—The Homeland Security Act of 2002 (6 U.S.C. 101 et seq.) is amended—

(1) by redesignating title XVIII, as added by the SAFE Port Act (Public Law 109–347; 120 Stat. 1884), as title XIX;

(2) by redesignating sections 1801 through 1806, as added by the SAFE Port Act (Public Law 109–347; 120 Stat. 1884), as sections 1901 through 1906, respectively;

(3) in section 1904(a), as so redesignated, by striking ''section 1802'' and inserting ''section 1902''; and

(4) in section 1906, as so redesignated, by striking ''section 1802(a)'' each place that term appears and inserting ''section 1902(a)''.

(b) TABLE OF CONTENTS.—The table of contents in section 1(b) of the Homeland Security Act of 2002 (6 U.S.C. 101 note) is amended by striking the items relating to title XVIII and sections 1801 through 1806, as added by the SAFE Port Act (Public Law 109–347; 120 Stat. 1884), and inserting the following:

''TITLE XIX—DOMESTIC NUCLEAR DETECTION OFFICE

''Sec. 1901. Domestic Nuclear Detection Office.
''Sec. 1902. Mission of Office.
''Sec. 1903. Hiring authority.
''Sec. 1904. Testing authority.
''Sec. 1905. Relationship to other Department entities and Federal agencies.
''Sec. 1906. Contracting and grant making authorities.

''TITLE XX—HOMELAND SECURITY GRANTS

''Sec. 2001. Definitions.
''Sec. 2002. Homeland Security Grant Program.
''Sec. 2003. Urban Area Security Initiative.
''Sec. 2004. State Homeland Security Grant Program.
''Sec. 2005. Emergency Management Performance Grants Program.
''Sec. 2006. Terrorism prevention.
''Sec. 2007. Restrictions on use of funds.
''Sec. 2008. Administration and coordination.
''Sec. 2009. Accountability.
''Sec. 2010. Auditing.
''Sec. 2011. Authorization of appropriations.''.

TITLE III—COMMUNICATIONS OPERABILITY AND INTEROPERABILITY

SEC. 301. DEDICATED FUNDING TO ACHIEVE EMERGENCY COMMUNICATIONS OPERABILITY AND INTEROPERABLE COMMUNICATIONS.

(a) EMERGENCY COMMUNICATIONS OPERABILITY AND INTEROPERABLE COMMUNICATIONS.—

(1) IN GENERAL.—Title XVIII of the Homeland Security Act of 2002 (6 U.S.C. 571 et seq.) (relating to emergency communications) is amended by adding at the end the following:

''SEC. 1809. EMERGENCY COMMUNICATIONS OPERABILITY AND INTEROPERABLE COMMUNICATIONS GRANTS.

''(a) DEFINITIONS.—In this section:

''(1) ADMINISTRATOR.—The term 'Administrator' means the Administrator of the Federal Emergency Management Agency.

''(2) EMERGENCY COMMUNICATIONS OPERABILITY.—The term 'emergency communications operability' means the ability to provide and maintain, throughout an emergency response operation, a continuous flow of information among emergency response providers, agencies, and government officers from multiple disciplines and jurisdictions and at all levels of government, in the event of a natural disaster, act of terrorism, or other man-made disaster, including where there has been significant damage to, or destruction of, critical infrastructure, including substantial loss of ordinary telecommunications infrastructure and sustained loss of electricity.

''(b) IN GENERAL.—The Administrator shall make grants to States for initiatives necessary to achieve, maintain, or enhance Statewide, regional, national and, as appropriate, international emergency communications operability and interoperable communications.

''(c) STATEWIDE INTEROPERABLE COMMUNICATIONS PLANS.—

''(1) SUBMISSION OF PLANS.—The Administrator shall require any State applying for a grant under this section to submit a Statewide Interoperable Communications Plan as described under section 7303(f) of the Intelligence Reform and Terrorism Prevention Act of 2004 (6 U.S.C. 194(f)).

''(2) COORDINATION AND CONSULTATION.—The Statewide plan submitted under paragraph (1) shall be developed—

''(A) in coordination with local and tribal governments, emergency response providers, and other relevant State officers; and

''(B) in consultation with and subject to appropriate comment by the applicable Regional Emergency Communications Coordination Working Group as described under section 1805.

''(3) APPROVAL.—The Administrator may not award a grant to a State unless the Administrator, in consultation with the Director for Emergency Communications, has approved the applicable Statewide plan.

''(4) REVISIONS.—A State may revise the applicable Statewide plan approved by the Administrator under this subsection, subject to approval of the revision by the Administrator.

''(d) CONSISTENCY.—The Administrator shall ensure that each grant is used to supplement and support, in a consistent and coordinated manner, any applicable State, regional, or urban area homeland security plan.

''(e) USE OF GRANT FUNDS.—Grants awarded under subsection (b) may be used for initiatives to achieve, maintain, or enhance emergency communications operability and interoperable communications, including—

''(1) Statewide or regional communications planning, including governance related activities;

''(2) system design and engineering;

''(3) system procurement and installation;

''(4) exercises;

''(5) modeling and simulation exercises for operational command and control functions;

''(6) technical assistance;

''(7) training; and

''(8) other appropriate activities determined by the Administrator to be integral to achieve, maintain, or enhance emergency communications operability and interoperable communications.

''(f) APPLICATION.—

''(1) IN GENERAL.—A State desiring a grant under this section shall submit an application at such time, in such manner, and accompanied by such information as the Administrator may reasonably require.

''(2) MINIMUM CONTENTS.—At a minimum, each application submitted under paragraph (1) shall—

''(A) identify the critical aspects of the communications life cycle, including planning, system design and engineering, procurement and installation, and training for which funding is requested;

''(B) describe how—

''(i) the proposed use of funds—

''(I) would be consistent with and address the goals in any applicable State, regional, or urban homeland security plan; and

''(II) unless the Administrator determines otherwise, are—

''(aa) consistent with the National Emergency Communications Plan under section 1802; and

''(bb) compatible with the national infrastructure and national voluntary consensus standards;

''(ii) the applicant intends to spend funds under the grant, to administer such funds, and to allocate such funds among participating local and tribal governments and emergency response providers;

''(iii) the State plans to allocate the grant funds on the basis of risk and effectiveness to regions, local and tribal governments to promote meaningful investments for achieving, maintaining, or enhancing emergency communications operability and interoperable communications;

''(iv) the State intends to address the emergency communications operability and interoperable communications needs at the city, county, regional, State, and interstate level; and

''(v) the State plans to emphasize regional planning and cooperation, both within the jurisdictional borders of that State and with neighboring States;

''(C) be consistent with the Statewide Interoperable Communications Plan required under section 7303(f) of the Intelligence Reform and Terrorism Prevention Act of 2004 (6 U.S.C. 194(f)); and

''(D) include a capital budget and timeline showing how the State intends to allocate and expend the grant funds.

''(g) AWARD OF GRANTS.—

''(1) CONSIDERATIONS.—In approving applications and awarding grants under this section, the Administrator shall consider—

''(A) the nature of the threat to the State from a natural disaster, act of terrorism, or other man-made disaster;

''(B) the location, risk, or vulnerability of critical infrastructure and key national assets, including the consequences from damage to critical infrastructure in nearby jurisdictions as a result of natural disasters, acts of terrorism, or other man-made disasters;

''(C) the size of the population of the State, including appropriate consideration of military, tourist, and commuter populations;

''(D) the population density of the State;

''(E) the extent to which grants will be utilized to implement emergency communications operability and interoperable communications solutions—

''(i) consistent with the National Emergency Communications Plan under section 1802 and compatible with the national infrastructure and national voluntary consensus standards; and

''(ii) more efficient and cost effective than current approaches;

''(F) the extent to which a grant would expedite the achievement, maintenance, or enhancement of emergency communications operability and interoperable communications in the State with Federal, State, local, and tribal governments;

''(G) the extent to which a State, given its financial capability, demonstrates its commitment to achieve, maintain, or enhance emergency communications operability and interoperable communications by supplementing Federal funds with non-Federal funds;

''(H) whether the State is on or near an international border;

''(I) whether the State encompasses an economically significant border crossing;

''(J) whether the State has a coastline bordering an ocean, a major waterway used for interstate commerce, or international waters;

''(K) the extent to which geographic barriers pose unusual obstacles to achieving, maintaining, or enhancing emergency communications operability or interoperable communications;

''(L) the threats, vulnerabilities, and consequences faced by the State related to at-risk sites or activities in nearby jurisdictions, including the need to respond to natural disasters, acts of terrorism, and other man-made disasters arising in those jurisdictions;

''(M) the need to achieve, maintain, or enhance nationwide emergency communications operability and interoperable communications, consistent with the National Emergency Communications Plan under section 1802;

''(N) whether the activity for which a grant is requested is being funded under another Federal or State emergency communications grant program; and

''(O) such other factors as are specified by the Administrator in writing.

''(2) REVIEW PANEL.—

''(A) IN GENERAL.—The Secretary shall establish a review panel under section 871(a) to assist

in reviewing grant applications under this section.

''(B) RECOMMENDATIONS.—The review panel established under subparagraph (A) shall make recommendations to the Administrator regarding applications for grants under this section.

''(C) MEMBERSHIP.—The review panel established under subparagraph (A) shall include—

''(i) individuals with technical expertise in emergency communications operability and interoperable communications;

''(ii) emergency response providers; and

''(iii) other relevant State and local officers.

''(3) MINIMUM GRANT AMOUNTS.—The Administrator shall ensure that for each fiscal year—

''(A) no State receives less than an amount equal to 0.75 percent of the total funds appropriated for grants under this section; and

''(B) American Samoa, the Commonwealth of the Northern Mariana Islands, Guam, and the Virgin Islands each receive no less than 0.25 percent of the amounts appropriated for grants under this section.

''(4) AVAILABILITY OF FUNDS.—Any grant funds awarded that may be used to support emergency communications operability or interoperable communications shall, as the Administrator may determine, remain available for up to 3 years, consistent with section 7303(e) of the Intelligence Reform and Terrorism Prevention Act of 2004 (6 U.S.C. 194(e)).

''(h) STATE RESPONSIBILITIES.—

''(1) PASS-THROUGH OF FUNDS TO LOCAL AND TRIBAL GOVERNMENTS.—The Administrator shall determine a date by which a State that receives a grant shall obligate or otherwise make available to local and tribal governments and emergency response providers—

''(A) not less than 80 percent of the funds of the amount of the grant;

''(B) resources purchased with the grant funds having a value equal to not less than 80 percent of the total amount of the grant; or

''(C) grant funds combined with resources purchased with the grant funds having a value equal to not less than 80 percent of the total amount of the grant.

''(2) CERTIFICATIONS REGARDING DISTRIBUTION OF GRANT FUNDS TO LOCAL AND TRIBAL GOVERNMENTS.—Any State that receives a grant shall certify to the Administrator, by not later than 30 days after the date described under paragraph (1) with respect to the grant, that the State has made available for expenditure by local or tribal governments and emergency response providers the required amount of grant funds under paragraph (1).

''(3) REPORT ON GRANT SPENDING.—

''(A) IN GENERAL.—Any State that receives a grant shall submit a spending report to the Administrator at such time, in such manner, and accompanied by such information as the Administrator may reasonably require.

''(B) MINIMUM CONTENTS.—At a minimum, each report under this paragraph shall include—

''(i) the amount, ultimate recipients, and dates of receipt of all funds received under the grant;

''(ii) the amount and the dates of disbursements of all such funds expended in compliance with paragraph (1) or under mutual aid agreements or other intrastate and interstate sharing arrangements, as applicable;

''(iii) how the funds were used by each ultimate recipient or beneficiary;

''(iv) the extent to which emergency communications operability and interoperable communications identified in the applicable Statewide plan and application have been achieved, maintained, or enhanced as the result of the expenditure of grant funds; and

''(v) the extent to which emergency communications operability and interoperable communications identified in the applicable Statewide plan and application remain unmet.

''(C) PUBLIC AVAILABILITY ON WEBSITE.—The Administrator shall make each report submitted under subparagraph (A) publicly available on the website of the Federal Emergency Management Agency. The Administrator may redact such information from the reports as the Administrator determines necessary to protect national security.

''(4) PENALTIES FOR REPORTING DELAY.—If a State fails to provide the information required by the Administrator under paragraph (3), the Administrator may—

''(A) reduce grant payments to the State from the portion of grant funds that are not required to be passed through under paragraph (1);

''(B) terminate payment of funds under the grant to the State, and transfer the appropriate portion of those funds directly to local and tribal governments and emergency response providers that were intended to receive funding under that grant; or

''(C) impose additional restrictions or burdens on the use of funds by the State under the grant, which may include—

''(i) prohibiting use of such funds to pay the grant-related expenses of the State; or

''(ii) requiring the State to distribute to local and tribal government and emergency response providers all or a portion of grant funds that are not required to be passed through under paragraph (1).

''(i) PROHIBITED USES.—Grants awarded under this section may not be used for recreational or social purposes.

''(j) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated for grants under this section—

''(1) $400,000,000 for fiscal year 2008;

''(2) $500,000,000 for fiscal year 2009;

''(3) $600,000,000 for fiscal year 2010;

''(4) $800,000,000 for fiscal year 2011;

''(5) $1,000,000,000 for fiscal year 2012; and

''(6) such sums as necessary for each fiscal year thereafter.''.

(2) TECHNICAL AND CONFORMING AMENDMENT.—The table of contents under section 1(b) of the Homeland Security Act of 2002 (6 U.S.C. 101) is amended by inserting after the item relating to section 1808 the following:

''Sec. 1809. Emergency communications operability and interoperable communications grants.''.

(b) INTEROPERABLE COMMUNICATIONS PLANS.—Section 7303 of the Intelligence Reform and Terrorist Prevention Act of 2004 (6 U.S.C. 194) is amended—

(1) in subsection (f)—

(A) in paragraph (4), by striking ''and'' at the end;

(B) in paragraph (5), by striking the period at the end and inserting a semicolon; and

(C) by adding at the end the following:

''(6) include information on the governance structure used to develop the plan, such as all agencies and organizations that participated in developing the plan and the scope and timeframe of the plan; and

''(7) describe the method by which multi-jurisdictional, multi-disciplinary input was provided from all regions of the jurisdiction and the process for continuing to incorporate such input.''; and

(2) in subsection (g)(1), by striking ''or video'' and inserting ''and video''.

(c) NATIONAL EMERGENCY COMMUNICATIONS PLAN.—Section 1802(c) of the Homeland Security Act of 2002 (6 U.S.C. 652(c)) is amended—

(1) in paragraph (8), by striking ''and'' at the end;

(2) in paragraph (9), by striking the period at the end and inserting a semicolon; and

(3) by adding at the end the following:

''(10) set a date, including interim benchmarks, as appropriate, by which State, local, and tribal governments, Federal departments and agencies, emergency response providers, and the private sector will achieve interoperable communications as that term is defined under section 7303(g)(1) of the Intelligence Reform and Terrorism Prevention Act of 2004 (6 U.S.C. 194(g)(1)).''.

SEC. 302. BORDER INTEROPERABILITY DEMONSTRATION PROJECT.

(a) IN GENERAL.—

(1) ESTABLISHMENT.—There is established in the Department an International Border Community Interoperable Communications Demonstration Project (referred to in this section as ''demonstration project'').

(2) MINIMUM NUMBER OF COMMUNITIES.—The Secretary shall select no fewer than 6 communities to participate in a demonstration project.

(3) LOCATION OF COMMUNITIES.—No fewer than 3 of the communities selected under paragraph (2) shall be located on the northern border of the United States and no fewer than 3 of the communities selected under paragraph (2) shall be located on the southern border of the United States.

(b) PROGRAM REQUIREMENTS.—The demonstration projects shall—

(1) address the interoperable communications needs of emergency response providers and the National Guard;

(2) foster interoperable emergency communications systems—

(A) among Federal, State, local, and tribal government agencies in the United States involved in preventing or responding to a natural disaster, act of terrorism, or other man-made disaster; and

(B) with similar agencies in Canada or Mexico;

(3) identify common international cross-border frequencies for communications equipment, including radio or computer messaging equipment;

(4) foster the standardization of interoperable emergency communications equipment;

(5) identify solutions that will facilitate interoperable communications across national borders expeditiously;

(6) ensure that emergency response providers can communicate with each other and the public at disaster sites;

(7) provide training and equipment to enable emergency response providers to deal with threats and contingencies in a variety of environments; and

(8) identify and secure appropriate joint-use equipment to ensure communications access.

(c) DISTRIBUTION OF FUNDS.—

(1) IN GENERAL.—The Secretary shall distribute funds under this section to each community participating in a demonstration project through the State, or States, in which each community is located.

(2) OTHER PARTICIPANTS.—Not later than 60 days after receiving funds under paragraph (1), a State shall make the funds available to the local and tribal governments and emergency response providers selected by the Secretary to participate in a demonstration project.

(d) REPORTING.—

(1) IN GENERAL.—Not later than December 31, 2007, and each year thereafter in which funds are appropriated for a demonstration project, the Secretary shall submit to the Committee on Homeland Security and Governmental Affairs of the Senate and the Committee on Homeland Security of the House of Representatives a report on the demonstration projects.

(2) CONTENTS.—Each report under this subsection shall contain the following:

(A) The name and location of all communities involved in the demonstration project.

(B) The amount of funding provided to each State for the demonstration project.

(C) An evaluation of the usefulness of the demonstration project towards developing an effective interoperable communications system at the borders.

(D) The factors that were used in determining how to distribute the funds in a risk-based manner.

(E) The specific risks inherent to a border community that make interoperable communications more difficult than in non-border communities.

(F) The optimal ways to prioritize funding for interoperable communication systems based upon risk.

(e) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as are necessary in each of fiscal years 2007, 2008, and 2009 to carry out this section.

TITLE IV—ENHANCING SECURITY OF INTERNATIONAL TRAVEL

SEC. 401. MODERNIZATION OF THE VISA WAIVER PROGRAM.

(a) SHORT TITLE.—This section may be cited as the ''Secure Travel and Counterterrorism Partnership Act''.

(b) SENSE OF CONGRESS.—It is the sense of Congress that—

(1) the United States should modernize the visa waiver program by simultaneously—

(A) enhancing program security requirements; and

(B) extending visa-free travel privileges to nationals of foreign countries that are allies in the war on terrorism; and

(2) the expansion described in paragraph (1) will—

(A) enhance bilateral cooperation on critical counterterrorism and information sharing initiatives;

(B) support and expand tourism and business opportunities to enhance long-term economic competitiveness; and

(C) strengthen bilateral relationships.

(c) DISCRETIONARY VISA WAIVER PROGRAM EXPANSION.—Section 217(c) of the Immigration and Nationality Act (8 U.S.C. 1187(c)) is amended by adding at the end the following:

''(8) NONIMMIGRANT VISA REFUSAL RATE FLEXIBILITY.—

''(A) CERTIFICATION.—On the date on which an air exit system is in place that can verify the departure of not less than 97 percent of foreign nationals that exit through airports of the United States, the Secretary of Homeland Security shall certify to Congress that such air exit system is in place.

''(B) WAIVER.—After certification by the Secretary under subparagraph (A), the Secretary of Homeland Security, in consultation with the Secretary of State, may waive the application of paragraph (2)(A) for a country if—

''(i) the country meets all security requirements of this section;

''(ii) the Secretary of Homeland Security determines that the totality of the country's security risk mitigation measures provide assurance that the country's participation in the program would not compromise the law enforcement, security interests, or enforcement of the immigration laws of the United States;

''(iii) there has been a sustained reduction in visa refusal rates for aliens from the country and conditions exist to continue such reduction; and

''(iv) the country cooperated with the Government of the United States on counterterrorism initiatives and information sharing before the date of its designation as a program country, and the Secretary of Homeland Security and the Secretary of State expect such cooperation will continue.

''(9) DISCRETIONARY SECURITY-RELATED CONSIDERATIONS.—

''(A) IN GENERAL.—In determining whether to waive the application of paragraph (2)(A) for a country, pursuant to paragraph (8), the Secretary of Homeland Security, in consultation with the Secretary of State, shall take into consideration other factors affecting the security of the United States, including—

''(i) airport security standards in the country;

''(ii) whether the country assists in the operation of an effective air marshal program;

''(iii) the standards of passports and travel documents issued by the country; and

''(iv) other security-related factors.

''(B) OVERSTAY RATES.—In determining whether to permit a country to participate in the program, the Secretary of Homeland Security shall consider the estimated rate at which nationals of the country violate the terms of their visas by remaining in the United States after the expiration of such visas.''.

(d) SECURITY ENHANCEMENTS TO THE VISA WAIVER PROGRAM.—

(1) IN GENERAL.—Section 217 of the Immigration and Nationality Act (8 U.S.C. 1187) is amended—

(A) in subsection (a)—

(i) by striking ''Operators of aircraft'' and inserting the following:

''(10) ELECTRONIC TRANSMISSION OF IDENTIFICATION INFORMATION.—Operators of aircraft''; and

(ii) by adding at the end the following:

''(11) ELIGIBILITY DETERMINATION UNDER THE ELECTRONIC TRAVEL AUTHORIZATION SYSTEM.—Beginning on the date on which the electronic travel authorization system developed under subsection (h)(3) is fully operational, each alien traveling under the program shall, before applying for admission, electronically provide basic biographical information to the system. Upon review of such biographical information, the Secretary of Homeland Security shall determine whether the alien is eligible to travel to the United States under the program.'';

(B) in subsection (c), as amended by subsection (c) of this section—

(i) in paragraph (2)—

(I) by amending subparagraph (D) to read as follows:

''(D) REPORTING LOST AND STOLEN PASSPORTS.—The government of the country enters into an agreement with the United States to report, or make available through Interpol, to the United States Government information about the theft or loss of passports within a strict time limit and in a manner specified in the agreement.''; and

(II) by adding at the end the following:

''(E) REPATRIATION OF ALIENS.—The government of a country accepts for repatriation any citizen, former citizen, or national against whom a final executable order of removal is issued not later than 3 weeks after the issuance of the final order of removal. Nothing in this subparagraph creates any duty for the United States or any right for any alien with respect to removal or release. Nothing in this subparagraph gives rise to any cause of action or claim under this paragraph or any other law against any official of the United States or of any State to compel the release, removal, or consideration for release or removal of any alien.

''(F) PASSENGER INFORMATION EXCHANGE.—The government of the country enters into an agreement with the United States to share information regarding whether nationals of that country traveling to the United States represent a threat to the security or welfare of the United States or its citizens.'';.

(ii) in paragraph (5)—

(I) by striking ''Attorney General'' each place it appears and inserting ''Secretary of Homeland Security''; and

(II) in subparagraph (A)(i)—

(aa) in subclause (II), by striking ''and'' at the end;

(bb) in subclause (III), by striking the period at the end and inserting ''; and''; and

(cc) by adding at the end the following:

''(IV) shall submit to Congress a report regarding the implementation of the electronic travel authorization system under subsection (h)(3) and the participation of new countries in the program through a waiver under paragraph (8).''; and

(iii) by adding at the end the following:

''(10) TECHNICAL ASSISTANCE.—The Secretary of Homeland Security, in consultation with the Secretary of State, shall provide technical assistance to program countries to assist those countries in meeting the requirements under this section.'';

(C) in subsection (f)(5), by striking ''of blank'' and inserting ''or loss of''; and

(D) in subsection (h), by adding at the end the following:

''(3) ELECTRONIC TRAVEL AUTHORIZATION SYSTEM.—

''(A) SYSTEM.—The Secretary of Homeland Security, in consultation with the Secretary of State, is authorized to develop and implement a fully automated electronic travel authorization system (referred to in this paragraph as the 'System') to collect such basic biographical information as the Secretary of Homeland Security determines to be necessary to determine, in advance of travel, the eligibility of an alien to travel to the United States under the program.

''(B) FEES.—The Secretary of Homeland Security may charge a fee for the use of the System, which shall be—

''(i) set at a level that will ensure recovery of the full costs of providing and administering the System; and

''(ii) available to pay the costs incurred to administer the System.

''(C) VALIDITY.—

''(i) PERIOD.—The Secretary of Homeland Security, in consultation with the Secretary of State shall prescribe regulations that provide for a period, not to exceed 3 years, during which a determination of eligibility to travel under the program will be valid. Notwithstanding any other provision under this section, the Secretary of Homeland Security may revoke any such determination at any time and for any reason.

''(ii) LIMITATION.—A determination that an alien is eligible to travel to the United States under the program is not a determination that the alien is admissible to the United States.

''(iii) JUDICIAL REVIEW.—Notwithstanding any other provision of law, no court shall have jurisdiction to review an eligibility determination under the System.

''(D) REPORT.—Not later than 60 days before publishing notice regarding the implementation of the System in the Federal Register, the Secretary of Homeland Security shall submit a report regarding the implementation of the System to—

''(i) the Committee on Homeland Security and Governmental Affairs of the Senate;

''(ii) the Committee on the Judiciary of the Senate;

''(iii) the Select Committee on Intelligence of the Senate;

''(iv) the Committee on Appropriations of the Senate;

''(v) the Committee on Homeland Security of the House of Representatives;

''(vi) the Committee on the Judiciary of the House of Representatives;

''(vii) the Permanent Select Committee on Intelligence of the House of Representatives; and

''(viii) the Committee on Appropriations of the House of Representatives.''.

(2) EFFECTIVE DATE.—Section 217(a)(11) of the Immigration and Nationality Act, as added by paragraph (1)(A)(ii) shall take effect on the date which is 60 days after the date on which the Secretary of Homeland Security publishes notice in the Federal Register of the requirement under such paragraph.

(e) EXIT SYSTEM.—

(1) IN GENERAL.—Not later than 1 year after the date of enactment of this Act, the Secretary of Homeland Security shall establish an exit system that records the departure on a flight leaving the United States of every alien participating in the visa waiver program established under section 217 of the Immigration and Nationality Act (8 U.S.C. 1187).

(2) SYSTEM REQUIREMENTS.—The system established under paragraph (1) shall—

(A) match biometric information of the alien against relevant watch lists and immigration information; and

(B) compare such biometric information against manifest information collected by air carriers on passengers departing the United States to confirm such individuals have departed the United States.

(3) REPORT.—Not later than 180 days after the date of enactment of this Act, the Secretary shall submit a report to Congress that describes—

(A) the progress made in developing and deploying the exit system established under this subsection; and

(B) the procedures by which the Secretary will improve the manner of calculating the rates of nonimmigrants who violate the terms of their visas by remaining in the United States after the expiration of such visas.

(f) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as may be necessary to carry out this section and the amendments made by this section.

SEC. 402. STRENGTHENING THE CAPABILITIES OF THE HUMAN SMUGGLING AND TRAFFICKING CENTER.

(a) IN GENERAL.—Section 7202 of the Intelligence Reform and Terrorism Prevention Act of 2004 (8 U.S.C. 1777) is amended—

(1) in subsection (c)(1), by striking ''address'' and inserting ''integrate and disseminate intelligence and information related to'';

(2) by redesignating subsections (d) and (e) as subsections (g) and (h), respectively; and

(3) by inserting after subsection (c) the following new subsections:

''(d) DIRECTOR.—The Secretary of Homeland Security shall nominate an official of the Government of the United States to serve as the Director of the Center, in accordance with the requirements of the memorandum of understanding entitled the 'Human Smuggling and Trafficking Center (HSTC) Charter'.

''(e) STAFFING OF THE CENTER.—

''(1) IN GENERAL.—The Secretary of Homeland Security, in cooperation with heads of other relevant agencies and departments, shall ensure that the Center is staffed with not fewer than 40 full-time equivalent positions, including, as appropriate, detailees from the following:

''(A) The Office of Intelligence and Analysis.

''(B) The Transportation Security Administration.

''(C) The United States Citizenship and Immigration Services.

''(D) The United States Customs and Border Protection.

''(E) The United States Coast Guard.

''(F) The United States Immigration and Customs Enforcement.

''(G) The Central Intelligence Agency.

''(H) The Department of Defense.

''(I) The Department of the Treasury.

''(J) The National Counterterrorism Center.

''(K) The National Security Agency.

''(L) The Department of Justice.

''(M) The Department of State.

''(N) Any other relevant agency or department.

''(2) EXPERTISE OF DETAILEES.—The Secretary of Homeland Security, in cooperation with the head of each agency, department, or other entity set out under paragraph (1), shall ensure that the detailees provided to the Center under paragraph (1) include an adequate number of personnel with experience in the area of—

''(A) consular affairs;

''(B) counterterrorism;

''(C) criminal law enforcement;

''(D) intelligence analysis;

''(E) prevention and detection of document fraud;

''(F) border inspection; or

''(G) immigration enforcement.

''(3) REIMBURSEMENT FOR DETAILEES.—To the extent that funds are available for such purpose, the Secretary of Homeland Security shall provide reimbursement to each agency or department that provides a detailee to the Center, in such amount or proportion as is appropriate for costs associated with the provision of such detailee, including costs for travel by, and benefits provided to, such detailee.

''(f) ADMINISTRATIVE SUPPORT AND FUNDING.—The Secretary of Homeland Security shall provide to the Center the administrative support and funding required for its maintenance, including funding for personnel, leasing of office space, supplies, equipment, technology, training, and travel expenses necessary for the Center to carry out its functions.''.

(b) REPORT.—Subsection (g) of section 7202 of the Intelligence Reform and Terrorism Prevention Act of 2004 (8 U.S.C. 1777), as redesignated by subsection (a)(2), is amended—

(1) in the heading, by striking ''REPORT'' and inserting ''INITIAL REPORT'';

(2) by redesignating such subsection (g) as paragraph (1);

(3) by indenting such paragraph, as so designated, four ems from the left margin;

(4) by inserting before such paragraph, as so designated, the following:

''(g) REPORT.—''; and

(5) by inserting after such paragraph, as so designated, the following new paragraph:

''(2) FOLLOW-UP REPORT.—Not later than 180 days after the date of enactment of the Improving America's Security Act of 2007, the President shall transmit to Congress a report regarding the operation of the Center and the activities carried out by the Center, including a description of—

''(A) the roles and responsibilities of each agency or department that is participating in the Center;

''(B) the mechanisms used to share information among each such agency or department;

''(C) the staff provided to the Center by each such agency or department;

''(D) the type of information and reports being disseminated by the Center; and

''(E) any efforts by the Center to create a centralized Federal Government database to store information related to illicit travel of foreign nationals, including a description of any such database and of the manner in which information utilized in such a database would be collected, stored, and shared.''.

(c) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Secretary to carry out section 7202 of the Intelligence Reform and Terrorism Prevention Act of 2004 (8 U.S.C. 1777), as amended by this section, $20,000,000 for fiscal year 2008.

SEC. 403. ENHANCEMENTS TO THE TERRORIST TRAVEL PROGRAM.

Section 7215 of the Intelligence Reform and Terrorism Prevention Act of 2004 (6 U.S.C. 123) is amended to read as follows:

''SEC. 7215. TERRORIST TRAVEL PROGRAM.

''(a) REQUIREMENT TO ESTABLISH.—Not later than 90 days after the date of enactment of the Improving America's Security Act of 2007, the Secretary of Homeland Security, in consultation with the Director of the National Counterterrorism Center and consistent with the strategy developed under section 7201, shall establish a program to oversee the implementation of the Secretary's responsibilities with respect to terrorist travel.

''(b) HEAD OF THE PROGRAM.—The Secretary of Homeland Security shall designate an official of the Department of Homeland Security to be responsible for carrying out the program. Such official shall be—

''(1) the Assistant Secretary for Policy of the Department of Homeland Security; or

''(2) an official appointed by the Secretary who reports directly to the Secretary.

''(c) DUTIES.—The official designated under subsection (b) shall assist the Secretary of Homeland Security in improving the Department's ability to prevent terrorists from entering the United States or remaining in the United States undetected by—

''(1) developing relevant strategies and policies;

''(2) reviewing the effectiveness of existing programs and recommending improvements, if necessary;

''(3) making recommendations on budget requests and on the allocation of funding and personnel;

''(4) ensuring effective coordination, with respect to policies, programs, planning, operations, and dissemination of intelligence and information related to terrorist travel—

''(A) among appropriate subdivisions of the Department of Homeland Security, as determined by the Secretary and including—

''(i) the United States Customs and Border Protection;

''(ii) the United States Immigration and Customs Enforcement;

''(iii) the United States Citizenship and Immigration Services;

''(iv) the Transportation Security Administration; and

''(v) the United States Coast Guard; and

''(B) between the Department of Homeland Security and other appropriate Federal agencies; and

''(5) serving as the Secretary's primary point of contact with the National Counterterrorism Center for implementing initiatives related to terrorist travel and ensuring that the recommendations of the Center related to terrorist travel are carried out by the Department.

''(d) REPORT.—Not later than 180 days after the date of enactment of the Improving America's Security Act of 2007, the Secretary of Homeland Security shall submit to the Committee on Homeland Security and Governmental Affairs of the Senate and the Committee on Homeland Security of the House of Representatives a report on the implementation of this section.''.

SEC. 404. ENHANCED DRIVER'S LICENSE.

Section 7209(b)(1) of the Intelligence Reform and Terrorism Prevention Act of 2004 (8 U.S.C. 1185 note) is amended—

(1) in subparagraph (B)—

(A) in clause (vi), by striking ''and'' at the end;

(B) in clause (vii), by striking the period at the end and inserting ''; and''; and

(C) by adding at the end the following:

''(viii) the signing of a memorandum of agreement to initiate a pilot program with not less than 1 State to determine if an enhanced driver's license, which is machine-readable and tamper proof, not valid for certification of citizenship for any purpose other than admission into the United States from Canada, and issued by such State to an individual, may permit the individual to use the driver's license to meet the documentation requirements under subparagraph (A) for entry into the United States from Canada at the land and sea ports of entry.''; and

(2) by adding at the end the following:

''(C) REPORT.—Not later than 180 days after the initiation of the pilot program described in subparagraph (B)(viii), the Secretary of Homeland Security and Secretary of State shall submit to the appropriate congressional committees a report, which includes—

''(i) an analysis of the impact of the pilot program on national security;

''(ii) recommendations on how to expand the pilot program to other States;

''(iii) any appropriate statutory changes to facilitate the expansion of the pilot program to additional States and to citizens of Canada;

''(iv) a plan to scan individuals participating in the pilot program against United States terrorist watch lists; and

''(v) a recommendation for the type of machine-readable technology that should be used in enhanced driver's licenses, based on individual privacy considerations and the costs and feasibility of incorporating any new technology into existing driver's licenses.''.

SEC. 405. WESTERN HEMISPHERE TRAVEL INITIATIVE.

Before publishing a final rule in the Federal Register, the Secretary shall conduct—

(1) a complete cost-benefit analysis of the Western Hemisphere Travel Initiative, authorized under section 7209 of the Intelligence Reform and Terrorism Prevention Act of 2004 (Public Law 108–458; 8 U.S.C. 1185 note); and

(2) a study of the mechanisms by which the execution fee for a PASS Card could be reduced, considering the potential increase in the number of applications.

TITLE V—PRIVACY AND CIVIL LIBERTIES MATTERS

SEC. 501. MODIFICATION OF AUTHORITIES RELATING TO PRIVACY AND CIVIL LIBERTIES OVERSIGHT BOARD.

(a) MODIFICATION OF AUTHORITIES.—Section 1061 of the National Security Intelligence Reform Act of 2004 (title I of Public Law 108–458; 5 U.S.C. 601 note) is amended to read as follows:

"SEC. 1061. PRIVACY AND CIVIL LIBERTIES OVERSIGHT BOARD.

''(a) IN GENERAL.—There is established within the Executive Office of the President a Privacy and Civil Liberties Oversight Board (referred to in this section as the 'Board').

''(b) FINDINGS.—Consistent with the report of the National Commission on Terrorist Attacks Upon the United States, Congress makes the following findings:

''(1) In conducting the war on terrorism, the Government may need additional powers and may need to enhance the use of its existing powers.

''(2) This shift of power and authority to the Government calls for an enhanced system of checks and balances to protect the precious liberties that are vital to our way of life and to ensure that the Government uses its powers for the purposes for which the powers were given.

''(c) PURPOSE.—The Board shall—

''(1) analyze and review actions the executive branch takes to protect the Nation from terrorism, ensuring that the need for such actions is balanced with the need to protect privacy and civil liberties; and

''(2) ensure that liberty concerns are appropriately considered in the development and implementation of laws, regulations, and policies related to efforts to protect the Nation against terrorism.

''(d) FUNCTIONS.—

''(1) ADVICE AND COUNSEL ON POLICY DEVELOPMENT AND IMPLEMENTATION.—The Board shall—

''(A) review proposed legislation, regulations, and policies related to efforts to protect the Nation from terrorism, including the development and adoption of information sharing guidelines under subsections (d) and (f) of section 1016;

''(B) review the implementation of new and existing legislation, regulations, and policies related to efforts to protect the Nation from terrorism, including the implementation of information sharing guidelines under subsections (d) and (f) of section 1016;

''(C) advise the President and the departments, agencies, and elements of the executive branch to ensure that privacy and civil liberties are appropriately considered in the development and implementation of such legislation, regulations, policies, and guidelines; and

''(D) in providing advice on proposals to retain or enhance a particular governmental power, consider whether the department, agency, or element of the executive branch has established—

''(i) that the need for the power is balanced with the need to protect privacy and civil liberties;

''(ii) that there is adequate supervision of the use by the executive branch of the power to ensure protection of privacy and civil liberties; and

''(iii) that there are adequate guidelines and oversight to properly confine its use.

''(2) OVERSIGHT.—The Board shall continually review—

''(A) the regulations, policies, and procedures, and the implementation of the regulations, policies, and procedures, of the departments, agencies, and elements of the executive branch to ensure that privacy and civil liberties are protected;

''(B) the information sharing practices of the departments, agencies, and elements of the executive branch to determine whether they appropriately protect privacy and civil liberties and adhere to the information sharing guidelines issued or developed under subsections (d) and (f) of section 1016 and to other governing laws, regulations, and policies regarding privacy and civil liberties; and

''(C) other actions by the executive branch related to efforts to protect the Nation from terrorism to determine whether such actions—

''(i) appropriately protect privacy and civil liberties; and

''(ii) are consistent with governing laws, regulations, and policies regarding privacy and civil liberties.

''(3) RELATIONSHIP WITH PRIVACY AND CIVIL LIBERTIES OFFICERS.—The Board shall—

''(A) review and assess reports and other information from privacy officers and civil liberties officers under section 1062;

''(B) when appropriate, make recommendations to such privacy officers and civil liberties officers regarding their activities; and

''(C) when appropriate, coordinate the activities of such privacy officers and civil liberties officers on relevant interagency matters.

''(4) TESTIMONY.—The members of the Board shall appear and testify before Congress upon request.

''(e) REPORTS.—

''(1) IN GENERAL.—The Board shall—

''(A) receive and review reports from privacy officers and civil liberties officers under section 1062; and

''(B) periodically submit, not less than semiannually, reports—

''(i)(I) to the appropriate committees of Congress, including the Committee on the Judiciary of the Senate, the Committee on the Judiciary of the House of Representatives, the Committee on Homeland Security and Governmental Affairs of the Senate, the Committee on Oversight and Government Reform of the House of Representatives, the Select Committee on Intelligence of the Senate, and the Permanent Select Committee on Intelligence of the House of Representatives; and

''(II) to the President; and

''(ii) which shall be in unclassified form to the greatest extent possible, with a classified annex where necessary.

''(2) CONTENTS.—Not less than 2 reports submitted each year under paragraph (1)(B) shall include—

''(A) a description of the major activities of the Board during the preceding period;

''(B) information on the findings, conclusions, and recommendations of the Board resulting from its advice and oversight functions under subsection (d);

''(C) the minority views on any findings, conclusions, and recommendations of the Board resulting from its advice and oversight functions under subsection (d);

''(D) each proposal reviewed by the Board under subsection (d)(1) that—

''(i) the Board advised against implementation; and

''(ii) notwithstanding such advice, actions were taken to implement; and

''(E) for the preceding period, any requests submitted under subsection (g)(1)(D) for the issuance of subpoenas that were modified or denied by the Attorney General.

''(f) INFORMING THE PUBLIC.—The Board shall—

''(1) make its reports, including its reports to Congress, available to the public to the greatest extent that is consistent with the protection of classified information and applicable law; and

''(2) hold public hearings and otherwise inform the public of its activities, as appropriate and in a manner consistent with the protection of classified information and applicable law.

''(g) ACCESS TO INFORMATION.—

''(1) AUTHORIZATION.—If determined by the Board to be necessary to carry out its responsibilities under this section, the Board is authorized to—

''(A) have access from any department, agency, or element of the executive branch, or any Federal officer or employee, to all relevant records, reports, audits, reviews, documents, papers, recommendations, or other relevant material, including classified information consistent with applicable law;

''(B) interview, take statements from, or take public testimony from personnel of any department, agency, or element of the executive branch, or any Federal officer or employee;

''(C) request information or assistance from any State, tribal, or local government; and

''(D) at the direction of a majority of the members of the Board, submit a written request to the Attorney General of the United States that the Attorney General require, by subpoena, persons (other than departments, agencies, and elements of the executive branch) to produce any relevant information, documents, reports, answers, records, accounts, papers, and other documentary or testimonial evidence.

''(2) REVIEW OF SUBPOENA REQUEST.—

''(A) IN GENERAL.—Not later than 30 days after the date of receipt of a request by the Board under paragraph (1)(D), the Attorney General shall—

''(i) issue the subpoena as requested; or

''(ii) provide the Board, in writing, with an explanation of the grounds on which the subpoena request has been modified or denied.

''(B) NOTIFICATION.—If a subpoena request is modified or denied under subparagraph (A)(ii), the Attorney General shall, not later than 30 days after the date of that modification or denial, notify the Committee on the Judiciary of the Senate and the Committee on the Judiciary of the House of Representatives.

''(3) ENFORCEMENT OF SUBPOENA.—In the case of contumacy or failure to obey a subpoena issued pursuant to paragraph (1)(D), the United States district court for the judicial district in which the subpoenaed person resides, is served, or may be found may issue an order requiring such person to produce the evidence required by such subpoena.

''(4) AGENCY COOPERATION.—Whenever information or assistance requested under subparagraph (A) or (B) of paragraph (1) is, in the judgment of the Board, unreasonably refused or not provided, the Board shall report the circumstances to the head of the department, agency, or element concerned without delay. The head of the department, agency, or element concerned shall ensure that the Board is given access to the information, assistance, material, or personnel the Board determines to be necessary to carry out its functions.

''(h) MEMBERSHIP.—

''(1) MEMBERS.—The Board shall be composed of a full-time chairman and 4 additional members, who shall be appointed by the President, by and with the advice and consent of the Senate.

''(2) QUALIFICATIONS.—Members of the Board shall be selected solely on the basis of their professional qualifications, achievements, public stature, expertise in civil liberties and privacy, and relevant experience, and without regard to political affiliation, but in no event shall more than 3 members of the Board be members of the same political party.

''(3) INCOMPATIBLE OFFICE.—An individual appointed to the Board may not, while serving on the Board, be an elected official, officer, or employee of the Federal Government, other than in the capacity as a member of the Board.

''(4) TERM.—Each member of the Board shall serve a term of 6 years, except that—

''(A) a member appointed to a term of office after the commencement of such term may serve under such appointment only for the remainder of such term;

''(B) upon the expiration of the term of office of a member, the member shall continue to serve until the member's successor has been appointed

and qualified, except that no member may serve under this subparagraph—

''(i) for more than 60 days when Congress is in session unless a nomination to fill the vacancy shall have been submitted to the Senate; or

''(ii) after the adjournment sine die of the session of the Senate in which such nomination is submitted; and

''(C) the members first appointed under this subsection after the date of enactment of the Improving America's Security Act of 2007 shall serve terms of two, three, four, five, and six years, respectively, with the term of each such member to be designated by the President.

''(5) QUORUM AND MEETINGS.—After its initial meeting, the Board shall meet upon the call of the chairman or a majority of its members. Three members of the Board shall constitute a quorum.

''(i) COMPENSATION AND TRAVEL EXPENSES.—

''(1) COMPENSATION.—

''(A) CHAIRMAN.—The chairman of the Board shall be compensated at the rate of pay payable for a position at level III of the Executive Schedule under section 5314 of title 5, United States Code.

''(B) MEMBERS.—Each member of the Board shall be compensated at a rate of pay payable for a position at level IV of the Executive Schedule under section 5315 of title 5, United States Code, for each day during which that member is engaged in the actual performance of the duties of the Board.

''(2) TRAVEL EXPENSES.—Members of the Board shall be allowed travel expenses, including per diem in lieu of subsistence, at rates authorized for persons employed intermittently by the Government under section 5703(b) of title 5, United States Code, while away from their homes or regular places of business in the performance of services for the Board.

''(j) STAFF.—

''(1) APPOINTMENT AND COMPENSATION.—The chairman of the Board, in accordance with rules agreed upon by the Board, shall appoint and fix the compensation of a full-time executive director and such other personnel as may be necessary to enable the Board to carry out its functions, without regard to the provisions of title 5, United States Code, governing appointments in the competitive service, and without regard to the provisions of chapter 51 and subchapter III of chapter 53 of such title relating to classification and General Schedule pay rates, except that no rate of pay fixed under this subsection may exceed the equivalent of that payable for a position at level V of the Executive Schedule under section 5316 of title 5, United States Code.

''(2) DETAILEES.—Any Federal employee may be detailed to the Board without reimbursement from the Board, and such detailee shall retain the rights, status, and privileges of the detailee's regular employment without interruption.

''(3) CONSULTANT SERVICES.—The Board may procure the temporary or intermittent services of experts and consultants in accordance with section 3109 of title 5, United States Code, at rates that do not exceed the daily rate paid a person occupying a position at level IV of the Executive Schedule under section 5315 of such title.

''(k) SECURITY CLEARANCES.—The appropriate departments, agencies, and elements of the executive branch shall cooperate with the Board to expeditiously provide the Board members and staff with appropriate security clearances to the extent possible under existing procedures and requirements.

''(l) TREATMENT AS AGENCY, NOT AS ADVISORY COMMITTEE.—The Board—

''(1) is an agency (as defined in section 551(1) of title 5, United States Code); and

''(2) is not an advisory committee (as defined in section 3(2) of the Federal Advisory Committee Act (5 U.S.C. App.)).

''(m) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section amounts as follows:

''(1) For fiscal year 2008, $5,000,000.

''(2) For fiscal year 2009, $6,650,000.

''(3) For fiscal year 2010, $8,300,000.

''(4) For fiscal year 2011, $10,000,000.

''(5) For fiscal year 2012, and each fiscal year thereafter, such sums as may be necessary.''.

(b) CONTINUATION OF SERVICE OF CURRENT MEMBERS OF PRIVACY AND CIVIL LIBERTIES BOARD.—The members of the Privacy and Civil Liberties Oversight Board as of the date of enactment of this Act may continue to serve as members of that Board after that date, and to carry out the functions and exercise the powers of that Board as specified in section 1061 of the National Security Intelligence Reform Act of 2004 (as amended by subsection (a)), until—

(1) in the case of any individual serving as a member of the Board under an appointment by the President, by and with the advice and consent of the Senate, the expiration of a term designated by the President under section 1061(h)(4)(C) of such Act (as so amended);

(2) in the case of any individual serving as a member of the Board other than under an appointment by the President, by and with the advice and consent of the Senate, the confirmation or rejection by the Senate of that member's nomination to the Board under such section 1061 (as so amended), except that no such individual may serve as a member under this paragraph—

(A) for more than 60 days when Congress is in session unless a nomination of that individual to be a member of the Board has been submitted to the Senate; or

(B) after the adjournment sine die of the session of the Senate in which such nomination is submitted; or

(3) the appointment of members of the Board under such section 1061 (as so amended), except that no member may serve under this paragraph—

(A) for more than 60 days when Congress is in session unless a nomination to fill the position on the Board shall have been submitted to the Senate; or

(B) after the adjournment sine die of the session of the Senate in which such nomination is submitted.

SEC. 502. PRIVACY AND CIVIL LIBERTIES OFFICERS.

(a) IN GENERAL.—Section 1062 of the National Security Intelligence Reform Act of 2004 (title I of Public Law 108–458; 118 Stat. 3688) is amended to read as follows:

''SEC. 1062. PRIVACY AND CIVIL LIBERTIES OFFICERS.

''(a) DESIGNATION AND FUNCTIONS.—The Attorney General, the Secretary of Defense, the Secretary of State, the Secretary of the Treasury, the Secretary of Health and Human Services, the Secretary of Homeland Security, the Director of National Intelligence, the Director of the Central Intelligence Agency, and the head of any other department, agency, or element of the executive branch designated by the Privacy and Civil Liberties Oversight Board under section 1061 to be appropriate for coverage under this section shall designate not less than 1 senior officer to—

''(1) assist the head of such department, agency, or element and other officials of such department, agency, or element in appropriately considering privacy and civil liberties concerns when such officials are proposing, developing, or implementing laws, regulations, policies, procedures, or guidelines related to efforts to protect the Nation against terrorism;

''(2) periodically investigate and review department, agency, or element actions, policies, procedures, guidelines, and related laws and their implementation to ensure that such department, agency, or element is adequately considering privacy and civil liberties in its actions;

''(3) ensure that such department, agency, or element has adequate procedures to receive, investigate, respond to, and redress complaints from individuals who allege such department, agency, or element has violated their privacy or civil liberties; and

''(4) in providing advice on proposals to retain or enhance a particular governmental power the officer shall consider whether such department, agency, or element has established—

''(A) that the need for the power is balanced with the need to protect privacy and civil liberties;

''(B) that there is adequate supervision of the use by such department, agency, or element of the power to ensure protection of privacy and civil liberties; and

''(C) that there are adequate guidelines and oversight to properly confine its use.

''(b) EXCEPTION TO DESIGNATION AUTHORITY.—

''(1) PRIVACY OFFICERS.—In any department, agency, or element referred to in subsection (a) or designated by the Privacy and Civil Liberties Oversight Board, which has a statutorily created privacy officer, such officer shall perform the functions specified in subsection (a) with respect to privacy.

''(2) CIVIL LIBERTIES OFFICERS.—In any department, agency, or element referred to in subsection (a) or designated by the Board, which has a statutorily created civil liberties officer, such officer shall perform the functions specified in subsection (a) with respect to civil liberties.

''(c) SUPERVISION AND COORDINATION.—Each privacy officer or civil liberties officer described in subsection (a) or (b) shall—

''(1) report directly to the head of the department, agency, or element concerned; and

''(2) coordinate their activities with the Inspector General of such department, agency, or element to avoid duplication of effort.

''(d) AGENCY COOPERATION.—The head of each department, agency, or element shall ensure that each privacy officer and civil liberties officer—

''(1) has the information, material, and resources necessary to fulfill the functions of such officer;

''(2) is advised of proposed policy changes;

''(3) is consulted by decision makers; and

''(4) is given access to material and personnel the officer determines to be necessary to carry out the functions of such officer.

''(e) REPRISAL FOR MAKING COMPLAINT.—No action constituting a reprisal, or threat of reprisal, for making a complaint or for disclosing information to a privacy officer or civil liberties officer described in subsection (a) or (b), or to the Privacy and Civil Liberties Oversight Board, that indicates a possible violation of privacy protections or civil liberties in the administration of the programs and operations of the Federal Government relating to efforts to protect the Nation from terrorism shall be taken by any Federal employee in a position to take such action, unless the complaint was made or the information was disclosed with the knowledge that it was false or with willful disregard for its truth or falsity.

''(f) PERIODIC REPORTS.—

''(1) IN GENERAL.—The privacy officers and civil liberties officers of each department, agency, or element referred to or described in subsection (a) or (b) shall periodically, but not less than quarterly, submit a report on the activities of such officers—

''(A)(i) to the appropriate committees of Congress, including the Committee on the Judiciary of the Senate, the Committee on the Judiciary of the House of Representatives, the Committee on Homeland Security and Governmental Affairs of the Senate, the Committee on Oversight and Government Reform of the House of Representatives, the Select Committee on Intelligence of the Senate, and the Permanent Select Committee on Intelligence of the House of Representatives;

''(ii) to the head of such department, agency, or element; and

''(iii) to the Privacy and Civil Liberties Oversight Board; and

''(B) which shall be in unclassified form to the greatest extent possible, with a classified annex where necessary.

''(2) CONTENTS.—Each report submitted under paragraph (1) shall include information on the discharge of each of the functions of the officer concerned, including—

''(A) information on the number and types of reviews undertaken;

''(B) the type of advice provided and the response given to such advice;

''(C) the number and nature of the complaints received by the department, agency, or element concerned for alleged violations; and

''(D) a summary of the disposition of such complaints, the reviews and inquiries conducted, and the impact of the activities of such officer.

''(g) INFORMING THE PUBLIC.—Each privacy officer and civil liberties officer shall—

''(1) make the reports of such officer, including reports to Congress, available to the public to the greatest extent that is consistent with the protection of classified information and applicable law; and

''(2) otherwise inform the public of the activities of such officer, as appropriate and in a manner consistent with the protection of classified information and applicable law.

''(h) SAVINGS CLAUSE.—Nothing in this section shall be construed to limit or otherwise supplant any other authorities or responsibilities provided by law to privacy officers or civil liberties officers.''.

(b) CLERICAL AMENDMENT.—The table of contents for the Intelligence Reform and Terrorism Prevention Act of 2004 (Public Law 108–458) is amended by striking the item relating to section 1062 and inserting the following new item:

''Sec. 1062. Privacy and civil liberties officers.''.

SEC. 503. DEPARTMENT PRIVACY OFFICER.

Section 222 of the Homeland Security Act of 2002 (6 U.S.C. 142) is amended—

(1) by inserting ''(a) APPOINTMENT AND RESPONSIBILITIES.—'' before ''The Secretary''; and

(2) by adding at the end the following:

''(b) AUTHORITY TO INVESTIGATE.—

''(1) IN GENERAL.—The senior official appointed under subsection (a) may—

''(A) have access to all records, reports, audits, reviews, documents, papers, recommendations, and other materials available to the Department that relate to programs and operations with respect to the responsibilities of the senior official under this section;

''(B) make such investigations and reports relating to the administration of the programs and operations of the Department that are necessary or desirable as determined by that senior official;

''(C) subject to the approval of the Secretary, require by subpoena the production, by any person other than a Federal agency, of all information, documents, reports, answers, records, accounts, papers, and other data and documentary evidence necessary to performance of the responsibilities of the senior official under this section; and

''(D) administer to or take from any person an oath, affirmation, or affidavit, whenever necessary to performance of the responsibilities of the senior official under this section.

''(2) ENFORCEMENT OF SUBPOENAS.—Any subpoena issued under paragraph (1)(C) shall, in the case of contumacy or refusal to obey, be enforceable by order of any appropriate United States district court.

''(3) EFFECT OF OATHS.—Any oath, affirmation, or affidavit administered or taken under paragraph (1)(D) by or before an employee of the Privacy Office designated for that purpose by the senior official appointed under subsection (a) shall have the same force and effect as if administered or taken by or before an officer having a seal of office.

''(c) SUPERVISION AND COORDINATION.—

''(1) IN GENERAL.—The senior official appointed under subsection (a) shall—

''(A) report to, and be under the general supervision of, the Secretary; and

''(B) coordinate activities with the Inspector General of the Department in order to avoid duplication of effort.

''(2) NOTIFICATION TO CONGRESS ON REMOVAL.—If the Secretary removes the senior official appointed under subsection (a) or transfers that senior official to another position or location within the Department, the Secretary shall—

''(A) promptly submit a written notification of the removal or transfer to Houses of Congress; and

''(B) include in any such notification the reasons for the removal or transfer.

''(d) REPORTS BY SENIOR OFFICIAL TO CONGRESS.—The senior official appointed under subsection (a) shall—

''(1) submit reports directly to the Congress regarding performance of the responsibilities of the senior official under this section, without any prior comment or amendment by the Secretary, Deputy Secretary, or any other officer or employee of the Department or the Office of Management and Budget; and

''(2) inform the Committee on Homeland Security and Governmental Affairs of the Senate and the Committee on Homeland Security of the House of Representatives not later than—

''(A) 30 days after the Secretary disapproves the senior official's request for a subpoena under subsection (b)(1)(C) or the Secretary substantively modifies the requested subpoena; or

''(B) 45 days after the senior official's request for a subpoena under subsection (b)(1)(C), if that subpoena has not either been approved or disapproved by the Secretary.''.

SEC. 504. FEDERAL AGENCY DATA MINING REPORTING ACT OF 2007.

(a) SHORT TITLE.—This section may be cited as the ''Federal Agency Data Mining Reporting Act of 2007''.

(b) DEFINITIONS.—In this section:

(1) DATA MINING.—The term ''data mining'' means a query, search, or other analysis of 1 or more electronic databases, where—

(A) a department or agency of the Federal Government, or a non-Federal entity acting on behalf of the Federal Government, is conducting the query, search, or other analysis to discover or locate a predictive pattern or anomaly indicative of terrorist or criminal activity on the part of any individual or individuals; and

(B) the query, search, or other analysis does not use personal identifiers of a specific individual, or inputs associated with a specific individual or group of individuals, to retrieve information from the database or databases.

(2) DATABASE.—The term ''database'' does not include telephone directories, news reporting, information publicly available to any member of the public without payment of a fee, or databases of judicial and administrative opinions.

(c) REPORTS ON DATA MINING ACTIVITIES BY FEDERAL AGENCIES.—

(1) REQUIREMENT FOR REPORT.—The head of each department or agency of the Federal Government that is engaged in any activity to use or develop data mining shall submit a report to Congress on all such activities of the department or agency under the jurisdiction of that official. The report shall be made available to the public, except for a classified annex described paragraph (2)(H).

(2) CONTENT OF REPORT.—Each report submitted under paragraph (1) shall include, for each activity to use or develop data mining, the following information:

(A) A thorough description of the data mining activity, its goals, and, where appropriate, the target dates for the deployment of the data mining activity.

(B) A thorough description of the data mining technology that is being used or will be used, including the basis for determining whether a particular pattern or anomaly is indicative of terrorist or criminal activity.

(C) A thorough description of the data sources that are being or will be used.

(D) An assessment of the efficacy or likely efficacy of the data mining activity in providing accurate information consistent with and valuable to the stated goals and plans for the use or development of the data mining activity.

(E) An assessment of the impact or likely impact of the implementation of the data mining activity on the privacy and civil liberties of individuals, including a thorough description of the actions that are being taken or will be taken with regard to the property, privacy, or other rights or privileges of any individual or individuals as a result of the implementation of the data mining activity.

(F) A list and analysis of the laws and regulations that govern the information being or to be collected, reviewed, gathered, analyzed, or used with the data mining activity.

(G) A thorough discussion of the policies, procedures, and guidelines that are in place or that are to be developed and applied in the use of such technology for data mining in order to—

(i) protect the privacy and due process rights of individuals, such as redress procedures; and

(ii) ensure that only accurate information is collected, reviewed, gathered, analyzed, or used.

(H) Any necessary classified information in an annex that shall be available, as appropriate, to the Committee on Homeland Security and Governmental Affairs, the Committee on the Judiciary, the Select Committee on Intelligence, and the Committee on Appropriations of the Senate and the Committee on Homeland Security, the Committee on the Judiciary, the Permanent Select Committee on Intelligence, and the Committee on Appropriations of the House of Representatives.

(3) TIME FOR REPORT.—Each report required under paragraph (1) shall be—

(A) submitted not later than 180 days after the date of enactment of this Act; and

(B) updated not less frequently than annually thereafter, to include any activity to use or develop data mining engaged in after the date of the prior report submitted under paragraph (1).

TITLE VI—ENHANCED DEFENSES AGAINST WEAPONS OF MASS DESTRUCTION

SEC. 601. NATIONAL BIOSURVEILLANCE INTEGRATION CENTER.

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

''SEC. 316. NATIONAL BIOSURVEILLANCE INTEGRATION CENTER.

''(a) DEFINITIONS.—In this section—

''(1) the term 'biological event of national significance' means—

''(A) an act of terrorism that uses a biological agent, toxin, or other product derived from a biological agent; or

''(B) a naturally-occurring outbreak of an infectious disease that may result in a national epidemic;

''(2) the term 'Member Agencies' means the departments and agencies described in subsection (d)(1);

''(3) the term 'NBIC' means the National Biosurveillance Integration Center established under subsection (b);

''(4) the term 'NBIS' means the National Biosurveillance Integration System established under subsection (b); and

''(5) the term 'Privacy Officer' means the Privacy Officer appointed under section 222.

''(b) ESTABLISHMENT.—The Secretary shall establish, operate, and maintain a National Biosurveillance Integration Center, headed by a Directing Officer, under an existing office or directorate of the Department, subject to the availability of appropriations, to oversee development and operation of the National Biosurveillance Integration System.

''(c) PRIMARY MISSION.—The primary mission of the NBIC is to enhance the capability of the Federal Government to—

''(1) rapidly identify, characterize, localize, and track a biological event of national significance by integrating and analyzing data from

human health, animal, plant, food, and environmental monitoring systems (both national and international); and

''(2) disseminate alerts and other information regarding such data analysis to Member Agencies and, in consultation with relevant member agencies, to agencies of State, local, and tribal governments, as appropriate, to enhance the ability of such agencies to respond to a biological event of national significance.

''(d) REQUIREMENTS.—The NBIC shall design the NBIS to detect, as early as possible, a biological event of national significance that presents a risk to the United States or the infrastructure or key assets of the United States, including—

''(1) if a Federal department or agency, at the discretion of the head of that department or agency, has entered a memorandum of understanding regarding participation in the NBIC, consolidating data from all relevant surveillance systems maintained by that department or agency to detect biological events of national significance across human, animal, and plant species;

''(2) seeking private sources of surveillance, both foreign and domestic, when such sources would enhance coverage of critical surveillance gaps;

''(3) using an information technology system that uses the best available statistical and other analytical tools to identify and characterize biological events of national significance in as close to real-time as is practicable;

''(4) providing the infrastructure for such integration, including information technology systems and space, and support for personnel from Member Agencies with sufficient expertise to enable analysis and interpretation of data;

''(5) working with Member Agencies to create information technology systems that use the minimum amount of patient data necessary and consider patient confidentiality and privacy issues at all stages of development and apprise the Privacy Officer of such efforts; and

''(6) alerting relevant Member Agencies and, in consultation with relevant Member Agencies, public health agencies of State, local, and tribal governments regarding any incident that could develop into a biological event of national significance.

''(e) RESPONSIBILITIES OF THE SECRETARY.—

''(1) IN GENERAL.—The Secretary shall—

''(A) ensure that the NBIC is fully operational not later than September 30, 2008;

''(B) not later than 180 days after the date of enactment of this section and on the date that the NBIC is fully operational, submit a report to the Committee on Homeland Security and Governmental Affairs of the Senate and the Committee on Homeland Security of the House of Representatives on the progress of making the NBIC operational addressing the efforts of the NBIC to integrate surveillance efforts of Federal, State, local, and tribal governments.

''(f) RESPONSIBILITIES OF THE DIRECTING OFFICER OF THE NBIC.—

''(1) IN GENERAL.—The Directing Officer of the NBIC shall—

''(A) establish an entity to perform all operations and assessments related to the NBIS;

''(B) on an ongoing basis, monitor the availability and appropriateness of contributing surveillance systems and solicit new surveillance systems that would enhance biological situational awareness or overall performance of the NBIS;

''(C) on an ongoing basis, review and seek to improve the statistical and other analytical methods utilized by the NBIS;

''(D) receive and consider other relevant homeland security information, as appropriate; and

''(E) provide technical assistance, as appropriate, to all Federal, regional, State, local, and tribal government entities and private sector entities that contribute data relevant to the operation of the NBIS.

''(2) ASSESSMENTS.—The Directing Officer of the NBIC shall—

''(A) on an ongoing basis, evaluate available data for evidence of a biological event of national significance; and

''(B) integrate homeland security information with NBIS data to provide overall situational awareness and determine whether a biological event of national significance has occurred.

''(3) INFORMATION SHARING.—

''(A) IN GENERAL.—The Directing Officer of the NBIC shall—

''(i) establish a method of real-time communication with the National Operations Center, to be known as the Biological Common Operating Picture;

''(ii) in the event that a biological event of national significance is detected, notify the Secretary and disseminate results of NBIS assessments related to that biological event of national significance to appropriate Federal response entities and, in consultation with relevant member agencies, regional, State, local, and tribal governmental response entities in a timely manner;

''(iii) provide any report on NBIS assessments to Member Agencies and, in consultation with relevant member agencies, any affected regional, State, local, or tribal government, and any private sector entity considered appropriate that may enhance the mission of such Member Agencies, governments, or entities or the ability of the Nation to respond to biological events of national significance; and

''(iv) share NBIS incident or situational awareness reports, and other relevant information, consistent with the information sharing environment established under section 1016 of the Intelligence Reform and Terrorism Prevention Act of 2004 (6 U.S.C. 485) and any policies, guidelines, procedures, instructions, or standards established by the President or the program manager for the implementation and management of that environment.

''(B) COORDINATION.—The Directing Officer of the NBIC shall implement the activities described in subparagraph (A) in coordination with the program manager for the information sharing environment of the Office of the Director of National Intelligence, the Under Secretary for Intelligence and Analysis, and other offices or agencies of the Federal Government, as appropriate.

''(g) RESPONSIBILITIES OF THE NBIC MEMBER AGENCIES.—

''(1) IN GENERAL.—Each Member Agency shall—

''(A) use its best efforts to integrate biosurveillance information into the NBIS, with the goal of promoting information sharing between Federal, State, local, and tribal governments to detect biological events of national significance;

''(B) participate in the formation and maintenance of the Biological Common Operating Picture to facilitate timely and accurate detection and reporting;

''(C) connect the biosurveillance data systems of that Member Agency to the NBIC data system under mutually-agreed protocols that maintain patient confidentiality and privacy;

''(D) participate in the formation of strategy and policy for the operation of the NBIC and its information sharing; and

''(E) provide personnel to the NBIC under an interagency personnel agreement and consider the qualifications of such personnel necessary to provide human, animal, and environmental data analysis and interpretation support to the NBIC.

''(h) ADMINISTRATIVE AUTHORITIES.—

''(1) HIRING OF EXPERTS.—The Directing Officer of the NBIC shall hire individuals with the necessary expertise to develop and operate the NBIS.

''(2) DETAIL OF PERSONNEL.—Upon the request of the Directing Officer of the NBIC, the head of any Federal department or agency may detail, on a reimbursable basis, any of the personnel of that department or agency to the Department to assist the NBIC in carrying out this section.

''(i) JOINT BIOSURVEILLANCE LEADERSHIP COUNCIL.—The Directing Officer of the NBIC shall—

''(1) establish an interagency coordination council to facilitate interagency cooperation and to advise the Directing Officer of the NBIC regarding recommendations to enhance the biosurveillance capabilities of the Department; and

''(2) invite Member Agencies to serve on such council.

''(j) RELATIONSHIP TO OTHER DEPARTMENTS AND AGENCIES.—The authority of the Directing Officer of the NBIC under this section shall not affect any authority or responsibility of any other department or agency of the Federal Government with respect to biosurveillance activities under any program administered by that department or agency.

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

(b) CONFORMING AMENDMENT.—The table of contents in section 1(b) of the Homeland Security Act of 2002 (6 U.S.C. 101 et seq.) is amended by inserting after the item relating to section 315 the following:

''Sec. 316. National Biosurveillance Integration Center.''.

SEC. 602. BIOSURVEILLANCE EFFORTS.

The Comptroller General of the United States shall submit a report to Congress describing—

(1) the state of Federal, State, local, and tribal government biosurveillance efforts as of the date of such report;

(2) any duplication of effort at the Federal, State, local, or tribal government level to create biosurveillance systems; and

(3) the integration of biosurveillance systems to allow the maximizing of biosurveillance resources and the expertise of Federal, State, local, and tribal governments to benefit public health.

SEC. 603. INTERAGENCY COORDINATION TO ENHANCE DEFENSES AGAINST NUCLEAR AND RADIOLOGICAL WEAPONS OF MASS DESTRUCTION.

(a) IN GENERAL.—The Homeland Security Act of 2002 is amended by adding after section 1906, as redesignated by section 203 of this Act, the following:

''SEC. 1907. JOINT ANNUAL REVIEW OF GLOBAL NUCLEAR DETECTION ARCHITECTURE.

''(a) ANNUAL REVIEW.—

''(1) IN GENERAL.—The Secretary, the Attorney General, the Secretary of State, the Secretary of Defense, the Secretary of Energy, and the Director of National Intelligence shall jointly ensure interagency coordination on the development and implementation of the global nuclear detection architecture by ensuring that, not less frequently than once each year—

''(A) each relevant agency, office, or entity—

''(i) assesses its involvement, support, and participation in the development, revision, and implementation of the global nuclear detection architecture;

''(ii) examines and evaluates components of the global nuclear detection architecture (including associated strategies and acquisition plans) that are related to the operations of that agency, office, or entity, to determine whether such components incorporate and address current threat assessments, scenarios, or intelligence analyses developed by the Director of National Intelligence or other agencies regarding threats related to nuclear or radiological weapons of mass destruction; and

''(B) each agency, office, or entity deploying or operating any technology acquired by the Office—

''(i) evaluates the deployment and operation of that technology by that agency, office, or entity;

''(ii) identifies detection performance deficiencies and operational or technical deficiencies in that technology; and

''(iii) assesses the capacity of that agency, office, or entity to implement the responsibilities of that agency, office, or entity under the global nuclear detection architecture.

''(2) TECHNOLOGY.—Not less frequently than once each year, the Secretary shall examine and evaluate the development, assessment, and acquisition of technology by the Office.

''(b) ANNUAL REPORT.—

''(1) IN GENERAL.—Not later than March 31 of each year, the Secretary, in coordination with the Attorney General, the Secretary of State, the Secretary of Defense, the Secretary of Energy, and the Director of National Intelligence, shall submit a report regarding the compliance of such officials with this section and the results of the reviews required under subsection (a) to—

''(A) the President;

''(B) the Committee on Appropriations, the Committee on Armed Services, and the Committee on Homeland Security and Governmental Affairs of the Senate; and

''(C) the Committee on Appropriations, the Committee on Armed Services, and the Committee on Homeland Security of the House of Representatives.

''(2) FORM.—Each report submitted under paragraph (1) shall be submitted in unclassified form to the maximum extent practicable, but may include a classified annex.

''(c) DEFINITION.—In this section, the term 'global nuclear detection architecture' means the global nuclear detection architecture developed under section 1902.''.

(b) TECHNICAL AND CONFORMING AMENDMENT.—The table of contents in section 1(b) of the Homeland Security Act of 2002 (6 U.S.C. 101 note) is amended by inserting after the item relating to section 1906, as added by section 203 of this Act, the following:

''Sec. 1907. Joint annual review of global nuclear detection architecture.''.

TITLE VII—PRIVATE SECTOR PREPAREDNESS

SEC. 701. DEFINITIONS.

(a) IN GENERAL.—In this title, the term ''voluntary national preparedness standards'' has the meaning given that term in section 2 of the Homeland Security Act of 2002 (6 U.S.C. 101), as amended by this Act.

(b) HOMELAND SECURITY ACT OF 2002.—Section 2 of the Homeland Security Act of 2002 (6 U.S.C. 101) is amended by adding at the end the following:

''(17) The term 'voluntary national preparedness standards' means a common set of criteria for preparedness, disaster management, emergency management, and business continuity programs, such as the American National Standards Institute's National Fire Protection Association Standard on Disaster/Emergency Management and Business Continuity Programs (ANSI/NFPA 1600).''.

SEC. 702. RESPONSIBILITIES OF THE PRIVATE SECTOR OFFICE OF THE DEPARTMENT.

(a) IN GENERAL.—Section 102(f) of the Homeland Security Act of 2002 (6 U.S.C. 112(f)) is amended—

(1) by redesignating paragraphs (8) through (10) as paragraphs (9) through (11), respectively; and

(2) by inserting after paragraph (7) the following:

''(8) providing information to the private sector regarding voluntary national preparedness standards and the business justification for preparedness and promoting to the private sector the adoption of voluntary national preparedness standards;''.

(b) PRIVATE SECTOR ADVISORY COUNCILS.—Section 102(f)(4) of the Homeland Security Act of 2002 (6 U.S.C. 112(f)(4)) is amended—

(1) in subparagraph (A), by striking ''and'' at the end;

(2) in subparagraph (B), by adding ''and'' at the end; and

(3) by adding at the end the following:

''(C) advise the Secretary on private sector preparedness issues, including effective methods for—

''(i) promoting voluntary national preparedness standards to the private sector;

''(ii) assisting the private sector in adopting voluntary national preparedness standards; and

''(iii) developing and implementing the accreditation and certification program under section 522;''.

SEC. 703. VOLUNTARY NATIONAL PREPAREDNESS STANDARDS COMPLIANCE; ACCREDITATION AND CERTIFICATION PROGRAM FOR THE PRIVATE SECTOR.

(a) IN GENERAL.—Title V of the Homeland Security Act of 2002 (6 U.S.C. 311 et seq.) is amended by adding at the end the following:

''SEC. 522. VOLUNTARY NATIONAL PREPAREDNESS STANDARDS COMPLIANCE; ACCREDITATION AND CERTIFICATION PROGRAM FOR THE PRIVATE SECTOR.

''(a) ACCREDITATION AND CERTIFICATION PROGRAM.—Not later than 120 days after the date of enactment of this section, the Secretary, in consultation with representatives of the organizations that coordinate or facilitate the development of and use of voluntary consensus standards, appropriate voluntary consensus standards development organizations, and each private sector advisory council created under section 102(f)(4), shall—

''(1) support the development, promulgating, and updating, as necessary, of voluntary national preparedness standards; and

''(2) develop, implement, and promote a program to certify the preparedness of private sector entities.

''(b) PROGRAM ELEMENTS.—

''(1) IN GENERAL.—

''(A) PROGRAM.—The program developed and implemented under this section shall assess whether a private sector entity complies with voluntary national preparedness standards.

''(B) GUIDELINES.—In developing the program under this section, the Secretary shall develop guidelines for the accreditation and certification processes established under this section.

''(2) STANDARDS.—The Secretary, in consultation with the American National Standards Institute and representatives of appropriate voluntary consensus standards development organizations and each private sector advisory council created under section 102(f)(4)—

''(A) shall adopt appropriate voluntary national preparedness standards that promote preparedness, which shall be used in the accreditation and certification program under this section; and

''(B) after the adoption of standards under subparagraph (A), may adopt additional voluntary national preparedness standards or modify or discontinue the use of voluntary national preparedness standards for the accreditation and certification program, as necessary and appropriate to promote preparedness.

''(3) TIERING.—The certification program developed under this section may use a multiple-tiered system to rate the preparedness of a private sector entity.

''(4) SMALL BUSINESS CONCERNS.—The Secretary and any selected entity shall establish separate classifications and methods of certification for small business concerns (as that term is defined in section 3 of the Small Business Act (15 U.S.C. 632)) for the program under this section.

''(5) CONSIDERATIONS.—In developing and implementing the program under this section, the Secretary shall—

''(A) consider the needs of the insurance industry, the credit-ratings industry, and other industries that may consider preparedness of private sector entities, to assess the preparedness of private sector entities; and

''(B) ensure the program accommodates those needs where appropriate and feasible.

''(c) ACCREDITATION AND CERTIFICATION PROCESSES.—

''(1) AGREEMENT.—

''(A) IN GENERAL.—Not later than 120 days after the date of enactment of this section, the Secretary shall enter into 1 or more agreements with the American National Standards Institute or other similarly qualified nongovernmental or other private sector entities to carry out accreditations and oversee the certification process under this section.

''(B) CONTENTS.—Any selected entity shall manage the accreditation process and oversee the certification process in accordance with the program established under this section and accredit qualified third parties to carry out the certification program established under this section.

''(2) PROCEDURES AND REQUIREMENTS FOR ACCREDITATION AND CERTIFICATION.—

''(A) IN GENERAL.—The selected entities shall collaborate to develop procedures and requirements for the accreditation and certification processes under this section, in accordance with the program established under this section and guidelines developed under subsection (b)(1)(B).

''(B) CONTENTS AND USE.—The procedures and requirements developed under subparagraph (A) shall—

''(i) ensure reasonable uniformity in the accreditation and certification processes if there is more than 1 selected entity; and

''(ii) be used by any selected entity in conducting accreditations and overseeing the certification process under this section.

''(C) DISAGREEMENT.—Any disagreement among selected entities in developing procedures under subparagraph (A) shall be resolved by the Secretary.

''(3) DESIGNATION.—A selected entity may accredit any qualified third party to carry out the certification process under this section.

''(4) THIRD PARTIES.—To be accredited under paragraph (3), a third party shall—

''(A) demonstrate that the third party has the ability to certify private sector entities in accordance with the procedures and requirements developed under paragraph (2);

''(B) agree to perform certifications in accordance with such procedures and requirements;

''(C) agree not to have any beneficial interest in or any direct or indirect control over—

''(i) a private sector entity for which that third party conducts a certification under this section; or

''(ii) any organization that provides preparedness consulting services to private sector entities;

''(D) agree not to have any other conflict of interest with respect to any private sector entity for which that third party conducts a certification under this section;

''(E) maintain liability insurance coverage at policy limits in accordance with the requirements developed under paragraph (2); and

''(F) enter into an agreement with the selected entity accrediting that third party to protect any proprietary information of a private sector entity obtained under this section.

''(5) MONITORING.—

''(A) IN GENERAL.—The Secretary and any selected entity shall regularly monitor and inspect the operations of any third party conducting certifications under this section to ensure that third party is complying with the procedures and requirements established under paragraph (2) and all other applicable requirements.

''(B) REVOCATION.—If the Secretary or any selected entity determines that a third party is not meeting the procedures or requirements established under paragraph (2), the appropriate selected entity shall—

''(i) revoke the accreditation of that third party to conduct certifications under this section; and

''(ii) review any certification conducted by that third party, as necessary and appropriate.

''(d) ANNUAL REVIEW.—

''(1) IN GENERAL.—The Secretary, in consultation with representatives of the organizations that coordinate or facilitate the development of and use of voluntary consensus standards, appropriate voluntary consensus standards development organizations, and each private sector advisory council created under section 102(f)(4), shall annually review the voluntary accreditation and certification program established under this section to ensure the effectiveness of such program and make improvements and adjustments to the program as necessary and appropriate.

''(2) REVIEW OF STANDARDS.—Each review under paragraph (1) shall include an assessment of the voluntary national preparedness standards used in the program under this section.

''(e) VOLUNTARY PARTICIPATION.—Certification under this section shall be voluntary for any private sector entity.

''(f) PUBLIC LISTING.—The Secretary shall maintain and make public a listing of any private sector entity certified as being in compliance with the program established under this section, if that private sector entity consents to such listing.

''(g) DEFINITION.—In this section, the term 'selected entity' means any entity entering an agreement with the Secretary under subsection (c)(1)(A).''.

(b) TECHNICAL AND CONFORMING AMENDMENT.—The table of contents in section 1(b) of the Homeland Security Act of 2002 (6 U.S.C. 101 et seq.) is amended by inserting after the item relating to section 521 the following:

''Sec. 522. Voluntary national preparedness standards compliance; accreditation and certification program for the private sector.''.

SEC. 704. SENSE OF CONGRESS REGARDING PROMOTING AN INTERNATIONAL STANDARD FOR PRIVATE SECTOR PREPAREDNESS.

It is the sense of Congress that the Secretary or any entity designated under section 522(c)(1)(A) of the Homeland Security Act of 2002, as added by this Act, should promote, where appropriate, efforts to develop a consistent international standard for private sector preparedness.

SEC. 705. REPORT TO CONGRESS.

Not later than 180 days after the date of enactment of this Act, the Secretary shall submit to the Committee on Homeland Security and Governmental Affairs of the Senate and the Committee on Homeland Security of the House of Representatives a report detailing—

(1) any action taken to implement this title or an amendment made by this title; and

(2) the status, as of the date of that report, of the implementation of this title and the amendments made by this title.

SEC. 706. RULE OF CONSTRUCTION.

Nothing in this title may be construed to supercede any preparedness or business continuity standards or requirements established under any other provision of Federal law.

TITLE VIII—TRANSPORTATION SECURITY PLANNING AND INFORMATION SHARING

SEC. 801. TRANSPORTATION SECURITY STRATEGIC PLANNING.

(a) IN GENERAL.—Section 114(t)(1)(B) of title 49, United States Code, is amended to read as follows:

''(B) transportation modal and intermodal security plans addressing risks, threats, and vulnerabilities for aviation, bridge, tunnel, commuter rail and ferry, highway, maritime, pipeline, rail, mass transit, over-the-road bus, and other public transportation infrastructure assets.''.

(b) CONTENTS OF THE NATIONAL STRATEGY FOR TRANSPORTATION SECURITY.—Section 114(t)(3) of such title is amended—

(1) in subparagraph (B), by inserting '', based on risk assessments conducted by the Secretary of Homeland Security,'' after ''risk based priorities'';

(2) in subparagraph (D)—

(A) by striking ''and local'' and inserting '', local, and tribal''; and

(B) by striking ''private sector cooperation and participation'' and inserting ''cooperation and participation by private sector entities and nonprofit employee labor organizations'';

(3) in subparagraph (E)—

(A) by striking ''response'' and inserting ''prevention, response,''; and

(B) by inserting ''and threatened and executed acts of terrorism outside the United States to the extent such acts affect United States transportation systems'' before the period at the end;

(4) in subparagraph (F), by adding at the end the following: ''Transportation security research and development projects initiated by the Secretary of Homeland Security shall be based on such prioritization.''; and

(5) by adding at the end the following:

''(G) Short- and long-term budget recommendations for Federal transportation security programs, which reflect the priorities of the National Strategy for Transportation Security.

''(H) Methods for linking the individual transportation modal security plans and the programs contained therein, and a plan for addressing the security needs of intermodal transportation hubs.

''(I) Transportation security modal and intermodal plans, including operational recovery plans to expedite, to the maximum extent practicable, the return of an adversely affected transportation system to its normal performance level preceding a major terrorist attack on that system or another catastrophe. These plans shall be coordinated with the resumption of trade protocols required under section 202 of the SAFE Port Act (6 U.S.C. 942).''.

(c) PERIODIC PROGRESS REPORTS.—Section 114(t)(4) of such title is amended—

(1) in subparagraph (C)—

(A) in clause (i), by inserting '', including the transportation modal security plans'' before the period at the end; and

(B) by striking clause (ii) and inserting the following:

''(ii) CONTENT.—Each progress report submitted under this subparagraph shall include the following:

''(I) Recommendations for improving and implementing the National Strategy for Transportation Security and the transportation modal and intermodal security plans that the Secretary of Homeland Security, in consultation with the Secretary of Transportation, considers appropriate.

''(II) An accounting of all grants for transportation security, including grants for research and development, distributed by the Secretary of Homeland Security in the most recently concluded fiscal year and a description of how such grants accomplished the goals of the National Strategy for Transportation Security.

''(III) An accounting of all—

''(aa) funds requested in the President's budget submitted pursuant to section 1105 of title 31 for the most recently concluded fiscal year for transportation security, by mode; and

''(bb) personnel working on transportation security issues, including the number of contractors.

''(iii) WRITTEN EXPLANATION OF TRANSPORTATION SECURITY ACTIVITIES NOT DELINEATED IN THE NATIONAL STRATEGY FOR TRANSPORTATION SECURITY.—At the end of each year, the Secretary of Homeland Security shall submit to the appropriate congressional committees a written explanation of any activity inconsistent with, or not clearly delineated in, the National Strategy for Transportation Security, including the amount of funds to be expended for the activity.''; and

(2) in subparagraph (E), by striking ''Select''.

(d) PRIORITY STATUS.—Section 114(t)(5)(B) of such title is amended—

(1) in clause (iii), by striking ''and'' at the end;

(2) by redesignating clause (iv) as clause (v); and

(3) by inserting after clause (iii) the following:

''(iv) the transportation sector specific plan required under Homeland Security Presidential Directive-7; and''.

(e) COORDINATION AND PLAN DISTRIBUTION.—Section 114(t) of such title is amended by adding at the end the following:

''(6) COORDINATION.—In carrying out the responsibilities under this section, the Secretary of Homeland Security, in consultation with the Secretary of Transportation, shall consult with Federal, State, and local agencies, tribal governments, private sector entities (including nonprofit employee labor organizations), institutions of higher learning, and other appropriate entities.

''(7) PLAN DISTRIBUTION.—The Secretary of Homeland Security shall provide an unclassified version of the National Strategy for Transportation Security, including its component transportation modal security plans, to Federal, State, regional, local and tribal authorities, transportation system owners or operators, private sector stakeholders (including non-profit employee labor organizations), institutions of higher learning, and other appropriate entities.''.

SEC. 802. TRANSPORTATION SECURITY INFORMATION SHARING.

(a) IN GENERAL.—Section 114 of title 49, United States Code, is amended by adding at the end the following:

''(u) TRANSPORTATION SECURITY INFORMATION SHARING PLAN.—

''(1) ESTABLISHMENT OF PLAN.—The Secretary of Homeland Security, in consultation with the program manager of the information sharing environment established under section 1016 of the Intelligence Reform and Terrorism Prevention Act of 2004 (6 U.S.C. 485), the Secretary of Transportation, and public and private stakeholders, shall establish a Transportation Security Information Sharing Plan.

''(2) PURPOSE OF PLAN.—The Plan shall promote sharing of transportation security information between the Department of Homeland Security and public and private stakeholders.

''(3) CONTENT OF PLAN.—The Plan shall include—

''(A) a description of how intelligence analysts within the Department of Homeland Security will coordinate their activities within the Department and with other Federal, State, and local agencies, and tribal governments;

''(B) an assignment of a single point of contact for and within the Department of Homeland Security for its sharing of transportation security information with public and private stakeholders;

''(C) a demonstration of input on the development of the Plan from private and public stakeholders and the program manager of the information sharing environment established under section 1016 of the Intelligence Reform and Terrorism Prevention Act of 2004 (6 U.S.C. 485);

''(D) a reasonable deadline by which the Plan will be implemented; and

''(E) a description of resource needs for fulfilling the Plan.

''(4) COORDINATION WITH THE INFORMATION SHARING ENVIRONMENT.—The Plan shall be—

''(A) implemented in coordination with the program manager for the information sharing environment established under section 1016 of the Intelligence Reform and Terrorism Prevention Act of 2004 (6 U.S.C. 485); and

''(B) consistent with and support the establishment of that environment, and any policies, guidelines, procedures, instructions, or standards established by the President or the program manager for the implementation and management of that environment.

''(5) REPORTS TO CONGRESS.—

''(A) IN GENERAL.—Not later than 180 days after the date of enactment of this subsection, the Secretary shall submit to the appropriate

congressional committees a report containing the Plan.

''(B) ANNUAL REPORT.—Not later than 1 year after the date of enactment of this subsection, the Secretary shall submit to the appropriate congressional committees an annual report on updates to and the implementation of the Plan.

''(6) SURVEY.—

''(A) IN GENERAL.—The Secretary shall conduct an annual survey of the satisfaction of each of the recipients of transportation intelligence reports disseminated under the Plan, and include the results of the survey as part of the annual report to be submitted under paragraph (5)(B).

''(B) INFORMATION SOUGHT.—The annual survey conducted under subparagraph (A) shall seek information about the quality, speed, regularity, and classification of the transportation security information products disseminated from the Department of Homeland Security to public and private stakeholders.

''(7) SECURITY CLEARANCES.—The Secretary, to the greatest extent practicable, shall facilitate the security clearances needed for public and private stakeholders to receive and obtain access to classified information as appropriate.

''(8) CLASSIFICATION OF MATERIAL.—The Secretary, to the greatest extent practicable, shall provide public and private stakeholders with specific and actionable information in an unclassified format.

''(9) DEFINITIONS.—In this subsection:

''(A) APPROPRIATE CONGRESSIONAL COMMITTEES.—The term 'appropriate congressional committees' has the meaning given that term in subsection (t).

''(B) PLAN.—The term 'Plan' means the Transportation Security Information Sharing Plan established under paragraph (1).

''(C) PUBLIC AND PRIVATE STAKEHOLDERS.—The term 'public and private stakeholders' means Federal, State, and local agencies, tribal governments, and appropriate private entities, including nonprofit employee labor organizations.

''(D) SECRETARY.—The term 'Secretary' means the Secretary of Homeland Security.

''(E) TRANSPORTATION SECURITY INFORMATION.—The term 'transportation security information' means information relating to the threats to and vulnerabilities and consequences of transportation modes, including aviation, bridge and tunnel, mass transit, passenger and freight rail, ferry, highway, maritime, pipeline, and over-the-road bus transportation.''.

(b) CONGRESSIONAL OVERSIGHT OF SECURITY ASSURANCE FOR PUBLIC AND PRIVATE STAKEHOLDERS.—

(1) IN GENERAL.—Except as provided in paragraph (2), the Secretary shall provide a semiannual report to the Committee on Homeland Security and Governmental Affairs and the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Homeland Security and the Committee on Transportation and Infrastructure of the House of Representatives that—

(A) identifies the job titles and descriptions of the persons with whom such information is to be shared under the transportation security information sharing plan established under section 114(u) of title 49, United States Code, as added by this Act, and explains the reason for sharing the information with such persons;

(B) describes the measures the Secretary has taken, under section 114(u)(7) of that title, or otherwise, to ensure proper treatment and security for any classified information to be shared with the public and private stakeholders under the plan; and

(C) explains the reason for the denial of transportation security information to any stakeholder who had previously received such information.

(2) NO REPORT REQUIRED IF NO CHANGES IN STAKEHOLDERS.—The Secretary is not required to provide a semiannual report under paragraph (1) if no stakeholders have been added to or removed from the group of persons with whom transportation security information is shared under the plan since the end of the period covered by the last preceding semiannual report.

SEC. 803. TRANSPORTATION SECURITY ADMINISTRATION PERSONNEL MANAGEMENT.

(a) TSA EMPLOYEE DEFINED.—In this section, the term ''TSA employee'' means an individual who holds—

(1) any position which was transferred (or the incumbent of which was transferred) from the Transportation Security Administration of the Department of Transportation to the Department by section 403 of the Homeland Security Act of 2002 (6 U.S.C. 203); or

(2) any other position within the Department the duties and responsibilities of which include carrying out 1 or more of the functions that were transferred from the Transportation Security Administration of the Department of Transportation to the Secretary by such section.

(b) ELIMINATION OF CERTAIN PERSONNEL MANAGEMENT AUTHORITIES.—Effective 90 days after the date of enactment of this Act—

(1) section 111(d) of the Aviation and Transportation Security Act (49 U.S.C. 44935 note) is repealed and any authority of the Secretary derived from such section 111(d) shall terminate;

(2) any personnel management system, to the extent established or modified under such section 111(d) (including by the Secretary through the exercise of any authority derived from such section 111(d)) shall terminate; and

(3) the Secretary shall ensure that all TSA employees are subject to the same personnel management system as described in paragraph (1) or (2) of subsection (e).

(c) ESTABLISHMENT OF CERTAIN UNIFORMITY REQUIREMENTS.—

(1) SYSTEM UNDER SUBSECTION (e)(1).—The Secretary shall, with respect to any personnel management system described in subsection (e)(1), take any measures which may be necessary to provide for the uniform treatment of all TSA employees under such system.

(2) SYSTEM UNDER SUBSECTION (e)(2).—Section 9701(b) of title 5, United States Code, is amended—

(A) in paragraph (4), by striking ''and'' at the end;

(B) in paragraph (5), by striking the period at the end and inserting ''; and''; and

(C) by adding at the end the following:

''(6) provide for the uniform treatment of all TSA employees (as that term is defined in section 803 of the Improving America's Security Act of 2007).''.

(3) EFFECTIVE DATE.—

(A) PROVISIONS RELATING TO A SYSTEM UNDER SUBSECTION (e)(1).—Any measures necessary to carry out paragraph (1) shall take effect 90 days after the date of enactment of this Act.

(B) PROVISIONS RELATING TO A SYSTEM UNDER SUBSECTION (e)(2).—Any measures necessary to carry out the amendments made by paragraph (2) shall take effect on the later of 90 days after the date of enactment of this Act and the commencement date of the system involved.

(d) REPORT TO CONGRESS.—

(1) REPORT REQUIRED.—Not later than 6 months after the date of enactment of this Act, the Comptroller General of the United States shall submit to the Committee on Homeland Security and Governmental Affairs of the Senate and the Committee on Homeland Security of the House of Representatives a report on—

(A) the pay system that applies with respect to TSA employees as of the date of enactment of this Act; and

(B) any changes to such system which would be made under any regulations which have been prescribed under chapter 97 of title 5, United States Code.

(2) MATTERS FOR INCLUSION.—The report required under paragraph (1) shall include—

(A) a brief description of each pay system described in paragraphs (1)(A) and (1)(B), respectively;

(B) a comparison of the relative advantages and disadvantages of each of those pay systems; and

(C) such other matters as the Comptroller General determines appropriate.

(e) PERSONNEL MANAGEMENT SYSTEM DESCRIBED.—A personnel management system described in this subsection is—

(1) any personnel management system, to the extent that it applies with respect to any TSA employees under section 114(n) of title 49, United States Code; and

(2) any human resources management system, established under chapter 97 of title 5, United States Code.

TITLE IX—INCIDENT COMMAND SYSTEM

SEC. 901. PREIDENTIFYING AND EVALUATING MULTIJURISDICTIONAL FACILITIES TO STRENGTHEN INCIDENT COMMAND; PRIVATE SECTOR PREPAREDNESS.

Section 507(c)(2) of the Homeland Security Act of 2002 (6 U.S.C. 317(c)(2)) is amended—

(1) in subparagraph (H), by striking ''and'' at the end;

(2) by redesignating subparagraph (I) as subparagraph (K); and

(3) by inserting after subparagraph (H) the following:

''(I) coordinating with the private sector to help ensure private sector preparedness for natural disasters, acts of terrorism, or other man-made disasters;

''(J) assisting State, local, or tribal governments, where appropriate, to preidentify and evaluate suitable sites where a multijurisdictional incident command system can be quickly established and operated from, if the need for such a system arises; and''.

SEC. 902. CREDENTIALING AND TYPING TO STRENGTHEN INCIDENT COMMAND.

(a) IN GENERAL.—Title V of the Homeland Security Act of 2002 (6 U.S.C. 331 et seq.) is amended—

(1) by striking section 510 and inserting the following:

"SEC. 510. CREDENTIALING AND TYPING.

''(a) CREDENTIALING.—

''(1) DEFINITIONS.—In this subsection—

''(A) the term 'credential' means to provide documentation that can authenticate and verify the qualifications and identity of managers of incidents, emergency response providers, and other appropriate personnel, including by ensuring that such personnel possess a minimum common level of training, experience, physical and medical fitness, and capability appropriate for their position;

''(B) the term 'credentialing' means evaluating an individual's qualifications for a specific position under guidelines created under this subsection and assigning such individual a qualification under the standards developed under this subsection; and

''(C) the term 'credentialed' means an individual has been evaluated for a specific position under the guidelines created under this subsection.

''(2) REQUIREMENTS.—

''(A) IN GENERAL.—The Administrator shall enter into a memorandum of understanding with the administrators of the Emergency Management Assistance Compact, State, local, and tribal governments, emergency response providers, and the organizations that represent such providers, to collaborate on establishing nationwide standards for credentialing all personnel who are likely to respond to a natural disaster, act of terrorism, or other man-made disaster.

''(B) CONTENTS.—The standards developed under subparagraph (A) shall—

''(i) include the minimum professional qualifications, certifications, training, and education requirements for specific emergency response functional positions that are applicable to Federal, State, local, and tribal government;

''(ii) be compatible with the National Incident Management System; and

''(iii) be consistent with standards for advance registration for health professions volunteers under section 319I of the Public Health Services Act (42 U.S.C. 247d–7b).

''(C) TIMEFRAME.—The Administrator shall develop standards under subparagraph (A) not later than 6 months after the date of enactment of the Improving America's Security Act of 2007.

''(3) CREDENTIALING OF DEPARTMENT PERSONNEL.—

''(A) IN GENERAL.—Not later than 1 year after the date of enactment of the Improving America's Security Act of 2007, the Secretary and the Administrator shall ensure that all personnel of the Department (including temporary personnel and individuals in the Surge Capacity Force established under section 624 of the Post-Katrina Emergency Management Reform Act of 2006 (6 U.S.C. 711)) who are likely to respond to a natural disaster, act of terrorism, or other man-made disaster are credentialed.

''(B) STRATEGIC HUMAN CAPITAL PLAN.—Not later than 90 days after completion of the credentialing under subparagraph (A), the Administrator shall evaluate whether the workforce of the Agency complies with the strategic human capital plan of the Agency developed under section 10102 of title 5, United States Code, and is sufficient to respond to a catastrophic incident.

''(4) INTEGRATION WITH NATIONAL RESPONSE PLAN.—

''(A) DISTRIBUTION OF STANDARDS.—Not later than 6 months after the date of enactment of the Improving America's Security Act of 2007, the Administrator shall provide the standards developed under paragraph (2) to all Federal agencies that have responsibilities under the National Response Plan.

''(B) CREDENTIALING OF AGENCIES.—Not later than 6 months after the date on which the standards are provided under subparagraph (A), each agency described in subparagraph (A) shall—

''(i) ensure that all employees or volunteers of that agency who are likely to respond to a natural disaster, act of terrorism, or other man-made disaster are credentialed; and

''(ii) submit to the Secretary the name of each credentialed employee or volunteer of such agency.

''(C) LEADERSHIP.—The Administrator shall provide leadership, guidance, and technical assistance to an agency described in subparagraph (A) to facilitate the credentialing process of that agency.

''(5) DOCUMENTATION AND DATABASE SYSTEM.—

''(A) IN GENERAL.—Not later than 1 year after the date of enactment of the Improving America's Security Act of 2007, the Administrator shall establish and maintain a documentation and database system of Federal emergency response providers and all other Federal personnel credentialed to respond to a natural disaster, act of terrorism, or other man-made disaster.

''(B) ACCESSIBILITY.—The documentation and database system established under subparagraph (1) shall be accessible to the Federal coordinating officer and other appropriate officials preparing for or responding to a natural disaster, act of terrorism, or other man-made disaster.

''(C) CONSIDERATIONS.—The Administrator shall consider whether the credentialing system can be used to regulate access to areas affected by a natural disaster, act of terrorism, or other man-made disaster.

''(6) GUIDANCE TO STATE AND LOCAL GOVERNMENTS.—Not later than 6 months after the date of enactment of the Improving America's Security Act of 2007, the Administrator shall—

''(A) in collaboration with the administrators of the Emergency Management Assistance Compact, State, local, and tribal governments, emergency response providers, and the organizations that represent such providers, provide detailed written guidance, assistance, and expertise to State, local, and tribal governments to facilitate the credentialing of State, local, and tribal emergency response providers commonly or likely to be used in responding to a natural disaster, act of terrorism, or other man-made disaster; and

''(B) in coordination with the administrators of the Emergency Management Assistance Compact, State, local, and tribal governments, emergency response providers (and the organizations that represent such providers), and appropriate national professional organizations, assist State, local, and tribal governments with credentialing the personnel of the State, local, or tribal government under the guidance provided under subparagraph (A).

''(7) REPORT.—Not later than 6 months after the date of enactment of the Improving America's Security Act of 2007, and annually thereafter, the Administrator shall submit to the Committee on Homeland Security and Governmental Affairs of the Senate and the Committee on Homeland Security of the House of Representatives a report describing the implementation of this subsection, including the number and level of qualification of Federal personnel trained and ready to respond to a natural disaster, act of terrorism, or other man-made disaster.

''(b) TYPING OF RESOURCES.—

''(1) DEFINITIONS.—In this subsection—

''(A) the term 'typed' means an asset or resource that has been evaluated for a specific function under the guidelines created under this section; and

''(B) the term 'typing' means to define in detail the minimum capabilities of an asset or resource.

''(2) REQUIREMENTS.—

''(A) IN GENERAL.—The Administrator shall enter into a memorandum of understanding with the administrators of the Emergency Management Assistance Compact, State, local, and tribal governments, emergency response providers, and organizations that represent such providers, to collaborate on establishing nationwide standards for typing of resources commonly or likely to be used in responding to a natural disaster, act of terrorism, or other man-made disaster.

''(B) CONTENTS.—The standards developed under subparagraph (A) shall—

''(i) be applicable to Federal, State, local, and tribal government; and

''(ii) be compatible with the National Incident Management System.

''(3) TYPING OF DEPARTMENT RESOURCES AND ASSETS.—Not later than 1 year after the date of enactment of the Improving America's Security Act of 2007, the Secretary shall ensure that all resources and assets of the Department that are commonly or likely to be used to respond to a natural disaster, act of terrorism, or other man-made disaster are typed.

''(4) INTEGRATION WITH NATIONAL RESPONSE PLAN.—

''(A) DISTRIBUTION OF STANDARDS.—Not later than 6 months after the date of enactment of the Improving America's Security Act of 2007, the Administrator shall provide the standards developed under paragraph (2) to all Federal agencies that have responsibilities under the National Response Plan.

''(B) TYPING OF AGENCIES, ASSETS, AND RESOURCES.—Not later than 6 months after the date on which the standards are provided under subparagraph (A), each agency described in subparagraph (A) shall—

''(i) ensure that all resources and assets (including teams, equipment, and other assets) of that agency that are commonly or likely to be used to respond to a natural disaster, act of terrorism, or other man-made disaster are typed; and

''(ii) submit to the Secretary a list of all types resources and assets.

''(C) LEADERSHIP.—The Administrator shall provide leadership, guidance, and technical assistance to an agency described in subparagraph (A) to facilitate the typing process of that agency.

''(5) DOCUMENTATION AND DATABASE SYSTEM.—

''(A) IN GENERAL.—Not later than 1 year after the date of enactment of the Improving America's Security Act of 2007, the Administrator shall establish and maintain a documentation and database system of Federal resources and assets commonly or likely to be used to respond to a natural disaster, act of terrorism, or other man-made disaster.

''(B) ACCESSIBILITY.—The documentation and database system established under subparagraph (A) shall be accessible to the Federal coordinating officer and other appropriate officials preparing for or responding to a natural disaster, act of terrorism, or other man-made disaster.

''(6) GUIDANCE TO STATE AND LOCAL GOVERNMENTS.—Not later than 6 months after the date of enactment of the Improving America's Security Act of 2007, the Administrator, in collaboration with the administrators of the Emergency Management Assistance Compact, State, local, and tribal governments, emergency response providers, and the organizations that represent such providers, shall—

''(A) provide detailed written guidance, assistance, and expertise to State, local, and tribal governments to facilitate the typing of the resources and assets of State, local, and tribal governments likely to be used in responding to a natural disaster, act of terrorism, or other man-made disaster; and

''(B) assist State, local, and tribal governments with typing resources and assets of State, local, or tribal governments under the guidance provided under subparagraph (A).

''(7) REPORT.—Not later than 6 months after the date of enactment of the Improving America's Security Act of 2007, and annually thereafter, the Administrator shall submit to the Committee on Homeland Security and Governmental Affairs of the Senate and the Committee on Homeland Security of the House of Representatives a report describing the implementation of this subsection, including the number and type of Federal resources and assets ready to respond to a natural disaster, act of terrorism, or other man-made disaster.

''(c) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as necessary to carry out this section.''; and

(2) by adding after section 522, as added by section 703 of this Act, the following:

''SEC. 523. PROVIDING SECURE ACCESS TO CRITICAL INFRASTRUCTURE.

''Not later than 6 months after the date of enactment of the Improving America's Security Act of 2007, and in coordination with appropriate national professional organizations, Federal, State, local, and tribal government agencies, and private-sector and nongovernmental entities, the Administrator shall create model standards or guidelines that States may adopt in conjunction with critical infrastructure owners and operators and their employees to permit access to restricted areas in the event of a natural disaster, act of terrorism, or other man-made disaster.''.

(b) TECHNICAL AND CONFORMING AMENDMENT.—The table of contents in section 1(b) of the Homeland Security Act of 2002 (6 U.S.C. 101(b)) is amended by inserting after the item relating to section 522, as added by section 703 of this Act, the following:

''Sec. 523. Providing secure access to critical infrastructure.''.

TITLE X—CRITICAL INFRASTRUCTURE PROTECTION

SEC. 1001. CRITICAL INFRASTRUCTURE PROTECTION.

(a) CRITICAL INFRASTRUCTURE LIST.—Not later than 90 days after the date of enactment of this Act, and in coordination with other initiatives of the Secretary relating to critical infrastructure or key resource protection and partnerships between the government and private sector, the Secretary shall establish a risk-based prioritized list of critical infrastructure and key resources that—

(1) includes assets or systems that, if successfully destroyed or disrupted through a terrorist attack or natural catastrophe, would cause catastrophic national or regional impacts, including—

(A) significant loss of life;

(B) severe economic harm;

(C) mass evacuations; or

(D) loss of a city, region, or sector of the economy as a result of contamination, destruction, or disruption of vital public services; and

(2) reflects a cross-sector analysis of critical infrastructure to determine priorities for prevention, protection, recovery, and restoration.

(b) SECTOR LISTS.—In coordination with other initiatives of the Secretary relating to critical infrastructure or key resource protection and partnerships between the government and private sector, the Secretary may establish additional critical infrastructure and key resources priority lists by sector, including at a minimum the sectors named in Homeland Security Presidential Directive–7 as in effect on January 1, 2006.

(c) MAINTENANCE.—Each list created under this section shall be reviewed and updated on an ongoing basis, but at least annually.

(d) ANNUAL REPORT.—

(1) GENERALLY.—Not later than 120 days after the date of enactment of this Act, and annually thereafter, the Secretary shall submit to the Committee on Homeland Security and Governmental Affairs of the Senate and the Committee on Homeland Security of the House of Representatives a report summarizing—

(A) the criteria used to develop each list created under this section;

(B) the methodology used to solicit and verify submissions for each list;

(C) the name, location, and sector classification of assets in each list created under this section;

(D) a description of any additional lists or databases the Department has developed to prioritize critical infrastructure on the basis of risk; and

(E) how each list developed under this section will be used by the Secretary in program activities, including grant making.

(2) CLASSIFIED INFORMATION.—The Secretary shall submit with each report under this subsection a classified annex containing information required to be submitted under this subsection that cannot be made public.

SEC. 1002. RISK ASSESSMENT AND REPORT.

(a) RISK ASSESSMENT.—

(1) IN GENERAL.—The Secretary, pursuant to the responsibilities under section 202 of the Homeland Security Act (6 U.S.C. 122), for each fiscal year beginning with fiscal year 2007, shall prepare a risk assessment of the critical infrastructure and key resources of the Nation which shall—

(A) be organized by sector, including the critical infrastructure sectors named in Homeland Security Presidential Directive–7, as in effect on January 1, 2006; and

(B) contain any actions or countermeasures proposed, recommended, or directed by the Secretary to address security concerns covered in the assessment.

(2) RELIANCE ON OTHER ASSESSMENTS.—In preparing the assessments and reports under this section, the Department may rely on a vulnerability assessment or risk assessment prepared by another Federal agency that the Department determines is prepared in coordination with other initiatives of the Department relating to critical infrastructure or key resource protection and partnerships between the government and private sector, if the Department certifies in the applicable report submitted under subsection (b) that the Department—

(A) reviewed the methodology and analysis of the assessment upon which the Department relied; and

(B) determined that assessment is reliable.

(b) REPORT.—

(1) IN GENERAL.—Not later than 6 months after the last day of fiscal year 2007 and for each year thereafter, the Secretary shall submit to the Committee on Homeland Security and Governmental Affairs of the Senate and the Committee on Homeland Security of the House of Representatives a report containing a summary and review of the risk assessments prepared by the Secretary under this section for that fiscal year, which shall be organized by sector and which shall include recommendations of the Secretary for mitigating risks identified by the assessments.

(2) CLASSIFIED ANNEX.—The report under this subsection may contain a classified annex.

SEC. 1003. USE OF EXISTING CAPABILITIES.

Where appropriate, the Secretary shall use the National Infrastructure Simulation and Analysis Center to carry out the actions required under this title.

TITLE XI—CONGRESSIONAL OVERSIGHT OF INTELLIGENCE

SEC. 1101. AVAILABILITY TO PUBLIC OF CERTAIN INTELLIGENCE FUNDING INFORMATION.

(a) AMOUNTS REQUESTED EACH FISCAL YEAR.—The President shall disclose to the public for each fiscal year after fiscal year 2007 the aggregate amount of appropriations requested in the budget of the President for such fiscal year for the National Intelligence Program.

(b) AMOUNTS AUTHORIZED AND APPROPRIATED EACH FISCAL YEAR.—Congress shall disclose to the public for each fiscal year after fiscal year 2007 the aggregate amount of funds authorized to be appropriated, and the aggregate amount of funds appropriated, by Congress for such fiscal year for the National Intelligence Program.

(c) STUDY ON DISCLOSURE OF ADDITIONAL INFORMATION.—

(1) IN GENERAL.—The Director of National Intelligence shall conduct a study to assess the advisability of disclosing to the public amounts as follows:

(A) The aggregate amount of appropriations requested in the budget of the President for each fiscal year for each element of the intelligence community.

(B) The aggregate amount of funds authorized to be appropriated, and the aggregate amount of funds appropriated, by Congress for each fiscal year for each element of the intelligence community.

(2) REQUIREMENTS.—The study required by paragraph (1) shall—

(A) address whether or not the disclosure to the public of the information referred to in that paragraph would harm the national security of the United States; and

(B) take into specific account concerns relating to the disclosure of such information for each element of the intelligence community.

(3) REPORT.—Not later than 180 days after the date of enactment of this Act, the Director shall submit to Congress a report on the study required by paragraph (1).

(d) DEFINITIONS.—In this section—

(1) the term ''element of the intelligence community'' means an element of the intelligence community specified in or designated under section 3(4) of the National Security Act of 1947 (50 U.S.C. 401a(4)); and

(2) the term ''National Intelligence Program'' has the meaning given that term in section 3(6) of the National Security Act of 1947 (50 U.S.C. 401a(6)).

SEC. 1102. RESPONSE OF INTELLIGENCE COMMUNITY TO REQUESTS FROM CONGRESS.

(a) RESPONSE OF INTELLIGENCE COMMUNITY TO REQUESTS FROM CONGRESS FOR INTELLIGENCE DOCUMENTS AND INFORMATION.—Title V of the National Security Act of 1947 (50 U.S.C. 413 et seq.) is amended by adding at the end the following new section:

''RESPONSE OF INTELLIGENCE COMMUNITY TO REQUESTS FROM CONGRESS FOR INTELLIGENCE DOCUMENTS AND INFORMATION

''SEC. 508. (a) REQUESTS OF COMMITTEES.—The Director of the National Counterterrorism Center, the Director of a national intelligence center, or the head of any department, agency, or element of the intelligence community shall, not later than 15 days after receiving a request for any intelligence assessment, report, estimate, legal opinion, or other intelligence information from the Select Committee on Intelligence of the Senate, the Permanent Select Committee on Intelligence of the House of Representatives, or any other committee of Congress with jurisdiction over the subject matter to which information in such assessment, report, estimate, legal opinion, or other information relates, make available to such committee such assessment, report, estimate, legal opinion, or other information, as the case may be.

''(b) REQUESTS OF CERTAIN MEMBERS.—(1) The Director of the National Counterterrorism Center, the Director of a national intelligence center, or the head of any department, agency, or element of the intelligence community shall respond, in the time specified in subsection (a), to a request described in that subsection from the Chairman or Vice Chairman of the Select Committee on Intelligence of the Senate or the Chairman or Ranking Member of the Permanent Select Committee on Intelligence of the House of Representatives.

''(2) Upon making a request covered by paragraph (1)—

''(A) the Chairman or Vice Chairman, as the case may be, of the Select Committee on Intelligence of the Senate shall notify the other of the Chairman or Vice Chairman of such request; and

''(B) the Chairman or Ranking Member, as the case may be, of the Permanent Select Committee on Intelligence of the House of Representatives shall notify the other of the Chairman or Ranking Member of such request.

''(c) ASSERTION OF PRIVILEGE.—In response to a request covered by subsection (a) or (b), the Director of the National Counterterrorism Center, the Director of a national intelligence center, or the head of any department, agency, or element of the intelligence community shall provide the document or information covered by such request unless the President certifies that such document or information is not being provided because the President is asserting a privilege pursuant to the Constitution of the United States.

''(d) INDEPENDENT TESTIMONY OF INTELLIGENCE OFFICIALS.—No officer, department, agency, or element within the Executive branch shall have any authority to require the head of any department, agency, or element of the intelligence community, or any designate of such a head—

''(1) to receive permission to testify before Congress; or

''(2) to submit testimony, legislative recommendations, or comments to any officer or agency of the Executive branch for approval, comments, or review prior to the submission of such recommendations, testimony, or comments to Congress if such testimony, legislative recommendations, or comments include a statement indicating that the views expressed therein are those of the head of the department, agency, or element of the intelligence community that is

making the submission and do not necessarily represent the views of the Administration.''.

(b) DISCLOSURES OF CERTAIN INFORMATION TO CONGRESS.—Title V of the National Security Act of 1947 (50 U.S.C. 413 et seq.), as amended by subsection (a), is amended by adding at the end the following new section:

''DISCLOSURES TO CONGRESS

''SEC. 509. (a) AUTHORITY TO DISCLOSE CERTAIN INFORMATION.—An employee of a covered agency or an employee of a contractor carrying out activities pursuant to a contract with a covered agency may disclose covered information to an authorized individual without first reporting such information to the appropriate Inspector General.

''(b) AUTHORIZED INDIVIDUAL.—(1) In this section, the term 'authorized individual' means—

''(A) a Member of the Senate or the House of Representatives who is authorized to receive information of the type disclosed; or

''(B) an employee of the Senate or the House of Representatives who—

''(i) has an appropriate security clearance; and

''(ii) is authorized to receive information of the type disclosed.

''(2) An authorized individual described in paragraph (1) to whom covered information is disclosed under the authority in subsection (a) shall be presumed to have a need to know such covered information.

''(c) COVERED AGENCY AND COVERED INFORMATION DEFINED.—In this section:

''(1) The term 'covered agency' means—

''(A) any department, agency, or element of the intelligence community;

''(B) a national intelligence center; and

''(C) any other Executive agency, or element or unit thereof, determined by the President under section 2302(a)(2)(C)(ii) of title 5, United States Code, to have as its principal function the conduct of foreign intelligence or counterintelligence activities.

''(2) The term 'covered information'—

''(A) means information, including classified information, that an employee referred to in subsection (a) reasonably believes provides direct and specific evidence of a false or inaccurate statement—

''(i) made to Congress; or

''(ii) contained in any intelligence assessment, report, or estimate; and

''(B) does not include information the disclosure of which is prohibited by rule 6(e) of the Federal Rules of Criminal Procedure.

''(d) CONSTRUCTION WITH OTHER REPORTING REQUIREMENTS.—Nothing in this section may be construed to modify, alter, or otherwise affect—

''(1) any reporting requirement relating to intelligence activities that arises under this Act or any other provision of law; or

''(2) the right of any employee of the United States to disclose information to Congress, in accordance with applicable law, information other than covered information.''.

(c) CLERICAL AMENDMENT.—The table of contents in the first section of that Act is amended by inserting after the item relating to section 507 the following new items:

''Sec. 508. Response of intelligence community to requests from Congress for intelligence documents and information.

''Sec. 509. Disclosures to Congress.''.

SEC. 1103. PUBLIC INTEREST DECLASSIFICATION BOARD.

The Public Interest Declassification Act of 2000 (50 U.S.C. 435 note) is amended—

(1) in section 704(e)—

(A) by striking ''If requested'' and inserting the following:

''(1) IN GENERAL.—If requested''; and

(B) by adding at the end the following:

''(2) AUTHORITY OF BOARD.—Upon receiving a congressional request described in section 703(b)(5), the Board may conduct the review and make the recommendations described in that section, regardless of whether such a review is requested by the President.

''(3) REPORTING.—Any recommendations submitted to the President by the Board under section 703(b)(5), shall be submitted to the chairman and ranking member of the committee of Congress that made the request relating to such recommendations.''; and

(2) in section 710(b), by striking ''8 years after the date of the enactment of this Act'' and inserting ''on December 31, 2012''.

TITLE XII—INTERNATIONAL COOPERATION ON ANTITERRORISM TECHNOLOGIES

SEC. 1201. PROMOTING ANTITERRORISM CAPABILITIES THROUGH INTERNATIONAL COOPERATION.

(a) FINDINGS.—The Congress finds the following:

(1) The development and implementation of technology is critical to combating terrorism and other high consequence events and implementing a comprehensive homeland security strategy.

(2) The United States and its allies in the global war on terrorism share a common interest in facilitating research, development, testing, and evaluation of equipment, capabilities, technologies, and services that will aid in detecting, preventing, responding to, recovering from, and mitigating against acts of terrorism.

(3) Certain United States allies in the global war on terrorism, including Israel, the United Kingdom, Canada, Australia, and Singapore have extensive experience with, and technological expertise in, homeland security.

(4) The United States and certain of its allies in the global war on terrorism have a history of successful collaboration in developing mutually beneficial equipment, capabilities, technologies, and services in the areas of defense, agriculture, and telecommunications.

(5) The United States and its allies in the global war on terrorism will mutually benefit from the sharing of technological expertise to combat domestic and international terrorism.

(6) The establishment of an office to facilitate and support cooperative endeavors between and among government agencies, for-profit business entities, academic institutions, and nonprofit entities of the United States and its allies will safeguard lives and property worldwide against acts of terrorism and other high consequence events.

(b) PROMOTING ANTITERRORISM THROUGH INTERNATIONAL COOPERATION ACT.—

(1) IN GENERAL.—The Homeland Security Act of 2002 is amended by inserting after section 316, as added by section 601 of this Act, the following:

''SEC. 317. PROMOTING ANTITERRORISM THROUGH INTERNATIONAL COOPERATION PROGRAM.

''(a) DEFINITIONS.—In this section:

''(1) DIRECTOR.—The term 'Director' means the Director selected under subsection (b)(2).

''(2) INTERNATIONAL COOPERATIVE ACTIVITY.—The term 'international cooperative activity' includes—

''(A) coordinated research projects, joint research projects, or joint ventures;

''(B) joint studies or technical demonstrations;

''(C) coordinated field exercises, scientific seminars, conferences, symposia, and workshops;

''(D) training of scientists and engineers;

''(E) visits and exchanges of scientists, engineers, or other appropriate personnel;

''(F) exchanges or sharing of scientific and technological information; and

''(G) joint use of laboratory facilities and equipment.

''(b) SCIENCE AND TECHNOLOGY HOMELAND SECURITY INTERNATIONAL COOPERATIVE PROGRAMS OFFICE.—

''(1) ESTABLISHMENT.—The Under Secretary shall establish the Science and Technology Homeland Security International Cooperative Programs Office.

''(2) DIRECTOR.—The Office shall be headed by a Director, who—

''(A) shall be selected (in consultation with the Assistant Secretary for International Affairs, Policy Directorate) by and shall report to the Under Secretary; and

''(B) may be an officer of the Department serving in another position.

''(3) RESPONSIBILITIES.—

''(A) DEVELOPMENT OF MECHANISMS.—The Director shall be responsible for developing, in coordination with the Department of State, the Department of Defense, the Department of Energy, and other Federal agencies, mechanisms and legal frameworks to allow and to support international cooperative activity in support of homeland security research.

''(B) PRIORITIES.—The Director shall be responsible for developing, in coordination with the Directorate of Science and Technology, the other components of the Department (including the Office of the Assistant Secretary for International Affairs, Policy Directorate), the Department of State, the Department of Defense, the Department of Energy, and other Federal agencies, strategic priorities for international cooperative activity.

''(C) ACTIVITIES.—The Director shall facilitate the planning, development, and implementation of international cooperative activity to address the strategic priorities developed under subparagraph (B) through mechanisms the Under Secretary considers appropriate, including grants, cooperative agreements, or contracts to or with foreign public or private entities, governmental organizations, businesses, federally funded research and development centers, and universities.

''(D) IDENTIFICATION OF PARTNERS.—The Director shall facilitate the matching of United States entities engaged in homeland security research with non-United States entities engaged in homeland security research so that they may partner in homeland security research activities.

''(4) COORDINATION.—The Director shall ensure that the activities under this subsection are coordinated with the Office of International Affairs and the Department of State, the Department of Defense, the Department of Energy, and other relevant Federal agencies or interagency bodies. The Director may enter into joint activities with other Federal agencies.

''(c) MATCHING FUNDING.—

''(1) IN GENERAL.—

''(A) EQUITABILITY.—The Director shall ensure that funding and resources expended in international cooperative activity will be equitably matched by the foreign partner government or other entity through direct funding, funding of complementary activities, or through the provision of staff, facilities, material, or equipment.

''(B) GRANT MATCHING AND REPAYMENT.—

''(i) IN GENERAL.—The Secretary may require a recipient of a grant under this section—

''(I) to make a matching contribution of not more than 50 percent of the total cost of the proposed project for which the grant is awarded; and

''(II) to repay to the Secretary the amount of the grant (or a portion thereof), interest on such amount at an appropriate rate, and such charges for administration of the grant as the Secretary determines appropriate.

''(ii) MAXIMUM AMOUNT.—The Secretary may not require that repayment under clause (i)(II) be more than 150 percent of the amount of the grant, adjusted for inflation on the basis of the Consumer Price Index.

''(2) FOREIGN PARTNERS.—Partners may include Israel, the United Kingdom, Canada, Australia, Singapore, and other allies in the global war on terrorism, as determined by the Secretary of State.

''(d) FUNDING.—Funding for all activities under this section shall be paid from discretionary funds appropriated to the Department.

''(e) FOREIGN REIMBURSEMENTS.—If the Science and Technology Homeland Security International Cooperative Programs Office participates in an international cooperative activity with a foreign partner on a cost-sharing basis, any reimbursements or contributions received from that foreign partner to meet the share of that foreign partner of the project may be credited to appropriate appropriations accounts of the Directorate of Science and Technology.''.

(2) TECHNICAL AND CONFORMING AMENDMENT.—The table of contents in section 1(b) of the Homeland Security Act of 2002 (6 U.S.C. 101 et seq.) is amended by adding after the item relating to section 316, as added by section 601 of this Act, the following:

''Sec. 317. Promoting antiterrorism through international cooperation program.''.

SEC. 1202. TRANSPARENCY OF FUNDS.

For each Federal award (as that term is defined in section 2 of the Federal Funding Accountability and Transparency Act of 2006 (31 U.S.C. 6101 note)) under this title or an amendment made by this title, the Director of the Office of Management and Budget shall ensure full and timely compliance with the requirements of the Federal Funding Accountability and Transparency Act of 2006 (31 U.S.C. 6101 note).

TITLE XIII—MISCELLANEOUS PROVISIONS

SEC. 1301. DEPUTY SECRETARY OF HOMELAND SECRETARY FOR MANAGEMENT.

(a) ESTABLISHMENT AND SUCCESSION.—Section 103 of the Homeland Security Act of 2002 (6 U.S.C. 113) is amended—

(1) in subsection (a)—

(A) in the subsection heading, by striking ''DEPUTY SECRETARY'' and inserting ''DEPUTY SECRETARIES'';

(B) by striking paragraph (6);

(C) by redesignating paragraphs (2) through (5) as paragraphs (3) through (6), respectively; and

(D) by striking paragraph (1) and inserting the following:

''(1) A Deputy Secretary of Homeland Security.

''(2) A Deputy Secretary of Homeland Security for Management.''; and

(2) by adding at the end the following:

''(g) VACANCIES.—

''(1) VACANCY IN OFFICE OF SECRETARY.—

''(A) DEPUTY SECRETARY.—In case of a vacancy in the office of the Secretary, or of the absence or disability of the Secretary, the Deputy Secretary of Homeland Security may exercise all the duties of that office, and for the purpose of section 3345 of title 5, United States Code, the Deputy Secretary of Homeland Security is the first assistant to the Secretary.

''(B) DEPUTY SECRETARY FOR MANAGEMENT.—When by reason of absence, disability, or vacancy in office, neither the Secretary nor the Deputy Secretary of Homeland Security is available to exercise the duties of the office of the Secretary, the Deputy Secretary of Homeland Security for Management shall act as Secretary.

''(2) VACANCY IN OFFICE OF DEPUTY SECRETARY.—In the case of a vacancy in the office of the Deputy Secretary of Homeland Security, or of the absence or disability of the Deputy Secretary of Homeland Security, the Deputy Secretary of Homeland Security for Management may exercise all the duties of that office.

''(3) FURTHER ORDER OF SUCCESSION.—The Secretary may designate such other officers of the Department in further order of succession to act as Secretary.''.

(b) RESPONSIBILITIES.—Section 701 of the Homeland Security Act of 2002 (6 U.S.C. 341) is amended—

(1) in the section heading, by striking ''**UNDER SECRETARY**'' and inserting ''**DEPUTY SECRETARY OF HOMELAND SECURITY**'';

(2) in subsection (a)—

(A) by inserting ''The Deputy Secretary of Homeland Security for Management shall serve as the Chief Management Officer and principal advisor to the Secretary on matters related to the management of the Department, including management integration and transformation in support of homeland security operations and programs.'' before ''The Secretary'';

(B) by striking ''Under Secretary for Management'' and inserting ''Deputy Secretary of Homeland Security for Management'';

(C) by striking paragraph (7) and inserting the following:

''(7) Strategic planning and annual performance planning and identification and tracking of performance measures relating to the responsibilities of the Department.''; and

(D) by striking paragraph (9), and inserting the following:

''(9) The integration and transformation process, to ensure an efficient and orderly consolidation of functions and personnel to the Department, including the development of a management integration strategy for the Department.''; and

(3) in subsection (b)—

(A) in paragraph (1), by striking ''Under Secretary for Management'' and inserting ''Deputy Secretary of Homeland Security for Management''; and

(B) in paragraph (2), by striking ''Under Secretary for Management'' and inserting ''Deputy Secretary of Homeland Security for Management''.

(c) APPOINTMENT, EVALUATION, AND REAPPOINTMENT.—Section 701 of the Homeland Security Act of 2002 (6 U.S.C. 341) is amended by adding at the end the following:

''(c) APPOINTMENT, EVALUATION, AND REAPPOINTMENT.—The Deputy Secretary of Homeland Security for Management—

''(1) shall be appointed by the President, by and with the advice and consent of the Senate, from among persons who have—

''(A) extensive executive level leadership and management experience in the public or private sector;

''(B) strong leadership skills;

''(C) a demonstrated ability to manage large and complex organizations; and

''(D) a proven record in achieving positive operational results;

''(2) shall—

''(A) serve for a term of 5 years; and

''(B) be subject to removal by the President if the President—

''(i) finds that the performance of the Deputy Secretary of Homeland Security for Management is unsatisfactory; and

''(ii) communicates the reasons for removing the Deputy Secretary of Homeland Security for Management to Congress before such removal;

''(3) may be reappointed in accordance with paragraph (1), if the Secretary has made a satisfactory determination under paragraph (5) for the 3 most recent performance years;

''(4) shall enter into an annual performance agreement with the Secretary that shall set forth measurable individual and organizational goals; and

''(5) shall be subject to an annual performance evaluation by the Secretary, who shall determine as part of each such evaluation whether the Deputy Secretary of Homeland Security for Management has made satisfactory progress toward achieving the goals set out in the performance agreement required under paragraph (4).''.

(d) INCUMBENT.—The individual who serves in the position of Under Secretary for Management of the Department of Homeland Security on the date of enactment of this Act—

(1) may perform all the duties of the Deputy Secretary of Homeland Security for Management at the pleasure of the President, until a Deputy Secretary of Homeland Security for Management is appointed in accordance with subsection (c) of section 701 of the Homeland Security Act of 2002 (6 U.S.C. 341), as added by this Act; and

(2) may be appointed Deputy Secretary of Homeland Security for Management, if such appointment is otherwise in accordance with sections 103 and 701 of the Homeland Security Act of 2002 (6 U.S.C. 113 and 341), as amended by this Act.

(e) REFERENCES.—References in any other Federal law, Executive order, rule, regulation, or delegation of authority, or any document of or relating to the Under Secretary for Management of the Department of Homeland Security shall be deemed to refer to the Deputy Secretary of Homeland Security for Management.

(f) TECHNICAL AND CONFORMING AMENDMENTS.—

(1) OTHER REFERENCE.—Section 702(a) of the Homeland Security Act of 2002 (6 U.S.C. 342(a)) is amended by striking ''Under Secretary for Management'' and inserting ''Deputy Secretary of Homeland Security for Management''.

(2) TABLE OF CONTENTS.—The table of contents in section 1(b) of the Homeland Security Act of 2002 (6 U.S.C. 101(b)) is amended by striking the item relating to section 701 and inserting the following:

''Sec. 701. Deputy Secretary of Homeland Security for Management.''.

(3) EXECUTIVE SCHEDULE.—Section 5313 of title 5, United States Code, is amended by inserting after the item relating to the Deputy Secretary of Homeland Security the following:

''Deputy Secretary of Homeland Security for Management.''.

SEC. 1302. SENSE OF THE SENATE REGARDING COMBATING DOMESTIC RADICALIZATION.

(a) FINDINGS.—The Senate finds the following:

(1) The United States is engaged in a struggle against a transnational terrorist movement of radical extremists seeking to exploit the religion of Islam through violent means to achieve ideological ends.

(2) The radical jihadist movement transcends borders and has been identified as a potential threat within the United States.

(3) Radicalization has been identified as a precursor to terrorism.

(4) Countering the threat of violent extremists domestically, as well as internationally, is a critical element of the plan of the United States for success in the war on terror.

(5) United States law enforcement agencies have identified radicalization as an emerging threat and have in recent years identified cases of ''homegrown'' extremists operating inside the United States with the intent to provide support for, or directly commit, a terrorist attack.

(6) The alienation of Muslim populations in the Western world has been identified as a factor in the spread of radicalization.

(7) Radicalization cannot be prevented solely through law enforcement and intelligence measures.

(b) SENSE OF SENATE.—It is the sense of the Senate that the Secretary, in consultation with other relevant Federal agencies, should make a priority of countering domestic radicalization and extremism by—

(1) using intelligence analysts and other experts to better understand the process of radicalization from sympathizer to activist to terrorist;

(2) recruiting employees with diverse worldviews, skills, languages, and cultural backgrounds and expertise;

(3) consulting with experts to ensure that the lexicon used within public statements is precise and appropriate and does not aid extremists by offending the American Muslim community;

(4) developing and implementing, in concert with the Attorney General and State and local corrections officials, a program to address prisoner radicalization and post-sentence reintegration;

(5) pursuing broader avenues of dialogue with the Muslim community to foster mutual respect, understanding, and trust; and

(6) working directly with State, local, and community leaders to—

(A) educate these leaders on the threat of radicalization and the necessity of taking preventative action at the local level; and

(B) facilitate the sharing of best practices from other countries and communities to encourage outreach to the American Muslim community and develop partnerships between all faiths, including Islam.

SEC. 1303. SENSE OF THE SENATE REGARDING OVERSIGHT OF HOMELAND SECURITY.

(a) FINDINGS.—The Senate finds the following:

(1) The Senate recognizes the importance and need to implement the recommendations offered by the National Commission on Terrorist Attacks Upon the United States (in this section referred to as the ''Commission'').

(2) Congress considered and passed the National Security Intelligence Reform Act of 2004 (Public Law 108–458; 118 Stat. 3643) to implement the recommendations of the Commission.

(3) Representatives of the Department testified at 165 Congressional hearings in calendar year 2004, and 166 Congressional hearings in calendar year 2005.

(4) The Department had 268 representatives testify before 15 committees and 35 subcommittees of the House of Representatives and 9 committees and 12 subcommittees of the Senate at 206 congressional hearings in calendar year 2006.

(5) The Senate has been unwilling to reform itself in accordance with the recommendation of the Commission to provide better and more streamlined oversight of the Department.

(b) SENSE OF SENATE.—It is the sense of the Senate that the Senate should implement the recommendation of the Commission to ''create a single, principal point of oversight and review for homeland security.''.

SEC. 1304. REPORT REGARDING BORDER SECURITY.

(a) IN GENERAL.—Not later than 180 days after the date of enactment of this Act, the Secretary shall submit a report to Congress regarding ongoing initiatives of the Department to improve security along the northern border of the United States.

(b) CONTENTS.—The report submitted under subsection (a) shall—

(1) address the vulnerabilities along the northern border of the United States; and

(2) provide recommendations to address such vulnerabilities, including required resources needed to protect the northern border of the United States.

(c) GOVERNMENT ACCOUNTABILITY OFFICE.—Not later than 270 days after the date of the submission of the report under subsection (a), the Comptroller General of the United States shall submit a report to Congress that—

(1) reviews and comments on the report under subsection (a); and

(2) provides recommendations regarding any additional actions necessary to protect the northern border of the United States.

Mr. LIEBERMAN. Mr. President, with the authority of the Homeland Security and the Governmental Affairs Committee—that is, the consent of a majority of the Members—I now withdraw the committee-reported substitute amendment.

The PRESIDING OFFICER. The Senator has that right. The amendment is withdrawn.

The majority leader is recognized.

AMENDMENT NO. 275

Mr. REID. Mr. President, I send a substitute amendment to the desk.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Nevada [Mr. REID], for himself, Mr. LIEBERMAN, Ms. COLLINS, Mr. INOUYE, and Mr. DODD, proposes an amendment numbered 275.

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

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

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

Mr. REID. Mr. President, the substitute I have just offered encompasses the provisions of S. 4, also legislation on surface transportation security, aviation security, and rail security from the Commerce Committee, as well as transit security legislation from the Banking Committee.

As I said yesterday, I deeply appreciate, as does the distinguished Republican leader, the work done by the two committee managers. Senator LIEBERMAN and Senator COLLINS have worked together for a number of years, and they work well together. This is an extremely important piece of legislation, and so we ask Members if there is something about the bill that has just been laid down that they don't like, they should come and try to change it and not wait around because they will be disappointed. We have to move through this bill.

We have been told there are a number of amendments people have to offer, and we want them to do that. I asked the Democratic manager, Chairman LIEBERMAN, if people offer amendments, to have a reasonable debate. We are not going to mess around here for a long time. With appropriate debate, Senator LIEBERMAN is going to move to table if it is something we don't like, and I think it is important that Members know that.

I have been told there are a lot of amendments on both sides. It is our goal to finish this legislation as soon as we can next week. That is going to be difficult. We could have some late nights, and as I indicated this morning, we might have to work into Friday sometime. Monday night, I hope we can stack votes so that we have a number of votes. As I have indicated, we will not have votes starting before 5:30, but I hope we can have a number of votes at 5:30 so we can dispose of them that night.

This is what we do. We are legislating now, and I look forward to a good piece of legislation when we finish.

Mr. MCCONNELL. Mr. President, let me echo the remarks of the majority leader. We have a number of amendments on this side, and we are prepared to offer them in the next few hours. I believe the first amendment is going to come from the Democratic side. Senator COLLINS is either here or on her way, and she is certainly going to manage the bill on our side, but then we will follow the Democratic amendment with an amendment on our side.

I also want to remind everyone that at 2 p.m. this afternoon the Transportation Security Administration will hold an all-Members briefing related to the provisions of S. 4, the bill we are now discussing, which will be pending today. A notice was sent to all offices, and Senators should be made aware that this briefing will be held in S407 of the Capitol.

Mr. REID. Mr. President, I would also say this: We are going to alternate back and forth. If there is not a Democrat here, a Republican will offer two amendments in a row, and vice versa. In other words, we need expedition. There are a number of amendments, and we are not going to wait while somebody is coming from their office to offer an amendment. If somebody is here ahead of someone, then they will proceed.

Our first amendment, if she is here on time, will be from Senator FEINSTEIN; otherwise, Senator COLLINS, I understand, has an amendment.

Mr. LIEBERMAN. Mr. President, while the two leaders are here, I want to thank Senator REID for designating this urgent legislation which would implement the previously unimplemented or inadequately implemented recommendations of the 9/11 Commission. I also thank Senator MCCONNELL, the Republican leader, for his cooperation and consent to moving this forward quickly on the Senate floor.

This bipartisan cooperation, obviously, is justified by the subject matter, homeland security, and in that regard I want to thank, again, Senator COLLINS. We switched titles in this session of Congress, but as I said to her when that happened, nothing else will change but our titles. She has been a wonderful partner and coworker on this measure once again, and it is in that spirit that we invite amendments, as Senator REID said, from our colleagues who may think that, as good as the bill is, it could be better, and we urge them to come forward quickly.

In our committee, only one amendment was divided on a party-line vote. The rest were totally nonpartisan, and I hope that is generally the way things will go on the Senate floor as we consider the amendments brought forth.

Yesterday, to expedite matters, Senator COLLINS and I both made our opening statements, so we do not have those opening statements now. Therefore, we look forward to the Senator from California coming to the floor as soon as she can to offer an amendment, which I note will concern visa waiver sections of the measure. Senator COLLINS has another amendment which we will go to if Senator FEINSTEIN does not come soon.

I thank the Chair and, for the moment, 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. LIEBERMAN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

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

AMENDMENT NO. 271 TO AMENDMENT NO. 275

Mr. LIEBERMAN. Mr. President, on behalf of the Senator from California, Mrs. FEINSTEIN, I call up amendment No. 271.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Connecticut [Mr. LIEBERMAN], for Mrs. FEINSTEIN, proposes an amendment numbered 271 to amendment No. 275.

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

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

The amendment is as follows:

(Purpose: To prohibit a foreign country with a visa refusal rate of more than 10 percent or that exceeds the maximum visa overstay rate from participating in the visa waiver program)

Strike subsection (c) of section 401 and insert the following:

(c) DISCRETIONARY VISA WAIVER PROGRAM EXPANSION.—Section 217(c) of the Immigration and Nationality Act (8 U.S.C. 1187(c)) is amended by adding at the end the following:

''(8) NONIMMIGRANT VISA REFUSAL RATE FLEXIBILITY.—

''(A) CERTIFICATION.—On the date on which an air exit system is in place that can verify the departure of not less than 97 percent of foreign nationals that exit through airports of the United States, the Secretary of Homeland Security shall certify to Congress that such air exit system is in place.

''(B) WAIVER.—After certification by the Secretary under subparagraph (A), the Secretary of Homeland Security, in consultation with the Secretary of State, may waive the application of paragraph (2)(A) for a country—

''(i) if the country meets all security requirements of this section;

''(ii) if the Secretary of Homeland Security determines that the totality of the country's security risk mitigation measures provide assurance that the country's participation in the program would not compromise the law enforcement, security interests, or enforcement of the immigration laws of the United States;

''(iii) if there has been a sustained reduction in the rate of refusals for nonimmigrant visitor visas for nationals of the country and conditions exist to continue such reduction;

''(iv) the country cooperated with the Government of the United States on counterterrorism initiatives and information sharing before the date of its designation as a program country, and the Secretary of Homeland Security and the Secretary of State expect such cooperation will continue; and

''(v)(I) if the rate of refusals for nonimmigrant visitor visas for nationals of the country during the previous full fiscal year was not more than 10 percent; or

''(II) if the visa overstay rate for the country for the previous full fiscal year does not exceed the maximum visa overstay rate, once it is established under subparagraph (C).

''(C) MAXIMUM VISA OVERSTAY RATE.—

''(i) REQUIREMENT TO ESTABLISH.—After certification by the Secretary under subparagraph (A), the Secretary of Homeland Security and the Secretary of State jointly shall use information from the air exit system referred to in subparagraph (A) to establish a maximum visa overstay rate for countries participating in the program pursuant to a waiver under subparagraph (B).

''(ii) VISA OVERSTAY RATE DEFINED.—In this paragraph the term 'visa overstay rate' means, with respect to a country, the ratio of—

''(I) the total number of nationals of that country who were admitted to the United States on the basis of a nonimmigrant visitor visa for which the period of stay authorized by such visa ended during a fiscal year and who remained in the United States unlawfully beyond the such period of stay; to

''(II) the total number of nationals of that country who were admitted to the United States on the basis of a nonimmigrant visitor visa for which the period of stay authorized by such visa ended during such fiscal year.

''(iii) REPORT AND PUBLICATION.—Secretary of Homeland Security shall submit to Congress and publish in the Federal Register a notice of the maximum visa overstay rate proposed to be established under clause (i). Not less than 60 days after the date such notice is submitted and published, the Secretary shall issue a final maximum visa overstay rate.

''(9) DISCRETIONARY SECURITY-RELATED CONSIDERATIONS.—In determining whether to waive the application of paragraph (2)(A) for a country, pursuant to paragraph (8), the Secretary of Homeland Security, in consultation with the Secretary of State, shall take into consideration other factors affecting the security of the United States, including—

''(A) airport security standards in the country;

''(B) whether the country assists in the operation of an effective air marshal program;

''(C) the standards of passports and travel documents issued by the country; and

''(D) other security-related factors.''.

Mrs. FEINSTEIN. Mr. President, I rise today to voice my concern about the efforts to expand the Visa Waiver Program in the 9/11 commission report bill and to offer an amendment that will cap the unlimited expansion of this program.

I believe the bill as offered on the floor will make us less safe, not more safe with respect to this huge program called Visa Waiver.

The bill would allow the Department of Homeland Security and the Department of State to expand the Visa Waiver Program without limits. My amendment would limit this discretion based on a 10 percent visa refusal rate or on the actual visa overstay rate.

The Visa Waiver Program provides an extraordinary exception to our immigration laws. It allows the citizens of 27 nations to visit this country by merely showing up on the day of departure with a passport from their home country. In 2004, the State Department reported that 15.6 million people came to this country as part of this program. I am told that in 2005, unofficially, the number was at least 15.5 million and in 2006, the number was at least 15.6 million.

We have no way of knowing how many left because we do not have an exit system.

The bill on the floor today changes the Visa Waiver Program in a number of key ways.

First, it adds some good security measures, such as the expedited reporting of lost and stolen travel documents; and the exchange of information on terrorist watchlist. It also authorizes the Department of Homeland Security to develop an electronic travel authorization program so that all persons entering the U.S. will have to apply for clearance to enter the U.S. in advance of their trip. And it requires the Department of Homeland Security to develop a system to track all the foreign visitors who leave the U.S. via our airports—but not our seaports or land ports. This has been an unmet goal, however, year after year.

I welcome and support the enhanced security measures included in the bill. They are long overdue.

Second—and here is the problem—the bill allows the Department of Homeland Security and the Department of State to fundamentally change the way countries are admitted into the visa waiver program, and thus, who can come into the U.S. without getting a visa.

Under current law, a country is eligible for this program so long as the vast majority—at least 97 percent—of its nationals can get a visa when they apply for one. The percentage of people who are rejected when they apply for a visa is called the ''visa refusal rate'' and that percentage must be under 3 percent for a country to participate in the program.

The rationale is that if the overwhelming majority of visitors satisfy requirements for a U.S. visa when they apply, we should not waste our resources and the time of U.S. consular officers to evaluate every single visa application. The 3 percent rate means that 97 percent of these applicants will return to their home country for one reason or another. They have family and earn a satisfactory living.

But even with a 3 percent rejection rate, the Visa Waiver Program is a security problem.

Convicted terrorist Zacarias Moussaoui from France and ''shoe-bomber'' Richard Reid from Great Britain both boarded flights to the United States with passports issued by Visa Waiver Program countries.

On August 10 of this past year, British police charged 17 suspects with a terrorist plot to detonate liquid explosives carried on board several airliners traveling from the United Kingdom to the United States. The key suspects were reported to be British-born Muslims, eligible to travel to the U.S. with just a passport in hand.

For that reason, I believe that the current Visa Waiver Program is the soft underbelly of our national security.

But this bill undermines even the scant protection afforded by our current laws in that it allows the administration to admit new countries into the program with complete disregard for how many people were previously rejected when they applied for a U.S. visa. My amendment would provide a meaningful limit to that discretion.

This bill does not affect just a handful of countries. It would affect any

and every country whose nationals travel to the United States.

As a matter of fact, the ''roadmap'' countries—or countries that the administration is currently talking to about inclusion in the Visa Waiver Program—total 19. So the Departments of State and Homeland Security are actively talking with 19 countries for acceptance into this Program.

A significant number of these 19 countries have visa rejection rates that are well above 3 percent. They are marked with an asterisk, and total 13 of the 19. I ask unanimous consent to have printed in the RECORD a chart showing by country the rejection rates.

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

Country Name	*2006 Refusal Rate (Percent)*
Argentina*	6.7
Brazil*	13.2
Bulgaria*	17.5
Cyprus	2.2
Czech Republic*	9.4
Estonia*	7.1
Greece	2.2
Hungary*	12.7
Israel	4.2
Korea, South	3.6
Latvia*	21.6
Lithuania*	27.7
Malta	2.8
Poland*	26.2
Romania*	34.1
Slovakia*	16.0
Taiwan	3.1
Turkey*	15.4
Uruguay*	12.6

Mrs. FEINSTEIN. Mr. President, today, 544 million people are eligible to travel into the U.S. without a visa as part of the Visa Waiver Program. If we add these ''roadmap'' countries to the program, we will add 162 million more people who can travel into the United States without a visa—a 30 percent increase.

And if these 19 additional ''roadmap'' countries can come into the program, what is to preclude any other country from coming into the program? How do we say ''no'' to India, also a good ally, when its refusal rate—19.5 percent—is lower than 4 of the roadmap—countries? The rejection rate for China—24.5 percent—is lower than those coming from Romania. Indonesia, at 35.1 percent just exceeds Romania. So this bill will likely set up some real conflicts and create additional problems.

The administration has argued that the expansion of the visa waiver countries should be limited to our allies. But what does it mean to be an ally? According to this administration, when we invaded Iraq we counted Colombia with a 33.3 percent visa rejection rate, and Nicaragua, with a 48 percent rejection rate among our allies because they had provided some assistance in war.

Do we, in Congress, really want to give the administration unfettered flexibility to allow nationals from any country to travel to the U.S. without a visa, simply because their governments have cooperated with ours?

Does that mean that those nationals should be allowed to come to the United States with no advance screening?

We can only assume that we will also significantly increase the number of people who will not leave the United States after their visa expires. In this manner, this bill, if enacted into law, will likely add many thousands, if not millions, to the undocumented or illegal population.

Remember, today, 30 to 40 percent of the illegal population are, in fact, visa overstays—people who come with temporary or visitor visas and do not return to their countries.

I believe we should not expand this program without a good hard look at how it will compromise our national security, law enforcement, and immigration goals and without ensuring that safety measures are in place to make the program strong.

First, whenever the United States adds new countries to the program, it increases the demand for, and the availability of, fraudulent travel documents.

The value of lost, stolen or fraudulent Visa Waiver Program documents is enormous. A person carrying a visa waiver country passport has virtually unlimited access into and out of the United States.

No doubt, the expansion of the program will increase the use of fraudulent border documents which are sold on the black market in the tens of thousands: passports, international driver's licenses, and other forms of identification from new visa waiver countries will flood the market.

According to the July 2006 GAO report on improving the security of the Visa Waiver Program, visa waiver travel documents have been used by criminals and terrorists seeking to disguise their true identity.

In 2004, more than 15 million people from 27 countries traveled in and out of the United States with no visa.

And from January through June 2005—a 6-month period—the Department of Homeland Security reported that it confiscated 298 fraudulent or altered passports issued by Visa Waiver Program countries that travelers were attempting to use to enter the United States. And these are just the ones who got caught.

In fact, Interpol reports that they have records of more than 12 million stolen and lost travel documents in their database, but that there are 30 to 40 million travel documents have been stolen worldwide.

We can extrapolate that tens of thousands of those documents are from visa waiver countries.

As the 9/11 Commission report demonstrates, individuals with fraudulent documents pose a far greater threat to our national security than those traveling with no documents at all.

For that reason, Senator SESSIONS and I have introduced a bill this Congress to crack down on people who traffic in lost and stolen travel documents.

The second problem is that some countries have very weak policies on who can become a citizen—and therefore legally obtain travel documents. Not every country has the same strict controls on who can become a citizen as the U.S. does.

For example, Romania, one of the ''road map'' countries, extends citizenship to many citizens of Ukraine or Moldova as a matter of course without prior residency requirements. Ukraine and Moldova are not slated to participate in the visa waiver program, and in fact, have visa rejection rates of 38.7 percent and 34.2 percent, respectively. Adding Romania is like adding Ukraine and Moldova. How would their inclusion impact national security?

Finally, this bill does not go far enough to protect U.S. borders.

The bill requires the development of an air exit system, but it does nothing to track who comes and goes by way of our land and sea ports.

It also requires the Department of Homeland Security to track how many people overstay their visas, but it does not require them to use this information to determine who can participate in the program.

For example, even if we learn that one out of four Lithuanian visitors never returns to Lithuania when their visa expires, Lithuania could still participate in the Visa Waiver Program.

Again, experts estimate that between 30 percent and 40 percent of those undocumented people living in the U.S. today are here because they ignored the time limits on their visa and just never went back home.

At a time when this country is torn about how to handle the 12 million undocumented people currently living here, we must consider who plays by the rules when we talk about who participates in the program.

If a high number of travelers from countries overstay their visas, then those countries should not be allowed the benefit of permitting their nationals to enter the U.S. without a background check and a consular interview.

The amendment I am proposing today offers a way to limit the expansion of the Visa Waiver Program in light of our immigration and national security concerns.

The amendment I am offering would increase the visa rejection rate under the current law from 3 percent to 10 percent for countries that agree to these enhanced security measures.

The result is that countries such as South Korea, 3.6 percent, Taiwan, 3.1 percent, Estonia, 7.1 percent, and the Czech Republic, 9.4 percent could be eligible to participate in the program provided they pass the security requirements this bill imposes.

Then, once the U.S. has statistics on which foreign nationals regularly overstay their visa, the government should use those statistics to decide who can participate in the program.

My amendment would require the Departments of Homeland Security and State, in consultation and with the approval of Congress, to set a meaningful

overstay rate once they have that data. Then countries with a proven track record—those with nationals who go home when they are supposed to go home—could be eligible for the program.

The answer is not to entirely remove the visa rejection rate, 3 percent, as this bill does with no suitable replacement, but to enact a fair system across the board that recognizes that the screening of those who wish to come to our country is important, both for the security of the country, as well as to ensure that visitors do what their ''visa waiver'' provides—and that is to return to their country of origin at the end of the 90-day period.

Mr. LIEBERMAN. Mr. President, there are discussions going on between the Senator from California and others to answer a question or two about the amendment, so for the moment we are going to leave it pending, and I yield for my colleague from Maine.

Ms. COLLINS. Mr. President, I have only had a brief time to look at the amendment offered by the Senator from California, but it would, in my judgment, enhance certain provisions in the underlying bill on the visa waiver program. There are discussions going on with key Senators on our side of the aisle, such as Senator KYL of Arizona, who has also a great interest in this area.

We are not prepared on this side to proceed with a full discussion of the amendment at this time or to dispose of it at this time, but I would inform my colleagues that I am optimistic that the discussions will produce a fruitful result. At this time, we cannot proceed to disposing of the amendment, however.

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

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

Mr. LIEBERMAN. Mr. President, Parliamentary inquiry: Am I correct that the Feinstein amendment, No. 271, is the pending business?

The PRESIDING OFFICER. The Senator is correct.

Mr. LIEBERMAN. I have been informed the questions one Member was raising about the amendment of Senator FEINSTEIN have been resolved. I now urge we adopt the amendment.

The PRESIDING OFFICER. Is there further debate? The Senator from Maine.

Ms. COLLINS. Mr. President, to clarify for our colleagues, the objection or the clarification I mentioned earlier has been resolved on this side of the aisle. I know of no objection to adopting the amendment of Senator FEINSTEIN. I believe it strengthens the provisions in the underlying bill and I urge its adoption.

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

The amendment (No. 271) was agreed to.

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

Ms. COLLINS. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

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

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

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

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

AMENDMENT NO. 277

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

The PRESIDING OFFICER. The clerk will report.

The bill clerk read as follows:

The Senator from Maine [Ms. COLLINS], for herself, Mr. ALEXANDER, Mr. CARPER, Ms. SNOWE, Ms. CANTWELL, and Ms. MIKULSKI, proposes an amendment numbered 277.

Ms. COLLINS. I ask unanimous consent the reading of the amendment be dispensed with.

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

The amendment is as follows:

(Purpose: To extend the deadline by which State identification documents shall comply with certain minimum standards and for other purposes)

On page 145, strike line 21 and insert the following:

SEC. 404. IDENTIFICATION DOCUMENTS.

(a) MINIMUM DOCUMENT REQUIREMENTS.—Section 202(a)(1) of the REAL ID Act of 2005 (49 U.S.C. 30301 note) is amended by striking ''3 years after the date of the enactment of this division'' and inserting ''2 years after the promulgation of final regulations to implement this section''.

(b) AUTHORITY TO EXTEND COMPLIANCE DEADLINES.—Section 205(b) of the REAL ID Act of 2005 (49 U.S.C. 30301 note) is amended—

(1) by striking ''The Secretary'' and inserting the following:

''(1) IN GENERAL.—The Secretary''; and

(2) by adding at the end the following:

''(2) LACK OF VALIDATION SYSTEMS.—If the Secretary determines that the Federal or State electronic systems required to verify the validity and completeness of documents under section 202(c)(3) are not available to any State on the date described in section 202(a)(1), the requirements under section 202(c)(1) shall not apply to any State until adequate electronic validation systems are available to all States.''.

(c) NEGOTIATED RULEMAKING.—

(1) NEGOTIATED RULEMAKING COMMITTEE.—Not later than 30 days after the date of the enactment of this Act, the Secretary shall reconvene the committee originally established pursuant to section 7212(b)(4) of the 9/11 Commission Implementation Act of 2004 (49 U.S.C. 30301 note), with the addition of any new interested parties, including experts in privacy protection, experts in civil liberties and protection of constitutional rights, and experts in immigration law, to—

(A) review the regulations proposed by the Secretary to implement section 202 of the REAL ID Act of 2005 (49 U.S.C. 30301 note);

(B) review the provisions of the REAL ID Act of 2005;

(C) submit recommendations to the Secretary regarding appropriate modifications to such regulations; and

(D) submit recommendations to the Secretary and Congress regarding appropriate modifications to the REAL ID Act of 2005.

(2) CRITERIA.—In conducting the review under paragraph (1)(A), the committee shall consider, in addition to other factors at the discretion of the committee, modifications to the regulations to—

(A) minimize conflicts between State laws regarding driver's license eligibility;

(B) include procedures and requirements to protect the Federal and State constitutional rights, civil liberties, and privacy rights of individuals who apply for and hold driver's licenses and personal identification cards;

(C) protect the security of all personal information maintained in electronic form;

(D) provide individuals with procedural and substantive due process, including rules and right of appeal, to challenge errors in data records contained within the databases created to implement section 202 of the REAL ID Act of 2005;

(E) ensure that private entities are not permitted to scan the information contained on the face of a license, or in the machine readable component of the license, and resell, share, or trade such information with third parties;

(F) provide a fair system of funding to limit the costs of meeting the requirements of section 202 of the REAL ID Act of 2005;

(G) facilitate the management of vital identity-proving records; and

(H) improve the effectiveness and security of Federal documents used to validate identification.

(3) RULEMAKING.—To the extent that the final regulations to implement section 202 of the REAL ID Act of 2005 do not reflect the modifications recommended by the committee pursuant to paragraph (1)(C), the Secretary shall include, with such regulations in the Federal Register, the reasons for rejecting such modifications.

(4) REPORTS.—Not later than 120 days after reconvening under paragraph (1), the committee shall submit a report to the Committee on Homeland Security and Governmental Affairs of the Senate and the Committee on Homeland Security of the House of Representatives that includes—

(A) the list of recommended modifications to the regulations that were submitted to the Secretary under paragraph (1)(C); and

(B) a list of recommended amendments to the Real ID Act of 2005 that would address any concerns that could not be resolved by regulation.

(d) ENHANCED DRIVER'S LICENSE.—

Ms. COLLINS. Mr. President, I rise today to introduce an amendment to address the growing concern among States regarding the implementation of the REAL ID Act of 2005. This law requires States to meet minimum security standards before citizens can use their driver's licenses for Federal purposes, such as boarding an airplane. I am very pleased to have several cosponsors of this amendment, including Senator ALEXANDER, Senator CARPER, Senator CANTWELL, Senator SNOWE, and Senator MIKULSKI. All of them have expressed concerns about the impact on their States. I particularly wish to single out Senator ALEXANDER,

who has long been a leading voice in raising concerns about the costs imposed upon States by the REAL ID Act.

As the deadline for compliance for the REAL ID Act rapidly approaches, States are beginning to send a very clear message that they are deeply concerned they simply will not be able to meet these standards. The amendment I introduce today recognizes those concerns by allowing more time to devise a way to make driver's licenses more secure without unduly burdening State governments and without threatening privacy and civil liberties.

To begin with, perhaps some background information would be useful. The 9/11 Commission's investigation found that all but one of the 9/11 terrorists had acquired some form of U.S. identification—in most cases a State driver's licenses. The Commission recommended that the Federal Government should set standards for the issuance of driver's licenses to make them more secure, to ensure the person was, in fact, entitled to a driver's license, and to make certain the driver's license has certain security features to ensure the individual is who he or she claims to be.

To implement that recommendation, which was indeed in response to a very real concern identified by the 9/11 Commission, I worked with a bipartisan group of Senators, most notably my colleague, Senator LIEBERMAN, to craft a provision in the 2004 Intelligence Reform Act that would accomplish the goal of the Commission. It called for the creation of a committee of experts from the Federal Government, from State governments, from privacy groups, from technology information organizations, to come together in a negotiated rulemaking process and to develop a means of providing secure identification, while protecting privacy and civil liberty rights, and also respecting the role of the States, which have always had the primary responsibility in this area.

The language we came up with also provided for some grants that would help the States bear this cost—not the whole cost but to help them out.

This committee was indeed appointed—indeed, at my recommendation, Maine's secretary of state was one of the members—and they began diligently working on this task. Unfortunately, before the committee could complete its work, the House of Representatives attached the REAL ID Act of 2005 to an emergency war supplemental, a bill that was truly urgent. There was not a lot of consideration in the Senate nor debate over this provision. It was inserted into the emergency war appropriations bill.

The effect of that was to repeal the negotiated rulemaking provisions that we had worked so hard to craft and to put into the Intelligence Reform Act of 2004. The further effect, therefore, was to halt the very productive and worthwhile progress this committee was making in devising standards to improve security without imposing unnecessary burdens and costs on State governments.

Unlike our Intelligence Reform Act, the REAL ID Act of 2005 did not include States and other interested parties, whether privacy advocates or technological experts, in the rulemaking process. Instead, the REAL ID Act simply instructed the Department of Homeland Security to write its own regulations. It has been almost 2 years since the REAL ID Act was passed, and the Department has yet to issue the detailed guidance the States need to comply with the law. We expect these regulations are just about to be published, that they are about to be issued under the formal notice and comment period later this week.

The problem is, the States are facing this looming May of 2008 deadline for being in full compliance with the REAL ID Act. That is an enormously constricted period for the States to comply, when the regulations have not yet been issued.

As States begin work this year on their 2008 budgets, they still have no idea what the final regulations will require of them, but they do know that the costs are likely to be substantial based on a study released in 2006 by the National Governors Association. The NGA estimated that the costs to States to implement the REAL ID Act could total more than $11 billion over the next 5 years. This is a substantial amount. Perhaps the cost will be less than that, but the point is, we don't know because the regulations with the detailed guidance have still not been issued, even as we speak.

The State of Maine reports that the costs of implementation of the REAL ID Act could total $158 million. The Secretary of State tells me that is more than six times the normal operating budget of the Maine Bureau of Motor Vehicles.

The result has been an increasing rebellion by States over this unfunded, very difficult mandate. Some States, including my home State of Maine, have passed resolutions that have sent the message to Washington that they cannot and will not implement the REAL ID Act by the May 2008 deadline. So what do we do?

Here is what my amendment proposes. I have had extensive consultations with the National Governors Association, the National Council of State Legislatures, and other experts on this issue.

My amendment has two primary objectives. The first is to give the Federal Government and States the time and flexibility they need to come up with an effective but practical system to provide secure driver's licenses.

Second, my amendment would ensure the involvement of experts from the States, from the technology industry, and privacy and civil liberties advocates, by bringing them back to the table and giving them a chance to review these regulations and make them work.

There are three major provisions in the amendment we are offering. First, the amendment provides that States would not have to be in full compliance with the REAL ID Act until 2 years after the final regulations are promulgated. That is reasonable. This is a difficult task, and it is important that we get it right. It is important for our security, but it is also important for the States that have been burdened with the task. That means no matter how long it takes for the Department of Homeland Security to finish these regulations, States will have a full 2 years to implement them. Most likely, the impact of that is to delay from May of next year to May of 2010 the compliance date. That is the likely timeframe about which we are talking.

Second, the amendment would give the Secretary of Homeland Security more flexibility to waive certain requirements of REAL ID, if an aspect of the program proves to be technically difficult to implement. I have talked with some technology experts. Some of them say it can be done. Some of them say this is an enormous task because we are talking about having interlocking databases so that States can check with other States on whether an individual is licensed there. That is a very complex project because, not surprisingly, each State has its own system. So there are questions about the technology and the feasibility of all of the requirements of the REAL ID Act. We want to give the Secretary some flexibility in that area.

It is possible that some of the technological links necessary for REAL ID may not be fully in place at the time that compliance is required. On the other hand, if the technology is there and the systems are up and running, it will be easier for the States to proceed. That is another advantage of the extension in time. The technology is only going to get better and become more effective.

This also gives us more time to address privacy concerns because there are a lot of questions, if you have people throughout the country working in motor vehicle bureaus who are now going to have access to databases and are going to need training in evaluating the underlying documents, whether they are birth certificates or visas, in determining their validity. So this is a complicated task.

Third, the amendment reconstitutes the committee that we created in 2004, and that was making such good progress in its deliberations before these provisions were repealed by the REAL ID Act. This committee would be required to look at the regulations published by the Department of Homeland Security and to make suggestions for modifications to meet the concerns of States, privacy advocates, and other interested parties. Within 120 days of convening, the committee would report its recommendations to the Department of Homeland Security and to Congress. So we are not throwing out

the work that has already been done by the Department of Homeland Security. It doesn't make sense to go back to square one, to go back to scratch, as the 2004 bill had proposed. Instead, we create this committee, bringing all the stakeholders to the table. They would take a rigorous look at the regulations that are issued, and they would make recommendations to the Department and to us so that we could exercise our oversight.

The Department of Homeland Security would then either have to make the recommendations recommended by this committee or explain why it chose not to. So we would have much more transparency and accountability in the process.

In addition, the committee could recommend to Congress, if they believed that statutory changes are needed to mitigate concerns that could not be addressed by modifications to the regulations. That is an important safeguard as well.

The amendment we are offering would give us time, the information that Congress and the Department of Homeland Security need to better implement the recommendations of the 9/11 Commission in order to make our driver's licenses secure so that they cannot again be used to facilitate a plot to attack our country.

There is a real problem. The 9/11 Commission was correct in identifying the ease with which the hijackers were able to secure driver's licenses. But let's come up with not only an effective solution to the problem identified but also a practical one. We don't have to choose one versus the other. We can come up with a cost-effective, efficient, effective way to achieve this goal. This bill does so in a way that does not rewind the clock 3 years but instead keeps us moving to a more secure America.

I look forward to working with my colleagues on both sides of the aisle to address REAL ID and to put us back on the right track to protect our country, to protect our privacy, to protect our liberty, and to do so in a practical way.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

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

The PRESIDING OFFICER (Ms. KLOBUCHAR). Without objection, it is so ordered.

Ms. COLLINS. Madam President, what is the pending business?

The PRESIDING OFFICER. The pending amendment is the Collins amendment.

Ms. COLLINS. Madam President, it is actually a Collins-Alexander amendment, along with several of our colleagues. I am very pleased to note the Senator from Tennessee, who has been such a leader and such an early voice raising concerns about the implications of the REAL ID Act for State governments, is here on the floor. As a former Governor, he has a better appreciation than many of us of the burden this act imposes on the States. So I am very pleased the Senator is here and I yield to him such time as he may need.

The PRESIDING OFFICER. The Senator from Tennessee, the coauthor of the amendment, is recognized.

Mr. ALEXANDER. Madam President, I thank the Senator from Maine and I salute the Senator from Maine. She is paying close attention not just to the security of our country but the fact that we need strong States and cities in our country at the same time. She, obviously, is in tune with the people in Maine because they, like people in Tennessee and other States, have taken a look at the so-called REAL ID law and wondered what we are doing up here.

She has made a very thoughtful and sensible suggestion, which is that we delay for 2 years the implementation of the so-called REAL ID law, and let's make sure we know what we are doing.

Senator COLLINS, because she is ranking member of the committee that deals with homeland security and a former chairman, and because she served in State government, is more sensitive to this issue than perhaps some of our colleagues. But she understands it is very easy for those of us in Washington to stand up here and come up with a big idea and think it might be a good idea, and then turn it into a law and hold a press conference and take credit for it, and then send the bill to the Governor and the legislature and say: You pay for it.

Senator COLLINS is more polite about this than I might be. Nothing used to make me madder when I was Governor than for legislators and Congressmen to do just that: to pass a big bill, take credit for it, and send the bill to the State. Then that same Congressman would usually be back in Tennessee making a Lincoln Day speech or a Jefferson Day speech or a Jackson Day speech about local control and saying how we need strong States and strong cities, but they dumped a big unfunded mandate on top of us.

So let me see if I can be in support of Senator COLLINS, who has made a very reasonable, sensible amendment: First, to think about what we are doing with REAL ID and to make sure if we want to continue down this path, we do it in a way that respects the privacy of Americans. We are, after all, for the first time in our history actually creating a national identification card with all the ramifications of that. That is what the REAL ID law did. Second, to make sure that we don't create an unfunded mandate. The Republican Congress in 1994 was ushered in claiming no more unfunded mandates. The Congressmen stood on the steps over there in the House and said: If we break our promise, throw us out. Well, they threw us out this past election, so why would we persist with unfunded mandates?

This is an $11 billion unfunded mandate on State governments over the next 5 years. What does that mean? Higher property taxes, higher tuition costs, less funding for higher education so we can stay competitive with China and India, less money for lower classroom sizes, and less money for rewarding outstanding teachers. That is what unfunded mandates will mean, so we shouldn't do that.

Then the third thing that is unfortunate about this REAL ID law that passed is we didn't have the opportunity to say anything about it over here in the Senate. Now, we are not always the wisest people in Washington, DC, but we have half the say. The REAL ID Act came up in the House of Representatives. It was stuffed into the supplemental appropriations bill for Katrina and the troops in Iraq. So of course we had to vote for the bill. We had no chance to amend it, no debate, no hearings, and no consideration of other alternatives. Yet we impose on every State in this country a total of $11 billion worth of unfunded mandates, and we create for the first time in the history of a liberty-loving nation a national identification card. I would say we wouldn't be doing our job if we didn't stop and think about what we have done. Fortunately, we have time to stop and think about it, because while the law has been passed, it is not implemented yet.

Here is what Senator COLLINS has done, and I give her great credit for this. For her to introduce this amendment is especially useful because of her position as former chairman of the affected committee and now its ranking member. She has quickly attracted several cosponsors, Republicans and Democrats. She would extend the deadline for compliance with REAL ID to 2 years after final regulations are issued by the Department of Homeland Security.

Now, from the point of view of a Governor, that makes sense. If I were sitting back in Nashville, I would say: Well, now, Madam Congressman or Mr. Congressman, you are not going to expect me to take 3 or 4 million Tennesseans and run them through the State driver's license offices and find out if they are terrorists or if they are illegally here, or send them back home to grandma's attic and dig up their birth certificates, are you? I mean how many Tennesseans have their birth certificates handy? How many want to go back to the driver's license office and stand in line? That is a lot of people, 3 or 4 million people, and that is only Tennessee. There are over 196 million people with driver's licenses in the United States.

There is another section or two in Senator COLLINS' amendment. She gives a little more discretion to the Secretary of DHS to waive State deadlines. That is a reasonable approach. She reestablishes the negotiated rulemaking committee that was created as part of the National Intelligence Reform Act of 2004. That means in plain

English that States that have the job of implementing this law will have a chance to come to the Federal Government and say: Well, in Minnesota, we have longer lines during this part of the year because it snows and shorter lines during that part of the year because there is ice. And in other times of the year people are fishing on their lakes, and so we have some local conditions here. This gives more time to take into consideration the local conditions.

Also, it requires figuring out what a fair system of reimbursement is. Here are the figures I have seen: Apparently we have appropriated $40 million for this. The Senator from Maine is nodding her head. Yet, the Governors tell us it is going to cost $11 billion. We have appropriated $40 million. They say it is going to cost $11 billion. We have a 60-vote point of order against unfunded Federal mandates. We couldn't even raise that when this went through like a freight train in the middle of a Katrina and troops-in-Iraq bill. There would have to be 60 votes in order to impose on the States this kind of financial burden.

So that is basically it. This amendment says let's stop and think about this since this is the first national identification card we have ever had in this country. And since it is a massive unfunded mandate that would have the effect, if the Governors are right, of raising State taxes, raising tuition, cutting the amount of money available for colleges and competitiveness, cutting money for reducing classroom size, and cutting money for State health care plans.

Then the third thing is we had no discussion—I don't believe there was a single hearing anywhere in the Senate—about this bill. I am delighted to have a chance to be a cosponsor of this legislation that Senator COLLINS has introduced.

I will say one other thing about this idea of a national identification card. I have lived long enough to have changed my mind a few times on important issues. When I was Governor of Tennessee, I vetoed twice the photo identification card I now carry in my billfold because I thought it was an infringement on civil liberties and I didn't think it was anybody's business to have my picture on the identification card. Well, the retailers wanted it for check cashing, and law enforcement people wanted it so they could catch more criminals. So the legislature overrode me. Plus, when I tried to get into the White House one time as Governor, they wouldn't let me in because I didn't have a photo identification card and I said: Well, I vetoed it, and they didn't think that was a good reason. The Governor of Georgia had to vouch for me, and after that indignity, Tennessee finally got a photo identification card.

We have a right in America to be skeptical of national identification cards. We love liberty more than anything in this country, and that could infringe on our liberty. We have seen what happened in South Africa when people carried around passports and they were classified based on race, and their lives, their activities, everything about them was regulated that way. We can think back on Nazi Germany and other totalitarian countries where so much information was on a single card that it gave the Government a good chance to keep up with every single person.

I have changed my mind after 9/11. I believe we need a national identification card of some kind, and we, in fact, have one now. It is a de facto identification card. We call it the driver's license, but it is completely ineffective. It gets stolen. It gets copied. We show it when we go through the line at an airport. For a long time, mine said on the front that it expired in the year 2000, but if you turn it over, it said 2005. Well, at the airport they never turned it over so it is not a very effective identification card, and that is the impetus for the REAL ID. I understand that.

The first thought was let's take all of these 196 million driver's licenses and turn them into identification cards, but that might not be the best thought. There are other options. For example, we might need a work card in the United States. A lot of the impetus for this came from immigration problems. Since many of the immigration problems are the result of people wanting to come here and work, maybe one way to think about identity theft is to say: Let's have a Social Security card that is biometric and let people apply for that; let people who get new cards get that, and let's have a work card. Or maybe we need a travel card for people who want to travel on airplanes, and they would have a travel card. Maybe we need to expand the number of passports. Twenty-five percent of us have passports. I am not sure what the right answer is. My instinct is that probably a work card would be a good card to have. Maybe we ought to have two or three cards that meet certain Federal requirements, any of which could be used for other identification purposes. That way we would technically avoid having the national identification card, but for convenience, people could have a work card, a travel card, and a passport. All of those are just ideas. But I wouldn't suggest that the Senate wait until midnight and take Senator ALEXANDER's ideas, ram them through, and send them to the House and tell them to pass them with the next Iraq supplemental bill just because we thought of it.

I think it would be better to let Senator LIEBERMAN and Senator COLLINS and others consider all of these options very carefully. I think it might be best when we get to the immigration bill and we talk about having an employer identification system, because that is going to be an essential part of the comprehensive immigration bill. Well, if that is the case, then we are probably going to need some kind of work card. If that is the case, we might end up with a secure Social Security card. If that is the case, we might not need REAL ID at all.

So that is an even better reason to adopt the Collins amendment, because between now and the expiration of 2 years, we should pass a comprehensive immigration bill here in Congress. In fact, if we don't, we should all be severely criticized, because it is our job to do it. So I urge my colleagues respectfully to look at the Collins amendment and see it as a reasonable approach. It says: Let's delay 2 years. Let's hold some hearings. Let's ask the States to be more involved in what the cost is. Let's think about any privacy issues that might result from a de facto national identification card, and let's even make sure, if we are going to have an identification card, that the idea of using driver's licenses is the best way to do it.

As my last comment, I would underscore the fact that there are a number of States already considering taking the action Maine has already taken, the Senator's State, in passing a resolution rejecting the REAL ID card. Those are Hawaii, Georgia, Massachusetts, New Mexico, Oklahoma, Vermont, and Washington State. If the REAL ID card were to go into effect in those States in May, next spring, and they didn't have the REAL ID card, according to the law they can't fly on a commercial airplane. Well, that is going to create a situation I don't think any Member of this Senate wants to see.

So I am here to salute the Senator from Maine for being diligent in protecting our liberty and in protecting the rights of State and local governments, and making sure that if we are going to have some kind of more secure card, whether it is a driver's license or a work card, a travel card, or even a passport, that we do it right after we have suitable hearings.

I am proud to be a cosponsor of the Collins amendment, and I thank the Senator for yielding time to me.

The PRESIDING OFFICER. The Senator from Maine is recognized.

Ms. COLLINS. Madam President, I thank the Senator from Tennessee for his excellent statement. He outlined the issue very well.

I emphasize two points the Senator made. First is the cost. The National Governors Association has estimated that compliance with the requirements of the REAL ID card will impose $11 billion of costs on State governments over the next 5 years. Yet we have appropriated only $40 million to be used toward that cost, and of that amount the Department of Homeland Security has only allocated $6 million, so only a tiny fraction of the expected cost.

The second point I emphasize is the Department of Homeland Security has yet to issue the regulations detailing how States are to comply with the law.

So to expect the States to comply by May of next year with regulations that have yet to be issued is simply unfair and will add another layer of costs because of the short time for compliance. This 2 years will allow a more careful review. It will allow more input by the States when DHS does issue the regulations, and it will allow us to devise a cost-effective way of achieving a goal all of us have, and that is to make driver's licenses more secure.

I am very grateful for the insights of the Senator from Tennessee, for his support, and for his very early leadership on this issue.

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

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

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

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

Mr. INOUYE. Madam President, the provisions included in the Commerce Committee title, title 13 of the substitute amendment, reflect the Commerce Committee's relentless efforts to tackle emerging issues and building upon existing security transportation legislation. The provisions included in the Commerce title improve and enhance our security efforts across all modes: rail, truck, motor carrier, pipeline, and aviation.

Senator STEVENS and I, and our colleagues on the Commerce Committee are no strangers to the issue of transportation security. In fact, the Commerce Committee responded and the Congress enacted immediately in the aftermath of the 9/11 attack landmark aviation and maritime security laws.

Last year, the Congress took its first step in 4 years, to significantly improve the Nation's transportation security system by enacting the Commerce Committee's SAFE Port Act, which strengthened the security of our Nation's ports and maritime vessels.

While significant in terms of the protections provided to our ports and maritime system, the Congress failed during conference to seize the opportunity to enact comprehensive transportation security legislation that would have addressed many of the gaps in other modes of the transportation system.

Today we begin to correct that shortcoming with the proposed legislation before us.

The Commerce title to the substitute amendment before the Senate addresses transportation security for our rail, motor carrier, and pipeline industries. The economic importance of these three industries can not be overstated.

While 95 percent of the Nation's cargo comes through our ports, our rail system and our motor carriers move these goods from our coasts and borders, through the interior of this country, to their final destinations. Together, these systems are the backbone that sustains our economy.

In terms of rail security, the Nation's 560-plus freight railroads own more than 140,000 miles of track over which nearly 30 million carloads are transported annually. This network transports 42 percent of all domestic intercity freight, the majority of coal used in electricity generation, more than 12 million trailers and containers, and two million carloads of chemicals. Meanwhile, U.S. trucking hauled 9.1 billion tons of freight and employed 5.6 million people in trucking related fields in 2003.

Equally important is the contribution that these modes make in moving passengers throughout our Nation. Approximately 24 million passengers ride Amtrak annually, and there are nearly 3.4 billion passenger and commuter rail trips in this country each year. Similarly, over-the-road buses transport approximately 600 million passengers annually and are the only viable means of public transportation for many people throughout the country.

The recent attacks on the passenger trains and transit systems in Madrid, London, and Mumbai all demonstrate that railroads and surface transportation systems are vulnerable targets for terrorists, and are a constant reminder of what can happen in our communities.

We must address the risks facing our essential surface and rail transportation systems here at home in a comprehensive and coordinated way before we become the next victim of a successful attack.

Toward this goal, Senator STEVENS and I, along with Senators LAUTENBERG, ROCKEFELLER, KERRY, BOXER, SNOWE, PRYOR, CARPER, DORGAN, HUTCHISON, KLOBUCHAR, CANTWELL, and others, introduced the Surface Transportation and Rail Security Act of 2007, or STARS Act. This bill has 22 cosponsors to date.

The STARS Act incorporates updated versions of provisions within the Rail Security Act of 2004, which the Senate passed by unanimous consent in the 108th Congress, and the Senate version of the SAFE Port Act which we passed in the 109th Congress.

The Commerce Committee unanimously reported this bill along with S. 509, the Aviation Security Improvement Act, and S. 385, the Interoperable Emergency Communication Act, on February 13, 2007, and these provisions are included in the substitute amendment before us today as title 13.

The surface and rail provisions in title 13 require the Department of Homeland Security and the Transportation Security Administration to expand existing security initiatives and develop grant programs to assist private-sector surface transportation security efforts. The title authorizes $1.1 billion over fiscal years 2008 through 2011.

The rail title of the substitute amendment requires railroad risk assessments and plans for improving rail security. It also authorizes grants to Amtrak, freight railroads and others to upgrade passenger and freight rail security, undertake research and development, and improve tunnel security.

Additionally, the title encourages the deployment of rail car tracking equipment for high-hazard material shipments, requires railroads to create a railroad worker security-training program, and provides whistleblower protection for rail workers who report security concerns.

The surface transportation security provisions in title 13 of the substitute amendment promotes tracking technology for truck shipments of high-hazard materials and requires new guidance and assessments pertaining to hazardous materials truck routing.

The title also establishes programs for reviewing and enforcing hazardous materials and pipeline security plans and requires the TSA to develop pipeline incident recovery plans.

Additionally, the title authorizes the existing grant program for improving intercity bus and bus terminal security.

Finally, the title clarifies, at the TSA's request, the Secretary of Homeland Security's legal authority for initiating an administrative enforcement proceeding for violations of security regulations relating to nonaviation modes of transportation.

Regarding aviation security, title 13 addresses all the recommendations in the 9/11 Commission's report, including cargo and baggage screening, explosive detection at airport checkpoints, passenger prescreening, airport access controls, and general aviation security. The title requires the TSA to provide for the screening of all cargo being carried on commercial passenger aircraft within 3 years. The system must allow for a level of screening ''comparable'' to that of checked baggage screening and ensure the security of all cargo that is shipped on passenger aircraft.

The aviation provisions in title 13 advance the deployment of electronic Explosive Detection Systems, EDS, at airports across the nation by extending the Aviation Security Capital Fund that is used to integrate such machines into the baggage conveyor process.

The title also bolsters the existing grant program through changes in funding allocation requirements requiring a prioritized schedule for such projects that will increase flexibility for funding options.

Our legislation recognizes the threat presented by passengers transporting explosives through security checkpoints and promotes key changes to address this risk.

Title 13 requires the TSA to produce a strategic plan to deploy explosive detection equipment at airport checkpoints and fully implement that plan within 1 year of its submission. They must also provide specialized training to the screener workforce in the areas of behavior observation, and explosives detection. To address ongoing problems in developing an advanced passenger

prescreening system, the aviation provisions in title 13 would ensure a system is in place to coordinate passenger redress for those individuals misidentified against the ''no-fly'' or ''selectee'' watchlists. The TSA must also submit a strategic plan to Congress for the testing and implementation of its advanced passenger prescreening system.

To increase General Aviation, GA, security, the title will require a threat assessment program that is standardized and focused on GA facilities. It will further require foreign based GA aircraft entering U.S. airspace to have their passengers checked against appropriate watchlists to determine if there are any potential threats on board.

Title 13 of the substitute amendment includes a number of additional provisions that will take significant steps toward strengthening aviation security generally.

Title 13 will also authorize research and development spending for aviation security technology, remove the arbitrary cap of 45,000 full-time equivalent—FTE—employees currently imposed on the TSA's screener workforce, and mandate security rules for foreign aircraft repair stations.

In addition, this title will require the TSA to develop a system by which the Administrator will provide blast-resistant cargo containers to commercial passenger air carriers for use on a random or risk-assessed basis, implement a sterile area access system that will grant flight deck and cabin crews expedited access to secure areas through screening checkpoints, and require a doubling of the DHS's existing dog team capacity used for explosive detection across the Nation's transportation network.

In addition to transportation security, title 13 also includes the text of S. 385, the Interoperable Emergency Communications Act, which I introduced earlier this year with Senators STEVENS, KERRY, SMITH, and SNOWE. Under the foresight and leadership of Senator STEVENS, during the Deficit Reduction Act, the Commerce Committee created a new $1 billion fund administered by the National Telecommunications and Information Administration—NTIA—to support state and local first responders in their efforts to talk to one another during emergencies.

The interoperable provisions in title 13 provide congressional direction on the implementation of that fund.

Since its creation, NTIA has served as the principal telecommunications policy advisor to the Secretary of Commerce and the President, and manages the Federal Government's use of the radio spectrum.

In this capacity, NTIA has historically played an important role in assisting public safety personnel in improving communications interoperability and recognizing that effective solutions involve attention to issues of spectrum and government coordination as well as funding.

Today, our first responders continue to struggle in their efforts to improve the interoperability of their systems. The statutory guidance provided to NTIA in this legislation will help them in these efforts.

First, the provision would make clear that proposals to improve interoperable communications are not solely limited to systems or equipment that utilize new public safety spectrum that will be vacated following the digital television transition.

In a letter to the majority leader earlier this year, Mayor Bloomberg of New York City noted the significant efforts of his city to improve communications interoperability for first responders utilizing systems in other public safety spectrum bands, and urged Congress to eliminate the apparent eligibility restriction in current law. As a result, our provisions make clear that if the project will improve public safety interoperability, it is eligible for funding.

In addition, the provisions provide the NTIA Administrator to direct up to $100 million of these funds for the creation of State and Federal strategic technology reserves of communications equipment that can be readily deployed in the event that terrestrial networks fail in times of disaster.

Recently, an independent panel created by FCC Chairman Kevin Martin to review the impact of Hurricane Katrina on communications networks noted the impact that limited pre-positioning of communications equipment had in slowing the recovery process. As a result, these provisions will help to ensure that our focus on interoperability also considers the importance of communications redundancy and resiliency.

Second, the provisions ensure that funding allocations among the several States result in a fair distribution by requiring a base amount of funding—.75 percent—to be distributed to all States.

On top of these minimum allocations, the provision would further require that prioritization of these funds be based upon an ''all-hazards'' approach that recognizes the critical need for effective emergency communications in response to natural disasters, such as tsunami, earthquakes, hurricanes, and tornadoes, in addition to terrorist attacks.

Finally, NTIA's administration of the grant fund will not only help to integrate the disparate elements that must be a part of effective interoperability solutions, but will also ensure greater program transparency and oversight. Given the myriad of different grant programs administered by the Department of Homeland Security, it is critical that these funds—specifically allocated by Congress to speed up our efforts to improve communications interoperability for first responders—not get lost in the shuffle of other disaster and nondisaster grants.

As a result, the provisions not only devote NTIA's attention to the success of this program, but also require the inspector general of the Department of Commerce to annually review the administration of this program.

The terrorists that seek to do us harm are cunning, dynamic, and most of all, patient. While they have not successfully struck our homeland since September 11, 2001, it does not mean they are not preparing to do so.

They work 24 hours a day, studying every move we make, looking for some weakness to exploit. It is imperative that we stay ahead of them.

We must recruit, train, and deploy a skilled and dedicated security force. We must research and implement the most effective and cutting edge technologies to enhance the capabilities of that security force. And we must provide communications equipment to our first responders that is interoperable and accessible in the immediate aftermath of a disaster.

Simply put, our entire economy relies on a well-functioning, secure transportation system, and we must ensure that the system, and the passengers and cargo that use it, are well protected.

The steps we take in the coming months will impact our safety, security, and one of our most essential freedoms—movement—for years to come. We must commit ourselves to ensuring that our transportation security remains a priority and is as strong and effective as possible.

The provisions before the Senate this week that were reported out of the Commerce Committee make that commitment.

We have worked over the past several years with our colleagues and with the TSA and DHS and with the FCC and NTIA to address concerns, improve on initial efforts, and plan for the future. Now, it is time to act and to pass these provisions, so we can continue to move forward.

The PRESIDING OFFICER. The Senator from Connecticut is recognized.

Mr. LIEBERMAN. Madam President, I thank Senator INOUYE for his extraordinary leadership in these matters. The committees have differing jurisdictions, all aimed at supporting homeland security. The Commerce Committee sections we are proud to have put together with the parts that came out of the Homeland Security Committee, as well as parts that came out of the Banking Committee.

It is always an honor and pleasure to work with Senator INOUYE. I thank him for the contributions he and Senator STEVENS and their committee have made to the overall movement in the Senate to improve our homeland security. I thank the Senator very much.

Mr. INOUYE. Madam President, I thank the chairman for his kind words.

I yield the floor.

Mr. LIEBERMAN. Madam 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. LIEBERMAN. Madam President, I ask unanimous consent the order for the quorum call be rescinded.

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

Mr. LIEBERMAN. Madam President, I yield to the Senator from South Carolina, who has come to the floor to offer an amendment.

The PRESIDING OFFICER. The Senator from South Carolina is recognized.

AMENDMENT NO. 279 TO AMENDMENT NO. 275

Mr. DEMINT. Madam President, I ask to set aside the pending amendment.

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

Mr. DEMINT. Madam President, I thank the managers of this bill for the time and effort they have put into it. It is almost 400 pages long, and it contains numerous provisions. I look forward to working with the Senator from Connecticut, Mr. LIEBERMAN, and the Senator from Maine, Ms. COLLINS, in the coming days to make this bill better. I call up amendment No. 279.

The PRESIDING OFFICER. The clerk will report the amendment.

The assistant legislative clerk read as follows:

The Senator from South Carolina [Mr. DEMINT] proposes an amendment numbered 279 to amendment No. 275.

The amendment is as follows:

(Purpose: To specify the criminal offenses that disqualify an applicant from the receipt of a transportation security card)

At the appropriate place, insert the following:

SEC. ___. PROHIBITION OF ISSUANCE OF TRANSPORTATION SECURITY CARDS TO CONVICTED FELONS.

(a) IN GENERAL.—Section 70105 of title 46, United States Code, is amended—

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

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

''(1) DISQUALIFICATIONS.—

''(A) PERMANENT DISQUALIFYING CRIMINAL OFFENSES.—Except as provided under paragraph (2), an individual is permanently disqualified from being issued a biometric transportation security card under subsection (b) if the individual has been convicted, or found not guilty by reason of insanity, in a civilian or military jurisdiction of any of the following felonies:

''(i) Espionage or conspiracy to commit espionage.

''(ii) Sedition or conspiracy to commit sedition.

''(iii) Treason or conspiracy to commit treason.

''(iv) A Federal crime of terrorism (as defined in section 2332b(g) of title 18), a comparable State law, or conspiracy to commit such crime.

''(v) A crime involving a transportation security incident.

''(vi) Improper transportation of a hazardous material under section 5124 of title 49, or a comparable State law.

''(vii) Unlawful possession, use, sale, distribution, manufacture, purchase, receipt, transfer, shipping, transporting, import, export, storage of, or dealing in an explosive or explosive device. In this clause, an explosive or explosive device includes—

''(I) an explosive (as defined in sections 232(5) and 844(j) of title 18);

''(II) explosive materials (as defined in subsections (c) through (f) of section 841 of title 18); and

''(III) a destructive device (as defined in 921(a)(4) of title 18 and section 5845(f) of the Internal Revenue Code of 1986).

''(viii) Murder.

''(ix) Making any threat, or maliciously conveying false information knowing the same to be false, concerning the deliverance, placement, or detonation of an explosive or other lethal device in or against a place of public use, a State or other government facility, a public transportation system, or an infrastructure facility.

''(x) A violation of the Racketeer Influenced and Corrupt Organizations Act (18 U.S.C. 1961 et seq.), or a comparable State law, if 1 of the predicate acts found by a jury or admitted by the defendant consists of 1 of the crimes listed in this subparagraph.

''(xi) Attempt to commit any of the crimes listed in clauses (i) through (iv).

''(xii) Conspiracy or attempt to commit any of the crimes described in clauses (v) through (x).

''(B) INTERIM DISQUALIFYING CRIMINAL OFFENSES.—Except as provided under paragraph (2), an individual is disqualified from being issued a biometric transportation security card under subsection (b) if the individual has been convicted, or found not guilty by reason of insanity, during the 7-year period ending on the date on which the individual applies for such card, or was released from incarceration during the 5-year period ending on the date on which the individual applies for such card, of any of the following felonies:

''(i) Unlawful possession, use, sale, manufacture, purchase, distribution, receipt, transfer, shipping, transporting, delivery, import, export of, or dealing in a firearm or other weapon. In this clause, a firearm or other weapon includes—

''(I) firearms (as defined in section 921(a)(3) of title 18 and section 5845(a) of the Internal Revenue Code of 1986); and

''(II) items contained on the United States Munitions Import List under section 447.21 of title 27, Code of Federal Regulations.

''(ii) Extortion.

''(iii) Dishonesty, fraud, or misrepresentation, including identity fraud and money laundering if the money laundering is related to a crime described in this subparagraph or subparagraph (A). In this clause, welfare fraud and passing bad checks do not constitute dishonesty, fraud, or misrepresentation.

''(iv) Bribery.

''(v) Smuggling.

''(vi) Immigration violations.

''(vii) Distribution of, possession with intent to distribute, or importation of a controlled substance.

''(viii) Arson.

''(ix) Kidnapping or hostage taking.

''(x) Rape or aggravated sexual abuse.

''(xi) Assault with intent to kill.

''(xii) Robbery.

''(xiii) Conspiracy or attempt to commit any of the crimes listed in this subparagraph.

''(xiv) Fraudulent entry into a seaport under section 1036 of title 18, or a comparable State law.

''(xv) A violation of the Racketeer Influenced and Corrupt Organizations Act (18 U.S.C. 1961 et seq.) or a comparable State law, other than any of the violations listed in subparagraph (A)(x).

''(C) UNDER WANT WARRANT, OR INDICTMENT.—An applicant who is wanted, or under indictment, in any civilian or military jurisdiction for a felony listed in this paragraph, is disqualified from being issued a biometric transportation security card under subsection (b) until the want or warrant is released or the indictment is dismissed.

''(D) DETERMINATION OF ARREST STATUS.—

''(i) IN GENERAL.—If a fingerprint-based check discloses an arrest for a disqualifying crime listed in this section without indicating a disposition, the Transportation Security Administration shall notify the applicant of such disclosure and provide the applicant with instructions on how the applicant can clear the disposition, in accordance with clause (ii).

''(ii) BURDEN OF PROOF.—In order to clear a disposition under this subparagraph, an applicant shall submit written proof to the Transportation Security Administration, not later than 60 days after receiving notification under clause (i), that the arrest did not result in conviction for the disqualifying criminal offense.

''(iii) NOTIFICATION OF DISQUALIFICATION.—If the Transportation Security Administration does not receive proof in accordance with the Transportation Security Administration's procedures for waiver of criminal offenses and appeals, the Transportation Security Administration shall notify—

''(I) the applicant that he or she is disqualified from being issued a biometric transportation security card under subsection (b);

''(II) the State that the applicant is disqualified, in the case of a hazardous materials endorsement; and

''(III) the Coast Guard that the applicant is disqualified, if the applicant is a mariner.

''(E) OTHER POTENTIAL DISQUALIFICATIONS.—Except as provided under subparagraphs (A) through (C), an individual may not be denied a transportation security card under subsection (b) unless the Secretary determines that individual—

''(i) has been convicted within the preceding 7-year period of a felony or found not guilty by reason of insanity of a felony—

''(I) that the Secretary believes could cause the individual to be a terrorism security risk to the United States; or

''(II) for causing a severe transportation security incident;

''(ii) has been released from incarceration within the preceding 5-year period for committing a felony described in clause (i);

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

''(iv) otherwise poses a terrorism security risk to the United States.''.

(b) CONFORMING AMENDMENT.—Section 70101 of title 49, United States Code, is amended—

(1) by redesignating paragraphs (2) through (6) as paragraphs (3) through (7); and

(2) by inserting after paragraph (1) the following:

''(2) The term 'economic disruption' does not include a work stoppage or other employee-related action not related to terrorism and resulting from an employer-employee dispute.''.

Mr. DEMINT. Madam President, the amendment I have offered, No. 279, is very simple. It codifies the recent regulations issued by the Department of Homeland Security which bans certain criminals from gaining security access to our seaports. My amendment is needed to protect these regulations from outside groups that may challenge them in court, as well as from future administrations that may repeal or weaken them.

My amendment is also bipartisan and should not be controversial. It was unanimously adopted by this body last

year as part of the SAFE Port Act which passed 98 to 0. Unfortunately, it was gutted by the conference committee behind closed doors, and that is why I am offering it again today.

As my colleagues know, the Maritime Transportation Security Act requires the Transportation Security Agency, TSA, to develop a biometric security card for port workers at our seaports that can be used to limit access to sensitive areas within a seaport. The security card is called a transportation worker identification card or, as we sometimes call it, a TWIC.

The law requires that the Secretary issue this card to any individual requesting it unless the Secretary determines that the individual poses a terrorism security risk or if the individual has been convicted of treason, terrorism, sedition, or espionage. To clarify who poses a security risk, the Department of Homeland Security recently issued regulations that bar certain serious felons from receiving these TWICs. Specifically, the regulations permanently bar from our ports criminals convicted of espionage, sedition, treason, terrorism, crimes involving transportation security, improper transport of hazardous material, unlawful use of an explosive device, bomb threats, murder, violation of the RICO Act, where one of the above crimes is a predicate act, and conspiracy to commit any of these crimes.

The Department of Homeland Security regulations also bar recent felons—defined as those convicted within the last 7 years or incarcerated in the last 5 years—from gaining access to our ports if they have been convicted of any of the following felonies: assault with intent to murder, kidnapping or hostage-taking, rape or aggravated sexual abuse, unlawful use of a firearm, extortion, fraud, bribery, smuggling, immigration violations, racketeering, robbery, drug dealing, arson, or conspiracy to commit any of these crimes.

These regulations were developed after an extensive process that included consultation with the Department of Justice and Transportation to identify individuals who have a propensity to engage in unlawful activity, specifically activity that places our ports at risk. These regulations governing who can gain access to our seaports are nearly identical to the regulations that govern those who can gain access to our airports as well as those who can transport hazardous material in our country.

These prohibitions are crucial because individuals who engage in this type of unlawful activity have a greater likelihood to engage in these acts or in acts that put American ports and American lives at risk. Our law enforcement officials understand this risk. They understand the threat our ports face when traditional criminals, particularly organized criminals, work with terrorists. For example, the FBI recently apprehended a member of the Russian mafia attempting to sell missiles to an FBI agent who he believed was acting as a middleman for terrorists.

Joseph Billie, Jr., the FBI's top counterterrorism official, recently commented that the FBI is continuing to look at a nexus between organized crime and terrorists, and they are looking at this very aggressively. The threat not only comes from criminals working directly with terrorists, it also comes from criminals who may look the other way when a suspect container comes from a port. Joseph King, a former Customs Service agent and now a professor at the John J. College of Criminal Justice, outlined the concern very clearly: ''It is an invitation to smuggling of all kinds,'' he said. ''Instead of bringing in 50 kilograms of heroin, what would stop them from bringing in 5 kilograms of plutonium?'' The nightmare scenario here is where a criminal at one of our ports who may think he is just helping a friend smuggle in drugs inadvertently helps smuggle in a weapon of mass destruction. That is a risk we cannot take.

I offered this amendment last year to address this threat and to ensure that serious felons are kept out of our ports. My amendment codified in statute the then-proposed TWIC regulations. As I said earlier, my amendment was unanimously adopted and was included in the Senate-passed version of the SAFE Port Act that passed 98 to 0. Unfortunately, my amendment was also completely gutted behind closed doors in the conference committee. The provision went from addressing a list of 20 serious felons to a list of just 4. These 4 felonies are so rare that the conference committee made the provision almost meaningless.

I am extremely disappointed by the stealth opposition to this measure. I cannot understand who would oppose banning serious felons from gaining secure access at our American ports. While no Senator has been willing to publicly oppose this measure, the longshoremen's labor union was more than happy to take credit for gutting the provision. Late last year, the International Longshore and Warehouse Union claimed credit for killing the provision in the SAFE Port conference committee. They stated in their newsletter:

> We have heard rumors that Senator DEMINT is particularly angry with the union's successful lobbying effort to strip his anti-labor provision. He may attempt to amend another piece of legislation, so the union will stay on guard to protect its members' interests.

Apparently, this union has stayed on guard because it was able to get five Senators to object to this vital homeland security measure when I tried to pass it the second time late last year.

I wish I could say that the unions would stop at fighting this legislation on the Senate floor, but they are also gearing up to mount a legal battle against Department of Homeland Security regulations. In response to a Wall Street Journal editorial on the subject, the union stated that the TWIC security regulations were '' . . . double jeopardy and unconstitutional.'' This is a clear indication that they have a legal challenge in mind. It seems clear that once longshoremen start applying for TWIC cards and some members are rejected because they are convicted felons, the labor unions are going to take the Department of Homeland Security to court and try to bog the regulations down in lengthy legal battles. The consequence will be that as we continue to fight this global war on terror, America's ports will be staffed by serious felons who cannot be trusted.

Some of my colleagues may be tempted to come to the defense of the longshoremen. They will say that the individuals in question have paid their debt to society and barring them is gutting our port workforce. They may also claim that the crimes listed in the Department of Homeland Security regulations are somehow not related to homeland security. These objections are just plain wrong.

I don't disagree that convicted felons should be given a second chance. I hope they get back on their feet and become productive members of their communities. What I disagree with is that we should give serious felons a pass, literally and figuratively, to access the most secure areas of America's port infrastructure. When they are fresh out of prison, we should not trust them with the most vulnerable areas of our ports. The stakes here are simply too high.

As for the concern that barring these individuals will empty the ranks of the port workforce, the facts don't agree. When the Department of Homeland Security issued nearly 350,000 ID cards for hazmat truckdrivers and subjected them to the same background check that is required by my amendment, only 3,100 were rejected. That is less than 1 percent. The fact is, we are talking about an isolated group of serious felons here, and the workforce in the United States is dynamic enough to supply the few thousand longshoremen who may be needed to replace those we let go.

Finally, some may say these felonies do not represent serious crimes. To that, I would ask any of my colleagues to tell me which individual he or she wants working at our ports where security is so important: Murderers? Extortionists? Drug dealers? Bomb makers? I just want to hear the rationale for trusting these criminals with our national security.

The bottom line is this: My amendment applies nearly the same protections to seaports that are already applied at our airports. It will make us safer by keeping individuals who have shown a willingness to break the law outside our ports. This is extremely important. We can spend all the money in our Treasury trying to screen cargo, but if we don't screen the people who

work at our ports, we cannot expect to be safe.

I do wish to thank several people for supporting this important policy. First, I thank the Senator from Maine, Ms. COLLINS, who was very helpful to me during the debate on the SAFE Port Act last year. I also thank the Senator from Connecticut, Mr. LIEBERMAN, for his support. I should also say that the Senator from Hawaii, Mr. INOUYE, was also helpful in getting this provision into the bill.

This is a bipartisan proposal, and it should not be controversial. Americans expect us to check and verify the nature of the people who work at our seaports, and we have a responsibility to ensure that happens even if it upsets a labor union that feels compelled to protect the jobs of a small group of serious felons. My amendment codifies in statute these important security regulations, and I hope all of my colleagues will support it.

I appreciate the opportunity to speak on this important measure, and I will be happy to work with the bill managers to arrange a time to come back to the floor if further debate is needed.

I thank the Chair for this time, and I yield the floor.

The PRESIDING OFFICER (Mr. MENENDEZ). The Senator from Connecticut.

Mr. LIEBERMAN. Mr. President, I thank our friend from South Carolina for the amendment he has offered. We worked together when last this subject came before the Senate to bring about a result that I believe was a good one and in the public interest, which was that the Secretary of Homeland Security issued regulations to create an identity card. The card has a marvelous acronym, which doesn't sound as serious as it is. The acronym is TWIC, transportation worker identification card. This is one of the necessities of the post-9/11 age, that we need to move toward some filter for people working in areas that now have become higher vulnerability areas and are more likely targets for terrorism. Unfortunately, that includes our ports and, obviously, includes our airports as well, which have a separate ID program on which they are working.

I know there is some hope within the Department of Homeland Security that we are moving toward a more common program for a similar background check and card for postal workers at a host of different transportation-related locations to protect them and us from potential terrorist attacks.

Senator DEMINT, I gather from his statement—and I appreciate his intentions here—intends by this amendment to codify in law the regulations the Department of Homeland Security has established for these identification cards for workers at our ports. I want to take a look at it. I know Senator COLLINS does as well. We want to work with Senator DEMINT.

Clearly, the intention here is one we all share, which is to do everything we can, within reason and respectful of common sense and constitutional rights, to secure our critical transportation facilities, including our ports. I rise now to simply thank the Senator for offering his amendment, to tell him we will consider it with some thoughtfulness and look forward to working with him as we move toward a vote on this amendment.

I thank the Chair, and I yield the floor.

The PRESIDING OFFICER. The Senator from Georgia.

Mr. CHAMBLISS. Mr. President, what is the pending business?

The PRESIDING OFFICER. The DeMint amendment is the pending business.

Mr. CHAMBLISS. I ask unanimous consent that amendment be set aside and I be allowed to speak on the Collins amendment, No. 277, please.

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

AMENDMENT NO. 277

Mr. CHAMBLISS. Mr. President, I rise today in support of the amendment offered by my colleague from Maine, Senator COLLINS, relative to the issue of REAL ID. I was back in my State last week, as most of us were, and I had the opportunity to speak to our legislature and visit with members of both the State house and the State senate in Atlanta, and I cannot tell you the angst and apprehension that I saw among members of my legislature over this issue of REAL ID.

When I got back I did not understand why there would be that much concern about the issue. I was not sure how this thing came about. When I checked with my staff I found out, as Senator ALEXANDER said this morning in his comments, that this was a measure that was stuck into the Katrina appropriations bill that did not go through committee, we did not have debate on it on the floor of this body, and I don't think anybody here understood the real consequences of it.

When the 19 hijackers came to this country and carried out the horrific attack on September 11, they were in possession of 63 driver's licenses issued by various States around the country. That should never have happened, and we need to make sure it does not happen again. But the fact is, I don't think anybody understood the consequences of this REAL ID Act as it pertains to that particular issue of driver's licenses.

In 1994, when I was elected to the House of Representatives, we talked a lot about unfunded mandates. The Presiding Officer was a Member of that body. He remembers well we had a lot of conversations about unfunded mandates coming out of Washington to our State and local officials and organizations that were required to fund those mandates that we passed. There is no bigger unfunded mandate that we have passed lately that is more atrocious than this particular mandate.

I applaud Senator COLLINS for looking at this issue, for deciding that it is a real, practical problem. It is an issue that needs to be dealt with. Her amendment makes a lot of sense. It does not repeal the law. What it does is to say that the law is not going to be implemented until 2 years following the issuance of the regulations. Here we are, with this law supposed to be implemented by our State legislatures this year, and we don't even have the regulations coming out of the Department of Homeland Security yet. They don't know how to carry out the provisions of this law.

I support the Collins amendment, No. 277. I think it makes an awful lot of sense. It allows us to go back in and take a more thorough look at this particular issue and decide how we can accomplish the results that the REAL ID Act wants to accomplish but at the same time not burden our States with a mandate that none of us intended to impose upon them.

I do support this amendment. I hope when the time comes it will receive not only passage but significant numbers to support the passage of this amendment.

I yield the floor.

The PRESIDING OFFICER. The Senator from Maine.

Ms. COLLINS. Mr. President, I thank the Senator from Georgia for his support and his excellent comments. This is a carefully drafted amendment. It doesn't rewind the clock in terms of throwing out the work that the Department has done, but it recognizes that it is simply unreasonable to expect States to comply by May of next year with complex and costly regulations that the Department has yet to issue. The Department has yet to issue the detailed guidance that the States need.

It also recognizes that the quality of the final regulations will be improved by the formation of a committee with State officials, privacy advocates, technological experts, and Federal officials sitting down, looking at the regulations, and providing input to the Department on their proposed regulations and also providing that input to us.

The third provision of the amendment would increase the waiver authority that the Secretary can have if it proves that there are technological barriers to complying with certain provisions of the law. I think this is a reasonable approach to a real problem.

Finally, let me say to my colleagues, the estimates for the cost of compliance with this law are as high as $11 billion over the next 5 years. This is a huge unfunded mandate on the States. My hope is through our approach we can come up with more practical, cost-effective means of achieving a goal that all of us share and that is improving the security of driver's licenses that are used for Federal identification purposes, such as boarding an airplane. There is a real need to have a secure driver's license, but let's do it in a practical, collaborative way, and let's make sure there is adequate time to comply.

I thank the Senator from Georgia for his support and for his excellent comments.

I ask unanimous consent that the Senator from Georgia, Mr. CHAMBLISS, be added as a cosponsor of the Collins amendment, No. 277.

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

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

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. GRASSLEY. I ask unanimous consent that the order for the quorum call be rescinded.

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

Mr. GRASSLEY. Mr. President, I ask unanimous consent to speak as in morning business for 20 minutes. I don't think I will use all that time. If I need more time, I will ask for it.

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

TAXES

Mr. GRASSLEY. Mr. President, as everybody who follows Congress on a regular basis knows, when you get close to the month of March, we are in budget season. The President sent his budget to the Hill, which he does regularly, the first week of February, about a month ago. So now it is up to the Congress. In the next few days the Senate Budget Committee will be marking up our budget resolution.

For the public at large, don't confuse a budget resolution, which is a discipline for Congress on budgeting, with appropriations bills that actually give the President the authority to spend money. They come along a little bit later in the year.

At a minimum, the budget resolution will lay out the fiscal priorities of the next 5 years. As everyone knows, the American people spoke last November and sent a Democratic majority to both Houses of Congress. For the first time in 12 years, Democrats will take the initiative on the Senate budget. As ranking Republican on the Finance Committee, which deals with taxes, trade, Social Security, Medicare, and Medicaid, and also as the senior Republican on the Budget Committee, which is the committee that sends the budget to the Senate, I am eager to see the direction the new Democratic majority wants to take on fiscal policy for this year, but the budget also has long-term implications of 5 years.

There are a lot of questions I am waiting to get answered. What will be their plan on pay-go, which means pay as you go? With spending at higher-than-average levels of our economy, what kind of spending discipline will the Democratic majority show? On the revenue side of the ledger, will Democrats look to prevent a tax increase on virtually every American taxpayer a few years down the road, when the present tax policy sunsets, or will the Democratic majority, without a vote, set in motion, then, the largest Federal tax increase of all time? This is a fact. It will happen. When we have a sunsetting of tax law, it is possible to have a tax increase without Congress voting it. In this particular instance, this would put in place the biggest Federal tax increase ever.

Over the next few days, I want to talk about the tax issues—I want to do it topic by topic—that are going to come up during debate on the process of the budget. There are probably many ways to do it, but this is how I split the general subject into topics: One, the importance of preventing a tax hike on virtually all American taxpaying families and individuals. That is what I want to visit about today. Next is the negative economic consequences of sunsetting the bipartisan tax relief plan that will be the biggest tax increase in the history of the country without a vote of the people, if we don't do something about it. Then another time, I am going to review Democratic tax increase offset proposals with a specific focus on the limits and problems associated with those tax increases.

Next I will focus on one particular ill-defined but often mentioned offset; that is, reducing the tax gap. Everybody is for reducing the tax gap, and I am working with Senator BAUCUS to do that. He is chairman of our committee. But there has to be realism brought into that debate, and I hope to provide that realism. Then fifth and last, tax reform and simplification, its necessity and bipartisan opportunities to do so.

These discussions are meant to be about the revenue side of the budget. But before we get into the revenue side of the budget, I want to issue a challenge to my friends on the other side of the aisle. It is a challenge I have made over the last few years. It is in the context of intellectually honest budgeting. It is also in the context of the bipartisan record of the Finance Committee on tax policy over the last few years. That tax policy has been led by this Senator, when I was chairman, and by Senator BAUCUS working with me during that period of time, or Senator BAUCUS, now leading the committee and, hopefully, my always working with him as he worked with me.

That bipartisan record of the Senate Finance Committee shows about $200 billion of revenue raisers from antitax shelter measures and corporate loophole closures, basically doing something about abuse of the Tax Code, unintended by Congress, by people who can hire very sophisticated lawyers to find ways around paying taxes. We have closed $200 billion of those, and it has been bipartisan. So when I hear from self-styled deficit hawks, or from the media, who are sympathetic to those points of view that we need higher taxes to reduce the deficit, I believe the Finance Committee has anted up in terms of producing revenue raisers without raising general levels of taxation on the American people.

Here is my challenge, and I will ask my friends to listen up. Anyone on the other side who considers themselves a deficit hawk needs to prove it, then, on the spending side. Compared to our committee already raising revenue by $200 billion by closing tax loopholes and tax abuse, show me, then, a spending restraint proposal for deficit reduction. I issued that challenge several years ago and have issued it repeatedly. No one from the other side has stepped up. We can look and look and look and we won't find such a proposal. All of those liberal think tanks that oppose tooth and nail any kind of tax relief are usually advocates of spending increases, all of this under the guise of fiscal responsibility. We won't find any proposals to restrain spending from these liberal think tanks.

If we look at the media sources that are sympathetic to the views of the Democratic leadership or the liberal think tanks, we will find hard-line opposition to tax relief and a lot of tax increase proposals but, likewise, no proposal reining in spending. They will claim the mantle of fiscal responsibility but won't show anything on the spending side other than spending increases. For these folks, when it comes to deficit reduction, there is only one side of the Federal ledger. That is raising taxes.

We have a Federal Government that is projected to spend $2.7 trillion for this fiscal year alone and is projected to spend $33.7 trillion over the next 10 years. Yet leadership on the other side of the aisle, the liberal think tanks that back them up, and the media that helps them get their message out so easily and is sympathetic to their views, can't find a dollar of savings on the spending side. To these folks, with all due respect, I want to call them out. They won in November. The Congress is in their hands. Let's see some credibility on the spending side of the ledger. Show the taxpayers the money. Show me a proposal to restrain spending and put it to deficit reduction. That is a preliminary point.

Now I will move to talk about preventing tax hikes. The same group's position on current law tax relief is radically different than its position on spending restraint. Back in 2001 and 2003, Congress approved, and the President signed, legislation that provided across-the-board tax relief to nearly every American taxpayer. The Democratic leadership, liberal think tanks, and sympathetic east coast media criticized tax relief on a couple of grounds. One charge was that the tax relief was a tax cut for the rich. The other charge was that the bipartisan tax relief was fiscally irresponsible.

Nonpartisan Joint Committee on Taxation distribution tables actually put a lie to that first charge. The record levels of revenue show that the growing economy, the expanding U.S. economy, and economic stimulus from tax relief better the Nation's fiscal situation, bringing in more tax dollars,

not depriving the Federal Treasury of dollars.

This debate on preventing tax increases is often couched only in macroeconomic terms. We will hear what it ''costs'' to extend bipartisan tax relief. We will hear very big numbers. For instance, the Joint Committee on Taxation projects that the revenue loss from making the bipartisan tax relief permanent is $1.9 trillion over the next 10 years. That is the way the Democratic leadership, liberal think tanks, and sympathetic east coast media will define proposals to prevent a tax hike. We won't see them talk about the number of families who benefit from the extension of the $1,000 child tax credit. You won't see them talk about the number of married couples who benefit or the average family benefit from marriage penalty relief.

Today I am going to take a few minutes and shed some light on the side of the debate about extending bipartisan tax relief. Lord only knows, there is not much light shed on these important facts, because everybody is talking about tax relief for the rich. I will acknowledge the critics' point on the macro cost of extending tax relief. But keep in mind, a liberal's tax relief cost is a conservative's tax hike, when we are talking about extending current law. They are the two sides of the same taxpayer's coin. I will agree to that number, but call it a $1.9 trillion tax increase.

So I am going to follow the Democratic leadership plan and dismantle the bipartisan tax relief package bit by bit. I am also going to challenge the Democratic leadership to show us the money by indicating whether they want to scrap each piece as I move through the package. Which pieces would they scuttle? I will work through the bipartisan tax legislation piece by piece.

Let's start, then, with the basis for the 2001 bipartisan tax relief measure. That is the new 10-percent bracket. The revenue loss for this part of the package is $299 billion over 10 years, according to the Joint Committee on Taxation. The 10-percent bracket is a huge piece of tax relief for low-income people. The 10-percent bracket does that. No wonder 100 million families and individual taxpayers benefit from the 10-percent bracket. I do not think anybody wants to dismantle that piece. But I want to hear that from the Democratic leadership because that is a compromise of their position of whether the 2001 tax increases ought to sunset.

Where do we go next, then? The marginal tax rate cuts, which include the 10-percent bracket, lose $852 billion over 10 years, according to the Joint Committee on Taxation. That proposal reduces the taxes of approximately 100 million families and individuals across America. It appears some folks think 35 percent is too low of a top rate. Well, guess what. Repealing the marginal rate cuts hits small business—the biggest source of new jobs in this great country of ours—and it hits small business the hardest.

The Treasury Department estimates 33 million small business owners who are taxed on their business income at individual rates benefit from the marginal rate cuts. Repealing these cuts would cause 33 million small business owners to pay a 13-percent penalty. Do the Democratic leaders want to raise taxes on these small business taxpayers, restricting the ability of small business to create jobs?

Treasury also projects that small business gets over 80 percent of the benefits of the cuts in the top two rates. Do we want to raise the tax rates on these people—small businesses for the most part—by 13 percent? Does that make any sense? So to the Democratic leadership, what do you say?

How about the death tax relief package? The Joint Committee on Taxation scores that package at $499 billion over 10 years. Most of the revenue loss is attributable to increasing the exemption amount and dropping the rate to 45 percent on already taxed property. Is it unreasonable to provide relief from the death tax or should we raise the death tax on small businesses and family farms? That is what will happen if the bipartisan tax relief package is not extended. So to the Democratic leadership, what is your take on that provision?

Do the opponents want to repeal the proposal to double the child tax credit, which the 2001 bill does? Mr. President, 31.6 million families benefit from the child tax credit, according to the Joint Committee on Taxation. Or how about the refundable piece that helps 16 million kids and their families? That proposal loses $135 billion over 10 years. I do not think we would have a lot of takers on that one. They are going to want to extend that. Democratic leadership, do you agree?

How about the lower rates on capital gains and dividends? Thirty-three million Americans—a good number of them low-income seniors—benefit from the lower tax rates on capital gains and dividends, according to the Joint Committee on Taxation. Does the Democratic leadership think we should raise taxes on these 33 million Americans benefiting from these lower tax rates? That would be families and individuals.

On a side note, in another speech, I will be talking about the worrisome Goldman Sachs economic report on the adverse economic effects of failing to extend lower rates on capital gains—this line right here, as shown on the chart—when it expires.

There are consequences to what Congress does. When you have a booming economy, there could be very detrimental consequences to the country when you take away the incentives that have had this economy exploding like not any time since the early 1990s.

Let's take a look at the marriage penalty piece. It is the first marriage penalty relief we delivered in over 30 years. The Joint Committee on Taxation scores this proposal at $52 billion over 10 years, and Treasury estimates that in 2004, nearly 33 million married couples benefited from this tax relief. Again, I do not think many folks would want to raise taxes on people because they decided to be married. I hope the Democratic leadership would agree with that statement.

Another proposal is expensing for small businesses; in other words, writing everything off in 1 year instead of stretching it out over 10 years. This is a commonsense, bipartisan proposal and directed specifically to small business—the engine that creates new jobs. According to IRS Statistics of Income, 6.7 million small businesses across the country benefited from this expensing provision in 2004. If we do not make it permanent, small businesses face a tax increase of $19 billion over 10 years and probably sputtering the engine that creates so many jobs in America. Does the Democratic leadership think small business expensing is an unwise tax policy?

Continuing on through the bipartisan tax relief package, let's take a look at education tax relief. This package, which will help Americans deal with college education costs, scores at $12 billion over 10 years by the Joint Committee on Taxation. IRS Statistics of Income show nearly 16 million families and students benefited from this tax relief in 2004.

In this era of rising higher education costs, should we gut tax benefits for families to send their kids off to college? Does the Democratic leadership think that is the way to go, which would be the way we would go if Congress does nothing and you let this tax law sunset?

Finally, families where both parents work have to deal with childcare expenses. The tax relief package includes enhanced incentives for childcare expenses. Mr. President, 5.9 million families across America benefit, according to the Joint Committee on Taxation. Does the Democratic leadership think we ought to take away these childcare benefits? That is what would happen if the tax cuts of 2001 were sunset. It would happen without a vote of the Congress either.

Now, I have taken you through about $1.9 trillion of tax relief. It sounds like a lot in abstraction, but it provides relief to every American who pays income tax. I would ask any of those who want to adjust or restructure—and those are words that are used around here about this tax relief package passed in 2001—do you want to adjust it or restructure it? Where would you cut in this package?

Would you hit the 10-percent bracket, driving up the taxes of low-income people? Would you hit small business tax relief and sputter the growth machine, the job machine of America; or the now refundable child tax credit, and hurt low-income people; or the death tax relief; or the marriage penalty relief;

dividends and capital gains relief; education tax relief; or childcare tax relief? I hope not. Because in a recovering economy, with above-average levels of individual income tax, as a percentage of GDP, even with the tax relief package in place, which areas would you adjust, which areas would you restructure?

Why, then, undo bipartisan—with emphasis upon ''bipartisan''—tax cuts that make the Tax Code actually more progressive? Now get that, not regressive; it is more progressive now than before the tax bill of 2001.

As folks on both sides of the aisle say, budgets are about priorities. As the Democratic leadership draws up its budget, we will hear a lot of talk about a big number for extending tax relief. It is a big number. It is the biggest tax increase ever. It is going to affect nearly every American taxpayer.

If leadership now in the majority of this body, because of the results of the last election, decides to propose the biggest tax increase in history in the name of deficit reduction, I will be looking for that one, single dollar of spending restraint I never see. Now, maybe we will see it, but I will bet we would not. Only time will tell, and it will be within the next 2 or 3 weeks.

Mr. President, I yield the floor. I do not think I see any colleagues who wish to speak, so I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. NELSON of Florida. 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. NELSON of Florida. Mr. President, I ask unanimous consent to speak as in morning business.

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

SPACE STATION SAFETY REPORT

Mr. NELSON of Florida. Mr. President, there was a space station task force safety report released yesterday which points out a number of hazards as we are now in the process of completing the space station. Remember that we have this multibillion-dollar structure about 300 miles above the Earth, with a crew of three, and eventually it will have more of a complement, of five or six, which will have the ongoing, full-time responsibility of scientific experiments. Right now it is about two football fields long. During the completion, which will occur over the next 3 years, it will have all the additional appendages, including the international laboratory we need to conduct all of the experiments that we want. Yet the task force that released its report yesterday says there are certain inherent hazards that we have always known about, such as meteorites striking and/or space debris.

The U.S. Air Force catalogs all of the space debris. Therefore, we have the ability, if something really got in the way, to actually maneuver the space station out of the way of that debris—if we know where that debris is. The same is true with weather and reconnaissance satellites. I don't need to say anything about weather satellites here. Everybody knows because it is obvious what technology we have today to see the approaching storms, and if you live on the coast and it is during the summer, it is all the more important, because of an inbound hurricane, that everybody is prepared.

Well, what is preparing us? It is not only that airplane that is flying into the hurricane, it is those satellites that are constantly tracking the position of that hurricane. Those are threatened by this space debris, which brings me to share with my colleagues: Isn't it interesting that there has almost been a strange silence throughout the world for the last 6 weeks after the Chinese tested their antisatellite missile, which created a debris field that is 100 times more than any debris that has been created, and because of its altitude, some 500 miles, it is going to be years before all of that debris is pulled back to Earth by the gravitational pull of the Earth?

It is that debris field of thousands of particles, as a result of the Chinese rocket destroying a Chinese satellite by hitting it and exploding all of the kinetic energy in parts into the vacuum of space, that now we have a new threat not only to our space station but also to all of our weather satellites and our reconnaissance satellites. So my colleagues can imagine the headache now for the U.S. Air Force of trying to track all of that Chinese debris, much more so I think just from that one explosion, more debris than all the other debris that is up there. It is going to take several years before it ever comes down because of the altitude where the kinetic energy occurred when the vehicle slammed into the target, which was an old Chinese weather satellite.

So as we are looking at the future of NASA and the completion of the space station and the saving of the Hubble space telescope, which has opened vast vistas of new knowledge to us about the heavens and about the origin of the universe, thanks to the Chinese, as we do this we now have to worry about something that could be lethal to our astronauts and cosmonauts who are onboard the space station.

Some of the things they are talking about in this report released yesterday include some kind of special curtains they put over the windows that would give extra protection to the glass of the space station windows. Others are talking about protective blankets they might put over very sensitive areas of the space station that could be hit by debris. This debris could be coming at a velocity of 10,000 miles per hour because, if it is in a different orbit and suddenly it crosses the orbit of the space station and hits it—remember, going around the Earth in orbital velocity is 17,500 miles an hour. If that debris hits at right angles, you are going to have a velocity of 17,500 miles an hour. With the space station going at a different orbit, you start to see the kind of kinetic energy that could rain from such a collision. So it complicates it, and it complicates it not only for the American space program but for every space program on planet Earth, and that is the problem.

That is what the Chinese have done for us. Yet there has been a suspicious silence of anybody speaking out in the world community about what the Chinese have done in space. There was an intellectual discussion about China having shown they have the capability of targeting an antisatellite to hit a satellite, which is a significant feat. But in the process, they ignored the threats now to all of the human and nonmanned assets that are up there, not just for our country but for every country in the world that depends on a satellite or a spacecraft of some kind.

That is what we are facing. That is what we have to figure a plan for. I hope the Chinese who have had singular success—and this Senator has invited their Chinese astronaut to come here and visit, and he did. This Senator has congratulated them on their space accomplishments. But this time China has done something in accomplishing something technologically that has endangered the other nations of the world with the manned and the unmanned programs.

That is what is facing us. This is only the first the Chinese have heard from this Senator about how they have endangered the interests of planet Earth.

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

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

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

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

Mr. LIEBERMAN. Mr. President, I rise to speak about two parts of the bill that is before us, the Improving America's Security Act, which is really the attempt by our committee and the Senate to finish the job the 9/11 Commission gave us to protect the security of the American people from terrorist attack and also to adopt for the first time a national all-hazards defense strategy that would set up a system that would not only be aimed at preventing and, if, God forbid, necessary, responding to a terrorist attack but

also being ready and preparing every level of government to be ready to respond to a natural disaster.

The amendment offered by the Senator from South Carolina is pending. I wanted, in the interim, hoping others will come to the floor to offer other amendments or speak on that pending amendment, to speak about these two parts of the bill.

The first is about what is one of the most significant changes the bill would make; that is, to establish for the first time a dedicated grant program to assist States and localities in creating interoperable communications systems to be used to protect the American people in time of emergency. The ability of first responders to communicate with one another is fundamental at a time of disaster. Yet time and time again over the years, disasters have occurred, and police, firefighters, and emergency medical workers are unable to exchange critical information with one another, even indications of their location. Sometimes, as we saw in Katrina, certainly, not only is this a problem of their not being able to communicate with one another, it is a problem of their not being able to communicate at all. There is a painful and tragic cost to this failure to communicate or to interoperate with others in law enforcement, and that is that lives are lost.

This is a problem which was intensely made clear to all of us on September 11, 2001 and again during Katrina, but it is not new. In 1982, the record shows, communications difficulties frustrated the recovery efforts in response to the crash of the Air Florida plane right here in Washington, DC. In 1995, again the record shows communications difficulties complicated the response to the terrorist bombing of the Alfred P. Murrah Federal Building in Oklahoma City, OK. In 1999, communications difficulties again slowed the response to the shootings at Columbine High School near Littleton, CO.

Then came 9/11. The story of the communication breakdown among New York City's first responders is well known. It is well known because it cost the lives of some of the bravest Americans, some on duty and some off duty, who rushed to the aid of their fellow citizens and fellow first responders. But there were other communications breakdowns on September 11, 2001, as well—less well known but also breakdowns that hampered the response at the Pentagon and in Shanksville, PA.

After an in-depth look at the three incidents I have described—the Pentagon, the World Trade Center, and the plane that went down in Pennsylvania on 9/11—the 9/11 Commission wrote:

> The occurrence of this problem at three very different sites is strong evidence that compatible and adequate communications among public safety organizations at the local, State, and Federal level remains an important problem.

That was the 9/11 Report which came out in 2004. We are now at the end of February 2007, and that problem remains as real and intense as ever.

The Commission recommended expediting and increasing the assignment of radio spectrum for public safety purposes. In 2005, as part of the Deficit Reduction Act, Congress set February 2009 as the deadline for broadcasters to transition to digital signals, which will free up much-needed spectrum for first responders. A lot of us, including myself, believed that delay to February 2009 was too long. The occupant of the chair remembers that well; we stood together on that. But so be it, that is what it is.

Since that time, Hurricane Katrina devastated the gulf coast, particularly the great city of New Orleans, and reminded us again how much more needs to be done to improve communications operability, to sustain the very operation of an emergency communications system, and interoperability, the ability of different first responders to communicate with one another.

The communications infrastructure in Louisiana and Mississippi at the time of Hurricane Katrina was decimated. Once again, difficulties in communicating among officials and first responders significantly impeded rescue and relief efforts. Mississippi Governor Haley Barbour drove the point home when he said the chief of the National Guard in Mississippi ''might as well have been a Civil War general for the first 2 or 3 days'' because in order to get information, he had to use runners. His runners had helicopters instead of horses, but the point was clear. The lack of operable or interoperable communications equipment put first responders in that disaster back about a century and a half.

The Homeland Security and Governmental Affairs Committee, which is proud to claim the Presiding Officer as a member, investigated the preparations for and response to Hurricane Katrina, a 9-month investigation that produced a 700-page report and almost 90 recommendations. We enacted some of those recommendations last fall as part of the Post-Katrina Emergency Management Reform Act. That legislation, which I am proud has largely become law, included ways to improve planning and coordination, establish a much needed national emergency communications plan, and strengthen technical guidance and assistance to local first responders. The newly created Office of Emergency Communications, which was created therein, will be responsible for carrying out many of those responsibilities. Like many of the homeland security challenges we face, achieving nationwide operability and interoperability of communications will require significant resources, a lot of money. One estimate from our Government several years ago put the figure at $15 billion. Testimony before the Senate Commerce Committee this past month estimated that the cost may be as high as $50 billion to create a genuinely interoperable, disaster-resistant communications system for our country. We don't know the exact price tag, but we do know the costs will be significant. We do know they are beyond the ability of State and local government themselves to provide. That is why title III of the legislation before the Senate, the Improving America's Security Act, establishes a dedicated interoperability grant program for first responders which will put us on the path to nationwide operability and interoperability, capable of surviving and helping America survive a potential terrorist attack or a natural disaster.

This is an important investment, a kind of leverage for the Federal Government to create in partnership with the States and local governments. Of course, part of the reason there is not only financial need but programmatic policy justification for this. The kinds of attacks, the kinds of natural disasters we are talking about, as we saw most painfully in Katrina, have national consequences. The Federal Government needs to be there to make some additional investments on which the State and local governments will build.

The legislation, S. 4, before the Senate today authorizes $3.5 billion over 5 years, beginning in the coming fiscal year. That is on top of the $1 billion interoperability grant program to be administered by the Department of Commerce during this fiscal year, the result of previous legislation. This is the beginning of moving toward a genuine national system, if we can adopt this and fund it, a call to the States and localities to match that money, each in their own way, so we can build this survivable network of communications.

Individual States will be able to apply for grants under this new program, which will be administered by FEMA, with assistance from the Office of Emergency Communications. The committee was very anxious, as the Presiding Officer knows, to not only create a fund of money and throw it out there for every local official who had some idea about how to create interoperable communications—all applications will have to be consistent with each State's communications plan and the national emergency communication plan which is being developed and expanded by the new Office of Emergency Communications. In other words, to get money, you have to prove you are going to fit into a statewide and national plan for interoperability of communications.

Incidentally, the national element of this is pretty obvious. In Katrina, you had a lot of first responders streaming into the gulf coast, and New Orleans particularly, when local first responders were overwhelmed. They were all bringing their own communications systems with them. A similar response occurred—a really moving patriotic response—after 9/11 to New York City, with first responders from all over the country coming in.

What do we want at that point? A Tower of Babel, where people cannot communicate with one another, or the ability, easily, as part of a national communications plan, to do so? Obviously, the latter is what we want.

States, incidentally, which would be the recipients of this money, would be required to pass at least 80 percent of the grant funding to local and tribal governments. The money could then be used for a range of activities: planning, system design, engineering, training, exercises, procurement, and installation.

We also include a minimum amount of funding for each State because interoperability is an all-hazards concern. In other words, we are having a well-intentioned, good-faith debate about homeland security grants and to what extent—as some would say—should they all be distributed based on risk or be distributed with a minimum amount going to each State?

In this case of interoperability of communications, it seems to me the argument is compelling there ought to be some element that gives a minimum to each State because what we are trying to establish is a national emergency communications system that will be ready to respond not just to a potential terrorist attack, but to natural disasters which, obviously, can occur anywhere in the country. In other words, the ability for first responders and other emergency responders to communicate with one another, either by voice or through data sharing, is necessary regardless of the nature of the emergency.

In short, we owe it to the memory of the firefighters and police officers who gave their lives on 9/11, some of whom lost their lives because of the absence of interoperable communications, and to the commitment of first responders who struggled under such adverse circumstances to do their jobs in the aftermath of Hurricane Katrina, and to first responders and emergency managers today all across our country who are ready to respond in the time of our need to pass this legislation, to provide the funding necessary for this critical effort, and to move the Nation's first responders toward real 21st century operable and interoperable communications in the face of disaster.

I have one more topic I want to discuss at this time. The one I have just talked about—a dedicated fund for interoperable communications—I think is one of the most significant parts of the bill. It is the beginning of a transformational partnership between the Federal, State, local, and tribal governments that I am convinced will have a measurable, significant effect on the security of the American people.

This next topic I want to talk about has to do with a provision in the committee bill which extends employee rights and protections to airport screeners who work for the Transportation Security Administration. Frankly, I do not consider this to be a major part of the bill. To me, it is correcting an inequity that exists in current law. I honestly do not know why anybody would oppose it. I will listen to the arguments, but I want to contrast it with the section I just described, because if the last 24 hours are any indication, this section may receive more attention than any other section of the bill. The White House has indicated it will veto the bill if this section is in it. I respectfully do not understand that.

Colleagues, I know, are preparing to come to the floor to try to strike this section from the bill. I think this section is an act of elemental fairness, granting quite limited employee rights to airport screeners who are now denied—I am using this term beyond its judicial meaning—equal protection that is enjoyed by most every other Federal employee, including most every other Federal employee involved in security.

So I hope, one, we do not spend a disproportionate amount of time on this section; and, two, we do not allow it to get in the way of us fulfilling our urgent responsibility to finish the job of enacting the recommendations of the 9/11 Commission, which S. 4, the legislation before us, would do.

I wish to spend a few moments talking about this section of the bill. The fact is, since the Transportation Security Administration was created in 2001, TSA screeners have been denied the same employment rights and protections as almost all of their fellow workers in TSA. In fact, they have been denied the same rights and protections that are enjoyed by most of their fellow employees at the Department of Homeland Security, such as the Border Patrol and Customs and Immigration officers.

TSA screeners—often also known as TSOs, transportation security officers—are familiar to most Americans because we see them at every airport across our country. Thanks, in part, I believe to their hard work and diligence, we have been spared a repeat of September 11, and air travel generally is safer than it was before that day.

They deserve to be treated equally in their employment rights. It is long past time to provide the same protections to TSA screeners as are enjoyed by their colleagues.

I wish to take just a moment to review the history of how this inequality came to exist. Shortly after the September 11 attacks, Congress federalized the work of passenger and baggage screeners at U.S. airports. TSA was created within the Department of Transportation. It was subject generally to the same personnel rules as the Federal Aviation Administration. Responding to the sense of emergency at the time, however—remember, this was right after 9/11—Congress gave the head of TSA broad authority to set personnel rules at his own discretion for airport screeners.

In 2002, when Congress established the Department of Homeland Security to coordinate and strengthen our defenses against manmade and natural disasters, TSA was removed from the Department of Transportation and put into the Department of Homeland Security.

At that time, Congress engaged in extensive debate with quite serious partisan and political overtones about how to apply civil service law to employees at the new Department. This was an amalgam of 22 different agencies, almost 180,000 employees, most of whom were coming already with their own employee rights—their own rights—most particularly, to join a union.

Ultimately, and contrary to my own position, Congress authorized the Department of Homeland Security Secretary to waive certain provisions of civil service law which Congress and the President believed were necessary for national security purposes.

Meanwhile, since 2001, TSA has declared itself exempt from laws enforcing the most basic employee protections, including the Whistleblower Protection Act, the Rehabilitation Act protecting Federal employees with disabilities, the Federal Sector Labor-Management Relations statute, appeal of adverse personnel actions to the Merit Systems Protection Board, and veterans preference laws.

In each case, the Transportation Security Agency has devised its own version of these fundamental employee protections substantially below the standard that Congress and the President decided were appropriate generally for DHS employees.

So now you have this anomaly because of this unusual statutory history where TSA screeners have a much lower level of employee protection than most of the other employees at the Department of Homeland Security.

It is now 5 years after the agency was established, and TSA screeners still lack those basic rights that are available to their colleagues at DHS and throughout the Federal Government. That is exactly the inequity this small provision in this bill, S. 4, aims to overcome.

For example, TSA screeners have no individual right to appeal to the Merit Systems Protection Board when they believe they have been subject to unlawful retaliation for protected whistleblowing activity. OK, this is exactly what we want employees of the Federal Government to do. They are our representatives. We are paying them. If they see something wrong going on, we want them to blow the whistle, and we do not want them to be punished as a result.

But under the current state of the law, TSA screeners do not have any right to an outside appeal when they believe they have been subject to unlawful retaliation because they blew the whistle on something or someone else they saw doing something they thought was wrong.

Second, TSA is not bound and the screeners are not protected by the Rehabilitation Act. So TSA is not bound

to make reasonable accommodations for a disabled screener still able to perform his duties. This is the basic mindset we have overcome in recent decades, that somebody who may be disabled in one way is—if I can make up a word—abled in many other ways and perhaps, therefore, able to carry out the responsibilities of a screener at one of the security checkpoints we have all gone through. We have all gone through them, so we know there are a number of those functions that could be performed by somebody who may have a disability. But there is no right to appeal if an employee, a screener, thinks they have been discriminated against based on that.

TSOs—that is, screeners—are allowed to join a union, but they cannot collectively bargain as other security forces at DHS and throughout the Federal Government can do. Nor can TSOs claim an unfair labor practice with the independent Federal Labor Relations Authority.

I want to stress something. Screeners at TSA can join a union. They cannot strike. There is nothing in this small provision in S. 4 that will give them the right to strike. There is nothing in this provision that will give them the right to strike. I fear people hearing about this provision may think we want to extend some employee rights to TSA screeners and may think, oh, my God, at a time of crisis these people will just walk off their jobs and strike. It is illegal. They cannot do it. It is the same limitation that is on Federal employees who have collective bargaining rights generally. It is just that these screeners have much less, many fewer rights than others do. They cannot claim an unfair labor practice with the independent Federal Labor Relations Authority.

Finally, unlike the rest of the Federal Government, TSA limits the veterans preference in hiring and other personnel decisions to veterans who retired from the Armed Services, and denies the preference to those who were honorably discharged. Of course, it is the vast majority of men and women who have served our country in uniform who are honorably discharged as opposed to serving until the time of their retirement. But they do not get any veterans preference in hiring and other personnel decisions at the TSA. Is that a big deal? It is if you are a veteran. One of the things this provision in this bill would say is that, the full veterans preference should apply for TSA screeners.

So that is the amendment we adopted, the literal effect of which is to instruct the Secretary of Homeland Security to include TSA screeners, either under the departmentwide human resources management system or under the specialized system that now applies to TSA employees other than the screeners, in the most specific way, which leaves no ground—no gaps for misunderstanding. Although there are people, I fear, who are misunderstanding or misstating it, this amendment simply and directly says that TSA screeners have to be included under the departmentwide DHS human resources management system, or under the specialized system that applies to TSA employees other than the screeners.

I know critics of this provision are arguing right now that TSA needs flexibility to manage the screener workforce in a way that provides security when, where, and how it is needed, such as when the threat level is raised, or when a new threat becomes evident, or when unexpected problems arise at a particular location so the Administrator of TSA would want to move screeners from one airport to another. This argument is not based on fact. The concerns are misplaced. The committee bill, in this small section, retains flexibility for the TSA Administrator to promptly redeploy employees, change their assignments, or otherwise respond to problems as they arise. The bill recognizes this is a department which has to have the flexibility, the management flexibility, to respond to emergencies. In granting these TSA screeners the same employee rights most everybody else within the Department, including people involved in border patrol, for instance, and other security functions, we retain nonetheless the flexibility of the administrator to redeploy his forces at a time of crisis.

There is another reason to do this, I believe, apart from equity, and that goes to the effectiveness of the TSA screeners and the Department of Homeland Security employees generally. Personnel management at TSA, the record will show, has been troubled since its inception. The record will show the agency has experienced unusually high rates of attrition—people leaving, unusually high rates of workplace injury, high rates of absenteeism, and other indications of low employee morale. Anybody in the private sector will tell you if you have high attrition, high workplace injury, absenteeism, and low morale, you have a problem, and the problem is going to mean the service you are intending to provide is not going to be what you want it to be.

I would say those problems interfere with establishing and maintaining the core of experienced and professional screeners we need, that the American people need to ensure aviation security. From conversations I have had with screeners, simply taking a step to put them on an equal plane with everybody else in TSA or DHS in terms of their employee rights will go a long way toward creating the kind of morale, devotion to work, and avoidance of workplace injury that will better serve our Nation. I know the Administrator of TSA, Kip Holley, has recently made some efforts to improve personnel management, but I believe they haven't gone far enough, and this amendment will take them a large step forward.

I want to say finally that when the Homeland Security and Government Affairs Committee marked up the bill, there was apparently a Transportation Security Agency screener by the name of A.J. Castilla who was there in the public section of the room. Later he wrote a note of thanks in which he said:

> We TSOs aren't asking for special treatment, merely to be made whole and equal again in the eyes of the law.

A.J. Castilla is committed to his job, is as committed as any other employee of the Department of Homeland Security or the Transportation Security Administration, and it is time to give him and every other TSA screener parity with those other Federal employees so that they may better do the critical work we ask and need them to do.

I appreciate the opportunity to speak at some length about these two provisions. Both are, I think, important. One is a dedicated grant program for interoperable communications that, as I said, I think will have a critical effect and I hope we will discuss the positive effect. The second, I am afraid, will be discussed more than it deserves. That provision is fair. It is simple equity. It treats working people with the fairness they deserve, and in fact will improve our security, not hamper it, as its critics say. I urge my colleagues to look at both carefully, and particularly when an amendment is offered, as I fear it will be, to strike the section that would correct the inequity now suffered by transportation screeners, when it comes to the floor, that my colleagues will come, will listen, and ultimately will vote to reject that amendment.

I thank the Chair, I yield the floor, and I suggest the absence of a quorum.

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

The legislative clerk proceeded to call the roll.

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

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

AMENDMENT NO. 269

Mrs. FEINSTEIN. Mr. President, I ask unanimous consent to set aside the pending amendment and call up amendment No. 269.

The PRESIDING OFFICER. Is there objection?

Mr. LIEBERMAN. Mr. President, for the moment I am going to object on behalf of Senator COLLINS who is co-managing the bill with me because no one has looked at the amendment.

The PRESIDING OFFICER. Objection is heard.

The Senator from California has the floor.

Mrs. FEINSTEIN. Thank you very much, Mr. President. The amendment I am seeking to bring up is a bill that has been reported out of the Judiciary Committee, and essentially what it would do is ensure the confirmation of all U.S. attorneys by the Senate.

What happened was that in 2006, an amendment went into the PATRIOT

Act that allowed the administration to appoint an interim U.S. attorney indefinitely without confirmation. In the early part of this year, I believe it was on January 6, I learned that six U.S. attorneys had been called and summarily told they were to resign effective a specific date in January. I was told by the person who gave me the information that there was something suspicious about that. I didn't know, so I began to look into it.

Well, I received a new story today about one of those U.S. attorneys, and if I might, I will read it to this body. It is an article by Marisa Taylor of the McClatchy Newspapers:

The U.S. Attorney from New Mexico who was recently fired by the Bush administration said Wednesday that he believes he was forced out because he refused to rush an indictment in an ongoing probe of local Democrats a month before November's congressional elections.

David Iglesias said two Members of Congress separately called in mid October to inquire about the timing of an ongoing probe of a kickback scheme and appeared eager for an indictment to be issued on the eve of the elections in order to benefit the Republicans. He refused to name the Members of Congress because he said he feared retaliation.

Two months later, on December 7, Iglesias became one of six U.S. Attorneys ordered to step down for what administration officials have termed ''performance-related issues.'' Two other U.S. Attorneys also have been asked to resign.

Iglesias, who received a positive performance review before he was fired, said he suspected he was forced out because of his refusal to be pressured to hand down an indictment on the ongoing probe:

I believe that because I didn't play ball, so to speak, I was asked to resign, said Iglesias, who officially stepped down on Wednesday.

Iglesias acknowledged that he had no proof that the pressure from the congressional members prompted his forced resignation, but he said the contact in and of itself violated one of the most important tenets of a U.S. Attorney's Office: Don't mix politics with prosecutions. The article goes on.

Now this is only one element of this story. The matter has been the subject of a hearing in the Judiciary Committee. Legislation is ready to come before the floor. I have introduced it as an amendment. We approved it in the Judiciary Committee with a bipartisan vote. I think the time has come to do two things. One would be for the Judiciary Committee—and I hope it will, and I believe the chairman of the Subcommittee on Administrative Oversight and The Courts, Senator SCHUMER, is interested in doing this—to issue subpoenas to have these U.S. attorneys come before the Committee to answer questions about how their demanded resignations took place.

Generally, a U.S. attorney is appointed for a term of four years, but serves at the pleasure of the President. If he wants to fire them he can. However, U.S. attorneys have very complicated and very difficult cases and I believe they must have some level of independence. The FBI, as we have heard in our oversight hearings, has raised the level of public corruption in their investigations.

So if the FBI investigates a case and comes up with the evidence, a U.S. attorney is obviously bound to prosecute that case. How this affects David Iglesias, I don't know. But the fact that these people all had very good performance reviews causes me a great concern. I wish to read from those performance reviews.

The performance review for John McKay of the Western District of Washington says:

''McKay is an effective, well-regarded and capable leader of the [U.S. attorney's office] and the District's law enforcement community,'' according to the team of 27 Justice Department officials.

David Iglesias, about whom I read the news story, of the District of New Mexico, got this performance review:

The [U.S. Attorney] had a highly effective firearms violence initiative and active and effective program to address drug trafficking.

Daniel Bogden, District of Nevada:

United States Attorney Bogden was highly regarded by the federal judiciary, the law enforcement and civil client agencies, and the staff of the United States Attorney's Office. He was a capable leader of the [office].

Bud Cummins, who many of us know, in the Eastern District of Arkansas:

The U.S. Attorney had an active, well managed anti-terrorism program . . . The Project Safe Neighborhoods initiatives were being effectively implemented and successfully managed.

Carol Lam, Southern District of California, including San Diego, whom I am very familiar with:

Carol Lam was an effective manager and respected leader in the District . . . Appropriate management procedures and practices were in place to ensure a quality written work product.

These are some of the snippets from the reviews. But clearly, the performance of these U.S. attorneys was not a reason to fire them.

I truly believe what the Department of Justice intended to do was what they did in the Eastern District of Arkansas—bring in bright, young Republican political operatives to assume these roles to give them a leg up and fire or require the resignation of these U.S. attorneys.

When I began to inquire into it, I asked whether interviews for replacements were taking place within these offices, particularly in San Diego. At that time, no one in the office was being interviewed as a replacement. Since these hearings have begun, individuals within the office have been interviewed. In fact, one has been appointed to fill in for former U.S. Attorney Carol Lam.

I truly believe there was an effort to use this section of the PATRIOT Act reauthorization to bring political operatives into these offices, and I think it is a matter of urgency for us to pass the legislation that was marked up by the Judiciary Committee. Absent that, there is no recourse, other than to issue subpoenas, to have these former U.S. attorneys come before the committee and be able to ask them some hard questions.

I think when a U.S. attorney who has served, and served well, is summarily dismissed for no real reason, it is a problem. We all know the U.S. attorney in San Diego brought the prosecution of a Member of the House of Representatives who is serving consequential time for major felonies and had subpoenas outstanding for other Members of the House and was summarily told in December that she should resign—in this case—by the end of January. That is not right.

So the only way I know to right the wrong is to restore the law to where it was before the PATRIOT Act reauthorization. That law is this amendment and the amendment is very simple. It simply says that the Attorney General may appoint an interim U.S. attorney to a vacancy for 120 days. After 120 days, if a nominee has not been confirmed by the Senate, the district court in the district where the vacancy exists can make an appointment. This provides the incentive for the administration to move a nominee. I should say there are 13 vacancies, of which only 3 nominees have presently been sent to the Senate. If you combine those 13 vacancies with the seven new vacancies, then over 20 percent of the U.S. attorney positions could be filled without Senate confirmation if we assume the intent was not to send a nominee to the Senate. Of course, the administration will decry this and say that is not the case. Nonetheless, there were 13 vacancies and now seven new vacancies with only 3 nominees before the Judiciary Committee for review and for approval by the full Senate.

If the law is left as it is, any Attorney General or President could essentially appoint every single U.S. attorney as an interim U.S. attorney, not subject to confirmation. If you consider the work of the U.S. attorneys—the public corruption, the major narcotics cases, the immigration cases, the complicated Federal law they carry out—I think every Member of this body would believe that confirmation by the Senate for every U.S. attorney should be assured. This amendment will carry that forward.

I was shocked to read about David Iglesias. I don't know whether it is accurate. I know it appeared in the news. Based on that, he has said he believes he was forced out for a political reason. There is only one way to find out, and that is for the Judiciary Committee to issue subpoenas, have these U.S. attorneys come before us, and ask a number of hard questions.

I am hopeful this body will see fit to pass this amendment. It is simple, short, direct, and it solves the problem.

I yield the floor.

The PRESIDING OFFICER. The Senator from Maine is recognized.

Ms. COLLINS. Mr. President, knowing the Senator from California as I do, I am certain a lot of the issues she has raised are serious ones, deserving of

scrutiny. They are, however, under the jurisdiction of the Judiciary Committee and not the Homeland Security Committee. As such, I don't feel that I, at this time, have the expertise or the knowledge to evaluate the amendment that has been filed by the Senator from California. That is why I am objecting to the amendment. It is not because of its merits but because it is not relevant to this debate. I have not had a chance to look at it, and it is not in the jurisdiction of the Homeland Security Committee.

I will say to my colleagues that the Senator from Connecticut and I have been working very hard in a bipartisan way to try to keep the focus of this bill on issues to improve our homeland security. We were very pleased that, despite the overwhelming importance of the debate on Iraq, there had been an agreement by our leaders to try to keep that debate for the next issue to come before the Senate, rather than having it tied in with this bill. Similarly, the families of the victims of 9/11 have made a plea to all of us to focus on this bill and to keep extraneous issues off this bill and rather focus on issues the 9/11 Commission raised. That is what we are attempting to do. I have no doubt this is an important issue, an issue that is worthy of debate, an issue that is worthy of scrutiny by the Judiciary Committee, based on the explanation of the Senator from California, for whom I have a great deal of respect. But it is an issue that is completely outside the jurisdiction of the Homeland Security Committee.

For that reason, my hope is the Senator from California will look at this as an opportunity to educate us on the issue but will not proceed with this amendment because it is not at all relevant to the bill before us.

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

Mr. SCHUMER. Mr. President, I rise to follow up on the comments of my friend from California, who has legislation I am proud to cosponsor on the general issue of the fired U.S. attorneys.

Mr. President, it is said that ''where there is smoke there is fire.'' As we look at the case of the U.S. attorneys, that is more and more likely to be true.

Today, according to the McClatchy Newspapers, one of the fired U.S. attorneys from New Mexico said that ''two Members of Congress separately called in mid-October to inquire about the timing of an ongoing probe of a kickback scheme and appeared eager for an indictment to be issued on the eve of the elections in order to benefit the Republicans.''

That is a quote in an article by Marisa Taylor of the McClatchy Newspapers. Frankly, it comes as no surprise to me. That is because David Iglesias, the U.S. attorney, told my staff the same thing the day before. He asked, in fact, that he be brought to Washington—was willing, rather, to be brought to Washington, under the power of subpoena, to tell his story. We have inquired of the fired U.S. attorneys. The overwhelming majority of them want to tell more but feel honorbound not to do it, except if they were brought under the power of subpoena to Washington.

So I join certainly in the request of my colleague from California and others. I have already spoken to Senator LEAHY, and we are examining how that can be accomplished. Senator LEAHY is very mindful of the fact that the Judiciary Committee doesn't issue subpoenas willy-nilly. But given the fact that some of the U.S. attorneys expressed a desire to testify, and others said they would be willing to testify, and now with these new revelations, the fear many of us had that these U.S. attorneys were summarily fired not for no reason and not for a good reason but for a bad reason is coming closer to reality.

Mr. President, we must get to the bottom of this issue. The U.S. attorney is the lead enforcer of the law in his or her jurisdiction. Fortunately, for decades, the U.S. attorneys, almost without exception, have been insulated from the political process, even though they are chosen in part by the political process. So when six were fired in one evening, and when it later became clear in hearings I held that at least one, by the admission of the Deputy Attorney General, was fired for no reason, and a call from the White House to suggest a replacement who was someone with very little legal experience but someone who had worked for both Karl Rove and the RNC, I believe it was, you can imagine the concern that not only the Senator from California and I had but the concern throughout the country in law enforcement—nonpolitical, simply a desire to protect the integrity of the U.S. attorneys. So we must do two things now.

These new revelations are extremely troubling. They would show politics at its worst—the long hand of the Justice Department reaching out to fire U.S. attorneys who would not do what was politically asked. At least that is a very real suspicion. So we must get to the bottom of this. The only way to do that is to call before us the fired U.S. attorneys and hear their side of the story.

I remind my colleagues that we did have a briefing—the Senator from California was there, the Senator from Rhode Island was there—and then were shown the evaluation reports, the EARS reports, and almost to a person the fired U.S. attorneys received very good evaluations from their peers and from everybody else. If you read those evaluations, you would say: Oh, they will keep that person in office for as long as he or she wants to stay. But instead, they were fired.

In private conversations my staff has had with them, they have grave suspicions as to why—some of them more than grave suspicions. Today, Mr. Iglesias said publicly what he told my staff privately, that he has a very troubling view that he may well have been fired because he refused to bend his U.S. attorney's office to politics of the worst sort.

So there are two imperatives here. One, as I said, is to get to the bottom of this and get to the bottom of it quickly. The second is to pass legislation that restores the appointment of U.S. attorneys away or at least removes it somewhat from the political realm because when the Senate must confirm or when an independent judge must temporarily appoint, there is a check, there is a balance that was removed, unbeknownst to almost all of us, in the PATRIOT Act. The minute that passed, people were surprised and wondered: Why did it happen? The explanation from the administration didn't quite ring true. Then, on the evening of December 7, when six U.S. attorneys were called at once and fired and not given any reason, suspicions went further. The investigations my subcommittee has had, with the help of our chairman, the Senator from Vermont, and the Senator from California, who has taken a keen interest in this issue and is lead sponsor of the legislation, have gotten worse every day.

As I said at the beginning of my remarks, the expression goes: Where there is smoke, there is fire. Every day, not only is there more smoke in this investigation of the firing of the U.S. attorneys, but there seems to be, unfortunately, a real fire. We will not rest until we get to the bottom of this matter, to see what happened, to see if possibly any rules, regulations, or even laws were broken. By bringing it to light, it will importune this body, the other body, and the White House to pass legislation so that it cannot happen again.

Mr. President, in sum, this is serious stuff. When U.S. attorneys are fired for political reasons, fired to stand in the way of justice rather than promote justice, it puts a dagger into the heart of the faith Americans have in their Government and in their system of justice. That faith, fortunately, is long and deep, but if we don't get to the bottom of this, if we don't change the law to make sure it doesn't happen again, we will be weakening permanently our system of justice and the faith the public has in it.

We will move forward in whatever way we can. Hopefully, we will find it is possible to subpoena these attorneys and subpoena them quickly and then take the necessary action in these cases and prevent future cases from occurring, which justice and the faith the people have in the American system demand.

I yield the floor.

The PRESIDING OFFICER. The Senator from Rhode Island.

Mr. WHITEHOUSE. Mr. President, the remarks the Senator from California and the Senator from New York

have made today are very well taken, and I rise to express my shared concern with them and my support for their initiative to get to the bottom of what took place. In May of 1994 I had the honor to be sworn in as Rhode Island's U.S. attorney. It was one of the great honors of my life, equivalent to the great honor of being sworn in with you, Mr. President, into this extraordinary body. I knew when I took that oath that I would be forced to make very hard decisions and that my independence and my integrity would be my strongest allies as I discharged the extraordinarily difficult and powerful responsibilities of a U.S. attorney.

Last December, seven U.S. attorneys were fired by the Department of Justice, all on the very same day. That is unprecedented. Never, to my knowledge, in the history of the Department have so many heads of U.S. attorneys rolled all on the same day. These men and women had been confirmed in this great Chamber. By all indications, they were well qualified and performing well in their jobs. Several of them were involved in ongoing public corruption investigations. Yet in this unprecedented step, this administration showed them all the door. It suggests to us all the question: why might such an extraordinary act have taken place; why were they told their services were no longer required?

The Attorney General, Alberto Gonzales, told us this:

> What we do is make an evaluation about the performance of individuals, and I have a responsibility to the people in your district that we have the best possible people in these positions.

Deputy Attorney General Paul McNulty testified that ''turnover in the position of U.S. attorney is not uncommon.''

So the two suggestions that were made were that this was performance related, that a performance evaluation had been done of these individuals and they had not measured up, and that it was just turnover. It is hard to accommodate both of those stories, but when one looks into each of them, it makes even less sense.

The committee, through Senator SCHUMER and Senator FEINSTEIN, asked to see the Evaluation and Review Staff reports, what is called an EARS evaluation. When I was a U.S. attorney in Rhode Island, I lived through an EARS evaluation. All the local agencies were interviewed by career U.S. attorney services staff, detailed to Rhode Island just for the purpose of doing these evaluations. They happen in every office every 3 years. They are a significant part of the oversight and management practice of the Department of Justice, and they are extremely thorough.

We asked to see the reports. When it was clear that we were going to ask to see these performance evaluations, the Department began to back down. Mr. MCNULTY told the committee:

> We are ready to stipulate that the removal of the U.S. attorneys may or may not be something supported by an EARS report because it may be something performance related that isn't the subject of what the evaluators saw or when they saw it or how it came up, and so forth.

There isn't much that an EARS evaluation doesn't look at, and contrary views began to emerge from the Department very shortly.

In an article published February 4, the Washington Post reported that:

> [O]ne administration official, who spoke on the condition of anonymity in discussing personnel issues, said the spate of firings was the result of ''pressure from people who make personnel decisions outside of Justice who wanted to make some things happen in those places.''

Let's look at some of those places. In Arkansas, H.E. Bud Cummins III was a 5-year veteran U.S. attorney serving in Arkansas's Eastern District. Last June, he was asked to resign. The man chosen to replace the well-respected Mr. Cummins was Tim Griffin. Mr. Griffin is 37 years old. He served as Special Assistant to Assistant Attorney General Michael Chertoff in the Criminal Division of the Department of Justice, where he was sent as a detailee to the Arkansas U.S. Attorney's Office.

What Mr. Griffin lacked in prosecutorial experience, he more than made up for in political experience. Mr. Griffin is a former aide to Presidential adviser Karl Rove. He is also a former Republican National Committee research director. As those of us who have been through this sort of thing know, ''research director'' is not about looking up old statutes; it is about prying into personal lives of other candidates in order to try to dig up dirt on them.

A more partisan choice could not have been made to replace Mr. Cummins. Remember, Mr. MCNULTY said:

> The Department is committed to having the best person possible for discharging the responsibilities of that office at all times in every district.

It is just hard to believe that Mr. Tim Griffin was the best person possible, at least not as we ordinarily define those terms. At the end of our Judiciary hearing, Mr. MCNULTY admitted that Mr. Cummins, the Government's chief prosecutor in Little Rock, Arkansas, was fired to give Mr. Griffin the opportunity to have the appointment.

In San Diego, U.S. attorney Carol Lam successfully prosecuted Duke Cunningham, who pled guilty and resigned in 2005. She subpoenaed the House Armed Services, Appropriations, and Intelligence Committees in connection with a probe into Defense Department contracts. Her office indicted Kyle ''Dusty'' Foggo, the CIA's former Executive Director, and Brent Wilkes, a defense contractor and top Republican fundraiser.

In her district, former Reagan U.S. attorney Peter Nunez—another Republican political appointee familiar with the world of U.S. attorneys because he served there himself; he served from 1982 to 1988—said this:

> It's just like nothing I have ever seen before in 35-plus years. To be asked to resign and to be publicly humiliated by leaking this to the press is beyond any bounds of decency and behavior. It shocks me. It is really outrageous.

San Diego's top-ranking FBI official, Dan Dzwilewski, also commented on Lam's firing. Bear in mind, this is the Director of the FBI office that is operating as lead agency in these public corruption investigations. His quote:

> I guarantee politics is involved . . . It will be a huge loss from my perspective.

Other U.S. attorneys, such as David Iglesias of New Mexico and John McKay of Seattle, said they had no idea why they were being asked to step down.

That changed recently. Today was posted a story from which I will quote:

> The U.S. attorney from New Mexico who was recently fired by the Bush administration said Wednesday that he believes he was forced out because he refused to rush an indictment in an ongoing probe of local Democrats a month before November's Congressional elections.
>
> David Iglesias said two members of Congress separately called in mid October to inquire about the timing of an ongoing probe of a kickback scheme and appeared eager for an indictment to be issued on the eve of the elections in order to benefit the Republicans. He refused to name the members of Congress because he said he feared retaliation. . . .
>
> ''U.S. Attorney Daniel Bogden, who also stepped down Wednesday after being asked to leave in December'' had it recently reported in the Wall Street Journal that the FBI was investigating in his district allegations ''whether Nevada Governor Jim Gibbons performed any official acts on behalf of a contract in exchange for gifts or payments. Gibbons, a Republican, has denied any wrongdoing.''
>
> Bogden said he hoped that the ongoing case did not have anything to do with his ouster.

This is his quote:

> You would like to think that the reason you're put in the position as U.S. attorney is because you are willing to step up to the plate and take on big cases, Bogden said.
>
> It's not a good thing if you begin to wonder whether you'll lose your job if you pursue them.

Last month, a Las Vegas newspaper reported:

> a GOP source said . . . the decision to remove U.S. attorneys, primarily in the West, was part of a plan to ''give somebody else that experience'' to build up the back bench of Republicans by giving them high-profile jobs.

These are extremely troubling facts. The New York Times has recently editorialized on this subject and hypothesized three reasons for why these well-qualified attorneys were fired. As the New York Times said, ''all political and all disturbing.'' The first reason: helping friends; the second, candidate recruitment; the third, Presidential politics.

The newspaper concluded that the politicization of Government over the last 6 years has had tragic consequences in New Orleans, in Iraq, and elsewhere, but allowing politics to infect U.S. Attorney's Offices takes it to

a whole new level. Congress should continue to pursue the case of the fired U.S. attorneys vigorously, both to find out what really happened and to make sure that it does not happen again.

I would like to highlight two further concerns that come from my experience as a U.S. attorney. One concern is how this alters the balance between U.S. Attorney's Offices and what we used to call main Justice, and the second concern is the chilling effect on prosecutions of public corruption.

There is constant tension between the U.S. attorneys in the field and main Justice. The U.S. attorneys know their districts, they have practiced before those judges, they know their office's capabilities very well, and they have their own local priorities. Of course, the Department of Justice also has its own priorities, its national priorities set by the President, and the tension between those two is healthy and is constant. In getting its message out to the U.S. attorneys, the Department has a wide array of ways to send its signals and make its wishes known, but to take six or seven well-performing U.S. attorneys and sack them all at once ends that dialogue. It brings the blunt instrument of, not even persuasion any longer, but brute force, to bear.

Now, there can very well be policy differences between the Department of Justice and local offices, but this would be a first for the Department of Justice, to say: You haven't emphasized this enough so we are going to have your head. It will squash the healthy tension between U.S. attorneys and between the Department, and at least in my experience, the greater wisdom of the Department of Justice versus that of all the U.S. attorneys in the field was not such that it justifies this level of force in emphasis and enforcement and in the demand for conformity with its policy positions.

I submit there is long-term damage to the capabilities of the Department of Justice as this tension is disrupted. We live in a country of checks and balances, and tensions like these are very often the best things for the public we serve when they are allowed to be maintained in a healthy fashion.

The second point I would make is the chilling effect on prosecutions of public corruption. This applies particularly with respect to Ms. Lam in California. In many respects, she had become the leading edge of the Federal Government's sword point on public corruption investigation because of the investigations that I mentioned earlier in my remarks. Her office was leading the biggest public corruption cases in the Nation, with more to come it appears. U.S. Attorney Lam was personally at the helm of these investigations, and she was well qualified for that role. Her unceremonious expulsion from office will send a shockwave through the offices of her fellow U.S. attorneys, and that shockwave will carry a very unfortunate message because these cases are not easy ones.

Public corruption cases are resource intensive for the office involved. They are extraordinarily challenging. Witnesses are scarce and difficult, significant agent expertise is required, internal procedures governing the investigation itself are complex and onerous, and launching one's office at established political figures is a decision with potentially serious consequences not only for the U.S. attorney but for the career people in that office. Someone who has come through all of that and moved out onto the leading edge of public corruption investigation for this country, I believe, merits the active support of the Department of Justice not just for the good work done but as a message and a signal to U.S. attorneys around the country that when they step out into that public corruption arena, we will back them up.

The signal to the contrary is a dangerous one. When a U.S. attorney gets fired, and one who was deep into a public corruption investigation and is leading it so well that their termination draws a public rebuke from the FBI chief, antennae will go up across the country.

Madam President, I ask unanimous consent to have printed in the RECORD at the conclusion of my remarks a letter that the Attorney General has received from the National Association of Former United States Attorneys.

The PRESIDING OFFICER (Mrs. CLINTON). Without objection, it is so ordered.

(See exhibit 1.)

Mr. WHITEHOUSE. Madam President, the sentence in that letter which strikes me as the most significant is:

> We are concerned that the role of the United States Attorneys may have been undermined by what may have been political considerations which run counter to the proper administration of justice and the traditions of the Department of Justice.

This is not a good day. This is not the sort of thing that we need to be discussing. This is not the sort of thing that we should be discussing. As Senator SCHUMER earlier said, there is a lot of smoke in the air right now, and it looks as if there is actually some fire. It is truly incumbent on this body, the body which confirmed these individuals to their offices and which has oversight responsibility with the Department of Justice, to look into what is happening and to reestablish the procedures to prevent this from happening again.

I yield the floor, and I thank the Chair.

EXHIBIT 1

THE NATIONAL ASSOCIATION OF FORMER UNITED STATES ATTORNEYS,

February 14, 2007.

Hon. ALBERTO R. GONZALES,
Attorney General of the United States, United States Department of Justice, Washington, DC.

Re: Media Reports of Termination of United States Attorneys

DEAR ATTORNEY GENERAL GONZALES, We are the President and Executive Director of the National Association of Former United States Attorneys (''NAFUSA''). NAFUSA was founded in March 1979 to promote, defend and further the integrity and the preservation of the litigating authority and independence of the Office of the United States Attorney. Our membership includes United States Attorneys from every administration back to President Kennedy and includes former United States Attorneys from every state in the union. It is with this mission and with our cumulative experience as United States Attorneys that we write.

We are very troubled with recent press accounts concerning the termination of a sizable number of United States Attorneys. Historically, United States Attorneys have had a certain degree of independence because of the unique and integral role the United States Attorneys play in federal law enforcement Among other things, the United States Attorney establishes and maintains working and trusting relationships with key federal, state and local law enforcement agencies. In many respects, while the United States Attorney is a representative of the Department of Justice in each district, the United States Attorney also brings to bear his or her experience and knowledge of the law enforcement needs of the district in establishing priorities and allocating resources. Most importantly, United States Attorneys have maintained a strong. tradition of insuring that the laws of the United States are faithfully executed, without favor to anyone and without regard to any political consideration. It is for these reasons that the usual practice has been for United States Attorneys to be permitted to serve for the duration of the administration that appointed them.

We are concerned that the role of the United States Attorneys may have been undermined by what may have been political considerations which run counter to the proper administration of justice and the tradition of the Department of Justice. While we certainly recognize that the United States Attorneys serve at the pleasure of the President, we would vigorously oppose any effort by any Attorney General to remove a United States Attorney as a result of political displeasure or for political reward. Any such effort would undermine the confidence of the federal judiciary, federal and local law enforcement agencies, the public, and the thousands of Assistant United States Attorneys working in those offices.

We do not mean to suggest that we know the reasons for each of the terminations or, for that matter, all of the relevant facts. Indeed, we encourage the Department of Justice and Congress to make as full and as complete a disclosure of the facts surrounding these firings as is permissible. Still, the reported facts are troubling, perhaps unique in the annals of the Department of Justice, and certainly raise questions as to whether political considerations prompted the decision to terminate so many United States Attorneys. It may well be that legislative attention or a written policy of the Department of Justice is necessary to deal with this and similar situations in the future to afford continuity and protection to United States Attorneys. We will be happy to assist the Department or Congress in any such effort.

Sincerely yours,

ATLEE W. WAMPLER III,
President.

B. MAHLON BROWN,
Executive Director.

AMENDMENT NO. 279, AS MODIFIED

Mr. DEMINT. Madam President, I ask for regular order in regards to my amendment No. 279. I have a modification of that amendment that I would like to send to the desk.

The PRESIDING OFFICER. The Senator's amendment is pending. He has the right to modify it. The amendment is so modified.

The amendment, as modified, is as follows:

(Purpose: To specify the criminal offenses that disqualify an applicant from the receipt of a transportation security card)

At the appropriate place, insert the following:

SEC. ___. PROHIBITION OF ISSUANCE OF TRANSPORTATION SECURITY CARDS TO CONVICTED FELONS.

(a) IN GENERAL.—Section 70105 of title 46, United States Code, is amended—

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

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

''(1) DISQUALIFICATIONS.—

''(A) PERMANENT DISQUALIFYING CRIMINAL OFFENSES.—Except as provided under paragraph (2), an individual is permanently disqualified from being issued a biometric transportation security card under subsection (b) if the individual has been convicted, or found not guilty by reason of insanity, in a civilian or military jurisdiction of any of the following felonies:

''(i) Espionage or conspiracy to commit espionage.

''(ii) Sedition or conspiracy to commit sedition.

''(iii) Treason or conspiracy to commit treason.

''(iv) A Federal crime of terrorism (as defined in section 2332b(g) of title 18), a comparable State law, or conspiracy to commit such crime.

''(v) A crime involving a transportation security incident.

''(vi) Improper transportation of a hazardous material under section 5124 of title 49, or a comparable State law.

''(vii) Unlawful possession, use, sale, distribution, manufacture, purchase, receipt, transfer, shipping, transporting, import, export, storage of, or dealing in an explosive or explosive device. In this clause, an explosive or explosive device includes—

''(I) an explosive (as defined in sections 232(5) and 844(j) of title 18);

''(II) explosive materials (as defined in subsections (c) through (f) of section 841 of title 18); and

''(III) a destructive device (as defined in 921(a)(4) of title 18 and section 5845(f) of the Internal Revenue Code of 1986).

''(viii) Murder.

''(ix) Making any threat, or maliciously conveying false information knowing the same to be false, concerning the deliverance, placement, or detonation of an explosive or other lethal device in or against a place of public use, a State or other government facility, a public transportation system, or an infrastructure facility.

''(x) A violation of the Racketeer Influenced and Corrupt Organizations Act (18 U.S.C. 1961 et seq.), or a comparable State law, if 1 of the predicate acts found by a jury or admitted by the defendant consists of 1 of the crimes listed in this subparagraph.

''(xi) Attempt to commit any of the crimes listed in clauses (i) through (iv).

''(xii) Conspiracy or attempt to commit any of the crimes described in clauses (v) through (x).

''(B) INTERIM DISQUALIFYING CRIMINAL OFFENSES.—Except as provided under paragraph (2), an individual is disqualified from being issued a biometric transportation security card under subsection (b) if the individual has been convicted, or found not guilty by reason of insanity, during the 7-year period ending on the date on which the individual applies for such card, or was released from incarceration during the 5-year period ending on the date on which the individual applies for such card, of any of the following felonies:

''(i) Unlawful possession, use, sale, manufacture, purchase, distribution, receipt, transfer, shipping, transporting, delivery, import, export of, or dealing in a firearm or other weapon. In this clause, a firearm or other weapon includes—

''(I) firearms (as defined in section 921(a)(3) of title 18 and section 5845(a) of the Internal Revenue Code of 1986); and

''(II) items contained on the United States Munitions Import List under section 447.21 of title 27, Code of Federal Regulations.

''(ii) Extortion.

''(iii) Dishonesty, fraud, or misrepresentation, including identity fraud and money laundering if the money laundering is related to a crime described in this subparagraph or subparagraph (A). In this clause, welfare fraud and passing bad checks do not constitute dishonesty, fraud, or misrepresentation.

''(iv) Bribery.

''(v) Smuggling.

''(vi) Immigration violations.

''(vii) Distribution of, possession with intent to distribute, or importation of a controlled substance.

''(viii) Arson.

''(ix) Kidnapping or hostage taking.

''(x) Rape or aggravated sexual abuse.

''(xi) Assault with intent to kill.

''(xii) Robbery.

''(xiii) Conspiracy or attempt to commit any of the crimes listed in this subparagraph.

''(xiv) Fraudulent entry into a seaport under section 1036 of title 18, or a comparable State law.

''(xv) A violation of the Racketeer Influenced and Corrupt Organizations Act (18 U.S.C. 1961 et seq.) or a comparable State law, other than any of the violations listed in subparagraph (A)(x).

''(C) UNDER WANT WARRANT, OR INDICTMENT.—An applicant who is wanted, or under indictment, in any civilian or military jurisdiction for a felony listed in this paragraph, is disqualified from being issued a biometric transportation security card under subsection (b) until the want or warrant is released or the indictment is dismissed.

''(D) DETERMINATION OF ARREST STATUS.—

''(i) IN GENERAL.—If a fingerprint-based check discloses an arrest for a disqualifying crime listed in this section without indicating a disposition, the Transportation Security Administration shall notify the applicant of such disclosure and provide the applicant with instructions on how the applicant can clear the disposition, in accordance with clause (ii).

''(ii) BURDEN OF PROOF.—In order to clear a disposition under this subparagraph, an applicant shall submit written proof to the Transportation Security Administration, not later than 60 days after receiving notification under clause (i), that the arrest did not result in conviction for the disqualifying criminal offense.

''(iii) NOTIFICATION OF DISQUALIFICATION.—If the Transportation Security Administration does not receive proof in accordance with the Transportation Security Administration's procedures for waiver of criminal offenses and appeals, the Transportation Security Administration shall notify—

''(I) the applicant that he or she is disqualified from being issued a biometric transportation security card under subsection (b);

''(II) the State that the applicant is disqualified, in the case of a hazardous materials endorsement; and

''(III) the Coast Guard that the applicant is disqualified, if the applicant is a mariner.

''(E) OTHER POTENTIAL DISQUALIFICATIONS.—Except as provided under subparagraphs (A) through (C), an individual may not be denied a transportation security card under subsection (b) unless the Secretary determines that individual—

''(i) has been convicted within the preceding 7-year period of a felony or found not guilty by reason of insanity of a felony—

''(I) that the Secretary believes could cause the individual to be a terrorism security risk to the United States; or

''(II) for causing a severe transportation security incident;

''(ii) has been released from incarceration within the preceding 5-year period for committing a felony described in clause (i);

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

''(iv) otherwise poses a terrorism security risk to the United States.''.

''(F) MODIFICATION OF LISTED OFFENSES.—The Secretary may, by rulemaking, add the offenses described in paragraph (1)(A) or (B).''.

(b) CONFORMING AMENDMENT.—Section 70101 of title 49, United States Code, is amended—

(1) by redesignating paragraphs (2) through (6) as paragraphs (3) through (7); and

(2) by inserting after paragraph (1) the following:

''(2) The term 'economic disruption' does not include a work stoppage or other employee-related action not related to terrorism and resulting from an employer-employee dispute.''.

Mr. DEMINT. Madam President, if I can make a couple of comments about the modification, many will recall that this amendment is focused on our ports and the security of our ports. I think all of us are well aware that as a nation we see that our ports of entry, whether they be in Seattle, New York, or Charleston, SC, could be our most vulnerable points when it comes to smuggling in a weapon of mass destruction. We have committed many resources and lots of technology to try to detect radiation and other types of weapons that might be smuggled into our country that could hurt Americans and destroy American cities, and we are making some progress. But there is a lot more to be done.

All the spending, all the technology, all the equipment in the world will make no difference at all if we don't have the right people working in the secure areas of our ports. We need to make sure those people are the most trusted we have, just as we do in our airports. Our responsibility, whether it is homeland security as an administration or we as the Congress, is to make sure these people are screened and that we have the best and the most trusted individuals working in our secure areas. This is very important.

My amendment focuses on just that subject. It prohibits convicted felons

from working in the secure areas of our ports. This is common sense to most Americans, and I think it is common sense to most in this Senate because when this exact same amendment was offered last year, when we were dealing with port security specifically, everyone voted for this amendment in the Senate. Unfortunately, that amendment was stripped out when we had a conference with the House.

Many of my colleagues have encouraged me to reintroduce this amendment, Republicans and Democrats alike, and that is exactly what I have done. I understand the Senator from Hawaii is considering introducing a modification that would allow the Secretary to eliminate some of these felonies that we have listed in our amendment. Please keep in mind that the listed felonies are the exact same ones that homeland security has listed in the regulation that they have put in force at their agency. So this amendment puts in law what homeland security has already put into regulation.

The importance of putting it in law is that we already suspect this legislation will be contested; that there will be delays, there will be challenges, and we need to make sure that our ports are secure. The modification of my amendment would allow the Secretary to add felonies in the future which may become important but that are not now listed. We think it would be a huge mistake if we put in law something that allowed future administrations to eliminate felonies that are specifically laid out in regulation and in this amendment I am offering.

If anyone in the Senate would like to eliminate some of the felonies that we have listed, I would encourage them to come to the Senate floor and let's discuss those that they would like to eliminate. Maybe they would like to have some of these folks working in the secure areas of our ports, folks who have committed espionage, sedition, treason, terrorism, crimes involving transportation security, improper transport of hazardous material, unlawful use of an explosive device, bomb threats, or murder. These are specifically listed. If there are some of these that we think should be eliminated, let's discuss them.

Homeland Security has evaluated this and has listed these, just like we have for our airports, to keep our ports secure.

I am offering this modification that would allow our Secretary to add felonies but prohibit the elimination of these felonies which we think are so important to our security.

I thank the Chair for the opportunity to offer this modification, and I yield the floor.

Mr. LIEBERMAN. Madam President, I thank the Senator from South Carolina for his modification. We talked about this briefly. I think he is heading in the right direction. We are taking a look at the amendment as it is offered, and we look forward to working together. I think the purposes are very important.

I thank the Chair, I yield the floor, and I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

Ms. COLLINS. Madam President, I ask unanimous consent to add Ms. MURKOWSKI, a Senator from Alaska, as a cosponsor to the Collins amendment No. 277.

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

AMENDMENT NO. 277

Ms. COLLINS. Madam President, speaking of the Collins amendment on REAL ID, cosponsored by Senators ALEXANDER, MIKULSKI, CARPER, CANTWELL, SNOWE, CHAMBLISS, and MURKOWSKI, I bring to my colleagues' attention the several groups representing Governors, State legislatures, and others who are now speaking in favor of passage of this amendment. In addition, as the Presiding Officer so ably represents the State of New York, there was a Newsday editorial today also endorsing the amendment with its 2-year delay.

The National Governors Association has also issued a statement that says:

> Senator Collins' bipartisan amendment recognizes the need to give state officials and other interested parties the right to review regulations and suggest modifications.

It goes on to say:

> This proposal would provide states a more workable time frame to comply with federal standards, ensure necessary systems are operational and enhance the input states and other stakeholders have in the implementation process.

We have also heard from the American Federation of State, County and Municipal Employees, a union that is affiliated with the AFL–CIO, which has written a letter as well. It says:

> It is clear that the states do not have the capacity to comply with the REAL ID Act by the 2008 deadline and that a number of serious concerns related to privacy must be addressed. The Collins amendment provides the opportunity to address these matters.

Similarly, another group with whom we have worked closely is the National Conference of State Legislatures. In fact, it was a high-ranking official of the NCSL who sat next to me on a plane going to Maine some time ago and suggested that what States needed most was a delay in the compliance time. I worked very closely with the NCSL in drafting our amendment. I am very grateful for their advice.

I ask unanimous consent that the letters and editorials I have mentioned be printed in the RECORD so we may share them with our colleagues.

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

[From the National Governors Association, Feb. 28, 2007]

NGA PRAISES CONGRESSIONAL MOVEMENT TO CORRECT REAL ID

WASHINGTON.—On behalf of the nation's governors, the National Governors Association (NGA) issued the following statement regarding the introduction of an amendment to delay implementation of Real ID.

''Governors praise Senator Susan Collins, ranking member of the Senate Homeland Security Committee, for introducing an amendment to address the issues raised by the Real ID Act of 2005. This proposal would provide states a more workable time frame to comply with federal standards, ensure necessary systems are operational and enhance the input states and other stakeholders have in the implementation process.

''Improving the security and integrity of their drivers' license systems is vital; however, the substantial costs and looming implementation deadline make Real ID unworkable and unreasonable. NGA has called on the Department of Homeland Security and Congress to fix the law by providing additional time, resources and flexibility for states to enhance their systems.

''Senator Collins' bipartisan amendment recognizes the need to give state officials and other interested parties the right to review regulations and suggest modifications. This allows governors and state legislators to help create reasonable standards and ensure the act is implemented in a cost-effective and feasible manner with maximum safety and minimum inconvenience for all Americans.''

AMERICAN FEDERATION OF STATE, COUNTY AND MUNICIPAL EMPLOYEES, AFL–CIO,

Washington, DC, February 27, 2007.

DEAR SENATOR: On behalf of the 1.4 million members of the American Federation of State, County and Municipal Employees (AFSCME), I am writing with respect to the Senate debate over S. 4, legislation to implement 9/11 Commission recommendations.

We understand that an amendment may be offered, possibly by Senator DeMint, to strike or weaken a provision in the bill that gives Transportation Security Administration (TSA) screeners collective bargaining and other civil service protections. We strongly urge you to oppose this amendment. In addition, we urge you to support an amendment to be offered by Senator Collins that would delay implementation of requirements under the REAL ID Act and to reopen negotiated rulemaking of the Act.

With respect to the DeMint amendment, it is important to highlight that civil service protections, backed up by collective bargaining, ensure that federal employment is efficient, fair, open to all, free from political interference and staffed by honest, competent and dedicated employees. Civil service protections and collective bargaining rights ensure that federal employees are able to fulfill their assignments with professional integrity and a commitment to the public interest. The decision to take away civil service protections and collective bargaining rights has resulted in a demoralized workforce, with injury and illness rates that are six times higher than the federal average and an attrition rate that is more than ten times higher than the federal employee average. Clearly, the removal of civil service protections and collective bargaining rights has jeopardized the public, not made it safer.

With respect to the Collins amendment, we have previously expressed our concern over the costs to the states to implement the requirements under the REAL ID Act. It is clear that states do not have the capacity to

comply with the Act by the 2008 deadline and that a number of serious concerns related to privacy must be addressed. The Collins amendment provides the opportunity to address these matters.

Sincerely,

CHARLES M. LOVELESS,
Director of Legislation.

[From NCSL News, Feb. 20, 2007]

STATE LAWMAKERS ENCOURAGED BY REAL ID ACTIVITY IN U.S. SENATE

SENATOR COLLINS' MEASURE TO PROVIDE EXTRA TIME, STATE INPUT INTO THE REGULATORY PROCESS

WASHINGTON, DC.—The National Conference of State Legislatures praises Maine Senator Susan Collins for introducing legislation (S. 563) to address state concerns over the Real ID Act, a measure which creates national standards for state-issued drivers licenses and identification cards.

S. 563 addresses some of the recommendations for change called for by NCSL, governors and motor vehicle administrators in a September 2006 report—The REAL ID: National Impact Analysis. Legislators throughout the country support REAL ID's goal of making drivers licenses more secure, but are frustrated by the rigidity of the law's approach, the high costs it imposes on states and the inordinately long time it has taken the Department of Homeland Security to issue the regulations needed to implement REAL ID.

NCSL is encouraged that Senator Collins, ranking member of the Senate Homeland Security and Governmental Affairs Committee, and other members of Congress are taking steps to correct the problems associated with the law. S. 563 provides a longer time frame to comply with the federal standards and to ensure that necessary systems are operational. Senator Collins' legislation also establishes a committee of state officials and other interested parties to. review the draft DHS regulations and to submit recommendations for regulatory and legislative changes.

NCSL's official policy statement calls for repeal of Real 10 if, by December 31 of this year, Congress fails to adopt the necessary changes as outlined in the September 2006 report and if they fail to provide full funding for the law. Senator Collins' legislation, therefore, is especially timely and NCSL looks forward to working with her and her colleagues to fix and fund the law.

NCSL is the bipartisan organization that serves the legislators and staff of the states, commonwealths and territories. It provides research, technical assistance and opportunities for policymakers to exchange ideas on the most pressing state issues and is an effective and respected advocate for the interests of the states in the American federal system.

[From Kennebec Journal Morning Sentinel]

ADDRESSING THE REAL PROBLEMS OF REAL ID

The REAL ID Act was passed by Congress in 2005. Part of a suite of measures to beef up homeland security, the act requires that by mid-2008, Americans must have a federally approved ID card—most likely an enhanced driver's license—to travel on airplanes, collect government payments or use government services and open a bank account. The national ID cards would have to be machine-readable.

As the deadline approaches for compliance with the act, opposition to the mandate has grown. Late last month, the Maine Legislature became the first in the nation to pass a measure against the requirement, unequivocally refusing to implement the act and urging Congress to repeal it. Too expensive, too fast, too much of an invasion of privacy and too burdensome to administer, said a bipartisan coalition of Maine lawmakers. Estimate of the cost of compliance in Maine alone is $185 million.

The Legislature's rejection made news around the nation. What Maine started threatened to become a tidal wave of state opposition. In an effort to stem the momentum and salvage what she considers good about the requirement, U.S. Sen. Susan Collins Friday announced she's introducing legislation to delay implementation of the act and provide states with a more reasonable time frame for complying with its new standards for drivers' licenses. ''The costs of complying with REAL ID are enormous and overly burdensome to states, including Maine,'' said Collins.

We agree. Collins' legislation puts the brakes on a mandate that raises significant concerns, as well as the broader question of whether the REAL ID would ultimately be effective.

Her bill would give the Department of Homeland Security the ability to delay or waive REAL ID requirements if states don't have the technical capability to comply with it, or the money.

It furthermore calls to the discussion table the right group of people to hammer out an alternative: federal and state officials, privacy advocates and others with a stake in the matter. We're encouraged that this senator, who has made her name as an advocate of effective and real security measures, has focused on finding a solution to the real problems posed by REAL ID.

[From the Bangor Daily News]

NEEDED ID DELAY

By introducing a bill to slow the pace of new federal identification rules, Sen. SUSAN COLLINS today is expected to offer a way out of a growing confrontation between Washington and the states. The bill would extend the deadline for REAL ID by two years and recognize the cost burden currently imposed on states. Additionally, it reopens the question of how much information the federal government should centralize.

This pause is needed. Last week, for instance, Georgia looked at REAL ID's expected price tag of between $30 million and $60 million and declined to fund it. That follows Maine's resolution to reject the program and likely precedes work in about a dozen states that have legislation against REAL ID before their legislatures. The Collins bill would reconvene the panel that made recommendations on this issue and review problems raised by the states, the standards for protecting constitutional rights and civil liberties and the security of the electronic information, among other issues.

Under the current regulations, all Americans would have a federally approved ID card by the end of next year. Usually seen as a machine-readable driver's license, the card would be needed not only for driving but all the standard uses—to board airplanes, do business with the federal government, open a bank account. One estimate put the cost to states for transitioning to these new IDs at $11 billion.

Besides cost, opponents of the standardized identification program fear that REAL ID will result in a national database, which the federal government may not be equipped to protect. In particular, one provision would require states to verify all documents required for the issuance of a driver's license or identification card. That would require each state to have agreements with all other states or, more likely, have a single national agreement.

Given the government's track record on securing private information, states are reasonably worried. Not long ago, the House Government Reform Committee looked at 19 agencies going back to 2003 and found 788 separate cases of confidential data being either lost or stolen. Most of the lost data, the report concluded, was due to ''unauthorized use of data by employees.''

The extended deadline proposed by the Collins legislation would give officials an opportunity to improve security at both federal and state levels. And it should find ways for Washington to help pay for this expensive program.

[From the Portland Press Herald]

REAL ID PROGRAM IS A REAL MESS; HOW CAN STATES STANDARDIZE DRIVER'S LICENSES BY 2008 WHEN STANDARDS HAVEN'T BEEN SET?

Maine's ''revolt'' against a federal mandate to create an expensive, high-tech driver's license that meets new standards set by the federal government is catching on.

Since state legislators overwhelmingly approved a resolution objecting to the Real ID Act of 2005 in late January, lawmakers in Vermont, Georgia, Wyoming, Montana, New Mexico and Washington state have followed suit.

The Real ID Act was an effort to enhance and standardize the information on state driver's licenses so they could double as a national identification card.

Such a sensitive federal-state issue ought to have been the subject of negotiations including the states. But the House of Representatives forged ahead with the Real ID Act, which simply ordered the Department of Homeland Security to write its own requirements. The measure passed the Senate attached to a supplemental spending bill.

A very real set of concerns revolve around the security of the machine-readable personal information that will be included in the high-tech card, as well as the security of the linked national database that will house this information. One recent study found more than 700 instances of confidential data being stolen from the federal government since 2003.

Also problematic is the notion that state transportation workers will be essentially conscripted to the front line of this federal program.

Across the country, states will begin working on their 2008 budgets this year. A 2006 study by the National Governors Association tabbed the cost of compliance at $11 billion over five years. Secretary of State Matt Dunlap estimates Maine's share will be $185 million.

Yet despite Real ID's looming May 2008 deadline for compliance, states still haven't seen the law's requirements.

On Monday, Sen. SUSAN COLLINS introduced a bill that would delay the compliance date for two years to 2010 so the federal government can get its act straightened out.

Her bill would convene a panel of federal and state stakeholders to examine issues raised by the states around cost, privacy and feasibility.

Rep. TOM ALLEN intends to offer a bill that would repeal the law entirely.

If Congress feels homeland security requires that all Americans carry an internal passport, then it ought to administer the program.

It ought to pay for it as well.

[From Newsday (NY), Feb. 28, 2007]

GO SLOW ON NEW DRIVER'S LICENSES

U.S. SHOULD TAKE TIME TO GET IT RIGHT

It's a sad sign of the times, but a national identification card, a new gold standard for

proof of identity, may be needed in the battle against terrorism. The 9/11 Commission urged tighter security for driver's licenses and Congress has asked the Department of Homeland Security to develop rules for standardizing licenses and other state issued identification into what would be, essentially, a national ID card.

But establishing a system that will make it appreciably harder for terrorists to operate without exacerbating the problem of identity theft or compromising what's left of privacy in the digital age won't be quick or easy. The current May 2008 implementation date is unrealistic. And there's the question state officials are already asking: Who will pay?

Washington hasn't gotten off to a very promising start in dealing with these concerns. In 2004, Congress established a committee of state and federal officials and others to craft regulations for making licenses more uniform and secure. It preempted that process in 2005 when it tacked the Real ID Act to a spending bill, giving the rule-making job to the Department of Homeland Security. It's been almost two years and no rules have been announced, although officials say they may come as soon as this week.

But creating a secure, standardized national ID card involves more than deciding on such things as digital photographs and bar codes. Clerks everywhere would need ready access to nationwide databases to verify vital records such as birth certificates, immigration status and driver's license records in all 50 states. Integrating that data, securing it, controlling access and correcting errors will be no small task.

Sen. SUSAN COLLINS (R–Maine) wants to give states more time to comply. That's advisable and probably inevitable.

Ms. COLLINS. I thank the Chair.

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. INOUYE. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

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

AMENDMENT NO. 285 TO AMENDMENT NO. 275

Mr. INOUYE. Madam President, I rise today to offer an amendment that incorporates Senator DEMINT's amendment No. 279 regarding the Transportation Worker Identification Credential, known as TWIC.

I am pleased to advise my colleagues of this amendment. It is cosponsored by Senator STEVENS, Senator LIEBERMAN, and Senator MURRAY.

The amendment offered by Senator DEMINT codifies in statute the list of permanent and interim disqualifying offenses for individuals applying for a TWIC that the Department of Homeland Security has already codified in final regulations this January.

While I understand Senator DEMINT's desire to ensure we do not allow individuals who could pose a terrorism security risk to have access to our ports, Senator DEMINT's language restricts the authority of the Secretary to identify, adopt, and modify criminal offenses that may pose a terrorist security threat.

We are all aware of the fact the war on terrorism continues to evolve with emerging threats. We need to ensure the Department has the flexibility to adjust their procedures accordingly. I, along with my fellow cosponsors, believe such a responsibility is best left to the intelligence, terrorist, and law enforcement experts at the Department of Homeland Security rather than Members of Congress. Therefore, this amendment preserves the authority of the Secretary to modify the offenses accordingly.

I ask my colleagues to support our amendment and help ensure we improve the security of our port facilities in a fair and effective manner.

Madam President, I call up my amendment.

The PRESIDING OFFICER. Without objection, the clerk will report.

The bill clerk read as follows:

The Senator from Hawaii [Mr. INOUYE], for himself, Mr. STEVENS, Mr. LIEBERMAN, and Mrs. MURRAY, proposes an amendment numbered 285 to amendment No. 275.

The amendment is as follows:

(Purpose: To specify the criminal offenses that disqualify an applicant from the receipt of a transportation security card)

At the appropriate place, insert the following:

SEC. ___. PROHIBITION OF ISSUANCE OF TRANSPORTATION SECURITY CARDS TO CONVICTED FELONS.

(a) IN GENERAL.—Section 70105 of title 46, United States Code, is amended—

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

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

''(1) DISQUALIFICATIONS.—

''(A) PERMANENT DISQUALIFYING CRIMINAL OFFENSES.—Except as provided under paragraph (2), an individual is permanently disqualified from being issued a biometric transportation security card under subsection (b) if the individual has been convicted, or found not guilty by reason of insanity, in a civilian or military jurisdiction of any of the following felonies:

''(i) Espionage or conspiracy to commit espionage.

''(ii) Sedition or conspiracy to commit sedition.

''(iii) Treason or conspiracy to commit treason.

''(iv) A Federal crime of terrorism (as defined in section 2332b(g) of title 18), a comparable State law, or conspiracy to commit such crime.

''(v) A crime involving a transportation security incident.

''(vi) Improper transportation of a hazardous material under section 5124 of title 49, or a comparable State law.

''(vii) Unlawful possession, use, sale, distribution, manufacture, purchase, receipt, transfer, shipping, transporting, import, export, storage of, or dealing in an explosive or explosive device. In this clause, an explosive or explosive device includes—

''(I) an explosive (as defined in sections 232(5) and 844(j) of title 18);

''(II) explosive materials (as defined in subsections (c) through (f) of section 841 of title 18); and

''(III) a destructive device (as defined in 921(a)(4) of title 18 and section 5845(f) of the Internal Revenue Code of 1986).

''(viii) Murder.

''(ix) Making any threat, or maliciously conveying false information knowing the same to be false, concerning the deliverance, placement, or detonation of an explosive or other lethal device in or against a place of public use, a State or other government facility, a public transportation system, or an infrastructure facility.

''(x) A violation of the Racketeer Influenced and Corrupt Organizations Act (18 U.S.C. 1961 et seq.), or a comparable State law, if 1 of the predicate acts found by a jury or admitted by the defendant consists of 1 of the crimes listed in this subparagraph.

''(xi) Attempt to commit any of the crimes listed in clauses (i) through (iv).

''(xii) Conspiracy or attempt to commit any of the crimes described in clauses (v) through (x).

''(B) INTERIM DISQUALIFYING CRIMINAL OFFENSES.—Except as provided under paragraph (2), an individual is disqualified from being issued a biometric transportation security card under subsection (b) if the individual has been convicted, or found not guilty by reason of insanity, during the 7-year period ending on the date on which the individual applies for such card, or was released from incarceration during the 5-year period ending on the date on which the individual applies for such card, of any of the following felonies:

''(i) Unlawful possession, use, sale, manufacture, purchase, distribution, receipt, transfer, shipping, transporting, delivery, import, export of, or dealing in a firearm or other weapon. In this clause, a firearm or other weapon includes—

''(I) firearms (as defined in section 921(a)(3) of title 18 and section 5845(a) of the Internal Revenue Code of 1986); and

''(II) items contained on the United States Munitions Import List under section 447.21 of title 27, Code of Federal Regulations.

''(ii) Extortion.

''(iii) Dishonesty, fraud, or misrepresentation, including identity fraud and money laundering if the money laundering is related to a crime described in this subparagraph or subparagraph (A). In this clause, welfare fraud and passing bad checks do not constitute dishonesty, fraud, or misrepresentation.

''(iv) Bribery.

''(v) Smuggling.

''(vi) Immigration violations.

''(vii) Distribution of, possession with intent to distribute, or importation of a controlled substance.

''(viii) Arson.

''(ix) Kidnapping or hostage taking.

''(x) Rape or aggravated sexual abuse.

''(xi) Assault with intent to kill.

''(xii) Robbery.

''(xiii) Conspiracy or attempt to commit any of the crimes listed in this subparagraph.

''(xiv) Fraudulent entry into a seaport under section 1036 of title 18, or a comparable State law.

''(xv) A violation of the Racketeer Influenced and Corrupt Organizations Act (18 U.S.C. 1961 et seq.) or a comparable State law, other than any of the violations listed in subparagraph (A)(x).

''(C) UNDER WANT WARRANT, OR INDICTMENT.—An applicant who is wanted, or under indictment, in any civilian or military jurisdiction for a felony listed in this paragraph, is disqualified from being issued a biometric transportation security card under subsection (b) until the want or warrant is released or the indictment is dismissed.

''(D) DETERMINATION OF ARREST STATUS.—

''(i) IN GENERAL.—If a fingerprint-based check discloses an arrest for a disqualifying

crime listed in this section without indicating a disposition, the Transportation Security Administration shall notify the applicant of such disclosure and provide the applicant with instructions on how the applicant can clear the disposition, in accordance with clause (ii).

''(ii) BURDEN OF PROOF.—In order to clear a disposition under this subparagraph, an applicant shall submit written proof to the Transportation Security Administration, not later than 60 days after receiving notification under clause (i), that the arrest did not result in conviction for the disqualifying criminal offense.

''(iii) NOTIFICATION OF DISQUALIFICATION.—If the Transportation Security Administration does not receive proof in accordance with the Transportation Security Administration's procedures for waiver of criminal offenses and appeals, the Transportation Security Administration shall notify—

''(I) the applicant that he or she is disqualified from being issued a biometric transportation security card under subsection (b);

''(II) the State that the applicant is disqualified, in the case of a hazardous materials endorsement; and

''(III) the Coast Guard that the applicant is disqualified, if the applicant is a mariner.

''(E) OTHER POTENTIAL DISQUALIFICATIONS.—Except as provided under subparagraphs (A) through (C), an individual may not be denied a transportation security card under subsection (b) unless the Secretary determines that individual—

''(i) has been convicted within the preceding 7-year period of a felony or found not guilty by reason of insanity of a felony—

''(I) that the Secretary believes could cause the individual to be a terrorism security risk to the United States; or

''(II) for causing a severe transportation security incident;

''(ii) has been released from incarceration within the preceding 5-year period for committing a felony described in clause (i);

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

''(iv) otherwise poses a terrorism security risk to the United States.

(F) MODIFICATION OF LISTED OFFENSES.—The Secretary may, by rulemaking, add or modify the offenses described in paragraph (1)(A) or (B).''.

(b) CONFORMING AMENDMENT.—Section 70101 of title 49, United States Code, is amended—

(1) by redesignating paragraphs (2) through (6) as paragraphs (3) through (7); and

(2) by inserting after paragraph (1) the following:

''(2) The term 'economic disruption' does not include a work stoppage or other employee-related action not related to terrorism and resulting from an employer-employee dispute.''.

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

The PRESIDING OFFICER. Without objection, the clerk will call the roll.

The bill clerk proceeded to call the roll.

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

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

U.S. ECONOMIC SOVEREIGNTY

Mrs. CLINTON. Mr. President, we are in the middle of an ongoing discussion and debate over our homeland security, and certainly, as all of us know, this remains a matter of grave concern. Homeland security means many things, and it certainly does mean that we fully and appropriately fund our police and our fire. It means we guard our ports and our infrastructure such as our tunnels and bridges, all of which are going to be the subject of the authorization legislation brought forward by the chairman and ranking member. But it also means we have to remain strong at home and we have to have the economic resources to spend on protecting ourselves.

Yesterday, the Dow Jones Industrial Average plummeted 416 points—the largest single drop since the markets reopened after the September 11 attacks. While our markets were reeling, alarm bells were ringing once again over the irresponsible fiscal and economic policies of this administration that continue to surrender the economic sovereignty of our country to foreign banks, investors, and governments piece by piece.

Yesterday's stock market disruption came on the heels of pessimistic economic news on the homefront and ominous comments about recession by former Fed Reserve Chairman Alan Greenspan. So while it can and will be debated whether yesterday's market fluctuation was a blip or a larger indicator of our economy's vulnerabilities, it is clear that what happened underscores the exposure of our economy to a combination of economic developments in countries such as China and economic policies here at home. A scare in the Chinese stock market, based on rumors within that country, sent economic reverberations around the world.

In terms of our fiscal stability, we are in uncharted waters. Markets, to a certain degree, will always be volatile and, to a great extent, we are fortunate that our domestic markets are deep enough to absorb certain shocks. But there is no precedent in U.S. history for an economy as large as ours to be as heavily in debt to its trading partners as the United States is to countries such as China, Japan, and others.

When it comes to the fiscal recklessness and economic fatalism of the current administration, the writing may not be on the wall, but yesterday the writing was on the ''Big Board.'' In the face of this challenge, the economic policies of the last 6 years have contributed to an erosion of U.S. economic sovereignty and have made us more dependent on the economic decisions of other nations. As I have proposed, and continue to support, we need to take steps to restore fiscal responsibility and sound economic policies based on the facts, not ideology.

I will continue to support legislative steps to require that the Bush administration address mounting fiscal and trade imbalances. Today I sent letters to Treasury Secretary Hank Paulson and Federal Reserve Chairman Ben Bernanke urging them to address many of our underlying economic vulnerabilities resulting from our debt and deficits.

Our Nation has been running record deficits and digging a massive fiscal hole of nearly $8.8 trillion as foreign countries have been buying our debt and in essence becoming our bankers. According to the most recent Treasury statistics, foreign nations now hold more than $2.2 trillion, or 44 percent, of all publicly held U.S. debt. Japan and China alone hold nearly $1 trillion. To put it plainly: 16 percent of our entire economy is being loaned to us by the Central Banks of other nations. I know other Members of this Chamber, such as Senator CONRAD, the chairman of our Budget Committee, share my concern over the implications of this massive foreign debt.

While the foundations of our fiscal house are eroded by our fiscal policies, our failure to pursue smart economic policies has added strain on our economy. Every single year since President Bush took office we have had a record trade deficit. Last year the deficit was $764 billion. One of the ramifications of that trade deficit to foreign interests is the control by foreign interests of more and more of our assets.

How can we negotiate fair, pro-American trade agreements and ensure foreign countries uphold these agreements when we sit across the negotiating table not only from our competitor but from our banker as well? While ceding our economic sovereignty, we also sow the seeds of economic vulnerability. Precipitous decisions by any country holding our debt could create much graver economic problems than what we saw yesterday.

I believe in smart, pro-American trade, and globalization does hold incredible promise to continue to improve our standard of living and to create economic growth. But for too long, the choices have been painted far too starkly and with a broad political brush. In fact, we can protect our economic interests while promoting trade. We can secure our economic sovereignty while promoting policies that secure our global economic position. Trade does not have to be a zero sum game.

The choice is not between fatalism and protectionism. The choice is between policies that work and policies that are not working. We have to curb these deficits and ensure foreign governments do not own too much of our Government debt. We need a firewall that keeps our economic future more in our own hands.

In years past I have worked with other Members of Congress who share my concerns. For example, during the last session of Congress I supported legislation by Senator DORGAN and then-Congressman Cardin that rings an alarm bell when U.S. foreign-owned debt reaches 25 percent of GDP or the trade deficit reaches 5 percent of GDP. It would require the administration to

develop a plan of action to address these conditions and report their findings to Congress. At the very least this proposal would compel our Government to deal with these economic issues while they are problems but before they become crises. I believe proposals such as these need to be considered in order to put our economic house in order, as we can too easily be held hostage to the economic policies that are being made not in Washington and not in the markets of New York but in Beijing, Shanghai, Tokyo, and elsewhere.

Yesterday it was the selloff of foreign stocks that had reverberations in U.S. markets. But if China or Japan made a decision to decrease their massive holdings of U.S. dollars, there could be a currency crisis and the United States would have to raise interest rates and invite conditions for a recession. Precipitous decisions by any country holding our debt could create far graver economic consequences than what we witnessed yesterday.

While it is clear we should take reasonable steps now to ensure that the economic problems of today do not become the crises of tomorrow, we are awaiting some action by the administration that gives us a clear signal that we can begin to restore responsibility. This is a long-term problem, but it is one that I think we must respond to. We ignore it at our peril. As we saw yesterday, the United States is interconnected with globalized markets. They are not going to leave anyone out. We will all be impacted by decisions that we have nothing to do with making, even if they are rumors or quickly reversed.

It is my hope what happened yesterday, which gave us headlines across the world, will open our eyes to what we need to do to take action to put ourselves in a much more competitive position and to begin to move away from the loss of economic sovereignty we have seen over the last years.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Kentucky is recognized.

Mr. BUNNING. Mr. President, what is the pending business?

The PRESIDING OFFICER. The Inouye amendment to S. 4 is pending.

Mr. BUNNING. Mr. President, I ask unanimous consent to speak as in morning business for 5 minutes.

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

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

Ms. COLLINS. Mr. President, I ask unanimous consent that at 5:20 today, the Senate proceed to a vote in relation to the Inouye amendment No. 285, to be followed by a vote in relation to the DeMint amendment No. 279, as modified; with the time until then for debate to run concurrently on both amendments, with the time equally divided and controlled between Senators Inouye and DeMint or their designees; that no amendments be in order to either amendment prior to the vote and that there be 2 minutes of debate equally divided between the votes.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

Ms. COLLINS. Thank you, Mr. President.

The PRESIDING OFFICER. Who yields time? The Senator from Hawaii is recognized.

Mr. INOUYE. Mr. President, I concur with the statement just issued, and I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

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

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

AMENDMENT NO. 285

Mr. DEMINT. Mr. President, I wish to comment on the second-degree amendment that has been offered by my colleague from Hawaii, Senator INOUYE.

The PRESIDING OFFICER. All time has expired under the previous agreement.

Mr. DEMINT. I ask unanimous consent——

Ms. COLLINS. Mr. President, to clarify the unanimous consent request, I believe there were 2 minutes between the votes, am I correct, for debate?

The PRESIDING OFFICER. The Senator is correct. The Senator from South Carolina may proceed.

Mr. LIEBERMAN. Mr. President, may I ask the Senator through the Chair, how much time does the Senator from South Carolina need?

Mr. DEMINT. Three or 4 minutes.

Mr. LIEBERMAN. Mr. President, I ask unanimous consent that the Senator be given 4 minutes to speak.

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

Mr. DEMINT. I thank the Senator. I appreciate the Senator fitting me in. Again, I am speaking on the second degree to my amendment that is related to port security.

As we talked about here several times on the floor, and actually passed last year, it is important that the people who are working at our ports are people we can trust to use the equipment and technology they are given to keep the people of America safe.

The amendment I have offered is consistent with—in fact, it is identical to—the regulations that the Secretary and the homeland defense agency have put together so that we will not have convicted felons working in our ports around this country, so that we know the people who are operating our most secure areas are people who have not proven to be susceptible to crimes.

Senator INOUYE is offering a second degree to my amendment that would allow the Secretary to change some of these crimes or felony convictions or to modify the rules. The Secretary of Homeland Security has not asked for this. In fact, he is supporting the amendment we have. I cannot imagine any future Secretary or future administration wanting to eliminate some of these felonies. The whole point of having this amendment and putting it into law is so that our agencies are not subject to lawsuits and constant harassment to change the criteria for working in the secure areas of our ports.

So I appeal to my fellow colleagues, a vote for this second-degree amendment is a vote to gut my amendment. It is a vote to allow in the future any administration or this administration to eliminate certain felonies that would keep convicted criminals from working in our ports. I encourage my colleagues not to vote for this second degree. Vote for my amendment, which everybody in this body has voted for unanimously in the past.

Again, I thank the Senator from Connecticut and Senator COLLINS for the opportunity to speak.

I yield the floor.

The PRESIDING OFFICER. The Senator from Hawaii is recognized.

Mr. INOUYE. Mr. President, the amendment I introduced is not a second-degree amendment. However, it incorporates Senator DEMINT's amendment.

It doesn't in any way minimize the matter of security. It just says the Secretary shall have flexibility with changing times. As we all concur, times do change.

Thirdly, in the other areas where security threats are common, such as airports, the Department of Transportation has not asked for anything like this, with no flexibility.

Fourth, if rules are to be made to differ from the present rules as set forth in the DeMint amendment and the Inouye amendment, it will have to go through the rulemaking process. I can assure my colleagues that we will not let felons be in charge of our security.

I thank the Chair.

Mr. DEMINT. Mr. President, may I have an additional 60 seconds?

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

Mr. DEMINT. I thank the Senator from Hawaii. I need to make an important point. The whole point of my amendment is to put a regulation in law so it cannot be changed and contested. The amendment offered by Senator INOUYE basically guts the amendment and eliminates the reason for the amendment. It moves from being a law to something that is subject to the whims of any future administration or Secretary.

Our job here is certainly to be fair to workers, but our first priority is to protect the American people. Please, let's not allow convicted felons to work in our ports. Our job is to protect our ports. The second degree completely guts the whole idea of an amendment that makes this law.

I yield the floor.

The PRESIDING OFFICER. The question is on agreeing to amendment No. 285.

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

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second.

The clerk will call the roll.

The bill clerk called the roll.

Mr. DURBIN. I announce that the Senator from Delaware (Mr. BIDEN), the Senator from South Dakota (Mr. JOHNSON), and the Senator from Rhode Island (Mr. REED) are necessarily absent.

Mr. LOTT. The following Senators were necessarily absent: the Senator from Kansas (Mr. BROWNBACK) and the Senator from Arizona (Mr. MCCAIN).

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

The result was announced—yeas 58, nays 37, as follows:

[Rollcall Vote No. 54 Leg.]

YEAS—58

Akaka	Hagel	Nelson (NE)
Baucus	Harkin	Obama
Bayh	Hutchison	Pryor
Bingaman	Inouye	Reid
Boxer	Kennedy	Rockefeller
Brown	Kerry	Salazar
Byrd	Klobuchar	Sanders
Cantwell	Kohl	Schumer
Cardin	Landrieu	Smith
Carper	Lautenberg	Specter
Casey	Leahy	Stabenow
Clinton	Levin	Stevens
Cochran	Lieberman	Tester
Conrad	Lincoln	Voinovich
Dodd	McCaskill	Warner
Domenici	Menendez	Webb
Dorgan	Mikulski	Whitehouse
Durbin	Murkowski	Wyden
Feingold	Murray	
Feinstein	Nelson (FL)	

NAYS—37

Alexander	Crapo	Lugar
Allard	DeMint	Martinez
Bennett	Dole	McConnell
Bond	Ensign	Roberts
Bunning	Enzi	Sessions
Burr	Graham	Shelby
Chambliss	Grassley	Snowe
Coburn	Gregg	Sununu
Coleman	Hatch	Thomas
Collins	Inhofe	Thune
Corker	Isakson	Vitter
Cornyn	Kyl	
Craig	Lott	

NOT VOTING—5

Biden	Johnson	Reed
Brownback	McCain	

The amendment (No. 285) was agreed to.

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

The motion to lay on the table was agreed to.

AMENDMENT NO. 279, AS MODIFIED

The PRESIDING OFFICER. Under a previous order, there will now be 2 minutes of debate equally divided on the DeMint amendment No. 279.

Who yields time?

Mr. LIEBERMAN. Mr. President, I am prepared to yield back the time on our side and go right to the vote.

Mr. BYRD. Let's hear something about the amendment.

Mr. LIEBERMAN. The proponent of the amendment is the Senator from South Carolina, and he has 1 minute to describe it, if he so chooses.

Ms. COLLINS. Mr. President, if the Senator from West Virginia is seeking an explanation of the amendment, I believe I can provide that.

The amendment offered by the Senator from South Carolina would give authority to the Secretary of the Department of Homeland Security to add certain advances to the list of disqualifying crimes that would prevent someone from working at our seaports.

Mr. BYRD. I thank the Senator from Maine.

Ms. COLLINS. Mr. President, I yield back the remaining time on this side.

The PRESIDING OFFICER. The question is on agreeing to amendment No. 279, as modified.

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

The PRESIDING OFFICER. Is there a sufficient second? There appears to be a sufficient second.

The clerk will call the roll.

The legislative clerk called the roll.

Mr. DURBIN. I announce that the Senator from Delaware (Mr. BIDEN) and the Senator from South Dakota (Mr. JOHNSON) are necessarily absent.

Mr. LOTT. The following Senators were necessarily absent: the Senator from Kansas (Mr. BROWNBACK) and the Senator from Arizona (Mr. MCCAIN).

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

The result was announced—yeas 94, nays 2, as follows:

[Rollcall Vote No. 55 Leg.]

YEAS—94

Akaka	Dorgan	Menendez
Alexander	Durbin	Mikulski
Allard	Ensign	Murkowski
Baucus	Enzi	Murray
Bayh	Feingold	Nelson (FL)
Bennett	Feinstein	Nelson (NE)
Bingaman	Graham	Obama
Bond	Grassley	Pryor
Boxer	Gregg	Reed
Brown	Hagel	Reid
Bunning	Harkin	Roberts
Burr	Hatch	Rockefeller
Byrd	Hutchison	Salazar
Cantwell	Inhofe	Sanders
Cardin	Inouye	Schumer
Carper	Isakson	Sessions
Casey	Kennedy	Shelby
Chambliss	Kerry	Snowe
Clinton	Klobuchar	Stabenow
Coburn	Kohl	Stevens
Cochran	Kyl	Sununu
Coleman	Landrieu	Tester
Collins	Lautenberg	Thomas
Conrad	Leahy	Thune
Corker	Levin	Vitter
Cornyn	Lieberman	Voinovich
Craig	Lincoln	Warner
Crapo	Lott	Webb
DeMint	Lugar	Whitehouse
Dodd	Martinez	Wyden
Dole	McCaskill	
Domenici	McConnell	

NAYS—2

Smith	Specter

NOT VOTING—4

Biden	Johnson
Brownback	McCain

The amendment (No. 279), as modified, was agreed to.

Mr. REID. I move to reconsider the vote and to lay that motion on the table.

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. The majority leader.

Mr. REID. Madam President, because of these two votes coming together as they did, there was some confusion. That is why this vote took longer. Everyone should understand, we will not make a habit of this. We have been very strict in enforcing the 20-minute rule, and we will continue to do so.

For the benefit of all Senators, we had a productive day today but, in my opinion, not as productive as it should have been. For Senators who have amendments, tomorrow is Thursday. We are not having votes until 5:30 on Monday night. We are going to have some amendments offered or I am going to get the idea there are not any amendments to offer, and we will have to either move to third reading or move to cloture or something. If Members have amendments, we said this would be an open process. This is a very important piece of legislation. I hope they are not waiting until the last minute because the last minute may arrive more quickly than they think. It is important legislation. In our cloakroom, we sent out a hotline today to find out what amendments my caucus has. I hope the Republicans will follow up on that so we may have a list of amendments so we know whom to call.

We have had a lot of dead time today. If this bill is open to amendment and people have concerns with it, they should offer those amendments.

The PRESIDING OFFICER. The Senator from New Mexico.

AMENDMENT NO. 281 TO AMENDMENT NO. 275

Mr. BINGAMAN. Madam President, I call up amendment No. 281 and ask for its immediate consideration.

The PRESIDING OFFICER. Is there objection to setting aside the pending amendment?

Without objection, it is so ordered.

The clerk will report.

The legislative clerk read as follows:

The Senator from New Mexico [Mr. BINGAMAN], for himself and Mr. DOMENICI, proposes an amendment numbered 281 to amendment No. 275.

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

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

The amendment is as follows:

(Purpose: To provide financial aid to local law enforcement officials along the Nation's borders, and for other purposes)

At the appropriate place, insert the following:

TITLE____.—BORDER LAW ENFORCEMENT RELIEF ACT

SEC. ____01. SHORT TITLE.

This title may be cited as the ''Border Law Enforcement Relief Act of 2007''.

SEC. ____02. FINDINGS.

Congress finds the following:

(1) It is the obligation of the Federal Government of the United States to adequately secure the Nation's borders and prevent the flow of undocumented persons and illegal drugs into the United States.

(2) Despite the fact that the United States Border Patrol apprehends over 1,000,000 people each year trying to illegally enter the United States, according to the Congressional Research Service, the net growth in the number of unauthorized aliens has increased by approximately 500,000 each year. The Southwest border accounts for approximately 94 percent of all migrant apprehensions each year. Currently, there are an estimated 11,000,000 unauthorized aliens in the United States.

(3) The border region is also a major corridor for the shipment of drugs. According to the El Paso Intelligence Center, 65 percent of the narcotics that are sold in the markets of the United States enter the country through the Southwest Border.

(4) Border communities continue to incur significant costs due to the lack of adequate border security. A 2001 study by the United States-Mexico Border Counties Coalition found that law enforcement and criminal justice expenses associated with illegal immigration exceed $89,000,000 annually for the Southwest border counties.

(5) In August 2005, the States of New Mexico and Arizona declared states of emergency in order to provide local law enforcement immediate assistance in addressing criminal activity along the Southwest border.

(6) While the Federal Government provides States and localities assistance in covering costs related to the detention of certain criminal aliens and the prosecution of Federal drug cases, local law enforcement along the border are provided no assistance in covering such expenses and must use their limited resources to combat drug trafficking, human smuggling, kidnappings, the destruction of private property, and other border-related crimes.

(7) The United States shares 5,525 miles of border with Canada and 1,989 miles with Mexico. Many of the local law enforcement agencies located along the border are small, rural departments charged with patrolling large areas of land. Counties along the Southwest United States-Mexico border are some of the poorest in the country and lack the financial resources to cover the additional costs associated with illegal immigration, drug trafficking, and other border-related crimes.

(8) Federal assistance is required to help local law enforcement operating along the border address the unique challenges that arise as a result of their proximity to an international border and the lack of overall border security in the region

SEC. ___03. BORDER RELIEF GRANT PROGRAM.

(a) GRANTS AUTHORIZED.—

(1) IN GENERAL.—The Secretary is authorized to award grants, subject to the availability of appropriations, to an eligible law enforcement agency to provide assistance to such agency to address—

(A) criminal activity that occurs in the jurisdiction of such agency by virtue of such agency's proximity to the United States border; and

(B) the impact of any lack of security along the United States border.

(2) DURATION.—Grants may be awarded under this subsection during fiscal years 2007 through 2011.

(3) COMPETITIVE BASIS.—The Secretary shall award grants under this subsection on a competitive basis, except that the Secretary shall give priority to applications from any eligible law enforcement agency serving a community—

(A) with a population of less than 50,000; and

(B) located no more than 100 miles from a United States border with—

(i) Canada; or

(ii) Mexico.

(b) USE OF FUNDS.—Grants awarded pursuant to subsection (a) may only be used to provide additional resources for an eligible law enforcement agency to address criminal activity occurring along any such border, including—

(1) to obtain equipment;

(2) to hire additional personnel;

(3) to upgrade and maintain law enforcement technology;

(4) to cover operational costs, including overtime and transportation costs; and

(5) such other resources as are available to assist that agency.

(c) APPLICATION.—

(1) IN GENERAL.—Each eligible law enforcement agency seeking a grant under this section shall submit an application to the Secretary at such time, in such manner, and accompanied by such information as the Secretary may reasonably require.

(2) CONTENTS.—Each application submitted pursuant to paragraph (1) shall—

(A) describe the activities for which assistance under this section is sought; and

(B) provide such additional assurances as the Secretary determines to be essential to ensure compliance with the requirements of this section.

(d) DEFINITIONS.—For the purposes of this section:

(1) ELIGIBLE LAW ENFORCEMENT AGENCY.—The term ''eligible law enforcement agency'' means a tribal, State, or local law enforcement agency—

(A) located in a county no more than 100 miles from a United States border with—

(i) Canada; or

(ii) Mexico; or

(B) located in a county more than 100 miles from any such border, but where such county has been certified by the Secretary as a High Impact Area.

(2) HIGH IMPACT AREA.—The term ''High Impact Area'' means any county designated by the Secretary as such, taking into consideration—

(A) whether local law enforcement agencies in that county have the resources to protect the lives, property, safety, or welfare of the residents of that county;

(B) the relationship between any lack of security along the United States border and the rise, if any, of criminal activity in that county; and

(C) any other unique challenges that local law enforcement face due to a lack of security along the United States border.

(3) SECRETARY.—The term ''Secretary'' means the Secretary of the Department of Homeland Security.

(e) AUTHORIZATION OF APPROPRIATIONS.—

(1) IN GENERAL.—There are authorized to be appropriated $50,000,000 for each of fiscal years 2007 through 2011 to carry out the provisions of this section.

(2) DIVISION OF AUTHORIZED FUNDS.—Of the amounts authorized under paragraph (1)—

(A) ⅔ shall be set aside for eligible law enforcement agencies located in the 6 States with the largest number of undocumented alien apprehensions; and

(B) ⅓ shall be set aside for areas designated as a High Impact Area under subsection (d).

(f) SUPPLEMENT NOT SUPPLANT.—Amounts appropriated for grants under this section shall be used to supplement and not supplant other State and local public funds obligated for the purposes provided under this title.

SEC. ___04. ENFORCEMENT OF FEDERAL IMMIGRATION LAW.

Nothing in this title shall be construed to authorize State or local law enforcement agencies or their officers to exercise Federal immigration law enforcement authority.

Mr. BINGAMAN. Madam President, this is an amendment I am offering on behalf of myself and Senator DOMENICI, my colleague. It is to provide funds to local law enforcement agencies along our very substantial borders with Canada and Mexico to assist them with criminal activity, problems of enforcement of the laws, and dealing with criminal activity in those border communities. This is an amendment that sets up a $50 million-a-year grant program. It is an amendment we have passed twice in the Senate, but it has not become law as yet.

It calls upon the Department of Homeland Security to establish a competitive grant program to assist local law enforcement located along the border or other local law enforcement agencies that are determined by the Homeland Security Department to be heavily impacted, high-impact areas elsewhere in the country.

The border with Canada is 5,525 miles long. Our border with Mexico is nearly 2,000 miles long. We have had serious problems on the New Mexico-Mexico border, as has the State of Arizona. In fact, last year the States of Arizona and New Mexico declared states of emergency in order to provide local law enforcement with immediate assistance in dealing with criminal activity along the border. The Federal Government needs to step up and do its part in helping these local law enforcement agencies. This amendment helps to do that.

I hope when the time comes for a vote on the amendment, my colleagues will agree to support it, and we can pass it with a unanimous vote.

I yield the floor.

The PRESIDING OFFICER. The Senator from New Jersey.

Mr. MENENDEZ. Madam President, the Improving America's Security Act is not only about unfinished business, it is not only about doing what others have failed to do, it is about living up to the responsibilities we have as a Congress and a government to protect our Nation and its people and to do everything possible to prevent what was once unthinkable from happening again.

As a Senator from New Jersey, I take that responsibility as a solemn promise to the 700 New Jerseyans who lost their lives on September 11 and their families who survived them.

More than 5 years ago, it became painfully clear that we, as a Nation that believed it was the most secure in the world, were unprotected. In the glimpse of a few minutes and over the course of a few short horrific hours, our Nation and the security we thought we had was changed forever. We entered into the stark reality of a post-September 11 world.

On that day, glaring gaps in our security were exploited, lax systems were taken advantage of, and a trusting nation paid the price. Thousands of innocent lives, everyday Americans whom this Nation has grieved every day

since, were lost. We can never go back to rectify past mistakes that could have prevented that day, but we can work to better secure our Nation moving forward.

We have a roadmap of how to get there. The 9/11 Commission laid out a plan, provided guidance, and delivered 41 specific and wide-ranging recommendations. Yet more than 2 years after the Commission issued those recommendations, many of them remain just that—recommendations that have not been acted on or fully implemented.

This legislation already comes before this body far later than it should. But the fact that it is on the floor of this Chamber just 2 short months into a new Congress speaks boldly of our new leadership and how important finishing the 9/11 Commission's work is to our leadership. I commend both Majority Leader REID and Chairman LIEBERMAN for making this a top priority for this Congress, as well as Chairman INOUYE and Chairman DODD for their roles in crafting this legislation.

Many of us have been pushing for a long time to see all 41 recommendations fully implemented and to make significant improvements to our Nation's security that have been under the radar screen for far too long.

As a former Member of the House of Representatives, I fought to see that all 41 recommendations were fully implemented in the 2004 intelligence reform legislation. I was proud to serve as the lead Democratic negotiator in the House on the conference committee that created the final intelligence bill. While that legislation made essential and urgently needed reforms to our Nation's intelligence, unfortunately, it fell far short on implementing all of the recommendations.

I have also since introduced legislation that ensures that all of these recommendations will be fully implemented and to hold the executive branch accountable for implementing each recommendation. It is my hope that with the bill we are working on now before the Senate, and with the vigorous oversight under the leadership of Chairman LIEBERMAN and Ranking Member COLLINS, we will be able to see all these recommendations enacted and implemented.

It was just over a year ago the 9/11 Public Discourse Project, led by former members of the 9/11 Commission, published its disturbing report card, giving far more Fs than As on the implementation of those 41 recommendations.

There is no excuse left for Congress, the White House, or our Federal agencies for not finishing what is so direly needed: improving the security of our Nation. Yes, we have made some great steps forward. Yes, we have made some significant improvements that have likely saved lives and stopped terrorists in their tracks. But no one—no one—should use the lack of another catastrophic attack on our soil as proof that we have succeeded in fully meeting our goals.

The fact is, so long as we do not heed the advice of the 9/11 Commissioners who spent months examining how we could improve our Nation's security, so long as we do not make dramatic improvements to our security—at our Nation's ports, on our trains and buses, around our chemical plants, and in how we allocate homeland security funding—we continue to leave our Nation at risk.

I cannot imagine talking about the security of our Nation without the 41 recommendations of the 9/11 Commission. The Commission's findings and recommendations are integral to understanding our deepest flaws, the complexity of our intelligence and security networks, the obstacles that lie ahead and, most of all, what needs to be done.

Yet if some in our Government had had their way, there would have been no Commission, there would have been no digging into the secrecy and ineffectiveness of our Nation's security, no poring over thousands upon thousands of documents, no reviewing of every action Federal agencies took or did not take to prevent and respond to the attacks of September 11, no asking of some of the toughest questions our Nation has had to bear.

So once we pass this final legislation, have it signed into law and implemented, we will come to the day—I hope sooner rather than later—when our Nation's security funding is based more on risk, when our ports are fully secure because of 100 percent scanning, when we are making the necessary investments in mass transit security, and when our first responders have a strong emergency communications system that works in interoperable ways, so that those who are sworn to protect us can speak to each other effectively.

These are only a few of the dimensions in this fight. Unfortunately, this is a fight that would not have taken place without the commitment and strength of the families of the victims of September 11.

When the loved ones of those who were lost on September 11 have to become full-time advocates, spending every possible hour lobbying Congress, when they have to be the constant reminder for our Government to do its job, we know we have failed them. Many of them are here and have been here today watching this body, waiting to finally see this legislation become law, hoping that all their suffering, their work, and their tireless advocacy will not be in vain.

Let us not only fulfill their wishes but the wishes of all Americans to have a nation as secure as possible for their families and neighbors. Let's work to pass this legislation and make sure it is fully enacted. Let's finally accomplish what should have been finished several years ago.

Madam President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

MORNING BUSINESS

Mr. REID. Mr. President, I ask unanimous consent that there now be a period for the transaction of morning business, with Senators allowed to speak therein for 10 minutes each.

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

TRIBUTE TO MARION ''GENE'' SNYDER

Mr. BUNNING. Mr. President, on February 16, the Commonwealth of Kentucky lost a favorite son. Marian ''Gene'' Snyder was born on January 26, 1928 in Louisville, KY, to a working-class family. He would often say he was ''a poor boy from the other side of the tracks in a cold-water flat.'' His upbringing during the Great Depression and the work ethic taught to him by his mother and father would serve Gene well in future years.

Gene worked his way through college and law school and earned a law degree from the University of Louisville at the ripe young age of 26. He was appointed to his first political post as Jeffersontown city attorney.

In 1962, Louisville Republican leaders saw they had a great young candidate and backed him for his first race for Congress. Gene won that race and represented the people of Kentucky's third congressional district for the next 2 years. Gene unfortunately lost reelection in 1964, but as he did all of his life, he bounced back and in 1966 he won the fourth congressional seat. He would serve and hold that seat with distinction for the next 20 years.

Gene was instrumental in bringing a number of important infrastructure projects back to Kentucky while serving on the Public Works Committee. One of his greatest achievements is a freeway that bears his name in Louisville, KY.

Gene Snyder worked hard to make sure Kentucky got its fair share from the Federal Government. But I think the most important thing he did was to validate conservatism in the Commonwealth of Kentucky. Back in the early 1960s, you couldn't count on one hand the number of Republicans in Kentucky. Gene Snyder was the first brick in the foundation of what the Republican Party is today in Kentucky.

Gene had something lacking in today's world of weekly polls and political consultants. Gene had conservative principles and never wavered from those principles. Gene Snyder actually stood for something. That is why I consider Gene Snyder one of my political mentors. I would not be standing here in the well of this great Senate if it were not for Gene Snyder.

My wife Mary and I extend our thoughts and prayers to Pat, Gene's beloved wife, and the entire Snyder family. Gene was a true patriot and a great American who loved the Commonwealth of Kentucky and the citizens he represented.

AMERICAN ASSOCIATION OF INTELLECTUAL & DEVELOPMENTAL DISABILITIES

Mr. DURBIN. Mr. President, I am pleased today to join the Illinois chapter of the American Association of Intellectual & Developmental Disabilities in recognizing the recipients of the 2007 Direct Service Professional Award. These individuals are being honored for their outstanding efforts to enrich the lives of people with developmental disabilities in Illinois.

These recipients have displayed a strong sense of humanity and professionalism in their work with persons with disabilities. Their efforts have inspired the lives of those for whom they care, and they are an inspiration to me as well. They have set a fine example of community service for all Americans to follow.

These honorees spend more than 50 percent of their time at work in direct, personal involvement with their clients. They are not primarily managers or supervisors. They are direct service workers at the forefront of America's effort to care for people with special needs. They do their work every day with little public recognition, providing valued care and assistance that is unknown except to those with whom they work.

It is my honor and privilege to recognize the Illinois recipients of AAIDD's 2007 Direct Service Professional Award: Rachel Bailey, Chuck Biggs, Bonnie Brunk, Dave Davis, Debra Jargstorf, Vanessa Kochevar, Carolyn Linnert, Nikki Miller, Donzetta Ragsdale, John Ramos, Tony Rogers, Ylanza Stockweather, Jill Tyszko, and Yvonne Wright.

I know my fellow Senators will join me in congratulating the winners of the 2007 Direct Service Professional Award. I applaud their dedication and thank them for their service.

SUBCOMMITTEE ON OVERSIGHT OF GOVERNMENT MANAGEMENT, THE FEDERAL WORKFORCE, AND THE DISTRICT OF COLUMBIA RULES OF PROCEDURE

Mr. LIEBERMAN. Mr. President, Senate standing rules XXVI requires each committee to adopt rules to govern the procedure of the committee and to publish those rules in the CONGRESSIONAL RECORD not later than March 1 of the first year of each Congress. On February 27, 2007, a majority of the members of the Committee on Homeland Security and Governmental Affairs' Subcommittee on Oversight of Government Management, the Federal Workforce, and the District of Columbia adopted subcommittee rules of procedure.

Consistent with standing rule XXVI, today I ask unanimous consent to have printed in the RECORD a copy of the rules of the Subcommittee on Oversight of Government Management, the Federal Workforce, and the District of Columbia.

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

RULES OF PROCEDURE OF THE COMMITTEE ON HOMELAND SECURITY AND GOVERNMENT AFFAIRS; SUBCOMMITTEE ON OVERSIGHT OF GOVERNMENT MANAGEMENT, THE FEDERAL WORKFORCE, AND THE DISTRICT OF COLUMBIA

(1) SUBCOMMITTEE RULES.—The Subcommittee shall be governed, where applicable, by the rules of the full Committee on Homeland Security and Government Affairs and the Standing Rules of the Senate.

(2) QUORUMS.

(A) TRANSACTION OF ROUTINE BUSINESS.—One-third of the membership of the Subcommittee shall constitute a quorum for the transaction of routine business, provided that one Member of the Minority is present. For the purpose of this paragraph, the term ''routine business'' includes the convening of a meeting and the consideration of any business of the Subcommittee other than reporting to the full Committee on Homeland Security and Government Affairs any measures, matters or recommendations.

(B) TAKING TESTIMONY.—One Member of the Subcommittee shall constitute a quorum for taking sworn or unsworn testimony.

(C) PROXIES PROHIBITED IN ESTABLISHMENT OF QUORUM.—Proxies shall not be considered for the establishment of a quorum.

(3) SUBCOMMITTEE SUBPOENAS.—The Chairman of the Subcommittee, with the approval of the Ranking Minority Member of the Subcommittee, is authorized to subpoena the attendance of witnesses or the production of memoranda, documents, records, or any other materials at a hearing, provided that the Chairman may subpoena attendance or production without the approval of the Ranking Minority Member where the Chairman or a staff officer designated by him/her has not received notification from the Ranking Minority Member or a staff officer designated by him/her of disapproval of the subpoena within 72 hours, excluding Saturdays and Sundays, of being notified of the subpoena. If a subpoena is disapproved by the Ranking Minority Member as provided herein, the subpoena may be authorized by vote of the Members of the Subcommittee.

Immediately upon authorization of the issuance of a subpoena under these rules, a written notice of intent to issue the subpoena shall be provided to the Chairman and Ranking Minority Member of the full Committee on Homeland Security and Government Affairs, or staff officers designated by them, by the Subcommittee Chairman or a staff officer designated by him/her, and no subpoena shall be issued for at least 48 hours, excluding Saturdays and Sundays, from delivery to the appropriate offices, unless the Chairman and Ranking Minority Member of the full Committee on Homeland Security and Government Affairs waive the 48-hour waiting period or unless the Subcommittee Chairman certifies in writing to the Chairman and Ranking Minority Member of the full Committee that, in his or her opinion, it is necessary to issue a subpoena immediately.

When the Subcommittee or its Chairman authorizes subpoenas, subpoenas may be issued upon the signature of the Chairman or any other Member of the Subcommittee designated by the Chairman.

SUBCOMMITTEE ON FEDERAL FINANCIAL MANAGEMENT, GOVERNMENT INFORMATION, FEDERAL SERVICES, AND INTERNATIONAL SECURITY RULES OF PROCEDURE

Mr. LIEBERMAN. Mr. President, Senate standing rules XXVI requires each committee to adopt rules to govern the procedure of the committee and to publish those rules in the CONGRESSIONAL RECORD not later than March 1 of the first year of each Congress. On February 27, 2007, a majority of the members of the Committee on Homeland Security and Governmental Affairs' Subcommittee on Federal Financial Management, Government Information, Federal Services, and International Security adopted subcommittee rules of procedure.

Consistent with standing rule XXVI, I ask unanimous consent to have printed in the RECORD a copy of the rules of the Subcommittee on Federal Financial Management, Government Information, Federal Services, and International Security.

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

RULES OF PROCEDURE OF THE COMMITTEE ON HOMELAND SECURITY AND GOVERNMENT AFFAIRS; SUBCOMMITTEE ON FEDERAL FINANCIAL MANAGEMENT, GOVERNMENT INFORMATION, FEDERAL SERVICES, AND INTERNATIONAL SECURITY

(1) SUBCOMMITTEE RULES.—The Subcommittee shall be governed, where applicable, by the rules of the full Committee on Homeland Security and Government Affairs and the Standing Rules of the Senate.

(2) QUORUMS.—

(A) TRANSACTION OF ROUTINE BUSINESS.—One-third of the membership of the Subcommittee shall constitute a quorum for the transaction of routine business, provided that one Member of the Minority is present. For the purpose of this paragraph, the term ''routine business'' includes the convening of a meeting and the consideration of any business of the Subcommittee other than reporting to the full Committee on Homeland Security and Government Affairs any measures, matters or recommendations.

(B) TAKING TESTIMONY.—One Member of the Subcommittee shall constitute a quorum for taking sworn or unsworn testimony.

(C) PROXIES PROHIBITED IN ESTABLISHMENT OF QUORUM.—Proxies shall not be considered for the establishment of a quorum.

(3) SUBCOMMITTEE SUBPOENAS.—The Chairman of the Subcommittee, with the approval of the Ranking Minority Member of the Subcommittee, is authorized to subpoena the attendance of witnesses or the production of memoranda, documents, records, or any other materials at a hearing, provided that the Chairman may subpoena attendance or production without the approval of the Ranking Minority Member where the Chairman or a staff officer designated by him/her has not received notification from the Ranking Minority Member or a staff officer designated by him/her of disapproval of the subpoena within 72 hours, excluding Saturdays and Sundays, of being notified of the subpoena. If a subpoena is disapproved by the Ranking Minority Member as provided herein, the subpoena may be authorized by vote of the Members of the Subcommittee.

Immediately upon authorization of the issuance of a subpoena under these rules, a

written notice of intent to issue the subpoena shall be provided to the Chairman and Ranking Minority Member of the full Committee on Homeland Security and Government Affairs, or staff officers designated by them, by the Subcommittee Chairman or a staff officer designated by him/her, and no subpoena shall be issued for at least 48 hours, excluding Saturdays and Sundays, from delivery to the appropriate offices, unless the Chairman and Ranking Minority Member of the full Committee on Homeland Security and Government Affairs waive the 48-hour waiting period or unless the Subcommittee Chairman certifies in writing to the Chairman and Ranking Minority Member of the full Committee that, in his or her opinion, it is necessary to issue a subpoena immediately.

When the Subcommittee or its Chairman authorizes subpoenas, subpoenas may be issued upon the signature of the Chairman or any other Member of the Subcommittee designated by the Chairman.

PERMANENT SUBCOMMITTEE ON INVESTIGATIONS RULES OF PROCEDURE

Mr. LIEBERMAN. Mr. President, Senate standing rule XXVI requires each committee to adopt rules to govern the procedure of the committee and to publish those rules in the CONGRESSIONAL RECORD not later than March 1 of the first year of each Congress. On February 16, 2007, a majority of the members of the Committee on Homeland Security and Governmental Affairs' Permanent Subcommittee on Investigations adopted subcommittee rules of procedure.

Consistent with standing rule XXVI, I ask unanimous consent to have printed in the CONGRESSIONAL RECORD a copy of the rules of the Permanent Subcommittee on Investigations.

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

110TH CONGRESS—RULES OF PROCEDURE FOR THE SENATE PERMANENT SUBCOMMITTEE ON INVESTIGATIONS OF THE COMMITTEE ON HOMELAND SECURITY AND GOVERNMENTAL AFFAIRS AS ADOPTED FEBRUARY 16, 2007

(1) No public hearing connected with an investigation may be held without the approval of either the Chairman and the Ranking Minority Member or the approval of a Majority of the Members of the Subcommittee. In all cases, notification to all Members of the intent to hold hearings must be given at least 7 days in advance to the date of the hearing. The Ranking Minority Member should be kept fully apprised of preliminary inquiries, investigations, and hearings. Preliminary inquiries may be initiated by the Subcommittee Majority staff upon the approval of the Chairman and notice of such approval to the Ranking Minority Member or the Minority counsel. Preliminary inquiries may be undertaken by the Minority staff upon the approval of the Ranking Minority Member and notice of such approval to the Chairman or Chief Counsel. Investigations may be undertaken upon the approval of the Chairman of the Subcommittee and the Ranking Minority Member with notice of such approval to all Members.

No public hearing shall be held if the Minority Members unanimously object, unless the full Committee on Homeland Security and Governmental Affairs by a majority vote approves of such public hearing.

Senate Rules will govern all closed sessions convened by the Subcommittee (Rule XXVI, Sec. 5(b), Standing Rules of the Senate).

(2) Subpoenas for witnesses, as well as documents and records, may be authorized and issued by the Chairman, or any other Member of the Subcommittee designated by him or her, with notice to the Ranking Minority Member. A written notice of intent to issue a subpoena shall be provided to the Chairman and Ranking Minority Member of the Committee, or staff officers designated by them, by the Subcommittee Chairman or a staff officer designated by him or her, immediately upon such authorization, and no subpoena shall be issued for at least 48 hours, excluding Saturdays and Sundays, from delivery to the appropriate offices, unless the Chairman and Ranking Minority Member waive the 48 hour waiting period or unless the Subcommittee Chairman certifies in writing to the Chairman and Ranking Minority Member that, in his or her opinion, it is necessary to issue a subpoena immediately.

(3) The Chairman shall have the authority to call meetings of the Subcommittee. This authority may be delegated by the Chairman to any other Member of the Subcommittee when necessary.

(4) If at least three Members of the Subcommittee desire the Chairman to call a special meeting, they may file in the office of the Subcommittee, a written request therefor, addressed to the Chairman. Immediately thereafter, the clerk of the Subcommittee shall notify the Chairman of such request. If, within 3 calendar days after the filing of such request, the Chairman fails to call the requested special meeting, which is to be held within 7 calendar days after the filing of such request, a majority of the Subcommittee Members may file in the office of the Subcommittee their written notice that a special Subcommittee meeting will be held, specifying the date and hour thereof, and the Subcommittee shall meet on that date and hour. Immediately upon the filing of such notice, the Subcommittee clerk shall notify all Subcommittee Members that such special meeting will be held and inform them of its date and hour. If the Chairman is not present at any regular, additional or special meeting, the Ranking Majority Member present shall preside.

(5) For public or executive sessions, one Member of the Subcommittee shall constitute a quorum for the administering of oaths and the taking of testimony in any given case or subject matter.

One-third of the Members of the Subcommittee shall constitute a quorum for the transaction of Subcommittee business other than the administering of oaths and the taking of testimony, provided that one member of the minority is present.

(6) All witnesses at public or executive hearings who testify to matters of fact shall be sworn.

(7) If, during public or executive sessions, a witness, his or her counsel, or any spectator conducts himself or herself in such a manner as to prevent, impede, disrupt, obstruct, or interfere with the orderly administration of such hearing, the Chairman or presiding Member of the Subcommittee present during such hearing may request the Sergeant at Arms of the Senate, his or her representative or any law enforcement official to eject said person from the hearing room.

(8) Counsel retained by any witness and accompanying such witness shall be permitted to be present during the testimony of such witness at any public or executive hearing, and to advise such witness while he or she is testifying, of his or her legal rights; provided, however, that in the case of any witness who is an officer or employee of the government, or of a corporation or association, the Subcommittee Chairman may rule that representation by counsel from the government, corporation, or association, or by counsel representing other witnesses, creates a conflict of interest, and that the witness may only be represented during interrogation by staff or during testimony before the Subcommittee by personal counsel not from the government, corporation, or association, or by personal counsel not representing other witnesses. This rule shall not be construed to excuse a witness from testifying in the event his or her counsel is ejected for conducting himself or herself in such a manner so as to prevent, impede, disrupt, obstruct, or interfere with the orderly administration of the hearings; nor shall this rule be construed as authorizing counsel to coach the witness or answer for the witness. The failure of any witness to secure counsel shall not excuse such witness from complying with a subpoena or deposition notice.

(9) DEPOSITIONS.—

(9.1) NOTICE.—Notices for the taking of depositions in an investigation authorized by the Subcommittee shall be authorized and issued by the Chairman. The Chairman of the full Committee and the Ranking Minority Member of the Subcommittee shall be kept fully apprised of the authorization for the taking of depositions. Such notices shall specify a time and place of examination, and the name of the Subcommittee Member or Members or staff officer or officers who will take the deposition. The deposition shall be in private. The Subcommittee shall not initiate procedures leading to criminal or civil enforcement proceedings for a witness's failure to appear unless the deposition notice was accompanied by a Subcommittee subpoena.

(9.2) COUNSEL.—Witnesses may be accompanied at a deposition by counsel to advise them of their legal rights, subject to the provisions of Rule 8.

(9.3) PROCEDURE.—Witnesses shall be examined upon oath administered by an individual authorized by local law to administer oaths. Questions shall be propounded orally by Subcommittee Members or staff. Objections by the witness as to the form of questions shall be noted for the record. If a witness objects to a question and refuses to testify on the basis of relevance or privilege, the Subcommittee Members or staff may proceed with the deposition, or may, at that time or at a subsequent time, seek a ruling by telephone or otherwise on the objection from the Chairman or such Subcommittee Member as designated by him or her. If the Chairman or designated Member overrules the objection, he or she may refer the matter to the Subcommittee or he or she may order and direct the witness to answer the question, but the Subcommittee shall not initiate procedures leading to civil or criminal enforcement unless the witness refuses to testify after he or she has been ordered and directed to answer by a Member of the Subcommittee.

(9.4) FILING.—The Subcommittee staff shall see that the testimony is transcribed or electronically recorded. If it is transcribed, the witness shall be furnished with a copy for review pursuant to the provisions of Rule 12. The individual administering the oath shall certify on the transcript that the witness was duly sworn in his or her presence, the transcriber shall certify that the transcript is a true record of the testimony, and the transcript shall then be filed with the Subcommittee clerk. Subcommittee staff may stipulate with the witness to changes in this procedure; deviations from this procedure which do not substantially impair the reliability of the record shall not relieve the witness from his or her obligation to testify truthfully.

(10) Any witness desiring to read a prepared or written statement in executive or public hearings shall file a copy of such statement with the Chief Counsel or Chairman of the Subcommittee 48 hours in advance of the hearings at which the statement is to be presented unless the Chairman and the Ranking Minority Member waive this requirement. The Subcommittee shall determine whether such statement may be read or placed in the record of the hearing.

(11) A witness may request, on grounds of distraction, harassment, personal safety, or physical discomfort, that during the testimony, television, motion picture, and other cameras and lights, shall not be directed at him or her. Such requests shall be ruled on by the Subcommittee Members present at the hearing.

(12) An accurate stenographic record shall be kept of the testimony of all witnesses in executive and public hearings. The record of his or her own testimony, whether in public or executive session, shall be made available for inspection by witness or his or her counsel under Subcommittee supervision; a copy of any testimony given in public session or that part of the testimony given by the witness in executive session and subsequently quoted or made part of the record in a public session shall be made available to any witness at his or her expense if he or she so requests.

(13) Interrogation of witnesses at Subcommittee hearings shall be conducted on behalf of the Subcommittee by Members and authorized Subcommittee staff personnel only.

(14) Any person who is the subject of an investigation in public hearings may submit to the Chairman of the Subcommittee questions in writing for the cross-examination of other witnesses called by the Subcommittee. With the consent of a majority of the Members of the Subcommittee present and voting, these questions, or paraphrased versions of them, shall be put to the witness by the Chairman, by a Member of the Subcommittee, or by counsel of the Subcommittee.

(15) Any person whose name is mentioned or who is specifically identified, and who believes that testimony or other evidence presented at a public hearing, or comment made by a Subcommittee Member or counsel, tends to defame him or her or otherwise adversely affect his or her reputation, may (a) request to appear personally before the Subcommittee to testify in his or her own behalf, or, in the alternative, (b) file a sworn statement of facts relevant to the testimony or other evidence or comment complained of. Such request and such statement shall be submitted to the Subcommittee for its consideration and action.

If a person requests to appear personally before the Subcommittee pursuant to alternative (a) referred to herein, said request shall be considered untimely if it is not received by the Chairman of the Subcommittee or its counsel in writing on or before thirty (30) days subsequent to the day on which said person's name was mentioned or otherwise specifically identified during a public hearing held before the Subcommittee, unless the Chairman and the Ranking Minority Member waive this requirement.

If a person requests the filing of his or her sworn statement pursuant to alternative (b) referred to herein, the Subcommittee may condition the filing of said sworn statement upon said person agreeing to appear personally before the Subcommittee and to testify concerning the matters contained in his or her sworn statement, as well as any other matters related to the subject of the investigation before the Subcommittee.

(16) All testimony taken in executive session shall be kept secret and will not be released for public information without the approval of a majority of the Subcommittee.

(17) No Subcommittee report shall be released to the public unless approved by a majority of the Subcommittee and after no less than 10 days' notice and opportunity for comment by the Members of the Subcommittee unless the need for such notice and opportunity to comment has been waived in writing by a majority of the Minority Members.

(18) The Ranking Minority Member may select for appointment to the Subcommittee staff a Chief Counsel for the Minority and such other professional staff members and clerical assistants as he or she deems advisable. The total compensation allocated to such Minority staff members shall be not less than one-third the total amount allocated for all Subcommittee staff salaries during any given year. The Minority staff members shall work under the direction and supervision of the Ranking Minority Member. The Chief Counsel for the Minority shall be kept fully informed as to preliminary inquiries, investigations, and hearings, and shall have access to all material in the files of the Subcommittee.

(19) When it is determined by the Chairman and Ranking Minority Member, or by a majority of the Subcommittee, that there is reasonable cause to believe that a violation of law may have occurred, the Chairman and Ranking Minority Member by letter, or the Subcommittee by resolution, are authorized to report such violation to the proper State, local and/or Federal authorities. Such letter or report may recite the basis for the determination of reasonable cause. This rule is not authority for release of documents or testimony.

LOCAL LAW ENFORCEMENT ENHANCEMENT ACT OF 2005

Mr. SMITH. Mr. President, I rise today to speak about the need for hate crimes legislation. Each Congress, Senator KENNEDY and I introduce hate crimes legislation that would add new categories to current hate crimes law, sending a signal that violence of any kind is unacceptable in our society. Likewise, each Congress I have come to the floor to highlight a separate hate crime that has occurred in our country.

On February 21, 2007, in Boulder, CO, a Naropa University lesbian student was attacked by two men. These two men made sexual advances towards the student. When she informed them that she was a lesbian, they attacked her. She was kicked and punched several times and had to be treated for serious body injuries at a nearby hospital. The police are investigating this as a possible hate crime.

I believe that the Government's first duty is to defend its citizens, to defend them against the harms that come out of hate. The Local Law Enforcement Enhancement Act is a symbol that can become substance. I believe that by passing this legislation and changing current law, we can change hearts and minds as well.

TRIBUTE TO HENRY WADSWORTH LONGFELLOW

Mr. KENNEDY. Mr. President, yesterday, February 27 marked the 200th anniversary of the birth of one of America's greatest and best loved poets, Henry Wadsworth Longfellow. His magnificent poems portray the unique character of the Nation and its history and are an essential part of our cultural legacy.

He is especially beloved in Massachusetts. He was a member of the Harvard faculty for many years, and the beautiful Longfellow House and the Longfellow National Historic site are among the most popular sites in our State for residents and tourists alike.

He was famed throughout the world for his extraordinary narrative poems, and in his later years he was known as ''the grand old man of American letters.'' One of his classic poems in the genre was ''The Building of the Ship,'' which drew on his love of the sea and knowledge of ship building from his early years in Portland, ME. Two lines near the end are some of his most famous ''Thou, too, sail on, O Ship of State! Sail on, O Union, strong and great!'' which President Abraham Lincoln found immensely inspiring.

Another of his most famous narrative poems is ''Paul Revere's Ride,'' which has always been a special favorite of mine. It tells the remarkable story of that early American patriot and his dramatic ride from Boston to Lexington and Concord at the beginning of the Revolutionary War. It is one of the most well-known poems in America, which students have memorized for generations.

On this bicentennial anniversary of his birth, I would like to share that poem with my colleagues. I ask unanimous consent that it be printed in the RECORD.

PAUL REVERE'S RIDE

Listen my children and you shall hear
Of the midnight ride of Paul Revere,
On the eighteenth of April, in Seventy-five;
Hardly a man is now alive
Who remembers that famous day and year.

He said to his friend, ''If the British march
By land or sea from the town to-night,
Hang a lantern aloft in the belfry arch
Of the North Church tower as a signal light,—
One if by land, and two if by sea;
And I on the opposite shore will be,
Ready to ride and spread the alarm
Through every Middlesex village and farm,
For the country folk to be up and to arm.''

Then he said ''Good-night!'' and with muffled oar
Silently rowed to the Charlestown shore,
Just as the moon rose over the bay,
Where swinging wide at her moorings lay
The Somerset, British man-of-war;
A phantom ship, with each mast and spar
Across the moon like a prison bar,
And a huge black hulk, that was magnified
By its own reflection in the tide.

Meanwhile, his friend through alley and street
Wanders and watches, with eager ears,
Till in the silence around him he hears
The muster of men at the barrack door,
The sound of arms, and the tramp of feet,
And the measured tread of the grenadiers,
Marching down to their boats on the shore.

Then he climbed the tower of the Old North Church,
By the wooden stairs, with stealthy tread,

To the belfry chamber overhead,
And startled the pigeons from their perch
On the sombre rafters, that round him made
Masses and moving shapes of shade,—
By the trembling ladder, steep and tall,
To the highest window in the wall,
Where he paused to listen and look down
A moment on the roofs of the town
And the moonlight flowing over all.

Beneath, in the churchyard, lay the dead,
In their night encampment on the hill,
Wrapped in silence so deep and still
That he could hear, like a sentinel's tread,
The watchful night-wind, as it went
Creeping along from tent to tent,
And seeming to whisper, ''All is well!''
A moment only he feels the spell
Of the place and the hour, and the secret dread
Of the lonely belfry and the dead;
For suddenly all his thoughts are bent
On a shadowy something far away,
Where the river widens to meet the bay,—
A line of black that bends and floats
On the rising tide like a bridge of boats.

Meanwhile, impatient to mount and ride,
Booted and spurred, with a heavy stride
On the opposite shore walked Paul Revere.
Now he patted his horse's side,
Now he gazed at the landscape far and near,
Then, impetuous, stamped the earth,
And turned and tightened his saddle girth;
But mostly he watched with eager search
The belfry tower of the Old North Church,
As it rose above the graves on the hill,
Lonely and spectral and sombre and still.
And lo! as he looks, on the belfry's height
A glimmer, and then a gleam of light!
He springs to the saddle, the bridle he turns,
But lingers and gazes, till full on his sight
A second lamp in the belfry burns.

A hurry of hoofs in a village street,
A shape in the moonlight, a bulk in the dark,
And beneath, from the pebbles, in passing, a spark
Struck out by a steed flying fearless and fleet;
That was all! And yet, through the gloom and the light,
The fate of a nation was riding that night;
And the spark struck out by that steed, in his flight,
Kindled the land into flame with its heat.
He has left the village and mounted the steep,
And beneath him, tranquil and broad and deep,
Is the Mystic, meeting the ocean tides;
And under the alders that skirt its edge,
Now soft on the sand, now loud on the ledge,
Is heard the tramp of his steed as he rides.

It was twelve by the village clock
When he crossed the bridge into Medford town.
He heard the crowing of the cock,
And the barking of the farmer's dog,
And felt the damp of the river fog,
That rises after the sun goes down.

It was one by the village clock,
When he galloped into Lexington.
He saw the gilded weathercock
Swim in the moonlight as he passed,
And the meeting-house windows, black and bare,
Gaze at him with a spectral glare,
As if they already stood aghast
At the bloody work they would look upon.

It was two by the village clock,
When he came to the bridge in Concord town.
He heard the bleating of the flock,
And the twitter of birds among the trees,
And felt the breath of the morning breeze
Blowing over the meadow brown.
And one was safe and asleep in his bed
Who at the bridge would be first to fall,
Who that day would be lying dead,
Pierced by a British musket ball.

You know the rest. In the books you have read
How the British Regulars fired and fled,——
How the farmers gave them ball for ball,
From behind each fence and farmyard wall,
Chasing the redcoats down the lane,
Then crossing the fields to emerge again
Under the trees at the turn of the road,
And only pausing to fire and load.

So through the night rode Paul Revere;
And so through the night went his cry of alarm
To every Middlesex village and farm,——
A cry of defiance, and not of fear,
A voice in the darkness, a knock at the door,
And a word that shall echo for evermore!
For, borne on the night-wind of the Past,
Through all our history, to the last,
In the hour of darkness and peril and need,
The people will waken and listen to hear
The hurrying hoof-beats of that steed,
And the midnight message of Paul Revere.

—Henry Wadsworth Longfellow.

ADDITIONAL STATEMENTS

WE THE PEOPLE NATIONAL FINALISTS

• Mrs. LINCOLN. Mr. President, from April 28 to 30, 2007, more than 1,200 students from across the country will visit Washington, DC, to take part in the national finals of We the People: The Citizen and the Constitution, the most extensive educational program in the country developed to educate young people about the U.S. Constitution and Bill of Rights. Administered by the Center for Civic Education, the We the People Program is funded by the U.S. Department of Education by act of Congress.

I am proud to announce that the State of Arkansas will be represented by a class from Pottsville High School at this prestigious national event. These outstanding students, through their knowledge of the U.S. Constitution, won their statewide competition and earned the chance to come to our Nation's Capital and compete at the national level.

While in Washington, the students will participate in a 3-day academic competition that simulates a congressional hearing in which they ''testify'' before a panel of judges. Students demonstrate their knowledge and understanding of constitutional principles as they evaluate, take, and defend positions on relevant historical and contemporary issues. It is important to note that results of independent studies of this nationally acclaimed program reveal that We the People students have knowledge gains that are superior to students who have not participated in the program. Students also display a greater political tolerance and commitment to the principles and values of the Constitution and Bill of Rights than do students using traditional textbooks and approaches. With many reports and surveys indicating a lack of civic knowledge and civic participation, I am pleased to support such a superb program that is producing an enlightened and engaged citizenry.

The names of these outstanding students from Pottsville High School are Jimmy Freeman, Amber Fuentes, Dustin Harrell, Zach Murdoch, Brent Pless, James Schell, Hannah Walker, Hannah Williamson, and Tyler Winchell.

I also wish to commend the teacher of the class, James Wagner, who is responsible for preparing these young constitutional experts for the national finals. Also worthy of special recognition is Jeff Wittingham, the State coordinator, and Marilyn Friga, the district coordinator, who are among those responsible for implementing the We the People Program in my State.

I wish these students much success as they prepare to compete at the We the People national finals and applaud their exceptional achievement.•

COMMENDING DICK MUNSON

• Mr. REED. Mr. President, on behalf of the 29 members of the Northeast-Midwest Senate Coalition, I commend Richard Munson for his distinguished service as the director of the Northeast-Midwest Institute. For more than two decades through four Presidential administrations, 10 Congresses, and dramatic changes in our Nation's political landscape—Mr. Munson's leadership has kept the institute at the forefront of policy innovations to benefit our region.

Formed in the mid-1970s, the institute works with the bipartisan Northeast-Midwest Senate and Congressional Coalitions to develop and implement policies that promote the economic vitality and environmental quality of the region's 18 States. As the institute's lead strategist, Mr. Munson has collaborated with the coalitions' leaders and task forces to identify the region's pressing concerns, deliver high quality research about policies to address them, and provide information that made a compelling case for legislation.

Mr. Munson brought to the institute an unparalleled grasp of the internal workings of Congress. In 1993, he authored the Cardinals of Capitol Hill, a story about the men and women who control government spending which former House Budget Committee Chairman James Jones said ''should be required reading for those who want to understand our government.'' Mr. Munson also provided expertise in energy efficiency and utility regulation, demonstrated in his book, ''The Power Makers,'' and more recently, ''From Edison to Enron: The Business of Power and What It Means for the Future of Electricity.''

To complement his own skills and knowledge, Mr. Munson enlisted a staff of seasoned policy entrepreneurs, affording them the flexibility and latitude to launch groundbreaking initiatives from Great Lakes restoration to brownfields revitalization to community-based agriculture. Much of the institute's success has been rooted in Mr.

Munson's conviction that economic progress and environmental enhancement are inextricably linked.

His extensive legacy includes the institute's work to help craft the Nation's first pollution prevention law instituting the paradigm shift to acknowledge that waste generation not only pollutes the environment but also exacts economic costs. In 1991 the Institute held the first national conference on salvaging the Nation's abandoned and underused brownfield sites. The conference spurred a decade of research and education that paved the way for passage of the Brownfield Revitalization and Environmental Restoration Act in 2002.

Under Mr. Munson's leadership, the institute also concentrated relentlessly on Great Lakes restoration, leading to passage of the Great Lakes Legacy Act. He was instrumental in launching the Great Lakes Cities Initiative, enabling the region's mayors to share best practices and obtain a seat at the policymaking table. And in direct response to the critical threat of invasive species to the Great Lakes, the Institute created the Great Ships Initiative to engage ports, shipping companies, and shippers in combating the problem.

With the 2002 farm bill, the institute began collaborating with states and policy partners to promote entrepreneurial agriculture, private lands conservation, and community-based approaches to reducing hunger and improving public health. The institute continues advancing these principles by facilitating the Farm and Food Policy Project, a collaborative effort working toward a more sustainable food and agricultural system for the United States.

In addition to advancing policy initiatives, Mr. Munson has helped the coalitions resist pressure from other regions to cut funding for programs that are most important to the Northeast and Midwest—and oversaw the institute's hallmark reports that reveal the flow of Federal funds to States. His leadership in the perennial fight for the Low—Income Home Energy Assistance Program, LIHEAP, helped the coalitions sustain funding for the program and add an extra $1 billion for LIHEAP in 2006. Working with the coalitions and Senate and House manufacturing task forces, the institute helped rescue the Manufacturing Extension Partnership from elimination preserving a program that boosts manufacturing capacity throughout our region.

Mr. Munson came to the institute from the Center for Renewable Resources and Solar Lobby, where he served as executive director from 1979 to 1983. With his departure from the institute, I wish him luck on his new endeavor as a cofounder of a new company—Recycled Energy Development—that seeks to bring to fruition many of the ideas that have been his passion for 30 years.●

2007 WE THE PEOPLE NATIONAL FINALS

● Mr. SMITH. Mr. President, today I wish to recognize the more than 1,200 students from across the country who will visit Washington, DC, to take part in the national finals of We the People: The Citizen and the Constitution, the most extensive educational program in the country developed to educate young people about the U.S. Constitution and Bill of Rights.

I am proud to announce that the State of Oregon will be represented by Grant High School from Portland at this prestigious national event. These outstanding students, through their knowledge of the U.S. Constitution, won their statewide competition and earned the chance to come to our Nation's Capital and compete at the national level.

While in Washington, the students will participate in a 3-day academic competition that simulates a congressional hearing in which they ''testify'' before a panel of judges. Students demonstrate their knowledge and understanding of constitutional principles as they evaluate, take, and defend positions on relevant historical and contemporary issues. With many reports and surveys indicating the lack of civic knowledge and civic participation I am pleased to support such a superb program that is producing an enlightened and engaged citizenry.

Mr. President, the names of these outstanding students from Grant High School are:

Phoebe Anderson-Dana, Alex Barbour, Rachael Bortin, Rachael Bosworth, Andrew Carlson, Alma Chapa, Daniel Cruse, Casey Daline, Camille Faulkner, Rebecca Fischer, Laura Harris, Tiffany Harrison, Kristin Ivie, Mark Johnston, Madeline Jones, Jennifer Kemp, Sally Larkins, Sarah Lazzeroni, Julia Liedel, Benjamin MacCormack-Gelles, Edward Maisha, Zachary Mayer, Eamon McMahon, Asumi Ohgushi, Phung Phan, Stephanie Phoutrides, Hugh Runyun, Riley Scheid, Emily Schorr, Cassidy Slaughter-Mason, Annie Soga, Jack Stephens, Annabelle Thomas, Annika Tohlen, and Kathleen Ward.

I also commend the teacher of the class, Mr. Geoff Henderson, who is responsible for preparing these young constitutional experts for the national finals. Also worthy of special recognition is Ms. Marilyn Cover, the State coordinator, and Ms. Diane Thelen-Sager, the district coordinator, who are among those responsible for implementing the We the People program in my State.

This group of students from Grant High School has brought pride to the State of Oregon, and I ask my colleagues to join me in congratulating them for their exceptional achievement.●

REPORT ON THE CONTINUATION OF THE NATIONAL EMERGENCY WITH RESPECT TO CERTAIN ACTIONS AND POLICIES INTENDED TO UNDERMINE ZIMBABWE'S DEMOCRATIC PROCESSES OR INSTITUTIONS—PM 8

The PRESIDING OFFICER laid before the Senate the following message from the President of the United States, together with an accompanying report; which was referred to the Committee on Banking, Housing, and Urban Affairs:

To the Congress of the United States:

Section 202(d) of the National Emergencies Act (50 U.S.C. 1622(d)) provides for the automatic termination of a national emergency unless, prior to the anniversary date of its declaration, the President publishes in the *Federal Register* and transmits to the Congress a notice stating that the emergency is to continue in effect beyond the anniversary date. In accordance with this provision, I have sent the enclosed notice to the *Federal Register* for publication, stating that the national emergency with respect to the actions and policies of certain members of the Government of Zimbabwe and other persons to undermine Zimbabwe's democratic processes or institutions is to continue in effect beyond March 6, 2007.

The crisis constituted by the actions and policies of certain members of the Government of Zimbabwe and other persons to undermine Zimbabwe's democratic processes or institutions has not been resolved. These actions and policies pose a continuing unusual and extraordinary threat to the foreign policy of the United States. For these reasons, I have determined that it is necessary to continue this national emergency and to maintain in force the sanctions to respond to this threat.

GEORGE W. BUSH.

THE WHITE HOUSE, *February 28, 2007.*

MESSAGE FROM THE HOUSE

At 11:25 a.m., a message from the House of Representatives, delivered by Ms. Niland, one of its reading clerks, announced that the House has passed the following bills, in which it requests the concurrence of the Senate:

H.R. 494. An act to provide for the conditional conveyance of any interest retained by the United States in St. Joseph Memorial Hall in St. Joseph, Michigan.

H.R. 644. An act to facilitate the provision of assistance by the Department of Housing and Urban Development for the cleanup and economic redevelopment of brown fields.

H.R. 755. An act to require annual oral testimony before the Financial Services Committee of the Chairperson or a designee of the Chairperson of the Securities and Exchange Commission, the Financial Accounting Standards Board, and the Public Company Accounting Oversight Board, relating to their efforts to promote transparency in financial reporting.

H.R. 884. An act to provide for the establishment of the Science and Technology Homeland Security International Cooperative Programs Office, and for other purposes.

H.R. 990. An act to provide all low-income students with the same opportunity to receive a Pell Grant by suspending the tuition sensitivity provision in the Pell Grant program.

H.R. 1066. An act to increase community development investments by depository institutions, and for other purposes.

H.R. 1129. An act to provide for the construction, operation, and maintenance of an arterial road in St. Louis County, Missouri.

The message also announced that the House has agreed to the following concurrent resolutions, in which it requests the concurrence of the Senate:

H. Con. Res. 47. Concurrent resolution supporting the goals and ideals of a National Medal of Honor Day to celebrate and honor the recipients of the Medal of Honor.

H. Con. Res. 74. Concurrent resolution expressing the sense of the Congress regarding the need for additional research into the chronic neurological condition hydrocephalus, and for other purposes.

MEASURES REFERRED

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

H.R. 494. An act to provide for the conditional conveyance of any interest retained by the United States in St. Joseph Memorial Hall in St. Joseph, Michigan; to the Committee on Homeland Security and Governmental Affairs.

H.R. 644. An act to facilitate the provision of assistance by the Department of Housing and Urban Development for the cleanup and economic redevelopment of brownfields; to the Committee on Banking, Housing, and Urban Affairs.

H.R. 755. An act to require annual oral testimony before the Financial Services Committee of the Chairperson or a designee of the Chairperson of the Securities and Exchange Commission, the Financial Accounting Standards Board, and the Public Company Accounting Oversight Board, relating to their efforts to promote transparency in financial reporting; to the Committee on Banking, Housing, and Urban Affairs.

H.R. 884. An act to provide for the establishment of the Science and Technology Homeland Security International Cooperative Programs Office, and for other purposes; to the Committee on Homeland Security and Governmental Affairs.

H.R. 990. To provide all low-income students with the same opportunity to receive a Pell Grant by suspending the tuition sensitivity provision in the Pell Grant program; to the Committee on Health, Education, Labor, and Pensions.

H.R. 1066. An act to increase community development investments by depository institutions, and for other purposes; to the Committee on Banking, Housing, and Urban Affairs.

The following concurrent resolution was read, and referred as indicated:

H. Con. Res. 74. Concurrent resolution expressing the sense of the Congress regarding the need for additional research into the chronic neurological condition hydrocephalus, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, and were referred as indicated:

EC–849. A communication from the President of the United States, transmitting, pursuant to law, a report on the continuation of the national emergency with respect to the Government of Cuba's destruction of two unarmed U.S.-registered civilian aircraft on February 24, 1996; to the Committee on Banking, Housing, and Urban Affairs.

EC–850. A communication from the Assistant Secretary (Community Planning and Development), Department of Housing and Urban Development, transmitting, pursuant to law, the first Annual Homeless Assessment Report; to the Committee on Banking, Housing, and Urban Affairs.

EC–851. A communication from the President and Chief Executive Officer, National Railroad Passenger Corporation, transmitting, pursuant to law, the Corporation's Grant and Legislative Request for fiscal year 2008; to the Committee on Commerce, Science, and Transportation.

EC–852. A communication from the Secretary, Federal Trade Commission, transmitting, pursuant to law, a report entitled ''Report to Congress on Implementing the Children's Online Privacy Protection Act (February 2007)''; to the Committee on Commerce, Science, and Transportation.

EC–853. A communication from the Secretary of Energy, transmitting, the report of legislation that authorizes the Secretary to use expedited procedures to promulgate rules establishing energy conservation standards; to the Committee on Energy and Natural Resources.

EC–854. A communication from the Assistant Secretary, Land and Minerals Management, Department of the Interior, transmitting, pursuant to law, the report of a rule entitled ''Oil and Gas and Sulphur Operations and Leasing in the Outer Continental Shelf and Oil Spill Financial Responsibility for Offshore Facilities—Civil Penalties'' (RIN1010–AD39) received on February 27, 2007; to the Committee on Energy and Natural Resources.

EC–855. A communication from the Assistant Secretary, Land and Minerals Management, Department of the Interior, transmitting, pursuant to law, the report of a rule entitled ''Oil and Gas and Sulphur Operations and Leasing in the Outer Continental Shelf—Incorporate API RP 65 for Cementing Shallow Water Flow Zones'' (RIN1010–AD19) received on February 27, 2007; to the Committee on Energy and Natural Resources.

EC–856. A communication from the Assistant Secretary, Land and Minerals Management, Department of the Interior, transmitting, pursuant to law, the report of a rule entitled ''Tennessee Federal Regulatory Program'' (RIN1029–AC50) received on February 27, 2007; to the Committee on Energy and Natural Resources.

EC–857. A communication from the Chief of the Publications and Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled ''Statute of Limitations on Assessment Concerning Certain Individual Filing Income Tax Returns With the USVI'' (Notice 2007–19) received on February 26, 2007; to the Committee on Finance.

EC–858. A communication from the Chief of the Publications and Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled ''Announcement and Report Concerning Advance Pricing Agreements'' (Notice 2007–31) received on February 26, 2007; to the Committee on Finance.

EC–859. A communication from the Chief of the Publications and Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled ''Revised Housing Cost Amounts Eligible for Exclusion or Deduction'' (Notice 2007–25) received on February 26, 2007; to the Committee on Finance.

EC–860. A communication from the Acting Regulations Officer, Office of Disability and Income Security Programs, Social Security Administration, transmitting, pursuant to law, the report of a rule entitled ''Optometrists as 'Acceptable Medical Sources' to Establish a Medically Determinable Impairment'' (RIN0960–AG05) received on February 27, 2007; to the Committee on Finance.

EC–861. A communication from the Assistant Secretary, Office of Legislative Affairs, Department of State, transmitting, pursuant to law, a report relative to the authorization of the use of funds in Peacekeeping Operations; to the Committee on Foreign Relations.

EC–862. A communication from the Assistant Secretary, Office of Legislative Affairs, Department of State, transmitting, pursuant to law, a report relative to the exports that fall under the Arms Export Control Act considered eligible for approval by the Administration; to the Committee on Foreign Relations.

EC–863. A communication from the Assistant Secretary, Office of Legislative Affairs, Department of State, transmitting, pursuant to law, a report relative to the military personnel and civilian contractors involved in the anti-narcotics campaign in Colombia; to the Committee on Foreign Relations.

EC–864. A communication from the U.S. Global Aids Coordinator, Department of State, transmitting, pursuant to law, a report entitled ''The Power of Partnerships''; to the Committee on Foreign Relations.

EC–865. A communication from the Director, Directorate of Standards and Guidance, Department of Labor, transmitting, pursuant to law, the report of a rule entitled ''Electrical Standard'' (RIN1218–AB95) received on February 27, 2007; to the Committee on Health, Education, Labor, and Pensions.

EC–866. A communication from the Director, Office of Personnel Management, transmitting, pursuant to law, a report relative to a proposal for a human resources demonstration project within the National Nuclear Security Administration; to the Committee on Homeland Security and Governmental Affairs.

EC–867. A communication from the Chairman, Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 17–19, ''Lower Georgia Avenue Job Training Center Funding Authorization Temporary Act of 2007'' received on February 27, 2007; to the Committee on Homeland Security and Governmental Affairs.

EC–868. A communication from the Chairman, Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 17–18, ''Exploratory Committee Regulation Temporary Amendment Act of 2007'' received on February 27, 2007; to the Committee on Homeland Security and Governmental Affairs.

EC–869. A communication from the Chairman, Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 17–17, ''Ballpark Hard and Soft Costs Cap Temporary Act of 2007'' received on February 27, 2007; to the Committee on Homeland Security and Governmental Affairs.

EC–870. A communication from the Principal Deputy Assistant Secretary, Bureau of Indian Affairs, Department of the Interior, transmitting, pursuant to law, the report of a rule entitled ''25 CFR Part 61 Preparation of Rolls of Indiana'' (RIN1076–AE44) received on February 27, 2007; to the Committee on Indian Affairs.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mrs. FEINSTEIN, from the Committee on Rules and Administration, without amendment:

S. Res. 89. An original resolution authorizing expenditures by committees of the Senate for the periods March 1, 2007, through September 30, 2007, and October 1, 2007, through September 30, 2008, and October 1, 2008, through February 28, 2009.

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. ALLARD:

S. 699. A bill to prevent the fraudulent use of social security account numbers by allowing the sharing of social security data among agencies of the United States for identity theft prevention and immigration enforcement purposes, and for other purposes; to the Committee on the Judiciary.

By Mr. CRAPO (for himself, Mrs. LINCOLN, Mr. BAUCUS, Mr. GRASSLEY, Mr. ALLARD, Mr. SALAZAR, Mr. SMITH, Mr. REID, Mr. LIEBERMAN, Mr. BENNETT, Mr. ENZI, Mr. PRYOR, Mr. CRAIG, Mr. NELSON of Nebraska, Ms. COLLINS, Mr. COCHRAN, and Mr. BROWNBACK):

S. 700. A bill to amend the Internal Revenue Code to provide a tax credit to individuals who enter into agreements to protect the habitats of endangered and threatened species, and for other purposes; to the Committee on Finance.

By Mrs. CLINTON:

S. 701. A bill to amend the Internal Revenue Code of 1986 to impose a temporary oil profit fee and to use the proceeds of the fee collected to provide a Strategic Energy Fund and expand certain energy tax incentives, and for other purposes; to the Committee on Finance.

By Mr. KOHL (for himself, Mr. KENNEDY, and Mr. DURBIN):

S. 702. A bill to authorize the Attorney General to award grants to State courts to develop and implement State courts interpreter programs; to the Committee on the Judiciary.

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

S. 703. A bill to expand the definition of immediate relative for purposes of the Immigration and Nationality Act; to the Committee on the Judiciary.

By Mr. NELSON of Florida (for himself and Ms. SNOWE):

S. 704. A bill to amend the Communications Act of 1934 to prohibit manipulation of caller identification information; to the Committee on Commerce, Science, and Transportation.

By Mr. LEVIN (for himself, Mr. THOMAS, Ms. STABENOW, Mr. GRASSLEY, and Mr. HARKIN):

S. 705. A bill to amend the Office of Federal Procurement Policy Act to establish a governmentwide policy requiring competition in certain executive agency procurements, and for other purposes; to the Committee on Homeland Security and Governmental Affairs.

By Mr. FEINGOLD:

S. 706. A bill to amend title XVIII of the Social Security Act to repeal the MA Regional Plan Stabilization Fund; to the Committee on Finance.

By Mrs. BOXER (for herself and Mrs. FEINSTEIN):

S. 707. A bill to provide all low-income students with the same opportunity to receive a Pell Grant by suspending the tuition sensitivity provision in the Pell Grant program; to the Committee on Health, Education, Labor, and Pensions.

By Mr. KOHL (for himself, Mr. COCHRAN, and Mr. DURBIN):

S. 708. A bill to promote labor force participation of older Americans, with the goals of increasing retirement security, reducing the projected shortage of experienced workers, maintaining future economic growth, and improving the Nation's fiscal outlook; to the Committee on Health, Education, Labor, and Pensions.

By Mr. KOHL (for himself, Mr. COCHRAN, Mr. DURBIN, Mrs. LINCOLN, and Mr. CRAIG):

S. 709. A bill to promote labor force participation of older Americans, with the goals of increasing retirement security, reducing the projected shortage of experienced workers, maintaining future economic growth, and improving the Nation's fiscal outlook; to the Committee on Finance.

By Mr. INOUYE (for himself and Mr. AKAKA):

S. 710. A bill to reauthorize the programs for the Department of Housing and Urban Development for housing assistance for Native Hawaiians; to the Committee on Indian Affairs.

By Mr. SMITH (for himself, Mr. DORGAN, and Mr. PRYOR):

S. 711. A bill to amend the Communications Act of 1934 to expand the contribution base for universal service, establish a separate account within the universal service fund to support the deployment of broadband service in unserved areas of the United States, and for other purposes; to the Committee on Commerce, Science, and Transportation.

By Mr. SCHUMER:

S. 712. A bill to amend the Internal Revenue Code of 1986 to equalize the exclusion from gross income of parking and transportation fringe benefits and to provide for a common cost-of-living adjustment, and for other purposes; to the Committee on Finance.

By Mr. OBAMA (for himself, Mrs. MCCASKILL, Mr. BAUCUS, Mr. BAYH, Mr. BIDEN, Mr. BINGAMAN, Mr. BOND, Mrs. BOXER, Mr. BROWN, Ms. CANTWELL, Mr. DORGAN, Mr. DURBIN, Mr. FEINGOLD, Mr. KERRY, Ms. KLOBUCHAR, Ms. LANDRIEU, Ms. MIKULSKI, Ms. MURKOWSKI, Mr. PRYOR, Mr. ROCKEFELLER, Mr. SANDERS, Ms. SNOWE, and Mr. CONRAD):

S. 713. A bill to ensure dignity in care for members of the Armed Forces recovering from injuries; to the Committee on Armed Services.

By Mr. AKAKA:

S. 714. A bill to amend the Animal Welfare Act to ensure that all dogs and cats used by research facilities are obtained legally; to the Committee on Agriculture, Nutrition, and Forestry.

By Ms. LANDRIEU (for herself, Mr. KERRY, Ms. SNOWE, and Mr. VITTER):

S. 715. A bill to amend the Small Business Act to provide expedited disaster assistance, and for other purposes; to the Committee on Small Business and Entrepreneurship.

By Mr. COLEMAN (for himself, Mr. REID, Mr. MARTINEZ, Mr. SMITH, and Mr. KOHL):

S. 716. A bill to establish a Consortium on the Impact of Technology in Aging Health Services; to the Committee on Health, Education, Labor, and Pensions.

By Mr. AKAKA (for himself, Mr. SUNUNU, Mr. LEAHY, and Mr. TESTER):

S. 717. A bill to repeal title II of the REAL ID Act of 2005, to restore section 7212 of the Intelligence Reform and Terrorism Prevention Act of 2004, which provides States additional regulatory flexibility and funding authorization to more rapidly produce tamper- and counterfeit-resistant driver's licenses, and to protect privacy and civil liberties by providing interested stakeholders on a negotiated rulemaking with guidance to achieve improved 21st century licenses to improve national security; to the Committee on the Judiciary.

By Mr. DURBIN (for himself and Mr. CRAPO):

S. 718. A bill to optimize the delivery of critical care medicine and expand the critical care workforce; to the Committee on Health, Education, Labor, and Pensions.

By Mr. LAUTENBERG (for himself, Mr. MENENDEZ, Mr. KENNEDY, and Mr. REED):

S. 719. A bill to amend section 10501 of title 49, United States Code, to exclude solid waste disposal from the jurisdiction of the Surface Transportation Board; to the Committee on Commerce, Science, and Transportation.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

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

By Mr. KERRY (for himself and Mr. KENNEDY):

S. Res. 88. A resolution honoring the extraordinary achievements of Massachusetts Governor Deval Patrick; to the Committee on the Judiciary.

By Mrs. FEINSTEIN:

S. Res. 89. An original resolution authorizing expenditures by committees of the Senate for the periods March 1, 2007, through September 30, 2007, and October 1, 2007, through September 30, 2008, and October 1, 2008, through February 28, 2009; from the Committee on Rules and Administration; placed on the calendar.

By Ms. COLLINS (for herself, Mr. OBAMA, Mr. DOMENICI, Mr. THOMAS, and Mr. COCHRAN):

S. Res. 90. A resolution commending students who participated in the United States Senate Youth Program between 1962 and 2007; considered and agreed to.

By Mr. REED (for himself and Ms. COLLINS):

S. Res. 91. A resolution designating March 2, 2007, as ''Read Across America Day''; considered and agreed to.

By Ms. SNOWE (for herself and Mr. MENENDEZ):

S. Con. Res. 14. A concurrent resolution commemorating the 85th anniversary of the founding of the American Hellenic Educational Progressive Association, a leading association for the 1,300,000 United States citizens of Greek ancestry and Philhellenes in the United States; to the Committee on the Judiciary.

ADDITIONAL COSPONSORS

S. 4

At the request of Mr. LIEBERMAN, the name of the Senator from Colorado (Mr. SALAZAR) was added as a cosponsor of S. 4, a bill to make the United States more secure by implementing unfinished recommendations of the 9/11 Commission to fight the war on terror more effectively, to improve homeland security, and for other purposes.

S. 130

At the request of Mr. ALLARD, the name of the Senator from Hawaii (Mr. INOUYE) was added as a cosponsor of S. 130, a bill to amend title XVIII of the Social Security Act to extend reasonable cost contracts under Medicare.

S. 185

At the request of Mr. SPECTER, the name of the Senator from New York (Mrs. CLINTON) was added as a cosponsor of S. 185, a bill to restore habeas corpus for those detained by the United States.

At the request of Mr. LEAHY, the names of the Senator from New Jersey (Mr. LAUTENBERG) and the Senator from Wisconsin (Mr. FEINGOLD) were added as cosponsors of S. 185, supra.

S. 211

At the request of Mrs. CLINTON, the name of the Senator from Louisiana (Ms. LANDRIEU) was added as a cosponsor of S. 211, a bill to facilitate nationwide availability of 2–1–1 telephone service for information and referral on human services. volunteer services, and for other purposes.

S. 241

At the request of Mr. WYDEN, the name of the Senator from Wyoming (Mr. THOMAS) was added as a cosponsor of S. 241, a bill to authorize the Secretary of the Interior to enter into cooperative agreements to protect natural resources of units of the National Park System through collaborative efforts on land inside and outside of units of the National Park System.

S. 294

At the request of Mr. LAUTENBERG, the names of the Senator from Maryland (Ms. MIKULSKI), the Senator from Oregon (Mr. SMITH) and the Senator from Montana (Mr. TESTER) were added as cosponsors of S. 294, a bill to reauthorize Amtrak, and for other purposes.

S. 311

At the request of Ms. LANDRIEU, the names of the Senator from Mississippi (Mr. LOTT) and the Senator from Connecticut (Mr. DODD) were added as cosponsors of S. 311, a bill 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. 336

At the request of Mr. DURBIN, the name of the Senator from Minnesota (Mr. COLEMAN) was added as a cosponsor of S. 336, a bill to require the Secretary of the Army to operate and maintain as a system the Chicago Sanitary and Ship Canal dispersal barriers, and for other purposes.

S. 378

At the request of Mr. LEAHY, the name of the Senator from Maryland (Mr. CARDIN) was added as a cosponsor of S. 378, a bill to amend title 18, United States Code, to protect judges, prosecutors, witnesses, victims, and their family members, and for other purposes.

S. 413

At the request of Mrs. CLINTON, the name of the Senator from Illinois (Mr. DURBIN) was added as a cosponsor of S. 413, a bill to amend the Bank Holding Company Act of 1956 and the Revised Statutes of the United States to prohibit financial holding companies and national banks from engaging, directly or indirectly, in real estate brokerage or real estate management activities, and for other purposes.

S. 415

At the request of Mr. BROWNBACK, the name of the Senator from Nevada (Mr. ENSIGN) was added as a cosponsor of S. 415, 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. 431

At the request of Mr. MCCAIN, the name of the Senator from Pennsylvania (Mr. SPECTER) was added as a cosponsor of S. 431, a bill to require convicted sex offenders to register online identifiers, and for other purposes.

S. 439

At the request of Mr. REID, the name of the Senator from Connecticut (Mr. LIEBERMAN) was added as a cosponsor of S. 439, a bill to amend title 10, United States Code, to permit certain retired members of the uniformed services who have a service-connected disability to receive both disability compensation from the Department of Veterans Affairs for their disability and either retired pay by reason of their years of military service or Combat-Related Special Compensation.

S. 450

At the request of Mr. ENSIGN, the name of the Senator from New Hampshire (Mr. SUNUNU) was added as a cosponsor of S. 450, a bill to amend title XVIII of the Social Security Act to repeal the medicare outpatient rehabilitation therapy caps.

S. 485

At the request of Mr. KERRY, the name of the Senator from Massachusetts (Mr. KENNEDY) was added as a cosponsor of S. 485, a bill to amend the Clean Air Act to establish an economy-wide global warming pollution emission cap-and-trade program to assist the economy in transitioning to new clean energy technologies, to protect employees and affected communities, to protect companies and consumers from significant increases in energy costs, and for other purposes.

S. 535

At the request of Mr. DODD, the name of the Senator from Missouri (Mrs. MCCASKILL) was added as a cosponsor of S. 535, a bill to establish an Unsolved Crimes Section in the Civil Rights Division of the Department of Justice, and an Unsolved Civil Rights Crime Investigative Office in the Civil Rights Unit of the Federal Bureau of Investigation, and for other purposes.

S. 548

At the request of Mr. LEAHY, the name of the Senator from Kentucky (Mr. BUNNING) was added as a cosponsor of S. 548, a bill to amend the Internal Revenue Code of 1986 to provide that a deduction equal to fair market value shall be allowed for charitable contributions of literary, musical, artistic, or scholarly compositions created by the donor.

S. 558

At the request of Mr. KENNEDY, the names of the Senator from South Dakota (Mr. JOHNSON) and the Senator from Michigan (Mr. LEVIN) were added as cosponsors of S. 558, a bill to provide parity between health insurance coverage of mental health benefits and benefits for medical and surgical services.

S. 576

At the request of Mr. DODD, the name of the Senator from California (Mrs. BOXER) was added as a cosponsor of S. 576, a bill to provide for the effective prosecution of terrorists and guarantee due process rights.

S. 578

At the request of Mr. KENNEDY, the name of the Senator from Vermont (Mr. SANDERS) was added as a cosponsor of S. 578, a bill to amend title XIX of the Social Security Act to improve requirements under the Medicaid program for items and services furnished in or through an educational program or setting to children, including children with developmental, physical, or mental health needs, and for other purposes.

S. 579

At the request of Mr. HATCH, the name of the Senator from Indiana (Mr. LUGAR) was added as a cosponsor of S. 579, a bill to amend the Public Health Service Act to authorize the Director of the National Institute of Environmental Health Sciences to make grants for the development and operation of research centers regarding environmental factors that may be related to the etiology of breast cancer.

S. 597

At the request of Mrs. FEINSTEIN, the names of the Senator from Alabama (Mr. SESSIONS), the Senator from Pennsylvania (Mr. SPECTER), the Senator from Iowa (Mr. GRASSLEY), the Senator from Vermont (Mr. SANDERS), the Senator from Michigan (Ms. STABENOW), the Senator from Nevada (Mr. ENSIGN) and the Senator from Mississippi (Mr. COCHRAN) were added as cosponsors of S. 597, a bill to extend the special postage stamp for breast cancer research for 2 years.

S. 634

At the request of Mr. DODD, the name of the Senator from Illinois (Mr. DURBIN) was added as a cosponsor of S. 634,

a bill to amend the Public Health Service Act to establish grant programs to provide for education and outreach on newborn screening and coordinated followup care once newborn screening has been conducted, to reauthorize programs under part A of title XI of such Act, and for other purposes.

S. 644

At the request of Mrs. LINCOLN, the name of the Senator from Iowa (Mr. HARKIN) was added as a cosponsor of S. 644, a bill to amend title 38, United States Code, to recodify as part of that title certain educational assistance programs for members of the reserve components of the Armed Forces, to improve such programs, and for other purposes.

S. 659

At the request of Mr. HAGEL, the name of the Senator from Iowa (Mr. HARKIN) was added as a cosponsor of S. 659, a bill to amend section 1477 of title 10, United States Code, to provide for the payment of the death gratuity with respect to members of the Armed Forces without a surviving spouse who are survived by a minor child.

S. 661

At the request of Mrs. CLINTON, the names of the Senator from Maryland (Ms. MIKULSKI) and the Senator from Massachusetts (Mr. KERRY) were added as cosponsors of S. 661, a bill to establish kinship navigator programs, to establish guardianship assistance payments for children, and for other purposes.

S. 678

At the request of Mrs. BOXER, the names of the Senator from New Jersey (Mr. LAUTENBERG) and the Senator from Louisiana (Ms. LANDRIEU) were added as cosponsors of S. 678, a bill to amend title 49, United States Code, to ensure air passengers have access to necessary services while on a grounded air carrier and are not unnecessarily held on a grounded air carrier before or after a flight, and for other purposes.

S. 694

At the request of Mrs. CLINTON, the names of the Senator from Wisconsin (Mr. FEINGOLD), the Senator from California (Mrs. BOXER), the Senator from Minnesota (Ms. KLOBUCHAR) and the Senator from Alaska (Mr. STEVENS) were added as cosponsors of S. 694, a bill to direct the Secretary of Transportation to issue regulations to reduce the incidence of child injury and death occurring inside or outside of light motor vehicles, and for other purposes.

S. RES. 78

At the request of Mr. HAGEL, the name of the Senator from Delaware (Mr. CARPER) was added as a cosponsor of S. Res. 78, a resolution designating April 2007 as ''National Autism Awareness Month'' and supporting efforts to increase funding for research into the causes and treatment of autism and to improve training and support for individuals with autism and those who care for individuals with autism.

S. RES. 82

At the request of Mr. HAGEL, the name of the Senator from Georgia (Mr. ISAKSON) was added as a cosponsor of S. Res. 82, a resolution designating August 16, 2007 as ''National Airborne Day''.

S. RES. 84

At the request of Mr. BROWNBACK, the names of the Senator from Oklahoma (Mr. COBURN) and the Senator from Nevada (Mr. ENSIGN) were added as cosponsors of S. Res. 84, a resolution observing February 23, 2007, as the 200th anniversary of the abolition of the slave trade in the British Empire, honoring the distinguished life and legacy of William Wilberforce, and encouraging the people of the United States to follow the example of William Wilberforce by selflessly pursuing respect for human rights around the world.

S. RES. 86

At the request of Mr. SALAZAR, the name of the Senator from Hawaii (Mr. INOUYE) was added as a cosponsor of S. Res. 86, a resolution designating March 1, 2007, as ''Siblings Connection Day''.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. ALLARD:

S. 699. A bill to prevent the fraudulent use of social security account numbers by allowing the sharing of social security data among agencies of the United States for identity theft prevention and immigration enforcement purposes, and for other purposes; to the Committee on the Judiciary.

Mr. ALLARD. Mr. President, I will be introducing a piece of legislation today which is a bill to cut at the heart of a rampant problem in this country; that is, identity theft.

Last month, a bipartisan group of Senators and I met with Secretary Chertoff on this very issue. Secretary Chertoff explained that under current law, Government agencies are prevented from sharing information with one another that, if shared, could expose cases of identity theft. My bill tears down the wall that prevents the sharing of existing information among Government agencies. It permits the Commissioner of Social Security to secure information with the Secretary of Homeland Security where such information is likely to assist in discovering identity theft, Social Security number misuse, or violations of immigration law.

Specifically, it requires the Commissioner to inform the Secretary of Homeland Security upon discovery of a Social Security account number being used with multiple names or where an individual has more than one person reporting earnings for him or her during a single tax year. It seems logical that we would already be doing this, but we are not. In the meantime, identity theft is plaguing innocent victims all across the country. We were reminded of the pervasiveness of this problem by the recent ICE raids of six Swift and Company meat-packing plants across the country last December. In total, agents apprehended 1,282 illegal alien workers on administrative immigration violations. Of these, 65 have also been charged with criminal violations related to identity theft or other violations.

Unfortunately, for the victims of identity theft, by the time the identity theft is discovered, the damage has already been done. Ranked fifth in the Nation for identity theft, citizens of Colorado are no strangers to identity theft. For instance, an 84-year-old Grand Junction woman was deemed ineligible for Federal housing assistance because her Social Security number was being used at a variety of jobs in Denver, making her income too high to qualify. A 10-year-old child in Douglas County had his identity stolen, and his Social Security number was being used at 17 different jobs. Others get stuck with big tax bills for wages they never earned.

Clearly, identity theft is an issue that affects people of all ages and walks of life. Yet when the Social Security Administration has reason to believe that a Social Security number is being used fraudulently, they are prevented from sharing it with the Department of Homeland Security. Withholding this information effectively enables thieves to continue to perpetrate the crime of identity theft against innocent victims. By simply sharing this information, cases of identity theft could be discovered much sooner. Victims of identity theft deserve to have this existing information acted on, and my bill allows for this to happen. I urge colleagues to support this commonsense legislation.

Later on, when we are on S. 4, called Improving America's Security Act, which deals with implementation of more of the 9/11 Commission recommendations, I plan on offering an amendment that has similar language to this bill. This is an issue which is extremely important to victims. It is something we should address. I will give the Senate plenty of opportunity to deal with this issue.

By Mr. CRAPO (for himself, Mrs. LINCOLN, Mr. BAUCUS, Mr. GRASSLEY, Mr. ALLARD, Mr. SALAZAR, Mr. SMITH, Mr. REID, Mr. LIEBERMAN, Mr. BENNETT, Mr. ENZI, Mr. PRYOR, Mr. CRAIG, Mr. NELSON of Nebraska, Ms. COLLINS, Mr. COCHRAN, and Mr. BROWNBACK):

S. 700. A bill to amend the Internal Revenue Code to provide a tax credit to individuals who enter into agreements to protect the habitats of endangered and threatened species, and for other purposes; to the Committee on Finance.

Mr. CRAPO. Mr. President, I rise today with my colleagues, 16 bipartisan

cosponsors, to introduce the S. 700. Approximately 1 year ago, Senator LINCOLN and I introduced the Collaboration for the Recovery of the Endangered Species Act, or CRESA, an earlier bill to amend the Endangered Species Act or ESA. S. 700 is an updated version of the Endangered Species Recovery Act or ESRA, which we introduced on December 6, 2006. Like ESRA, S. 700 does not amend the current ESA, but builds on ideas set forth in the original CRESA. It creates policies that finance the recovery of endangered species by private landowners. S. 700 makes it simpler for landowners to get involved in conservation and reduces the conflict that often emanates from the ESA. It will be an important codification of much-needed incentives to help recover endangered species. And, since the introduction of CRESA 1 year ago, I'm proud to count over 100 different species and landowner organizations and advocates that have partnered with us in support of this important tax legislation.

Over 80 percent of endangered species live on private property. Under the current law, however, there are too few incentives and too many obstacles for private landowners to participate in conservation agreements to help recover species. S. 700, like the voluntary farm bill conservation programs that inspired its creation, will make it more attractive for private landowners to contribute to the recovery of species under the ESA.

This bill resulted from effective and inclusive collaboration among key stakeholders most affected by the implementation of the ESA. Landowner interests include farmers, ranchers, and those from the natural resource-using communities. For example, some current supporters of S. 700 who contributed invaluable advice are the American Farm Bureau and the Society of American Foresters. This could not rightly be called a collaborative project without the vital and necessary input received from the Defenders of Wildlife, Environmental Defense and the National Wildlife Federation—key environmental groups that made significant contributions. They understand that landowner must be treated as allies to ensure success in the long-run for the conservation of habitat and species. Finally, while the genesis of this bill has many roots, a passionate catalyst was James Cummins of Mississippi Fish and Wildlife Foundation, whose great concern for the outdoors provided inspiration to move these ideas forward.

These experts worked together to craft S. 700, which provides new tax incentives for private landowners who voluntarily contribute to the recovery of endangered species. The tax credits will reimburse landowners for property rights affected by agreements that include conservation easements and costs incurred by species management plans.

For landowners who limit their property rights through conservation easements, there will be 100 percent compensation of all costs. That percentage declines to 75 percent for 30-year easements and 50 percent for cost-share agreements.

It is worth noting that this is the same formula that works successfully for farm bill programs such as the Wetlands Reserve Program. Private property owners are appropriately rewarded for crucial ecological services that they provide on their property. The public benefits from these services, which ensure biodiversity. While the primary returns from this investment are protection and recovery of endangered species, the public will also undoubtedly gain additional benefits such as aesthetically pleasing open space, a reduction in the number of invasive species and enhanced water quality.

The legislation provides a list of options that give landowners a choice—a crucial element for the success of this proposal. For some landowners, a conservation easement will be the most attractive option. Easements are flexible tools that can be tailored to each landowner and species' interests. An easement restricts certain activities, but it still works well with traditional rural activities such as ranching and farming. For agreements without easements, there is flexibility to do what is necessary for the concerned species without the need to sacrifice property rights into perpetuity.

The tax credits provide essential funding that is necessary to respect private property rights. Wildlife should be an asset rather than a liability, which is how it has sometimes been viewed under the ESA. With wildlife becoming valuable to a landowner, those who may have been reluctant to participate in recovery efforts in the past will be more likely to contribute with these new incentives. When people want to take part in the process and do not fear it, the likelihood of conflict and litigation is reduced. For years, this type of conflict has proven costly not only financially to individuals and the government, but also in terms of relationships between people who share the land and natural resources. With a new trust and new model for finding conservation solutions, we can improve and expand our conservation work.

Provisions have been made to accommodate landowners whose taxes may be less than the tax credit provides. Partnerships in the agreements will allow any party to an agreement to receive a credit as long as they pay or incur costs as a result of the agreement. This language will allow creative collaboration among governments, landowners, taxpayers and environmentalists, further increasing the number of people involved in finding new solutions for conservation.

Furthermore, this bill also expands tax deductions for any landowner who takes part in the recovery plans approved under the ESA, and allows landowners to exclude from taxable income certain Federal payments under conservation cost-share programs. This will allow both individuals and businesses to deduct the cost of recovery work without bureaucratic obstacles.

This bill not only sets forth the financing for private landowners, but it also makes it easier to implement the agreements. Landowners will receive technical assistance to implement the agreements. Also, to remove some legal disincentives to recover species, liability protection may be provided to protect the landowners from penalties under the ESA. This removes the fear of trying to help endangered species. Currently, more species usually just means more liability for a landowner.

As a result of these incentives, I expect to see a phenomenal increase in the number of success stories. These stories will sound familiar to those creative collaborators working on the ground now where we have learned that the types of tools provided in this bill can work if offered consistently.

The Endangered Species Recovery Act is very exciting to those of us who value protecting our natural resources. It provides collaborative, creative ways to balance conservation with economic uses of our natural resources. It also preserves rural ways of life. I look forward to working with my colleagues in the Senate and House to move ahead with this legislation which will provide a new model for conservation to do better work. I look forward to working with my colleagues in the Senate and House to move ahead with this legislation.

I am deeply grateful to my colleagues from Arkansas, Iowa and Montana for their essential expertise and support to create S. 700. I ask unanimous consent that the text of the bill be printed in the RECORD.

By Mr. KOHL (for himself, Mr. KENNEDY, and Mr. DURBIN):

S. 702. A bill to authorize the Attorney General to award grants to State courts to develop and implement State courts interpreter programs; to the Committee on the Judiciary.

Mr. KOHL. Mr. President, I rise today, with Senator KENNEDY and Senator DURBIN, to introduce the State Court Interpreter Grant Program Act of 2007. This legislation would create a modest grant program to provide much needed financial assistance to States for developing and implementing effective State court interpreter programs, helping to ensure fair trials for individuals with limited English proficiency.

States are already legally required, under Title VI of the Civil Rights Act of 1964, to take reasonable steps to provide meaningful access to court proceedings for individuals with limited English proficiency. Unfortunately, however, court interpreting services vary greatly by State. Some States have highly developed programs. Others are trying to get programs up and running, but lack adequate funds. Still others have no certification program at all. It is critical that we protect the

constitutional right to a fair trial by adequately funding State court interpreter programs.

Our States are finding themselves in an impossible position. Qualified interpreters are in short supply because it is difficult to find individuals who are both bilingual and well-versed in legal terminology. The skills required of a court interpreter differ significantly from those required of other interpreters or translators. Legal English is a highly particularized area of the language, and requires special training. Although anyone with fluency in a foreign language could attempt to translate a court proceeding, the best interpreters are those that have been tested and certified as official court interpreters.

Making the problem worse, States continue to fall further behind as the number of Americans with limited English proficiency—and therefore the demand for court interpreter services—continues to grow. According to the most recent Census data, 19 percent of the population over age five speaks a language other than English at home. In 2000, the number of people in this country who spoke English less than ''very well'' was more than 21 million, approaching twice what the number was ten years earlier. Illinois had more than 1 million. Texas had nearly 2.7 million. California had more than 6.2 million.

The shortage of qualified interpreters has become a national problem, and it has serious consequences. In Pennsylvania, a committee established by the Supreme Court called the State's interpreter program ''backward,'' and said that the lack of qualified interpreters ''undermines the ability of the . . . court system to determine facts accurately and to dispense justice fairly.'' When interpreters are unqualified, or untrained, mistakes are made. The result is that the fundamental right to due process is too often lost in translation, and because the lawyers and judges are not interpreters, these mistakes often go unnoticed.

Some of the stories associated with this problem are simply unbelievable. In Pennsylvania, for instance, a husband accused of abusing his wife was asked to translate as his wife testified in court. In recent testimony before the Judiciary Committee, Justice Kennedy described a particularly alarming situation where bilingual jurors can understand what the witness is saying and then interrupt the proceeding when an interpreter has not accurately represented the witness's testimony. Justice Kennedy agrees that the lack of qualified court interpreters poses a significant threat to our judicial system and emphasized the importance of addressing the issue.

This legislation does just that by authorizing $15 million per year, over five years, for a State Court Interpreter Grant Program. Those States that apply would be eligible for a $100,000 base grant allotment. In addition, $5 million would be set aside for states that demonstrate extraordinary need. The remainder of the money would be distributed on a formula basis, determined by the percentage of persons in that State over the age of five who speak a language other than English at home.

Some will undoubtedly question whether this modest amount can make a difference. It can, and my home State of Wisconsin is a perfect example of that. When Wisconsin's program got off the ground in 2004, using State money and a $250,000 Federal grant, certified interpreters were scarce. Now, just two years later, it has 43 certified interpreters. Most of those are Spanish, where the greatest need exists. However, the State also has interpreters certified in sign language and Russian. The list of provisional interpreters—those who have received training and passed written tests—is much longer and includes individuals trained in Arabic, Hmong, Korean, and other languages. All of this progress in only two years, and with only $250,000 of federal assistance.

This legislation has the strong support of state court administrators and state supreme court justices around the country.

Our States are facing this difficult challenge, and Federal law requires them to meet it. Despite their noble efforts, many of them have been unable to keep up with the demand. It is time we lend them a helping hand. This is an access issue, and no one should be denied justice or access to our courts merely because of a language barrier, so I strongly urge my colleagues to support this critical legislation.

I ask unanimous consent that the text of the legislation be printed in the RECORD.

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

S. 702

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

SECTION 1. SHORT TITLE.

This Act may be cited as the ''State Court Interpreter Grant Program Act''.

SEC. 2. FINDINGS.

Congress finds that—

(1) the fair administration of justice depends on the ability of all participants in a courtroom proceeding to understand that proceeding, regardless of their English proficiency;

(2) 19 percent of the population of the United States over 5 years of age speaks a language other than English at home;

(3) only qualified court interpreters can ensure that persons with limited English proficiency comprehend judicial proceedings in which they are a party;

(4) the knowledge and skills required of a qualified court interpreter differ substantially from those required in other interpretation settings, such as social service, medical, diplomatic, and conference interpreting;

(5) the Federal Government has demonstrated its commitment to equal administration of justice regardless of English proficiency;

(6) regulations implementing title VI of the Civil Rights Act of 1964, as well as the guidance issued by the Department of Justice pursuant to Executive Order 13166, issued August 11, 2000, clarify that all recipients of Federal financial assistance, including State courts, are required to take reasonable steps to provide meaningful access to their proceedings for persons with limited English proficiency;

(7) 36 States have developed, or are developing, qualified court interpreting programs;

(8) robust, effective court interpreter programs—

(A) actively recruit skilled individuals to be court interpreters;

(B) train those individuals in the interpretation of court proceedings;

(C) develop and use a thorough, systematic certification process for court interpreters; and

(D) have sufficient funding to ensure that a qualified interpreter will be available to the court whenever necessary; and

(9) Federal funding is necessary to—

(A) encourage State courts that do not have court interpreter programs to develop them;

(B) assist State courts with nascent court interpreter programs to implement them;

(C) assist State courts with limited court interpreter programs to enhance them; and

(D) assist State courts with robust court interpreter programs to make further improvements and share successful programs with other States.

SEC. 3. STATE COURT INTERPRETER PROGRAM.

(a) GRANTS AUTHORIZED.—

(1) IN GENERAL.—The Administrator of the Office of Justice Programs of the Department of Justice (referred to in this section as the ''Administrator'') shall make grants, in accordance with such regulations as the Attorney General may prescribe, to State courts to develop and implement programs to assist individuals with limited English proficiency to access and understand State court proceedings in which they are a party.

(2) TECHNICAL ASSISTANCE.—The Administrator shall allocate, for each fiscal year, $500,000 of the amount appropriated pursuant to section 4 to be used to establish a court interpreter technical assistance program to assist State courts receiving grants under this Act.

(b) USE OF GRANTS.—Grants awarded under subsection (a) may be used by State courts to—

(1) assess regional language demands;

(2) develop a court interpreter program for the State courts;

(3) develop, institute, and administer language certification examinations;

(4) recruit, train, and certify qualified court interpreters;

(5) pay for salaries, transportation, and technology necessary to implement the court interpreter program developed under paragraph (2); and

(6) engage in other related activities, as prescribed by the Attorney General.

(c) APPLICATION.—

(1) IN GENERAL.—The highest State court of each State desiring a grant under this section shall submit an application to the Administrator at such time, in such manner, and accompanied by such information as the Administrator may reasonably require.

(2) STATE COURTS.—The highest State court of each State submitting an application under paragraph (1) shall include in the application—

(A) an identification of each State court in that State which would receive funds from the grant;

(B) the amount of funds each State court identified under subparagraph (A) would receive from the grant; and

(C) the procedures the highest State court would use to directly distribute grant funds to State courts identified under subparagraph (A).

(d) STATE COURT ALLOTMENTS.—

(1) BASE ALLOTMENT.—From amounts appropriated for each fiscal year pursuant to section 4, the Administrator shall allocate $100,000 to each of the highest State court of each State, which has an application approved under subsection (c).

(2) DISCRETIONARY ALLOTMENT.—From amounts appropriated for each fiscal year pursuant to section 4, the Administrator shall allocate a total of $5,000,000 to the highest State court of States that have extraordinary needs that are required to be addressed in order to develop, implement, or expand a State court interpreter program.

(3) ADDITIONAL ALLOTMENT.—In addition to the allocations made under paragraphs (1) and (2), the Administrator shall allocate to each of the highest State court of each State, which has an application approved under subsection (c), an amount equal to the product reached by multiplying—

(A) the unallocated balance of the amount appropriated for each fiscal year pursuant to section 4; and

(B) the ratio between the number of people over 5 years of age who speak a language other than English at home in the State and the number of people over 5 years of age who speak a language other than English at home in all the States that receive an allocation under paragraph (1), as those numbers are determined by the Bureau of the Census.

(4) TREATMENT OF DISTRICT OF COLUMBIA.—For purposes of this section—

(A) the District of Columbia shall be treated as a State; and

(B) the District of Columbia Court of Appeals shall act as the highest State court for the District of Columbia.

SEC. 4. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated $15,000,000 for each of the fiscal years 2008 through 2012 to carry out this Act.

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

S. 703. A bill to expand the definition of immediate relative for purposes of the Immigration and Nationality Act; to the Committee on the Judiciary.

Mr. KOHL. Mr. President, I rise today with Senator KENNEDY to introduce the Family Reunification Act, a measure designed to remedy a regrettable injustice in our immigration laws. A minor oversight in the law has led to an unfortunate, and likely unintended, consequence. Parents of U.S. citizens are currently able to enter the country as legal permanent residents, but our laws do not permit their minor children to join them. Simply put, the Family Reunification Act will close this loophole by including the minor siblings of U.S. citizens in the legal definition of ''immediate relative.'' This legislation will ensure that our immigration laws can better accomplish one of the most important policy goals behind them—the goal of strengthening the family unit.

Congress took an important first step in promoting family reunification when it enacted the Immigration and Nationality Act. By qualifying as ''immediate relatives,'' this law currently offers parents, spouses and children of U.S. citizens the ability to obtain an immigrant visas to enter the country.

We can all agree that this is good immigration policy. Unfortunately, an oversight in this law has undermined the effectiveness of the important principle of family reunification. Each year, a number of families—in Wisconsin and across the country—are finding that they cannot take advantage of this family reunification provision.

Today, U.S. citizens often petition for their parents to be admitted to the United States as ''immediate relatives.'' As I have said, that is clearly allowed under current law. It is not always quite that simple, though. In a small number of cases, a problem arises when these U.S. citizens have minor siblings. Since they do not qualify as an ''immediate relative,'' the minor siblings are denied admission. So, a young man or woman can bring his parents into the country, but not his or her five year old brother or sister. Because the parents are unable to leave a young child behind, the child is not the only family member who does not come to the United States. The parents—forced to choose between their children—are effectively prevented from coming to this country as well. The result, then, is that we are unnecessarily keeping families apart by excluding minor siblings from the definition of immediate relative.

For example, one family in my home State of Wisconsin is truly a textbook example of what is wrong with this law. Effiong and Ekom Okon, both U.S. citizens by birth, requested that their parents, who were living in Nigeria, be admitted to as ''immediate relatives.'' The law clearly allows for this. Their father, Leo, had already joined them in Wisconsin, and their mother, Grace, was in possession of a visa, ready to join the rest of her family. However, Grace was unable to join her husband and sons in the United States because their six-year-old daughter, Daramfon, did not qualify as an ''immediate relative.'' Because it would be unthinkable for her to abandon her small child, Grace was forced to stay behind in Nigeria, separated from the rest of her family. That is not what this law was intended to accomplish.

It is difficult to determine the full extent of this problem. Because minor siblings do not qualify for visas, the Department of Homeland Security (DHS) does not keep track of how many families have been adversely affected. What we do know, however, is that the cases in my home State are not unique. Though the number is admittedly not large, DHS has notified us that they run into this problem regularly, with the number reaching into the hundreds each year. So, this change will not lead to an influx of many immigrants, but it will reunite a number of families who have unnecessarily been kept apart.

If only one family suffers because of this loophole, I would suggest that changes should be made. The fact that there have been numerous cases, probably in the hundreds, demands that we address this issue now.

Many parts of our immigration laws are outdated and in need of repair. The definition of ''immediate relative'' is no different. Congress's intent when it granted ''immediate relatives'' the right to obtain immigrant visas was to promote family reunification, but the unfortunate oversight which Senator KENNEDY and I have highlighted has interfered with many families' opportunity to do just that. The legislation introduced today would expand the definition of ''immediate relative'' to include the minor siblings of U.S. citizens. By doing so, we can truly provide our fellow citizens with the ability to reunite with their family members. This is a simple and modest solution to an unfortunate problem that too many families have already had to face. I urge my colleagues to support this important legislation.

I ask unanimous consent that the text of the legislation be printed in the RECORD.

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

S. 703

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

SECTION 1. DEFINITION OF IMMEDIATE RELATIVE.

Section 201(b)(2)(A)(i) of the Immigration and Nationality Act (8 U.S.C. 1151(b)(2)(A)(i)) is amended by inserting ''For purposes of this subsection, a child of a parent of a citizen of the United States shall be considered an immediate relative if the child is accompanying or following to join the parent.'' after ''at least 21 years of age.''.

By Mr. NELSON of Florida (for himself and Ms. SNOWE):

S. 704. A bill to amend the Communications Act of 1934 to prohibit manipulation of caller identification information; to the Committee on Commerce, Science, and Transportation.

Mr. NELSON of Florida. Mr. President, American consumers and public safety officials increasingly find themselves confronted by scams in the digital age. The latest scam is known as caller I.D. ''spoofing.'' Today, I am introducing a bipartisan bill with Senator SNOWE—The Truth in Caller I.D. Act of 2007—to put an end to fraudulent caller I.D. spoofing.

It seems like every week we hear of new threats to our privacy and new ways to use telecommunications networks to endanger consumers' financial security and physical safety. For several years now, I have been fighting back against these threats, pushing legislation to combat frauds such as identity theft, the unauthorized sale of consumer telephone records and spyware. It's now time to put an end to the practice of caller I.D. spoofing.

What is caller I.D. spoofing? It's a technique that allows a telephone caller to alter the phone number that appears on the recipient's caller I.D. system. In other words, spoofing allows

someone to hide behind a misleading telephone number to try to scam consumers or trick law enforcement officers.

Let me give you a few shocking examples of how caller I.D. spoofing has been exploited during the past two years:

In one very dangerous hoax, a sharpshooting SWAT team was forced to shut down a neighborhood in New Brunswick, NJ, after receiving what they believed was a legitimate distress call. But what really happened was a caller used spoofing to trick law enforcement into thinking that the emergency call was coming from a certain apartment in that neighborhood. It was all a cruel trick perpetrated with a deceptive telephone number.

In another example, identity thieves bought a number of stolen credit card numbers. They then called Western Union, set up caller I.D. information to make it look like the call originated from the credit card holder's phone line, and used the credit card numbers to order cash transfers, which the thieves then picked up.

In other instances, callers have used spoofing to pose as government officials. In recent months, there have been numerous instances of fraudsters using caller I.D. fraud to pose as court officers calling to say that a person has missed jury duty. The caller then says that a warrant will be issued for their arrest, unless a fine is paid during the call. The victim is then induced to provide credit card or bank information over the phone to pay the ''fine.''

Furthermore, while these examples are serious enough, think about what would happen if a stalker used caller I.D. spoofing to trick his victim into answering the telephone, giving out personal information, or telling the person on the other end of the line about their current whereabouts. The results could be tragic.

According to experts, there are a number of Internet websites—with names like Tricktel.com and Spooftel.com—that sell their services to criminal and identity thieves. Any person can go to one of these websites, pay money to order a spoofed telephone number, tell the website which phone number to reach, and then place the call through a toll-free line. The recipient is then tricked when he or she sees the misleading phone number on his or her caller I.D. screen.

In essence, these websites provide the high-tech tools that identity thieves need to do their dirty work. Armed with a misleading phone number, an identity thief can call a consumer pretending to be a representative of the consumer's credit card company or bank. The thief can then ask the consumer to authenticate a request for personal account information. Once a thief gets hold of this sensitive personal information, he can access a consumer's bank account, credit card account, health information, and who knows what else.

Furthermore, even if a consumer does not become a victim of stalking or identity theft, there is a simple concept at work here. Consumers pay money for their caller I.D. service. Consumers expect caller I.D. to be accurate because it helps them decide whether to answer a phone call and trust the person on the other end of the line.

If the caller I.D. says that my wife is calling me, when I pick up the phone I expect my wife to actually be on the other end of the line. Instead, we have fraudsters and others who want to abuse the system and disguise their true identities. That defeats the whole purpose of caller I.D.

Unfortunately, the Federal Communications Commission and the Federal Trade Commission have been slow to act on this latest scam. In the meantime, many spoofing companies and the fraudsters that use them believe their activities are, in fact, legal. Well, it's time to make it crystal clear that spoofing is a scam and is not legal.

How does the bipartisan Truth in Caller I.D. Act of 2007 address the problem of caller I.D. spoofing?

Quite simply, this bill plugs the hole in the current law and prohibits fraudsters from using caller identification services to transmit misleading or inaccurate caller I.D. information. This prohibition covers both traditional telephone calls and calls made using Voice-Over-Internet (VoIP) service.

Anyone who violates this anti-spoofing law would be subject to a penalty of $10,000 per violation or up to one year in jail, as set out in the Communications Act. Additionally, this bill empowers States to help the Federal Government track down and punish these fraudsters.

I invite my colleagues to join Senator SNOWE and myself in supporting the Truth in Caller I.D. Act of 2007. We should waste no time in protecting consumers and law enforcement authorities against caller I.D. spoofing.

I ask unanimous consent that the text of the Truth in Caller I.D. Act of 2007 be printed in the RECORD.

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

S. 704

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

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Truth in Caller ID Act of 2007''.

SEC. 2. PROHIBITION REGARDING MANIPULATION OF CALLER IDENTIFICATION INFORMATION.

Section 227 of the Communications Act of 1934 (47 U.S.C. 227) is amended—

(1) by redesignating subsections (e), (f), and (g) as subsections (f), (g), and (h), respectively; and

(2) by inserting after subsection (d) the following new subsection:

''(e) PROHIBITION ON PROVISION OF INACCURATE CALLER IDENTIFICATION INFORMATION.—

''(1) IN GENERAL.—It shall be unlawful for any person within the United States, in connection with any telecommunications service or IP-enabled voice service, to cause any caller identification service to transmit misleading or inaccurate caller identification information, unless such transmission is exempted pursuant to paragraph (3)(B).

''(2) PROTECTION FOR BLOCKING CALLER IDENTIFICATION INFORMATION.—Nothing in this subsection may be construed to prevent or restrict any person from blocking the capability of any caller identification service to transmit caller identification information.

''(3) REGULATIONS.—

''(A) IN GENERAL.—Not later than 6 months after the enactment of this subsection, the Commission shall prescribe regulations to implement this subsection.

''(B) CONTENT OF REGULATIONS.—

''(i) IN GENERAL.—The regulations required under subparagraph (A) shall include such exemptions from the prohibition under paragraph (1) as the Commission determines appropriate.

''(ii) SPECIFIC EXEMPTION FOR LAW ENFORCEMENT AGENCIES OR COURT ORDERS.—The regulations required under subparagraph (A) shall exempt from the prohibition under paragraph (1) transmissions in connection with—

''(I) any authorized activity of a law enforcement agency; or

''(II) a court order that specifically authorizes the use of caller identification manipulation.

''(4) REPORT.—Not later than 6 months after the enactment of this subsection, the Commission shall report to Congress whether additional legislation is necessary to prohibit the provision of inaccurate caller identification information in technologies that are successor or replacement technologies to telecommunications service or IP-enabled voice service.

''(5) PENALTIES.—

''(A) CIVIL FORFEITURE.—

''(i) IN GENERAL.—Any person that is determined by the Commission, in accordance with paragraphs (3) and (4) of section 503(b), to have violated this subsection shall be liable to the United States for a forfeiture penalty. A forfeiture penalty under this paragraph shall be in addition to any other penalty provided for by this Act. The amount of the forfeiture penalty determined under this paragraph shall not exceed $10,000 for each violation, or 3 times that amount for each day of a continuing violation, except that the amount assessed for any continuing violation shall not exceed a total of $1,000,000 for any single act or failure to act.

''(ii) RECOVERY.—Any forfeiture penalty determined under clause (i) shall be recoverable pursuant to section 504(a).

''(iii) PROCEDURE.—No forfeiture liability shall be determined under clause (i) against any person unless such person receives the notice required by section 503(b)(3) or section 503(b)(4).

''(iv) 2-YEAR STATUTE OF LIMITATIONS.—No forfeiture penalty shall be determined or imposed against any person under clause (i) if the violation charged occurred more than 2 years prior to the date of issuance of the required notice or notice or apparent liability.

''(B) CRIMINAL FINE.—Any person who willfully and knowingly violates this subsection shall upon conviction thereof be fined not more than $10,000 for each violation, or 3 times that amount for each day of a continuing violation, in lieu of the fine provided by section 501 for such a violation. This subparagraph does not supersede the provisions of section 501 relating to imprisonment or the imposition of a penalty of both fine and imprisonment.

''(6) ENFORCEMENT BY STATES.—

''(A) IN GENERAL.—The chief legal officer of a State, or any other State officer authorized by law to bring actions on behalf of the residents of a State, may bring a civil action, as parens patriae, on behalf of the residents of that State in an appropriate district court of the United States to enforce this subsection or to impose the civil penalties for violation of this subsection, whenever the chief legal officer or other State officer has reason to believe that the interests of the residents of the State have been or are being threatened or adversely affected by a violation of this subsection or a regulation under this subsection.

''(B) NOTICE.—The chief legal officer or other State officer shall serve written notice on the Commission of any civil action under subparagraph (A) prior to initiating such civil action. The notice shall include a copy of the complaint to be filed to initiate such civil action, except that if it is not feasible for the State to provide such prior notice, the State shall provide such notice immediately upon instituting such civil action.

''(C) AUTHORITY TO INTERVENE.—Upon receiving the notice required by subparagraph (B), the Commission may intervene in such civil action and upon intervening—

''(i) be heard on all matters arising in such civil action; and

''(ii) file petitions for appeal of a decision in such civil action.

''(D) CONSTRUCTION.—For purposes of bringing any civil action under subparagraph (A), nothing in this paragraph shall prevent the chief legal officer or other State officer from exercising the powers conferred on that officer by the laws of such State to conduct investigations or to administer oaths or affirmations or to compel the attendance of witnesses or the production of documentary and other evidence.

''(E) VENUE; SERVICE OR PROCESS.—

''(i) VENUE.—An action brought under subparagraph (A) shall be brought in a district court of the United States that meets applicable requirements relating to venue under section 1391 of title 28, United States Code.

''(ii) SERVICE OF PROCESS.—In an action brought under subparagraph (A)—

''(I) process may be served without regard to the territorial limits of the district or of the State in which the action is instituted; and

''(II) a person who participated in an alleged violation that is being litigated in the civil action may be joined in the civil action without regard to the residence of the person.

''(F) LIMITATION ON STATE ACTION WHILE FEDERAL ACTION IS PENDING.—If the Commission has instituted an enforcement action or proceeding for violation of this subsection, the chief legal officer or other State officer of the State in which the violation occurred may not bring an action under this section during the pendency of the proceeding against any person with respect to whom the Commission has instituted the proceeding.

''(7) DEFINITIONS.—For purposes of this subsection:

''(A) CALLER IDENTIFICATION INFORMATION.—The term 'caller identification information' means information provided by a caller identification service regarding the telephone number of, or other information regarding the origination of, a call made using a telecommunications service or IP-enabled voice service.

''(B) CALLER IDENTIFICATION SERVICE.—The term 'caller identification service' means any service or device designed to provide the user of the service or device with the telephone number of, or other information regarding the origination of, a call made using a telecommunications service or IP-enabled voice service. Such term includes automatic number identification services.

''(C) IP-ENABLED VOICE SERVICE.—The term 'IP-enabled voice service' means the provision of real-time 2-way voice communications offered to the public, or such classes of users as to be effectively available to the public, transmitted through customer premises equipment using TCP/IP protocol, or a successor protocol, for a fee (whether part of a bundle of services or separately) with interconnection capability such that the service can originate traffic to, or terminate traffic from, the public switched telephone network.

''(8) LIMITATION.—Notwithstanding any other provision of this section, subsection (f) shall not apply to this subsection or to the regulations under this subsection.''

By Mr. LEVIN (for himself, Mr. THOMAS, Ms. STABENOW, Mr. GRASSLEY, and Mr. HARKIN):

S. 705. A bill to amend the Office of Federal Procurement Policy Act to establish a governmentwide policy requiring competition in certain executive agency procurements, and for other purposes; to the Committee on Homeland Security and Governmental Affairs.

Mr. LEVIN. Mr. President, I am pleased to join with Senators CRAIG THOMAS, DEBBIE STABENOW, CHUCK GRASSLEY and TOM HARKIN in introducing the Federal Prison Industries Competition in Contracting Act. Our bill is based on a straightforward premise: it is unfair for Federal Prison Industries to deny businesses in the private sector an opportunity to compete for sales to their own government.

We have made immeasurable progress on this issue since I first introduced a similar bill ten years ago. It may seem incredible, but at that time, Federal Prison Industries (FPI) could bar private sector companies from competing for a Federal contract. Under the law establishing Federal Prison Industries, if Federal Prison Industries said that it wanted a contract, it would get that contract, regardless whether a company in the private sector could provide the product better, cheaper, or faster.

Six years ago, the Senate took a giant step toward addressing this inequity when we voted 74–24 to end Federal Prison Industries' monopoly on Department of Defense contracts. Not only was that provision enacted into law, we were able to strengthen it with a second provision a year later. In 2004, we took another important step, enacting an appropriations provision which extends the DOD rules to other Federal agencies. This means that, for the first time, private sector companies should be able to compete against for contracts awarded by all Federal agencies.

Despite this progress, work remains to be done. We have heard reports from Federal procurement officials and from small businesses that FPI continues to claim that it retains the mandatory source status that protected it from competition for so long. This kind of misleading statement may undermine the right to compete that we have fought so hard for so long to establish.

In addition, FPI continues to sell its services into interstate commerce on an unlimited basis. I am concerned that the sale of prison labor into commerce could have the effect of undermining companies and work forces that are already in a weakened position as a result of foreign competition. We have long taken the position as a Nation that prison-made goods should not be sold into commerce, where prison wages of a few cents per hour could too easily undercut private sector competition. It is hard for me to understand why the sale of services should be treated any differently than the sale of products.

The bill that we are introducing today would address these issues by making it absolutely clear that FPI no longer has a mandatory source status, by reaffirming the critical requirement that FPI must compete for its contracts, and by carefully limiting the circumstances under which prison services may be sold into the private sector economy.

I look forward to working with my colleagues on these important issues.

By Mrs. BOXER (for herself and Mrs. FEINSTEIN):

S. 707. A bill to provide all low-income students with the same opportunity to receive a Pell Grant by suspending the tuition sensitivity provision in the Pell Grant program; to the Committee on Health, Education, Labor, and Pensions.

Mrs. FEINSTEIN. Mr. President, I am pleased to join Senator BOXER as a co-sponsor of the ''Pell Grant Equity Act of 2007'' that would provide all low-income students with the same opportunity to receive a Federal Pell Grant by eliminating the current tuition sensitivity provision in the Pell Grant Program.

Federal Pell Grants are the cornerstone of our need-based financial aid system ensuring that all students have access to higher education.

However, the Pell Grant program's eligibility formula penalizes low-income students who attend very low-cost colleges by reducing the amount of the Pell Grant they can receive.

The formula bases eligibility for Pell Grant awards on the amount of tuition charged by the college and provides a lower ''alternate'' amount for low tuition colleges, known as the ''tuition sensitivity'' provision.

Community college students are significantly impacted by the tuition sensitivity provision because of low student tuition fees.

In California, due to a drop in tuition fees from $26 per unit to $20 unit, community college students enrolling this spring will otherwise be penalized with a $56 reduction in their 2007 Pell Grants and will endure another $112 hit in the 2007–2008 academic year if the tuition sensitivity provision is not eliminated.

Community college students represent approximately 46 percent of higher education students in California

receiving Pell Grants and are the only ones negatively impacted by this provision.

Any reduction of these vital grants to our lowest income students would have a major impact in their ability to afford college and continue their education, and we cannot allow this to happen.

This bill would ensure that our nation's community college students are not unduly penalized for receiving an affordable education at a low-cost college.

We must continue to do all we can to make a college education more accessible and affordable for all of our Nation's students.

I urge my colleagues to join Senator BOXER and I in supporting this important legislation.

By Mr. INOUYE (for himself and Mr. AKAKA):

S. 710. A bill to reauthorize the programs for the Department of Housing and Urban Development for housing assistance for Native Hawaiians; to the Committee on Indian Affairs.

Mr. INOUYE. Mr. President, I rise to introduce a bill to reauthorize Title VIII of the Native American Housing Assistance and Self-Determination Act. Senator AKAKA joins me in sponsoring this measure. Title VIII provides authority for the appropriation of funds for the construction of low-income housing for Native Hawaiians and further provides authority for access to loan guarantees associated with the construction of housing to serve Native Hawaiians.

Three studies have documented the acute housing needs of Native Hawaiians—which include the highest rates of overcrowding and homelessness in the State of Hawaii. Those same studies indicate that inadequate housing rates for Native Hawaiians are amongst the highest in the Nation.

The reauthorization of Title VIII will support the continuation of efforts to assure that the native people of Hawaii may one day have access to housing opportunities that are comparable to those now enjoyed by other Americans.

I ask unanimous consent that the text of the bill be printed in the RECORD.

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

S. 710

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

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Hawaiian Homeownership Opportunity Act of 2007''.

SEC. 2. AUTHORIZATION OF APPROPRIATIONS FOR HOUSING ASSISTANCE.

Section 824 of the Native American Housing Assistance and Self-Determination Act of 1996 (25 U.S.C. 4243), as added by section 513 of Public Law 106–569 (114 Stat. 2969), is amended by striking ''fiscal years'' and all that follows and inserting the following: ''fiscal years 2008, 2009, 2010, 2011, and 2012.''.

SEC. 3. LOAN GUARANTEES FOR NATIVE HAWAIIAN HOUSING.

Section 184A of the Housing and Community Development Act of 1992 (12 U.S.C. 1715z–13b), as added by section 514 of Public Law 106–569 (114 Stat. 2989), is amended as follows:

(1) AUTHORIZATION OF APPROPRIATIONS.—In subsection (j)(7), by striking ''fiscal years'' and all that follows and inserting the following: ''fiscal years 2008, 2009, 2010, 2011, and 2012.''.

(2) AUTHORITY.—In subsection (b), by striking ''or as a result of a lack of access to private financial markets''.

(3) ELIGIBLE HOUSING.—In subsection (c), by striking paragraph (2) and inserting the following new paragraph:

''(2) ELIGIBLE HOUSING.—The loan will be used to construct, acquire, refinance, or rehabilitate 1- to 4-family dwellings that are standard housing and are located on Hawaiian Home Lands.''.

SEC. 4. ELIGIBILITY OF DEPARTMENT OF HAWAIIAN HOME LANDS FOR TITLE VI LOAN GUARANTEES.

Title VI of the Native American Housing Assistance and Self-Determination Act of 1996 (25 U.S.C. 4191 et seq.) is amended as follows:

(1) HEADING.—In the heading for the title, by inserting ''**AND NATIVE HAWAIIAN**'' after ''**TRIBAL**''.

(2) AUTHORITY AND REQUIREMENTS.—In section 601 (25 U.S.C. 4191)——

(A) in subsection (a)—

(i) by inserting ''or by the Department of Hawaiian Home Lands,'' after ''tribal approval,''; and

(ii) by inserting ''or 810, as applicable,'' after ''section 202'' ; and

(B) in subsection (c), by inserting ''or VIII, as applicable'' before the period at the end.

(3) SECURITY AND REPAYMENT.—In section 602 (25 U.S.C. 4192)—

(A) in subsection (a)—

(i) in the matter preceding paragraph (1), by striking ''or housing entity'' and inserting '', housing entity, or Department of Hawaiian Home Lands''; and

(ii) in paragraph (3)—

(I) by inserting ''or Department'' after ''tribe'';

(II) by inserting ''or VIII, as applicable,'' after ''title I''; and

(III) by inserting ''or 811(b), as applicable'' before the semicolon; and

(B) in subsection (b)(2), by striking ''or housing entity'' and inserting '', housing entity, or the Department of Hawaiian Home Lands''.

(4) PAYMENT OF INTEREST.—In the first sentence of section 603 (25 U.S.C. 4193), by striking ''or housing entity'' and inserting '', housing entity, or the Department of Hawaiian Home Lands''.

(5) AUTHORIZATION OF APPROPRIATIONS FOR CREDIT SUBSIDY.—In section 605(b) (25 U.S.C. 4195(b)), by striking ''1997 through 2007'' and inserting ''2008 through 2012''.

By Mr. OBAMA. (for himself, Mrs. MCCASKILL, Mr. BAUCUS, Mr. BAYH, Mr. BIDEN, Mr. BINGAMAN, Mr. BOND, Mrs. BOXER, Mr. BROWN, Ms. CANTWELL, Mr. DORGAN, Mr. DURBIN, Mr. FEINGOLD, Mr. KERRY, Ms. KLOBUCHAR, Ms. LANDRIEU, Ms. MIKULSKI, Ms. MURKOWSKI, Mr. PRYOR, Mr. ROCKEFELLER, Mr. SANDERS, Ms. SNOWE, and Mr. CONRAD):

S. 713. A bill to ensure dignity in care for members of the Armed Forces recovering from injuries; to the Committee on Armed Services.

Mr. OBAMA. Mr. President, I rise today to speak about the ''Dignity for Wounded Warriors Act,'' which I am proud to introduce with Senator MCCASKILL.

Last week, the Nation learned of the serious problems at Walter Reed Army Medical Center including decaying, cockroach-infested facilities and an overwhelmed patient-care bureaucracy. As described in a series of articles in the Washington Post by Dana Priest and Anne Hull, wounded soldiers are returning home from the battle in Iraq only to face a new battle to get the care and benefits they have earned.

These stories should not have come as a complete surprise to those who have followed the issue closely. We have long known that troops returning from battle face numerous bureaucratic hurdles when they get home. That's why I introduced legislation last year to smooth the transition from active duty to civilian life. The Lane Evans Bill expands and improves electronic medical records, face-to-face physical exams, better tracking of veterans, and other approaches to make life easier for returning veterans.

However, the stories out of Walter Reed last week did shock my conscience because, like many Senators, I have made the half-hour trek from the Capitol to visit Walter Reed. And I saw what the Army wanted the world to see: a shining world-class facility where the wounded can heal with state-of-the-art care. I never saw mold growing on the walls, or broken elevators, or the lack of adequate support for soldiers and their families. Walter Reed was supposed to be the flagship of military health care. Instead it has become an emblem of much that is wrong with the system, and a harbinger of more severe problems that may be hiding at other military hospitals and facilities that are not in the spotlight.

The problems at Walter Reed stem from complex causes, the most important of which is that the military and VA have not yet prepared for the growing flood of casualties from the Iraq war. Our injured troops did not hesitate to fight for us on the battlefield—we shouldn't make them fight again at home in order to receive the care they deserve. That is why Senator MCCASKILL and I are introducing the bipartisan Dignity for Wounded Warriors Act today. The bill will fix the problems at Walter Reed and improve care at our military hospitals and facilities.

Our bill would fix deplorable conditions at outpatient residence facilities by setting high standards and increasing accountability. Under this bipartisan measure, the standards will be clear. First, recovering soldiers' rooms will be as good or better as the best standard rooms for active-duty troops. Second, our injured heroes will not have to wait more than two weeks for maintenance problems to be repaired. Third, we will have zero tolerance for pest infestations. And finally, emergency medical personnel and crisis counselors will be available to recovering troops 24 hours a day.

The bill also tackles accountability problems. In the days following the Post stories, the Army vice chief of staff, and the Assistant Secretary of Defense for Health Affairs both said they were surprised by conditions at Walter Reed and directed blame on lower-ranking officers and noncommissioned officers. I also read in the Army Times that soldiers at Walter Reed have been warned not to talk to the media. Under our bill, we won't have to rely on the media to inform the Congress and the American people of the conditions at military hospitals. It requires that the Inspector General inspect facilities twice a year and report conditions to high-level officials and the public. Under our bill, military leaders will no longer be able to use the excuse that they didn't know conditions on the ground.

When injured servicemembers return home, they along with their family members face a mountain of paperwork and bureaucracy. From the moment a doctor determines a soldier may be unable to return to duty, it takes an average of 209 days for the military to figure out what to do with the soldier. The system is broken, and soldiers and their families are the ones who pay the price. Our bill addresses this problem by bringing the far flung parts of the military's Physical Disability Evaluation System (PDES) under one roof in each branch of the military. It also puts much of the system online so that caseworkers and servicemembers can manage their documents electronically. Today, students can apply to go to law school or business school online, without ever having to touch a piece of paper. Navigating the Pentagon bureaucracy should be that easy.

Our bill also calls for injury-specific procedures so that the most severely injured servicemembers can skip unnecessary steps. There's no reason why a soldier with a gunshot injury to the spine should face the same procedural hurdles in order to prove his injury was service-related as a soldier with less severe injuries. At the same time, nothing in our bill will prevent those servicemembers who wish to stay in the military from appealing decisions. Our bill also helps soldiers and their families navigate the PDES system with new hotlines, manuals, and an ombudsman to help answer questions.

Another problem at Walter Reed is casework. The caseworkers are doing amazing work helping soldiers schedule medical appointments, prepare paperwork, and obtain their everyday needs. However, the caseworkers are overwhelmed. Some have to care for 50 or more recovering soldiers at a time, more than double the ideal ratio. The Dignity for Wounded Warriors Act fixes this problem by forcing the Pentagon to work with each military hospital to set the ideal ratio of caseworkers to patients based on the particular needs of that facility. In the interim, our bill requires a temporary ratio of 1 caseworker for every 20 recovering servicemembers. This will push the Pentagon to begin hiring and training caseworkers right away.

This legislation also provides important new support for family members who often have to endure economic and emotional hardship to accompany their loved one through the recovery process and the currently flawed PDES process. It clarifies that non-medical attendees and family members on invitational orders may receive medical care and mental health counseling while caring for injured loved ones at military facilities. It extends employment and job placement training services to family members. And most important, this bipartisan legislation provides federal protections against a family member on invitational orders being fired. I think we can all agree that a mother should never have to choose between caring for a wounded son or daughter and keeping her job.

Secretary Gates promised a thorough investigation by outside experts and accountability for those responsible. Our bill builds on that model by establishing an Oversight Board of outside experts to review the Pentagon's progress in implementing this bill. The Board would be appointed by Congress and the executive branch and be made up of veterans, wounded soldiers, family members and experts on military medicine. The Oversight Board will be an important check to make sure the Defense Department is following through to care for recovering troops.

We cannot move fast enough to make sure our wounded troops are getting the care they need. No cost is too great. We must pass the Dignity for Wounded Warriors Act quickly and follow up with the adequate resources to ensure the men and women recovering at military hospitals across the world get the best care we can offer.

Mrs. McCASKILL. Mr. President, it is my honor to join my distinguished colleague from Illinois, Senator OBAMA, today in introducing the Dignity for Wounded Warriors Act, a bill that serves to better the experience so many recovering military servicemembers and their families have in dealing with the military healthcare system and its bureaucracy.

It is not often that you read something in the paper that makes you sick, but this is precisely the feeling I had just over a week ago as I read a Washington Post article that spoke of awful living conditions and an interminable bureaucracy being experienced by our war wounded who are receiving outpatient care at Walter Reed Army Medical Center.

I will not stand aside as those who have fought for our country come home to fight new battles against a crippling bureaucracy just to get the compensation they have more than earned. They shouldn't have to live in substandard conditions while they are recovering from their injuries.

Our legislation directly tackles these problems. The principle is simple: our wounded and recovering servicemembers must receive the best treatment. They can't live in substandard housing as they recover. And they must have a user-friendly system to help them apply for the appropriate disability and benefits compensation. It's the least we can do for all they have done for us.

For example, each military department has a standard for their dormitories and barracks. I know that not every dormitory or barracks meets the highest standard that the service sets, but that each service is steadily working to reach this standard across their facilities. It is my belief, and this bill serves to establish, that the lowest standard acceptable for a returning wounded servicemember should be the highest existing standard in each military service. Facing the daunting challenge of recovering from war wounds—both psychological and physical—our returning servicemembers should not be living among vermin and mold. They should not be placed in temporary, cramped, makeshift, ancient or transient quarters. We're not demanding the Taj Mahal. We are demanding decent living conditions to help these injured men and women.

Further, when problems exist in the living quarters of our recovering servicemembers, they should be identified and repaired quickly. This bill establishes strict measures to facilitate reporting of unsatisfactory living conditions and to mandate timely repair. It also establishes measures to ensure that independent parties are inspecting living quarters in order to prevent any syndrome whereby those closely engaged in dealing with these facilities are overly focused on completing the mission with what they have as opposed to what they should have.

I was also appalled to learn of the extensive, confusing bureaucracy that greeted our recovering servicemembers in the outpatient care process. With numerous commands, organizations, advocates, doctors, commanders and any number of others involved in the process, recovering servicemembers found themselves navigating a complicated process and often without a map. They also have to fill out numerous forms, request records, check off bureaucratic blocks, get the right language in their doctor's evaluations, document their illnesses, capture the symptoms they are experiencing and more. It is safe to say that the process poses a daunting challenge to even a fully healthy individual—but imagine the challenge for someone far from home and facing the realities of the wounds of war.

Complicating the challenges, those tasked to provide these servicemembers and their families with assistance have been faced with large caseloads and insufficient resources. This legislation requires responsible caseloads for military leaders and caseworkers—and it requires that those providing this assistance not just have

a caseload that guarantees a recovering servicemember the attention they need and deserve, but that these caseworkers are well trained.

I also learned that those who come to military treatment facilities like Walter Reed to help their loved ones often face uphill battles. I am proud that this legislation reaches out to protect those loved ones who risk their livelihood to care for our recovering servicemembers by providing them medical care as well as protections to secure the jobs they leave behind.

Today, I visited Walter Reed, talked with our recovering servicemembers, toured the facilities and discussed these issues with Walter Reed's leaders. I can confidently say that those treating our servicemembers are with me—they want the very best for our recovering servicemembers and for their families. I know that the quality of care being provided at Walter Reed and at many other military hospitals is exceptional and I applaud the caregivers.

But I also know that we have all failed to provide the best service and support to many during the outpatient care process. Their living quarters were not the best. The Physical Disability Evaluation System they experience is too bureaucratic. It is time to deliver the best. This legislation seeks to provide it.

This is fair legislation. It balances requiring immediate changes with letting the Department of Defense study what is necessary and to subsequently implement incremental change. It empowers our physicians by not requiring random timelines for medical processing or medical care, but it requires that care and processing happen with manageable, understandable and streamlined procedures that equally empowers the servicemember. And this bill requires that trained, professional and caring providers be available to recovering servicemembers and their families in sufficient numbers and in the appropriate places throughout the care process.

In closing, I want to thank Senator OBAMA for his efforts in teaming with me to produce this important legislation. But mostly I want to thank all those serving our nation in uniform today. Their sense of duty is remarkable. Their sacrifice is great. Their heroism unmatched. They have given their best to our country and our country is committed to giving them the best in return.

By Mr. AKAKA:

S. 714. A bill to amend the Animal Welfare Act to ensure that all dogs and cats used by research facilities are obtained legally; to the Committee on Agriculture, Nutrition, and Forestry.

Mr. AKAKA. Mr. President, I rise today to introduce the Pet Protection Act of 2007. In 1966, Congress passed the Animal Welfare Act to prevent the abuse and mistreatment of animals and to provide assurance that family pets would not be sold for laboratory experiments. Although the Animal Welfare Act provides a solid foundation to stop the mistreatment of animals, more needs to be done to protect pets and pet owners from the actions of Class B animal dealers, also known as ''random source'' dealers.

Across the Nation, random source animal dealers acquire tens of thousands of dogs and cats, many of them family pets, through deceit and fraud. Some of their tactics include tricking animals owners into giving away their dogs and cats by posing as someone interested in pet adoption and the outright theft of family pets left unattended. The treatment of the animals captured and sold by random source dealers is often shocking and cruel. Hundreds of animals are kept in squalid conditions with just enough food and water to keep them alive until sold.

This bill does not address the larger issue of whether animals should or should not be used in research facilities. Medical research is one of our primary weapons in the discovery of new drugs and surgical techniques that help develop cures for life-threatening diseases and animal research has been, and continues to be, a fundamental part of scientific advances. Instead, this legislation targets the unethical practice of selling stolen pets and stray animals to research facilities. While I do not believe that research laboratories intentionally seek out fraudulently obtained animals, it does happen. And it does need to be stopped.

My bill will strengthen the Animal Welfare Act by prohibiting the use of random source animal dealers as suppliers of dogs and cats to research laboratories by making funds unavailable to research facilities that purchase animals from a dealer that holds a Class B license under the Animal Welfare Act. In doing so, it also simultaneously encourages the use of legitimate sources such as USDA-licensed Class A dealers. I urge my colleagues to join me in my efforts to curb the abusive practices of random source dealers by supporting this bill.

By Ms. LANDRIEU (for herself, Mr. KERRY, Ms. SNOWE, and Mr. VITTER):

S. 715. A bill to amend the Small Business Act to provide expedited disaster assistance, and for other purposes; to the Committee on Small Business and Entrepreneurship.

Ms. LANDRIEU. Mr. President, as we all know, there was a tremendous amount of criticism of the Federal Government's response to Hurricanes Katrina and Rita last year. Things are better now and the region is slowly recovering. But, having luckily survived the 2006 hurricane season with no major storms, and with the 2007 season a few months away, we must be sure that if we have another disaster, the Federal Government's response will be better this time around. Disaster response agencies have to be better organized, more efficient, and more responsive in order to avoid the problems, the delays, mismanagement, and the seeming incompetence that occurred in 2005.

Today, I am proud to sponsor legislation to improve the disaster response of one agency that had a great deal of problems last year, the Small Business Administration (SBA). This bill, the ''Small Business Disaster Recovery Improvement Act,'' makes a major improvement to the SBA's disaster response and provides them with an essential tool to ensure that they are more efficient and better prepared for future disasters—big and small. I should note that this bill is a result of intensive bipartisan work over the past couple of months on a larger SBA Disaster Reforms bill, S. 137, the ''Small Business Disaster Response and Loan Improvements Act,'' which was introduced early in the 110th Congress. I feel strongly that this provision, an Expedited Disaster Assistance Loan Program for businesses, should be passed during this session of Congress, therefore I wanted to also introduce it in separate legislation for the 110th Congress. That said, I will continue to work with my colleagues on the Small Business Committee, Senators KERRY and SNOWE, respectively Chair and Ranking Member of the Senate Small Business Committee, as well as with my colleague Senator VITTER to include this provision along with more comprehensive SBA Disaster Assistance reforms that we hope to enact in the coming months.

After Hurricanes Katrina and Rita hit, our businesses and homeowners had to wait months for loan approvals. I do not know how many businesses we lost because help did not come in time. What these businesses needed was immediate, short-term assistance to hold them over until SBA was ready to process the tens of thousands of loan applications it received.

That is why this legislation provides the SBA Administrator with the ability to set up an expedited disaster assistance business loan program to make short-term, low- interest loans to keep them afloat. These loans will allow businesses to make payroll, begin making repairs, and address other immediate needs while they are awaiting insurance payouts or regular SBA Disaster Loans. However, I realize that every disaster is different and could range from a disaster on the scale of Hurricanes Katrina or Rita or 9–11, to an ice storm or drought. This legislation gives the SBA additional options and flexibility in the kinds of relief they can offer a community. When a tornado destroys 20 businesses in a small town in the Midwest, SBA can get the regular disaster program up and running fairly quickly. You may not need short-term loans in this instance. But if you know that SBA's resources would be overwhelmed by a storm—just as they were initially with the storms of 2005—these expedited business loans would be very helpful.

The Small Business Disaster Recovery Improvement Act will provide an

essential tool to make the SBA more proactive, flexible, and most important, more efficient during future disasters. If SBA is not in the business of short-term assistance for future disasters, I feel that we will again see businesses fail while waiting for SBA to get its act together. The agency has implemented some major changes to its Disaster Assistance Program but, if the storms of 2005 taught us anything it was that the best laid plans can fail. This Expedited Disaster Assistance Loan Program would ensure that SBA has a backup tool to provide immediate assistance to impacted businesses. Again, I look forward to working with both Senator SNOWE and Senator KERRY during the coming weeks to ensure that the SBA has everything it needs to respond to future disasters.

I ask unanimous consent that the text of the legislation be printed in the RECORD.

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

S. 715

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

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Small Business Disaster Recovery Assistance Improvement Act of 2007''.

SEC. 2. BUSINESS EXPEDITED DISASTER ASSISTANCE LOAN PROGRAM.

(a) DEFINITIONS.—In this section—

(1) the terms ''Administration'' and ''Administrator'' mean the Small Business Administration and the Administrator thereof, respectively;

(2) the term ''immediate disaster assistance'' means assistance provided during the period beginning on the date on which a disaster declaration is made and ending on the date that an impacted small business concern is able to secure funding through insurance claims, Federal assistance programs, or other sources;

(3) the term ''program'' means the expedited disaster assistance business loan program established under subsection (b); and

(4) the term ''small business concern'' has the meaning given that term in section 3 of the Small Business Act (15 U.S.C. 632).

(b) CREATION OF PROGRAM.—The Administrator shall take such administrative action as is necessary to establish and implement an expedited disaster assistance business loan program to provide small business concerns with immediate disaster assistance under section 7(b) of the Small Business Act (15 U.S.C. 636(b)).

(c) CONSULTATION REQUIRED.—In establishing the program, the Administrator shall consult with—

(1) appropriate personnel of the Administration (including District Office personnel of the Administration);

(2) appropriate technical assistance providers (including small business development centers);

(3) appropriate lenders and credit unions;

(4) the Committee on Small Business and Entrepreneurship of the Senate; and

(5) the Committee on Small Business of the House of Representatives.

(d) RULES.—

(1) IN GENERAL.—Not later than 1 year after the date of enactment of this Act, the Administrator shall promulgate rules establishing and implementing the program in accordance with this section. Such rules shall apply as provided for in this section, beginning 90 days after their issuance in final form.

(2) CONTENTS.—The rules promulgated under paragraph (1) shall—

(A) identify whether appropriate uses of funds under the program may include—

(i) paying employees;

(ii) paying bills and other financial obligations;

(iii) making repairs;

(iv) purchasing inventory;

(v) restarting or operating a small business concern in the community in which it was conducting operations prior to the declared disaster, or to a neighboring area, county, or parish in the disaster area; or

(vi) covering additional costs until the small business concern is able to obtain funding through insurance claims, Federal assistance programs, or other sources; and

(B) set the terms and conditions of any loan made under the program, subject to paragraph (3).

(3) TERMS AND CONDITIONS.—A loan made by the Administration under this section—

(A) shall be a short-term loan, not to exceed 180 days, except that the Administrator may extend such term as the Administrator determines necessary or appropriate on a case-by-case basis;

(B) shall have an interest rate not to exceed 1 percentage point above the prime rate of interest that a private lender may charge;

(C) shall have no prepayment penalty;

(D) may be refinanced as part of any subsequent disaster assistance provided under section 7(b) of the Small Business Act; and

(E) shall be subject to such additional terms as the Administrator determines necessary or appropriate.

(e) REPORT TO CONGRESS.—Not later than 5 months after the date of enactment of this Act, the Administrator shall report to the Committee on Small Business and Entrepreneurship of the Senate and the Committee on Small Business of the House of Representatives on the progress of the Administrator in establishing the program.

(f) AUTHORIZATION.—There are authorized to be appropriated to the Administrator such sums as are necessary to carry out this section.

By Mr. COLEMAN (for himself, Mr. REID, Mr. MARTINEZ, Mr. SMITH, and Mr. KOHL):

S. 716. A bill to establish a Consortium on the Impact of Technology in Aging Health Services; to the Committee on Health, Education, Labor, and Pensions.

Mr. COLEMAN. Mr. President, I ask unanimous consent that my legislation, Consortium on the Impact of Technology in Aging Health Services Act of 2007, be printed in the RECORD.

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

S. 716

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

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Consortium on the Impact of Technology in Aging Health Services Act of 2007''.

SEC. 2. ESTABLISHMENT OF CONSORTIUM.

(a) ESTABLISHMENT.—There is established a Consortium to be known as the ''Consortium on the Impact of Technology in Aging Health Services'' (referred to in this Act as the ''Consortium'').

(b) PURPOSE.—The purpose of the Consortium is to evaluate the potential of new technologies to help the United States prepare for the unprecedented demographic changes that will occur during the next 10 years in the Nation's healthcare system.

(c) MEMBERSHIP.—

(1) COMPOSITION.—The Consortium shall be composed of 17 members, of whom—

(A) 1 member shall be appointed by the President and designated by the President as Chairperson of the Consortium;

(B) 4 members shall be appointed by the Majority Leader of the Senate;

(C) 4 members shall be appointed by the Minority Leader of the Senate;

(D) 4 members shall be appointed by the Speaker of the House of Representatives; and

(E) 4 members shall be appointed by the Minority Leader of the House of Representatives.

(2) QUALIFICATIONS.—

(A) IN GENERAL.—Appointments to the Consortium shall be made from individuals who are senior-level executives from the Federal Government or the private-sector who have demonstrated experience as—

(i) providers of senior, geriatric, and other assistive services, including housing, nursing care, home-and-community based services, and assisted living and caregiver organizations;

(ii) technology developers or producers of products for aged individuals;

(iii) Federal, State, or academic researchers that focus on aging issues;

(iv) physicians and other health care providers;

(v) insurers and other payer organizations; and

(vi) representatives of the pharmaceutical industry.

(B) INCLUSION OF SENIORS AND INDIVIDUALS WITH DISABILITIES.—At least 2 appointees shall be—

(i) age 65 or older; or

(ii) an individual with a disability.

(3) DATE OF APPOINTMENTS.—The appointment of a member of the Consortium shall be made not later than 30 days after the date of enactment of this Act.

(d) TERM; VACANCIES.—

(1) TERM.—A member shall be appointed for the life of the Consortium.

(2) VACANCIES.—A vacancy on the Consortium—

(A) shall not affect the powers of the Consortium; and

(B) shall be filled, not later than 30 days after the Consortium is given notice of the vacancy, in the same manner as the original appointment was made.

(e) INITIAL MEETING.—Not later than 30 days after the date on which all members of the Consortium have been appointed, the Consortium shall hold the initial meeting of the Consortium.

(f) MEETINGS.—The Consortium shall meet at the call of the Chairperson.

(g) QUORUM.—A majority of the members of the Consortium shall constitute a quorum, but a lesser number of members may hold hearings.

SEC. 3. DUTIES.

(a) STUDY.—

(1) IN GENERAL.—The Consortium shall conduct a study of all matters relating to the potential use of new technology to assist older adults and their caregivers throughout the aging process.

(2) MATTERS TO BE STUDIED.—The matters to be studied by the Consortium shall include—

(A) methods for identifying technology that can be adapted to meet the needs of seniors, individuals with disabilities, and the caregivers of such seniors and individuals across all aging services settings;

(B) methods for fostering scientific innovation with respect to aging services technology within the business and academic communities;

(C) identifying barriers to innovation in aging services technology and devising strategies for removing such barriers ;

(D) developments in aging services technology in other countries that may be applied in the United States;

(E) methods for ensuring that businesses in the United States have a leadership role in the rapidly expanding global market of aging services technology; and

(F) identifying barriers to the adoption of aging services technology by health care providers and consumers and devising strategies to removing such barriers.

(b) RECOMMENDATIONS.—The Consortium shall develop recommendations with respect to the following:

(1) Identification of developments in current aging services technologies that may result in increased efficiency and cost savings to the healthcare system.

(2) Opportunities for ongoing research and development by the public and private sectors to accelerate the development and adoption of aging services technology in order to—

(A) promote the independence of seniors and individuals with disabilities;

(B) facilitate early disease detection;

(C) delay the physical, cognitive, social, and emotional decline resulting from disease and the aging process;

(D) support wellness activities and preventive behaviors;

(E) promote greater support to community- and facility-based caregivers;

(F) develop systems that improve the quality and efficiency of facility-based care, such as pharmacy distribution programs and secure electronic clinical records;

(G) enhance the utilization of technology by caregivers to reduce the burden of paperwork ;

(H) minimize caregiver burnout; and

(I) reduce medication errors and improve overall compliance.

(3) Identification of methods to ensure that necessary technology infrastructure is in place to deliver aging services to rural and urban areas.

(4) Whether to establish—

(A) a permanent Federal interagency task force that will facilitate the development and distribution of aging services technology; and

(B) a National Resource Center that would stimulate research, oversee demonstration projects, and provide training and technical assistance to Federal, State, and private sector organizations and entities that provide aging services.

(5) Assignment of responsibilities for aging services with respect to jurisdiction, funding, and reporting relationships.

(c) REPORT.—Not later than 24 months after the date of enactment of this Act, the Consortium shall submit to the President and the appropriate committees of Congress a report that contains the recommendations of the Consortium with respect to the following:

(1) DEVELOPMENT OF NATIONAL POLICY.—The development of a national policy to address issues with respect to technology and assistive health services for seniors, including the appropriate roles and responsibilities for the Federal Government, State and local governments, and the private sector.

(2) LEGISLATIVE AND PROGRAM CHANGES.—The specific legislative and regulatory changes with respect to Federal laws and programs that would support and encourage the private sector to develop and make widely available consumer-empowered technology solutions.

(3) ESTABLISHMENT OF NATIONAL RESOURCE CENTER.—The establishment of a National Resource Center on Aging Services Technologies to offer training and assistance to the Federal Government, State and local governments, and the private sector in the application of technology in pilots and trials with respect to assistive health services for seniors.

SEC. 4. POWERS.

(a) HEARINGS.—The Consortium may hold such hearings, meet and act at such times and places, take such testimony, and receive such evidence as the Consortium considers advisable to carry out this Act.

(b) INFORMATION FROM FEDERAL AGENCIES.—

(1) IN GENERAL.—The Consortium may secure directly from a Federal agency such information as the Consortium considers necessary to carry out this Act.

(2) PROVISION OF INFORMATION.—Except as otherwise provided by law, on request of the Chairperson of the Consortium, the head of the agency shall provide the information to the Consortium.

(c) POSTAL SERVICES.—The Consortium may use the United States mails in the same manner and under the same conditions as other agencies of the Federal Government.

(d) CONTRACT AUTHORITY.—The Consortium may contract with and compensate government and private agencies or persons for services, without regard to section 3709 of the Revised Statutes (41 U.S.C. 5).

(e) POWERS OF MEMBERS AND AGENTS.—Any member or agent of the Consortium may, if authorized by the Consortium, take any action which the Consortium is authorized to take by this section.

(f) GIFTS.—The Consortium may accept, use, and dispose of gifts or donations of services or property.

(g) PRINTING.—For purposes of costs relating to printing and binding, including the costs of personnel detailed from the Government Printing Office, the Consortium shall be deemed to be a committee of Congress.

SEC. 5. CONSORTIUM PERSONNEL MATTERS.

(a) COMPENSATION OF MEMBERS.—Members of the Consortium shall receive no additional pay, allowances, or benefits by reason of their service on the Consortium.

(b) TRAVEL EXPENSES.—A member of the Consortium shall be allowed travel expenses, including per diem in lieu of subsistence, at rates authorized for an employee of an agency under subchapter I of chapter 57 of title 5, United States Code, while away from the home or regular place of business of the member in the performance of the duties of the Consortium.

(c) STAFF.—

(1) IN GENERAL.—The Chairperson of the Consortium may, without regard to the civil service laws (including regulations), appoint and terminate an executive director and such other additional personnel as are necessary to enable the Consortium to perform the duties of the Consortium.

(2) COMPENSATION.—

(A) EXECUTIVE DIRECTOR.—The executive director shall be paid the rate of basic pay for level V of the Executive Schedule under section 5316 of title 5, United States Code.

(B) OTHER STAFF.—The staff shall be appointed subject to the provisions of title 5, United States Code, government appointments in the competitive service, and shall be paid in accordance with the provisions of chapter 51 and subchapter III of chapter 53 of that title relating to classification and General Schedule pay rates.

(d) DETAIL OF FEDERAL GOVERNMENT EMPLOYEES.—

(1) IN GENERAL.—An employee of the Federal Government may be detailed to the Consortium without reimbursement.

(2) CIVIL SERVICE STATUS.—The detail of the employee shall be without interruption or loss of civil service status or privilege.

(e) PROCUREMENT OF TEMPORARY AND INTERMITTENT SERVICES.—The Chairperson of the Consortium may procure temporary and intermittent services in accordance with section 3109(b) of title 5, United States Code, at rates for individuals that do not exceed the daily equivalent of the maximum annual rate of basic pay payable for the General Schedule.

(f) PHYSICAL FACILITIES.—The Administrator of the General Services Administration shall locate suitable office space for the operation of the Consortium. The facilities shall serve as the headquarters of the Consortium and shall include all necessary equipment and incidentals required for the proper functioning of the Consortium.

SEC. 6. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated to carry out this Act $1,500,000, for the period of fiscal years 2008 through 2011, to remain available until expended.

SEC. 7. TERMINATION OF CONSORTIUM.

The Consortium shall terminate 180 days after the date on which the Consortium submits the report required under section 3(c).

Mr. REED. Mr. President, I am pleased to join my colleagues, Senator COLEMAN, and Representatives ESHOO and RAMSTAD, in reintroducing the Consortium on the Impact of Technology in Health Services Act.

We face a challenging and exciting time in the evolution of America's health care system. Today, roughly 45 million men and women are over age 65. A full doubling of the elderly population is predicted to occur by the year 2030—with the first of the baby boom generation turning 65 in the year 2011—only four years from now.

Nowhere is the aging of the population more apparent than in my home State of Rhode Island. We exceed the national average in terms of citizens over the age of 65 as well as those over the age of 85. In a State of slightly more than a million people, almost 15 percent of the population is over the age of 65 today. According to Census Bureau estimates, the number of elderly is expected to increase to 18.8 percent of Rhode Island's population by 2025.

Dramatic increases in life expectancy over the last century can be attributed to tremendous advances in health and medical research. These demographic changes also pose new challenges to our health care system that require creative and innovative solutions.

In addition to Americans living longer, keeping up with advancements in medical science poses unique burdens and challenges for our health care system. We are facing shortages in a number of critical health care fields—nurses, primary care physicians, and geriatricians—to name a few. These workforce issues further hinder our ability to keep up with the health care needs of aging Americans.

Greater use of technology has the potential to enhance the quality of care to our aging population and enable seniors to remain healthy and live independently longer. The overwhelming

majority of seniors in my State and across the Nation want to ''age in place''—in their homes—close to their loved ones. Indeed, a growing number of the baby boom generation support funding aging services technology research, and believe technology will allow them to live longer and more independently.

The application of technology in the aging health care services field would also help mitigate the burden on providers, by allowing physicians, home health care workers, and family members to keep in regular contact with patients and loved ones. Better monitoring of elderly patients would also serve to identify changes in their health condition before a serious problem arises.

The bill we are introducing today would build on groundbreaking research and public-private partnerships to find evidence-based approaches to behavioral assessment and non-intrusive health monitoring. Improving in-home monitoring technologies and remote diagnostics will provide seniors and their caregivers with greater independence and flexibility. A recent study found that Americans, particularly those with chronic conditions, are already utilizing the Internet and online tools to better manage their health. Using technology to enhance health care professionals ability to access vital health information will not only improve diagnosis and treatment, but it will also inform the health decisions of seniors and their families.

Smarter applications of technology in caring for the aged could also address some of the growing concerns with skyrocketing budget deficits. As we grapple with Medicare and Medicaid taking up a growing proportion of overall federal spending, we need to carefully balance health care expenditures while also improving the quality of care. We need to use precious health care dollars wisely and prudently as we seek creative ways to continue to provide quality health services to the elderly.

The Consortium on the Impact of Technology in Health Services Act will bring together experts from the medical, aging, and technology fields to build a vision and a framework for the development and implementation of a 21st century health care system able to meet the needs of our burgeoning aging population.

We need to change the way we think about health care for our Nation's seniors. We need a model that is oriented toward health promotion and disease prevention. This legislation gives us a jumpstart on developing and implementing the tools and strategies to serve the senior population of America more effectively and with greater cost savings.

I am pleased to join with my colleagues in introducing this important initiative and hope the Senate will give it careful consideration.

By Mr. AKAKA (for himself, Mr. SUNUNU, Mr. LEAHY, and Mr. TESTER):

S. 717. A bill to repeal title II of the REAL ID Act of 2005, to restore section 7212 of the Intelligence Reform and Terrorism Prevention Act of 2004, which provides States additional regulatory flexibility and funding authorization to more rapidly produce tamper- and counterfeit-resistant driver's licenses, and to protect privacy and civil liberties by providing interested stakeholders on a negotiated rulemaking with guidance to achieve improved 21st century licenses to improve national security; to the Committee on the Judiciary.

Mr. AKAKA. Mr. President, I rise today with my colleagues from New Hampshire, Vermont, and Montana, Senators SUNUNU, LEAHY and TESTER, to reintroduce legislation to address problems with the REAL ID Act of 2005.

Last year, Senator SUNUNU and I introduced S. 4117, the Identity Security Enhancement Act, which would repeal the REAL ID Act and reinstitute the shared rulemaking process and more reasonable guidelines established in the Intelligence Reform and Terrorism Prevention Act of 2004. We joined together to convey our concerns with REAL ID to the Department of Homeland Security (DHS) and to urge the Department to ensure that the forthcoming regulations implementing REAL ID addressed our concerns. Now, on the eve of DHS releasing the proposed REAL ID regulations, we once again introduce our legislation as a placeholder as Congress and the American people review how DHS proposes to implement this costly and controversial law.

I plan to hold a hearing on the REAL ID regulations in the Oversight of Government Management Subcommittee shortly, and I will develop comprehensive legislation to address any privacy and civil liberties issues arising under the Act and any unrealistic burdens placed on the states.

From the time the REAL ID Act became law nearly two years ago, hundreds of organizations—ranging from the National Governor's Association (NGA) to the American Civil Liberties Union (ACLU)—have voice their strong opposition to REAL ID. None of these groups were heard by Congress before the bill was passed in May 2005 as there were no hearings to understand the repercussions of such sweeping legislation.

Rather, the REAL ID Act was attached to the Emergency Supplemental Appropriations Act for Defense, the Global War on Terror, and Tsunami Relief Act (P.L. 109–13) in Conference. It was wrong to include the legislation that has such a massive impact on State and local governments without their input. Not having a full debate on the measure to determine its impact has led an increasing number of State legislatures to introduce and pass legislation to condemn REAL ID and, in some cases, prohibit the state from spending money to implement the Act.

My two primary concerns with REAL ID are that the law places an unrealistic and unfunded burden on state governments and erodes Americans' civil liberties and privacy rights.

There is nothing realistic about REAL ID. The extremely costly and complex set of electronic systems that will be required to connect the thousands of local Departments of Motor Vehicles (DMVs) to one another and to a host of Federal agencies as required under REAL ID may not be practical. This would cost $1.42 billion according to a September 2006 report issued by the NGA, the National Conference of State Legislatures (NCSL), and the American Association of Motor Vehicle Administrators (AAMVA). In addition, the costs to re-issue every current driver's license under the new screening process is estimated to cost approximately $8 billion over five years. Combined with the other requirements imposed on states by REAL ID, such as new design requirements for the ID cards and on-site security, REAL ID will cost over $11 billion. Congress has appropriated only $40 million for REAL ID implementation, which leaves a hefty price tag for the states, especially for legislation that was passed with no review.

In addition to the unrealistic burden REAL ID places on states, REAL ID is a serious threat to our privacy rights and civil liberties.

As I said last year, the REAL ID Act will require every driver's licensing agency to collect and store substantial numbers of records containing licensees' most sensitive personally identifiable information, including one's social security number, proof of residence, and biometric identifiers such as a digital photograph and signature. If the state databases are compromised, they will provide one-stop access to virtually all information necessary to commit identity theft.

Moreover, the sharing of the aggregated personally identifiable information of licensees between and amongst various government agencies and employees at the federal, state, and local level, as contemplated by the REAL ID Act, potentially allows millions of individuals access to that information without protections or safeguards.

Despite these obvious threats to Americans' privacy, the REAL ID Act fails to mandate privacy protections for individuals' information nor does it provide states with the means to implement data security and anti-hacking protections that will be required to safeguard the new databases mandated by the Act.

REAL ID exacerbates the threat of identity theft which threatens our security by giving us a false sense of security.

Unfunded mandates and the lack of privacy and security requirements are real problems that deserve real consideration and real solutions. Congress

has a responsibility to ensure that driver's licenses and ID cards issued in the United States are secure—both from would-be terrorists and identity thieves—affordable, and practical.

I ask unanimous consent that the text of the bill be printed in the RECORD.

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

S. 717

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

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Identification Security Enhancement Act of 2007''.

SEC. 2. REPEAL.

Title II of the REAL ID Act of 2005 (division B of Public Law 109–13; 49 U.S.C. 30301 note) is repealed.

SEC. 3. DRIVER'S LICENSES AND PERSONAL IDENTIFICATION CARDS.

(a) DEFINITIONS.—In this section:

(1) DRIVER'S LICENSE.—The term ''driver's license'' means a motor vehicle operator's license (as defined in section 30301(5) of title 49, United States Code).

(2) PERSONAL IDENTIFICATION CARD.—The term ''personal identification card'' means an identification document (as defined in section 1028(d)(3) of title 18, United States Code) issued by a State.

(b) STANDARDS FOR ACCEPTANCE BY FEDERAL AGENCIES.—

(1) IN GENERAL.—

(A) LIMITATION ON ACCEPTANCE.—No Federal agency may accept, for any official purpose, a driver's license or personal identification card newly issued by a State more than 2 years after the promulgation of the minimum standards under paragraph (2) unless the driver's license or personal identification card conforms to such minimum standards.

(B) DATE FOR FULL CONFORMANCE.—

(i) IN GENERAL.—Except as provided under clause (ii), beginning on the date that is 5 years after the promulgation of minimum standards under paragraph (2), no Federal agency may accept, for any official purpose, a driver's license or personal identification card issued by a State unless such driver's license or personal identification card conforms to such minimum standards.

(ii) ALTERNATIVE DATE FOR FULL CONFORMANCE.—If the Secretary determines that it is impracticable for States to replace all State-issued driver's licenses and personal identification cards before the deadline set forth in clause (i), the Secretary, in consultation with the Secretary of Transportation, may set a later, alternative deadline to the extent necessary for States to complete such replacement with reasonable efforts.

(C) STATE CERTIFICATION.—

(i) IN GENERAL.—Each State shall certify to the Secretary that the State is in compliance with the requirements of this section.

(ii) FREQUENCY.—Certifications under clause (i) shall be made at such intervals and in such a manner as the Secretary, with the concurrence of the Secretary of Transportation, may prescribe by regulation.

(iii) AUDITS.—The Secretary may conduct periodic audits of each State's compliance with the requirements of this section.

(2) MINIMUM STANDARDS.—Not later than 12 months after the date of the enactment of this Act, the Secretary, in consultation with the Secretary of Transportation, shall by regulation, establish by minimum standards for driver's licenses or personal identification cards issued by a State for use by Federal agencies for identification purposes that shall include—

(A) standards for documentation required as proof of identity of an applicant for a driver's license or personal identification card;

(B) standards for the verifiability of documents used to obtain a driver's license or personal identification card;

(C) standards for the processing of applications for driver's licenses and personal identification cards to prevent fraud;

(D) standards for information to be included on each driver's license or personal identification card, including—

(i) the person's full legal name;

(ii) the person's date of birth;

(iii) the person's gender;

(iv) the person's driver's license or personal identification card number;

(v) a photograph of the person;

(vi) the person's address of principal residence; and

(vii) the person's signature;

(E) standards for common machine-readable identity information to be included on each driver's license or personal identification card, including defined minimum data elements;

(F) security standards to ensure that driver's licenses and personal identification cards are—

(i) resistant to tampering, alteration, or counterfeiting; and

(ii) capable of accommodating and ensuring the security of a photograph or other unique identifier; and

(G) a requirement that a State confiscate a driver's license or personal identification card if any component or security feature of the license or identification card is compromised.

(c) NEGOTIATED RULEMAKING.—

(1) IN GENERAL.—Before publishing the proposed regulations required by subsection (b)(2) to carry out this title, the Secretary shall establish a negotiated rulemaking process pursuant to subchapter IV of chapter 5 of title 5, United States Code (5 U.S.C. 561 et seq.).

(2) TIME REQUIREMENT.—The process described in paragraph (1) shall be conducted in a timely manner to ensure that—

(A) any recommendation for a proposed rule or report—

(i) is provided to the Secretary not later than 9 months after the date of the enactment of this Act; and

(ii) includes an assessment of the benefits and costs of the recommendation; and

(B) a final rule is promulgated not later than 12 months after the date of the enactment of this Act.

(3) REPRESENTATION ON NEGOTIATED RULEMAKING COMMITTEE.—Any negotiated rulemaking committee established by the Secretary pursuant to paragraph (1) shall include equal numbers of representatives from—

(A) among State offices that issue driver's licenses or personal identification cards;

(B) among State elected officials;

(C) the Department of Transportation; and

(D) among interested parties, including experts in privacy protection, experts in civil liberties and protection of constitutional rights, and experts in immigration law.

(4) CONTENT OF REGULATIONS.—The regulations required by subsection (b)(2)—

(A) shall facilitate communication between the chief driver licensing official of a State, an appropriate official of a Federal agency and other relevant officials, to verify the authenticity of documents, as appropriate, issued by such Federal agency or entity and presented to prove the identity of an individual;

(B) may not infringe on a State's power to set criteria concerning what categories of individuals are eligible to obtain a driver's license or personal identification card from that State;

(C) may not require a State to comply with any such regulation that conflicts with or otherwise interferes with the full enforcement of State criteria concerning the categories of individuals that are eligible to obtain a driver's license or personal identification card from that State;

(D) may not require a single design to which driver's licenses or personal identification cards issued by all States must conform; and

(E) shall include procedures and requirements to protect the privacy rights of individuals who apply for and hold driver's licenses and personal identification cards.

(F) shall include procedures and requirements to protect the federal and state constitutional rights and civil liberties of individuals who apply for and hold driver's licenses and personal identification cards;

(G) shall not permit the transmission of any personally identifiable information except for in encrypted format;

(H) shall provide individuals with procedural and substantive due process, including promulgating rules and rights of appeal, to challenge errors in data records contained within the databases created to implement this Act;

(I) shall not permit private entities to scan the information contained on the face of a license, or in the machine readable component of the license, and resell, share or trade that information with any other third parties, nor shall private entities be permitted to store the information collected for any other than fraud prevention purposes;

(J) shall not preempt state privacy laws that are more protective of personal privacy than the standards, or regulations promulgated to implement this Act; and

(K) shall neither permit nor require verification of birth certificates until a nationwide system is designed to facilitate such verification.

(d) GRANTS TO STATES.—

(1) ASSISTANCE IN MEETING FEDERAL STANDARDS.—Beginning on the date a final regulation is promulgated under subsection (b)(2), the Secretary shall award grants to States to assist them in conforming to the minimum standards for driver's licenses and personal identification cards set forth in the regulation.

(2) ALLOCATION OF GRANTS.—The Secretary shall award grants to States under this subsection based on the proportion that the estimated average annual number of driver's licenses and personal identification cards issued by a State applying for a grant bears to the average annual number of such documents issued by all States.

(3) MINIMUM ALLOCATION.—Notwithstanding paragraph (2), each State shall receive not less than 0.5 percent of the grant funds made available under this subsection.

(4) SEPARATE FUNDING.—Funds appropriated for grants under this section may not be commingled with other grant funds administered by the Department and may not be used for any purpose other than the purpose set forth in paragraph (1).

(e) EXTENSION OF EFFECTIVE DATE.—The Secretary may extend the date specified under subsection (b)(1)(A) for not more than 2 years for driver's licenses issued by a State if the Secretary determines that the State made reasonable efforts to comply with the date under such subsection but was unable to do so.

SEC. 4. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated to the Secretary $300,000,000 for each of the fiscal years 2007 through 2013 to carry out this Act.

By Mr. DURBIN (for himself and Mr. CRAPO):

S. 718. A bill to optimize the delivery of critical care medicine and expand the critical care workforce; to the Committee on Health, Education, Labor, and Pensions.

Mr. DURBIN. Mr. President, why hold off for tomorrow what we can do today? The current healthcare crisis in our Nation did not happen overnight. It has been accumulating as a result of a lack of serious attention to the most pressing healthcare issues, including healthcare workforce shortages. As a husband and a parent, I pray every day that my wife and children will have access to the quality healthcare they deserve when they need it. As a public official, I believe that it is my responsibility to help make that care available for not only my own family, but also for the families in the State of Illinois and across the Nation.

The growing shortage of critical care physicians undermines the quality and availability of health care services in the United States. This shortage can be expected to disproportionately impact rural and other areas of the United States that already often suffer from a sub-optimal level of critical care services. When a loved one needs a critical care doctor, would we not want one to be available? If research tells us that their recovery may be better and their recovery time faster, would we not want our loved one to have access to a critical care doctor?

The Leap Frog Group has clearly documented that significant improvement in outcomes—in both quality and cost—result when a critically ill or injured patient is seen by an intensivist. With a greater use of intensivists, an estimated 54,000 deaths that currently occur in ICUs could be avoided. Unfortunately, only one-third of our critically ill citizens are treated by physicians and nurses specifically trained to manage their complex health issues.

In June 2003, Congress asked the Health Resources and Services Administration—HRSA—to examine the healthcare needs of a growing population and the availability of pulmonary and critical care physicians. In its May 2006 report to Congress entitled ''The Critical Care Workforce: A Study of the Supply and Demand for Critical Care Physicians,'' HRSA found that the country does not have enough physicians trained in critical care medicine to treat all those in need of the care. The report projected future demand for these services and found that, as a result of having to staff ICUs with critical care doctors, a total of 4,300 intensivist physicians will be needed when only 2,800 are available. The HRSA report recognized that the demand in the United States for critical care medical services is rising sharply and will continue to do so.

To proactively address the healthcare needs of our nation, I am pleased to join with my colleague Senator CRAPO today to introduce legislation to address the looming shortage of critical care providers. Our bill, The Patient-Focused Critical Care Enhancement Act authorizes a series of modest and sensible measures that—if enacted now instead of waiting for this shortage to worsen—can help to obviate the problem.

First, the Patient-Focused Critical Care Enhancement Act would direct the Agency for Health Research and Quality to assess the current state of and recommend ''best practices'' for critical care medicine. The authorization of demonstration projects on innovations in ICU services and on family-centered, multi-disciplinary approaches to critical care services are important for determining how to improve the quality of the care delivered and how to best make use of our existing resources of critical care doctors.

Our bill would also expand telemedicine opportunities for critical care physicians to promote efforts relating to critical care and ensure that all communities have greater access to this important, lifesaving care. For our rural communities and medically underserved areas, the need for critical care doctors is exacerbated. This bill will hopefully expand the effectiveness of existing critical care providers in environments where intensivists are in short supply.

Finally, to address the supply problem, the bill would allow for the National Health Service Corps to support and encourage critical care providers to practice in medically underserved areas.

The Patient-Focused Critical Care Enhancement Act is strongly endorsed by the key medical specialty societies and patient groups involved in critical care medicine, including the American College of Chest Physicians, the American Thoracic Society, the Society for Critical Care Medicine, the Association of Critical Care Nurses and the Acute Respiratory Distress Syndrome Foundation.

This multipronged approach is to look at both short term and long term solutions to a growing concern. But in today's complex healthcare situation, multiple solutions are a necessity. We do not want to face this shortage in the future in a direr situation as the nursing shortage currently is.

The answer to the opening question is simple. We must not hold off for tomorrow what we can do today, and we must not wait for our healthcare crisis to worsen. Our country will face a critical care workforce shortage. I want my family to have access to the best quality care when they need it, and this includes having access to a critical care doctor. Passage of the Patient-Focused Critical Care Enhancement Act is a step in that direction.

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

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

S. 718

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

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Patient-Focused Critical Care Enhancement Act''.

SEC. 2. PURPOSE.

The purpose of this Act is to optimize the delivery of critical care medicine and expand the critical care workforce.

SEC. 3. FINDINGS.

Based on the Health Resources and Services Administration's May 2006 Report to Congress, The Critical Care Workforce: A Study of the Supply and Demand for Critical Care Physicians, the Senate makes the following findings:

(1) In 2000, an estimated 18,000,000 inpatient days of ICU care were provided in the United States through approximately 59,000 ICU beds in 3,200 hospitals.

(2) Patient outcomes and the quality of care in the ICU are related to who delivers that care and how care is organized.

(3) The demand in the United States for critical care medical services is rising sharply and will continue to rise sharply largely as a result of the following 3 factors:

(A) There is strong evidence demonstrating improvements in outcomes and efficiency when intensive care services are provided by nurses and intensivist physicians who have advanced specialty training in critical care medicine.

(B) The Leapfrog Group, health care payors, and providers are encouraging greater use of such personnel in intensive care settings.

(C) Critical care services are overwhelmingly consumed by patients over the age of 65 and the aging of the United States population is driving demand for these services.

(4) The future growth in the number of critical care physicians in ICU settings will be insufficient to keep pace with growing demand.

(5) This growing shortage of critical care physicians presents a serious threat to the quality and availability of health care services in the United States.

(6) This shortage will disproportionately impact rural and other areas of the United States that already often suffer from a sub-optimal level of critical care services.

SEC. 4. RESEARCH.

(a) IN GENERAL.—The Secretary of Health and Human Services, through the Agency for Healthcare Research and Quality, shall conduct research to assess—

(1) the standardization of critical care protocols, intensive care unit layout, equipment interoperability, and medical informatics;

(2) the impact of differences in staffing, organization, size, and structure of intensive care units on access, quality, and efficiency of care; and

(3) coordinated community and regional approaches to providing critical care services, including approaches whereby critical care patients are assessed and provided care based upon intensity of services required.

(b) REPORT.—Not later than 18 months after the date of enactment of this Act, the Agency for Healthcare Research and Quality shall submit a report to Congress, that, based on the review under subsection (a), evaluates and makes recommendations regarding best practices in critical care medicine.

SEC. 5. INNOVATIVE APPROACHES TO CRITICAL CARE SERVICES.

The Secretary of Health and Human Services shall undertake the following demonstration projects:

(1) OPTIMIZATION OF CRITICAL CARE SERVICES.—

(A) IN GENERAL.—The Administrator of the Centers for Medicare & Medicaid Services shall solicit proposals submitted by inpatient providers of critical care services who propose to demonstrate methods to optimize the provision of critical care services to Medicare beneficiaries through innovations in such areas as staffing, ICU arrangement, and utilization of technology.

(B) FUNDING OF PROPOSALS.—The Administrator of the Centers for Medicare & Medicaid Services shall fund not more than 5 proposals, not less than 1 of which shall focus on the training of hospital-based physicians in rural or community, or both, hospital facilities in the provision of critical care medicine. Such projects shall emphasize outcome measures based on the Institute of Medicine's following 6 domains of quality care:

(i) Care should be safe.

(ii) Care should be effective.

(iii) Care should be patient-centered.

(iv) Care should be timely.

(v) Care should be efficient.

(vi) Care should be equitable.

(2) FAMILY ASSISTANCE PROGRAMS FOR THE CRITICALLY ILL.—

(A) IN GENERAL.—The Secretary of Health and Human Services shall solicit proposals and make an award to support a consortium consisting of 1 or more providers of inpatient critical care services and a medical specialty society involved in the education and training of critical care providers.

(B) MEASUREMENT AND EVALUATION.—A provider that receives support under subparagraph (A) shall measure and evaluate outcomes derived from a ''family-centered'' approach to the provision of inpatient critical care services that includes direct and sustained communication and contact with beneficiary family members, involvement of family members in the critical care decision-making process, and responsiveness of critical care providers to family requests. Such project shall evaluate the impact of a family-centered, multiprofessional team approach on, and the correlation between—

(i) family satisfaction;

(ii) staff satisfaction;

(iii) length of patient stay in an intensive care unit; and

(iv) cost of care.

(C) OUTCOME MEASURES.—A provider that receives support under subparagraph (A) shall emphasize outcome measures based on the Institute of Medicine's following 6 domains of quality care:

(i) Care should be safe.

(ii) Care should be effective.

(iii) Care should be patient-centered.

(iv) Care should be timely.

(v) Care should be efficient.

(vi) Care should be equitable.

SEC. 6. USE OF TELEMEDICINE TO ENHANCE CRITICAL CARE SERVICES IN RURAL AREAS.

(a) AMENDMENT TO RURAL UTILITIES SERVICE DISTANCE LEARNING AND TELEMEDICINE PROGRAM.—Chapter 1 of subtitle D of title XXIII of the Food, Agriculture, Conservation, and Trade Act of 1990 (7 U.S.C. 950aaa et seq.) is amended by adding at the end the following:

''SEC. 2335B. ADDITIONAL AUTHORIZATION OF APPROPRIATIONS FOR TELEMEDICINE CRITICAL CARE INITIATIVES.

''In addition to amounts authorized under section 2335A, there is authorized to be appropriated $5,000,000 in each of fiscal years 2008 through 2013 to carry out telemedicine initiatives under this chapter whereby 1 or more rural providers of inpatient critical care services propose, through collaboration with other providers, to augment the delivery of critical care services in the rural inpatient setting through the use of telecommunications systems that allow for consultation with critical care providers not located in the rural facility regarding the care of such patients.''.

(b) AMENDMENT TO TELEHEALTH NETWORK GRANT PROGRAM.—Section 330I(i)(1)(B) of the Public Health Service Act (42 U.S.C. 254c–14(i)(1)(B)) is amended by striking the period at the end and inserting '', or that augment the delivery of critical care services in rural inpatient settings through consultation with providers located elsewhere.''.

SEC. 7. INCREASING THE SUPPLY OF CRITICAL CARE PROVIDERS.

Section 338B of the Public Health Service Act (42 U.S.C. 2541–1) is amended by adding at the end the following:

''(i) CRITICAL CARE INITIATIVE.—

''(1) ESTABLISHMENT.—The Secretary shall undertake an initiative that has as its goal the annual recruitment of not less than 50 providers of critical care services into the National Health Service Corps Loan Repayment Program. Providers recruited pursuant to this initiative shall be additional to, and not detract from, existing recruitment activities otherwise authorized by this section.

''(2) CLARIFYING AMENDMENT.—The initiative described in paragraph (1) shall be undertaken pursuant to the authority of this section, and for purposes of the initiative—

''(A) the term 'primary health services' as used in subsection (a) shall be understood to include critical care services; and

''(B) 'an approved graduate training program' as that term is used in subsection (b)(1)(B) shall be limited to pulmonary fellowships or critical care fellowships, or both, for physicians.''.

SEC. 8. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated to carry out this Act—

(1) $5,000,000 for the research to be conducted under section 4; and

(2) $4,000,000 for the demonstration projects authorized under section 5.

By Mr. LAUTENBERG (for himself, Mr. MENENDEZ, Mr. KENNEDY, and Mr. REED):

S. 719. A bill to amend section 10501 of title 49, United States Code, to exclude solid waste disposal from the jurisdiction of the Surface Transportation Board; to the Committee on Commerce, Science, and Transportation.

Mr. LAUTENBERG. Mr. President, I rise today to re-introduce legislation that will close an egregious loophole in federal law. Currently, this loophole permits solid waste management facilities operated near railroads to go unregulated—free from meeting any minimum level of safety, health, and environmental standards. Basically, this loophole prevents state or local law from regulating the operation of these facilities on property owned or controlled by railroads.

In fact, just last week, a United States District Court judge declared this loophole alive and well. By shutting down the State of New Jersey's efforts to regulate solid waste rail facilities, this ruling allows the continuing proliferation of these unregulated facilities—which are already spreading quickly throughout the Northeast United States.

These unregulated facilities present an imminent threat to public health and the environment. My bill, the Clean Railroads Act of 2007, will close this loophole once and for all. Almost 2 years ago, I first introduced legislation to address this problem, and I renew that effort today.

This problem could easily be solved by proper interpretation of current federal law. Such an interpretation could be made by the federal Surface Transportation Board (STB), an independent board charged with economic regulation of railroads. However, despite several opportunities, the STB has chosen not to define a clear position on this issue. I have urged the Board members to address this problem, as the loophole in federal law has allowed even more of these unregulated facilities to operate.

Last week's court ruling has highlighted the need to find a solution to this problem immediately, and my bill would do just that.

Let me be clear that my concern is not the transport of solid waste by rail. Railroads provide a vital role in commerce in the United States and the benefits of rail transportation are numerous, as we in New Jersey know. Further, the transportation of waste via rail is not at issue here, and I am not opposed to the operation of solid waste management facilities on property owned or controlled by railroads.

My chief concern is the lawful management of solid waste facilities. If a solid waste management facility is to be operated on rail property, it must be regulated like any other such facility. That is not happening today.

The threats posed by unregulated waste management facilities operating on property owned or controlled by railroads are so great that a broad and diverse coalition of public and private sector entities have been formed to oppose these rogue operations. I thank these coalition members for their continued efforts, and will be looking forward to the day in which their fears over this issue can be permanently assuaged.

Responsible management of solid waste requires safeguards to protect public health and the environment. As Chairman of the Commerce Committee's Subcommittee on Surface Transportation and Merchant Marine Infrastructure, Safety, and Security, which has jurisdiction over railroads and the Surface Transportation Board, I will work to ensure this loophole does not continue to let the hazards of unregulated solid waste rail facilities affect the lives of New Jerseyans and other Americans.

I ask unanimous consent that the text of the bill be printed in the RECORD.

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

S. 719

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

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Clean Railroads Act of 2007''.

SEC. 2. AMENDMENTS TO EXCLUDE SOLID WASTE FACILITIES FROM THE JURISDICTION OF THE BOARD.

Section 10501 of title 49, United States Code, is amended—

(1) by striking ''facilities,'' in subsection (b)(2) and inserting ''facilities (except solid waste management facilities (as defined in section 1004 of the Solid Waste Disposal Act (42 U.S.C. 6903))),''; and

(2) by striking ''over mass transportation provided by a local governmental authority.'' in subsection (c)(2) and inserting ''over—

''(A) mass transportation provided by a local governmental authority; or

''(B) the processing or sorting of solid waste.''.

SUBMITTED RESOLUTIONS

SENATE RESOLUTION 88—HONORING THE EXTRAORDINARY ACHIEVEMENTS OF MASSACHUSETTS GOVERNOR DEVAL PATRICK

Mr. KERRY (for himself and Mr. KENNEDY) submitted the following resolution; which was referred to the Committee on the Judiciary:

S. RES. 88

Whereas February is widely recognized as Black History Month;

Whereas Deval Patrick was born in Chicago, Illinois but, after receiving what he has described as a life-changing education at Milton Academy, has made Milton, Massachusetts his home;

Whereas Deval Patrick is the second African American elected Governor in the history of the United States;

Whereas Deval Patrick has been a pioneer his entire life and was the first member of his family to attend college;

Whereas Deval Patrick graduated with honors from Harvard College in 1978;

Whereas Deval Patrick was elected president of the Legal Aid Bureau while attending Harvard Law School and worked to defend poor families in Middlesex County, Massachusetts during law school;

Whereas Deval Patrick spent many successful years at the National Association for the Advancement of Colored People Legal Defense Fund, devoting his efforts to anti-discrimination and voting rights cases;

Whereas Deval Patrick served as a partner at the Boston law firm of Hill and Barlow and took on many pro bono cases, including a landmark lending scam case filed on behalf of the Commonwealth of Massachusetts;

Whereas Deval Patrick was appointed Assistant Attorney General for Civil Rights, the Nation's top civil rights enforcement post, by President Bill Clinton;

Whereas Deval Patrick served with distinction as Assistant Attorney General for Civil Rights, investigating church burnings, prosecuting hate crimes and abortion clinic violence, holding public employers accountable for job discrimination, ensuring access to housing free of discrimination, protecting the right to vote, and enforcing the Americans with Disabilities Act (42 U.S.C. 12101 et seq.) and other important civil rights laws;

Whereas Deval Patrick returned to private practice with the Boston law firm Day, Berry, and Howard in 1997;

Whereas Deval Patrick was appointed by a Federal district court in 1997 to serve as the first chairperson of Texaco's Equality and Fairness Task Force, and was charged with rebuilding the company's system of employment practices following the settlement of a significant race discrimination case against the company;

Whereas, beginning in 1999, Deval Patrick served as president and general counsel of Texaco and subsequently executive vice president and general counsel of Coca-Cola before returning to Massachusetts to run for Governor;

Whereas Deval Patrick shows great promise as the Commonwealth's new Governor; and

Whereas Deval Patrick is aided in his service to Massachusetts by his loving wife Diane and his daughters Sarah and Katherine: Now, therefore, be it

Resolved, That the Senate—

(1) honors the extraordinary achievements of Massachusetts Governor Deval Patrick;

(2) offers its appreciation for Deval Patrick's continuing devotion to the people of Massachusetts; and

(3) congratulates Deval Patrick on his historic election as Governor of Massachusetts and becoming the second African-American Governor in the history of the United States.

Mr. KERRY. Mr. President, I would like to take a moment to honor an extraordinary man, a dedicated public servant, and, now, the Governor of my home State, Massachusetts: Deval Patrick. It is particularly fitting that we honor Deval today—during Black History Month—because not only is Deval an outstanding choice to lead our State, but he is only the second African American to be elected governor in American History.

Think about that: the second African American to be elected governor in any of the 50 States of our great Nation. That is pretty amazing. But what is more amazing is that the people of Massachusetts did not elect him because they wanted to make history, they elected him because they knew he was the best man for the job. They recognized that ''Together We Can'' was more than just a catchy campaign slogan—it's a philosophy about how to treat people and how to lead them. And it embodies the kind of leadership our State and our Nation are crying out for at this time.

Throughout his entire life, Deval Patrick has been pushing the envelope, striving to achieve what many thought was impossible, overcoming obstacles that might have made others of lesser conviction or determination turn back. After all, this is a man who went from the South Side of Chicago to the Harvard Law Review.

This is a man who was elected President of the Legal Aid Bureau while attending Harvard Law School and who defended poor families in Middlesex County, MA prior to graduation. Let me tell you something, I attended law school, and I worked in the DA's office prior to my graduation. It is no easy task to balance these competing demands, to work with families day in and day out on issues that their lives depend on. It is a truly remarkable achievement.

Yet, Deval's commitment to public service did not end there. In fact, it was just beginning. Deval went on to spend many successful years at the NAACP Legal Defense Fund, devoting his efforts to discrimination and voting rights cases. Then, after serving as a Partner at the Boston law firm of Hill & Barlow, he was appointed Assistant Attorney General for Civil Rights by President Bill Clinton.

At the Justice Department, Deval served with distinction in this—the Nation's top civil rights post—investigating church burnings, prosecuting hate crimes and abortion clinic violence; holding public employers accountable for job discrimination; ensuring access to housing free of discrimination; protecting the right to vote; and enforcing the Americans with Disabilities Act, and other important civil rights laws.

During his time at Justice, Deval proved that he would fight for justice, that he would fight for individual rights, and that he was not afraid to hold people accountable, even if others found it politically difficult or distasteful.

These are just a few of Deval Patrick's tremendous career accomplishments that lead him to this point in time as my state's newest Governor.

For generations, too many young Americans have grown up with a gnawing sense of doubt: that maybe the best that America has to offer doesn't really apply to them. That's why I am so happy that a generation of children will see men like Deval Patrick in great positions of leadership. And it is my great hope that positive examples like his will lead a new generation of people of color to push this country to ever greater heights.

SENATE RESOLUTION 89—AUTHORIZING EXPENDITURES BY COMMITTEES OF THE SENATE FOR THE PERIODS MARCH 1, 2007, THROUGH SEPTEMBER 30, 2007, AND OCTOBER 1, 2007, THROUGH SEPTEMBER 30, 2008, AND OCTOBER 1, 2008, THROUGH FEBRUARY 28, 2009

Mrs. FEINSTEIN submitted the following resolution; from the Committee on Rules and Administration; which was placed on the calendar:

S. RES. 89

Resolved,

SECTION 1. AGGREGATE AUTHORIZATION.

(a) IN GENERAL.—For purposes of carrying out the powers, duties, and functions under the Standing Rules of the Senate, and under the appropriate authorizing resolutions of the Senate there is authorized for the period March 1, 2007, through September 30, 2007, in the aggregate of $55,446,216, for the period October 1, 2007, through September 30, 2008, in the aggregate of $97,164,714, and for the period October 1, 2008, through February 28, 2009, in the aggregate of $41,263,116, in accordance with the provisions of this resolution, for standing committees of the Senate, the Special Committee on Aging, the Select Committee on Intelligence, and the Committee on Indian Affairs.

(b) AGENCY CONTRIBUTIONS.—There are authorized such sums as may be necessary for agency contributions related to the compensation of employees of the committees for the period March 1, 2007, through September 30, 2007, for the period October 1, 2007,

through September 30, 2008, and for the period October 1, 2008, through February 28, 2009, to be paid from the appropriations account for ''Expenses of Inquiries and Investigations'' of the Senate.

SEC. 2. COMMITTEE ON AGRICULTURE, NUTRITION, AND FORESTRY.

(a) GENERAL AUTHORITY.—In carrying out its powers, duties, and functions under the Standing Rules of the Senate, in accordance with its jurisdiction under rule XXV of such rules, including holding hearings, reporting such hearings, and making investigations as authorized by paragraphs 1 and 8 of rule XXVI of the Standing Rules of the Senate, the Committee on Agriculture, Nutrition, and Forestry is authorized from March 1, 2007, through February 28, 2009, in its discretion—

(1) to make expenditures from the contingent fund of the Senate;

(2) to employ personnel; and

(3) with the prior consent of the Government department or agency concerned and the Committee on Rules and Administration, to use on a reimbursable, or nonreimbursable, basis the services of personnel of any such department or agency.

(b) EXPENSES FOR PERIOD ENDING SEPTEMBER 30, 2007.—The expenses of the committee for the period March 1, 2007, through September 30, 2007, under this section shall not exceed $2,204,538, of which amount—

(1) not to exceed $200,000, may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946 (2 U.S.C. 72a(i))); and

(2) not to exceed $40,000, may be expended for the training of the professional staff of such committee (under procedures specified by section 202(j) of that Act).

(c) EXPENSES FOR FISCAL YEAR 2008 PERIOD.—The expenses of the committee for the period October 1, 2007, through September 30, 2008, under this section shall not exceed $3,862,713, of which amount—

(1) not to exceed $200,000, may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946 (2 U.S.C. 72a(i))); and

(2) not to exceed $40,000, may be expended for the training of the professional staff of such committee (under procedures specified by section 202(j) of that Act).

(d) EXPENSES FOR PERIOD ENDING FEBRUARY 28, 2009.—For the period October 1, 2008, through February 28, 2009, expenses of the committee under this section shall not exceed $1,640,188, of which amount—

(1) not to exceed $200,000, may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946); and

(2) not to exceed $40,000, may be expended for the training of the professional staff of such committee (under procedures specified by section 202(j) of that Act).

SEC. 3. COMMITTEE ON ARMED SERVICES.

(a) GENERAL AUTHORITY.—In carrying out its powers, duties, and functions under the Standing Rules of the Senate, in accordance with its jurisdiction under rule XXV of such rules, including holding hearings, reporting such hearings, and making investigations as authorized by paragraphs 1 and 8 of rule XXVI of the Standing Rules of the Senate, the Committee on Armed Services is authorized from March 1, 2007, through February 28, 2009, in its discretion—

(1) to make expenditures from the contingent fund of the Senate;

(2) to employ personnel; and

(3) with the prior consent of the Government department or agency concerned and the Committee on Rules and Administration, to use on a reimbursable, or nonreimbursable, basis the services of personnel of any such department or agency.

(b) EXPENSES FOR PERIOD ENDING SEPTEMBER 30, 2007.—The expenses of the committee for the period March 1, 2007, through September 30, 2007, under this section shall not exceed $4,073,254, of which amount—

(1) not to exceed $75,000, may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946 (2 U.S.C. 72a(i))); and

(2) not to exceed $30,000, may be expended for the training of the professional staff of such committee (under procedures specified by section 202(j) of that Act).

(c) EXPENSES FOR FISCAL YEAR 2008 PERIOD.—The expenses of the committee for the period October 1, 2007, through September 30, 2008, under this section shall not exceed $7,139,800, of which amount—

(1) not to exceed $80,000, may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946 (2 U.S.C. 72a(i))); and

(2) not to exceed $30,000, may be expended for the training of the professional staff of such committee (under procedures specified by section 202(j) of that Act).

(d) EXPENSES FOR PERIOD ENDING FEBRUARY 28, 2009.—For the period October 1, 2008, through February 28, 2009, expenses of the committee under this section shall not exceed $3,032,712, of which amount—

(1) not to exceed $50,000, may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946); and

(2) not to exceed $30,000, may be expended for the training of the professional staff of such committee (under procedures specified by section 202(j) of that Act).

SEC. 4. COMMITTEE ON BANKING, HOUSING, AND URBAN AFFAIRS.

(a) GENERAL AUTHORITY.—In carrying out its powers, duties, and functions under the Standing Rules of the Senate, in accordance with its jurisdiction under rule XXV of such rules, including holding hearings, reporting such hearings, and making investigations as authorized by paragraphs 1 and 8 of rule XXVI of the Standing Rules of the Senate, the Committee on Banking, Housing, and Urban Affairs is authorized from March 1, 2007, through February 28, 2009, in its discretion—

(1) to make expenditures from the contingent fund of the Senate;

(2) to employ personnel; and

(3) with the prior consent of the Government department or agency concerned and the Committee on Rules and Administration, to use on a reimbursable, or nonreimbursable, basis the services of personnel of any such department or agency.

(b) EXPENSES FOR PERIOD ENDING SEPTEMBER 30, 2007.—The expenses of the committee for the period March 1, 2007, through September 30, 2007, under this section shall not exceed $3,370,280, of which amount—

(1) not to exceed $12,000, may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946 (2 U.S.C. 72a(i))); and

(2) not to exceed $700, may be expended for the training of the professional staff of such committee (under procedures specified by section 202(j) of that Act).

(c) EXPENSES FOR FISCAL YEAR 2008 PERIOD.—The expenses of the committee for the period October 1, 2007, through September 30, 2008, under this section shall not exceed $5,905,629, of which amount—

(1) not to exceed $20,000, may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946 (2 U.S.C. 72a(i))); and

(2) not to exceed $1,200, may be expended for the training of the professional staff of such committee (under procedures specified by section 202(j) of that Act).

(d) EXPENSES FOR PERIOD ENDING FEBRUARY 28, 2009.—For the period October 1, 2008, through February 28, 2009, expenses of the committee under this section shall not exceed $2,507,776, of which amount—

(1) not to exceed $8,000, may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946); and

(2) not to exceed $500, may be expended for the training of the professional staff of such committee (under procedures specified by section 202(j) of that Act).

SEC. 5. COMMITTEE ON THE BUDGET.

(a) GENERAL AUTHORITY.—In carrying out its powers, duties, and functions under the Standing Rules of the Senate, in accordance with its jurisdiction under rule XXV of such rules, including holding hearings, reporting such hearings, and making investigations as authorized by paragraph 1 of rule XXVI of the Standing Rules of the Senate, the Committee on the Budget is authorized from March 1, 2007, through February 28, 2009, in its discretion—

(1) to make expenditures from the contingent fund of the Senate;

(2) to employ personnel; and

(3) with the prior consent of the Government department or agency concerned and the Committee on Rules and Administration, to use on a reimbursable, or nonreimbursable, basis the services of personnel of any such department or agency.

(b) EXPENSES FOR PERIOD ENDING SEPTEMBER 30, 2007.—The expenses of the committee for the period March 1, 2007, through September 30, 2007, under this section shall not exceed $3,554,606, of which amount—

(1) not to exceed $35,000, may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946 (2 U.S.C. 72a(i))); and

(2) not to exceed $70,000, may be expended for the training of the professional staff of such committee (under procedures specified by section 202(j) of that Act).

(c) EXPENSES FOR FISCAL YEAR 2008 PERIOD.—The expenses of the committee for the period October 1, 2007, through September 30, 2008, under this section shall not exceed $6,230,828, of which amount—

(1) not to exceed $60,000, may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946 (2 U.S.C. 72a(i))); and

(2) not to exceed $120,000, may be expended for the training of the professional staff of such committee (under procedures specified by section 202(j) of that Act).

(d) EXPENSES FOR PERIOD ENDING FEBRUARY 28, 2009.—For the period October 1, 2008, through February 28, 2009, expenses of the committee under this section shall not exceed $2,646,665, of which amount—

(1) not to exceed $25,000, may be expended for the procurement of the services of individual consultants, or organizations thereof

(as authorized by section 202(i) of the Legislative Reorganization Act of 1946); and

(2) not to exceed $50,000, may be expended for the training of the professional staff of such committee (under procedures specified by section 202(j) of that Act).

SEC. 6. COMMITTEE ON COMMERCE, SCIENCE, AND TRANSPORTATION.

(a) GENERAL AUTHORITY.—In carrying out its powers, duties, and functions under the Standing Rules of the Senate, in accordance with its jurisdiction under rule XXV of such rules, including holding hearings, reporting such hearings, and making investigations as authorized by paragraphs 1 and 8 of rule XXVI of the Standing Rules of the Senate, the Committee on Commerce, Science, and Transportation is authorized from March 1, 2007, through February 28, 2009, in its discretion—

(1) to make expenditures from the contingent fund of the Senate;

(2) to employ personnel; and

(3) with the prior consent of the Government department or agency concerned and the Committee on Rules and Administration, to use on a reimbursable, or nonreimbursable, basis the services of personnel of any such department or agency.

(b) EXPENSES FOR PERIOD ENDING SEPTEMBER 30, 2007.—The expenses of the committee for the period March 1, 2007, through September 30, 2007, under this section shall not exceed $3,652,467, of which amount—

(1) not to exceed $50,000, may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946 (2 U.S.C. 72a(i))); and

(2) not to exceed $50,000, may be expended for the training of the professional staff of such committee (under procedures specified by section 202(j) of that Act).

(c) EXPENSES FOR FISCAL YEAR 2008 PERIOD.—The expenses of the committee for the period October 1, 2007, through September 30, 2008, under this section shall not exceed $6,400,560, of which amount—

(1) not to exceed $50,000, may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946 (2 U.S.C. 72a(i))); and

(2) not to exceed $50,000, may be expended for the training of the professional staff of such committee (under procedures specified by section 202(j) of that Act).

(d) EXPENSES FOR PERIOD ENDING FEBRUARY 28, 2009.—For the period October 1, 2008, through February 28, 2009, expenses of the committee under this section shall not exceed $2,718,112, of which amount—

(1) not to exceed $50,000, may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946); and

(2) not to exceed $50,000, may be expended for the training of the professional staff of such committee (under procedures specified by section 202(j) of that Act).

SEC. 7. COMMITTEE ON ENERGY AND NATURAL RESOURCES.

(a) GENERAL AUTHORITY.—In carrying out its powers, duties, and functions under the Standing Rules of the Senate, in accordance with its jurisdiction under rule XXV of such rules, including holding hearings, reporting such hearings, and making investigations as authorized by paragraphs 1 and 8 of rule XXVI of the Standing Rules of the Senate, the Committee on Energy and Natural Resources is authorized from March 1, 2007, through February 28, 2009, in its discretion—

(1) to make expenditures from the contingent fund of the Senate;

(2) to employ personnel; and

(3) with the prior consent of the Government department or agency concerned and the Committee on Rules and Administration, to use on a reimbursable, or nonreimbursable, basis the services of personnel of any such department or agency.

(b) EXPENSES FOR PERIOD ENDING SEPTEMBER 30, 2007.—The expenses of the committee for the period March 1, 2007, through September 30, 2007, under this section shall not exceed $3,083,641.

(c) EXPENSES FOR FISCAL YEAR 2008 PERIOD.—The expenses of the committee for the period October 1, 2007, through September 30, 2008, under this section shall not exceed $5,404,061.

(d) EXPENSES FOR PERIOD ENDING FEBRUARY 28, 2009.—For the period October 1, 2008, through February 28, 2009, expenses of the committee under this section shall not exceed $2,295,042.

SEC. 8. COMMITTEE ON ENVIRONMENT AND PUBLIC WORKS.

(a) GENERAL AUTHORITY.—In carrying out its powers, duties, and functions under the Standing Rules of the Senate, in accordance with its jurisdiction under rule XXV of such rules, including holding hearings, reporting such hearings, and making investigations as authorized by paragraphs 1 and 8 of rule XXVI of the Standing Rules of the Senate, the Committee on Environment and Public Works is authorized from March 1, 2007, through February 28, 2009, in its discretion—

(1) to make expenditures from the contingent fund of the Senate;

(2) to employ personnel; and

(3) with the prior consent of the Government department or agency concerned and the Committee on Rules and Administration, to use on a reimbursable, or nonreimbursable, basis the services of personnel of any such department or agency.

(b) EXPENSES FOR PERIOD ENDING SEPTEMBER 30, 2007.—The expenses of the committee for the period March 1, 2007, through September 30, 2007, under this section shall not exceed $2,841,799, of which amount—

(1) not to exceed $4,667, may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946 (2 U.S.C. 72a(i))); and

(2) not to exceed $1,167, may be expended for the training of the professional staff of such committee (under procedures specified by section 202(j) of that Act).

(c) EXPENSES FOR FISCAL YEAR 2008 PERIOD.—The expenses of the committee for the period October 1, 2007, through September 30, 2008, under this section shall not exceed $4,978,284, of which amount—

(1) not to exceed $8,000, may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946 (2 U.S.C. 72a(i))); and

(2) not to exceed $2,000, may be expended for the training of the professional staff of such committee (under procedures specified by section 202(j) of that Act).

(d) EXPENSES FOR PERIOD ENDING FEBRUARY 28, 2009.—For the period October 1, 2008, through February 28, 2009, expenses of the committee under this section shall not exceed $2,113,516, of which amount—

(1) not to exceed $3,333, may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946); and

(2) not to exceed $833, may be expended for the training of the professional staff of such committee (under procedures specified by section 202(j) of that Act).

SEC. 9. COMMITTEE ON FINANCE.

(a) GENERAL AUTHORITY.—In carrying out its powers, duties, and functions under the Standing Rules of the Senate, in accordance with its jurisdiction under rule XXV of such rules, including holding hearings, reporting such hearings, and making investigations as authorized by paragraphs 1 and 8 of rule XXVI of the Standing Rules of the Senate, the Committee on Finance is authorized from March 1, 2007, through February 28, 2009, in its discretion—

(1) to make expenditures from the contingent fund of the Senate;

(2) to employ personnel; and

(3) with the prior consent of the Government department or agency concerned and the Committee on Rules and Administration, to use on a reimbursable, or nonreimbursable, basis the services of personnel of any such department or agency.

(b) EXPENSES FOR PERIOD ENDING SEPTEMBER 30, 2007.—The expenses of the committee for the period March 1, 2007, through September 30, 2007, under this section shall not exceed $3,970,374, of which amount—

(1) not to exceed $17,500, may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946 (2 U.S.C. 72a(i))); and

(2) not to exceed $5,833, may be expended for the training of the professional staff of such committee (under procedures specified by section 202(j) of that Act).

(c) EXPENSES FOR FISCAL YEAR 2008 PERIOD.—The expenses of the committee for the period October 1, 2007, through September 30, 2008, under this section shall not exceed $6,956,895, of which amount—

(1) not to exceed $30,000, may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946 (2 U.S.C. 72a(i))); and

(2) not to exceed $10,000, may be expended for the training of the professional staff of such committee (under procedures specified by section 202(j) of that Act).

(d) EXPENSES FOR PERIOD ENDING FEBRUARY 28, 2009.—For the period October 1, 2008, through February 28, 2009, expenses of the committee under this section shall not exceed $2,954,095, of which amount—

(1) not to exceed $12,500, may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946); and

(2) not to exceed $4,167, may be expended for the training of the professional staff of such committee (under procedures specified by section 202(j) of that Act).

SEC. 10. COMMITTEE ON FOREIGN RELATIONS.

(a) GENERAL AUTHORITY.—In carrying out its powers, duties, and functions under the Standing Rules of the Senate, in accordance with its jurisdiction under rule XXV of such rules, including holding hearings, reporting such hearings, and making investigations as authorized by paragraphs 1 and 8 of rule XXVI of the Standing Rules of the Senate, the Committee on Foreign Relations is authorized from March 1, 2007, through February 28, 2009, in its discretion—

(1) to make expenditures from the contingent fund of the Senate;

(2) to employ personnel; and

(3) with the prior consent of the Government department or agency concerned and the Committee on Rules and Administration, to use on a reimbursable, or nonreimbursable, basis the services of personnel of any such department or agency.

(b) EXPENSES FOR PERIOD ENDING SEPTEMBER 30, 2007.—The expenses of the committee for the period March 1, 2007, through

September 30, 2007, under this section shall not exceed $3,265,283, of which amount—

(1) not to exceed $100,000, may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946 (2 U.S.C. 72a(i))); and

(2) not to exceed $20,000, may be expended for the training of the professional staff of such committee (under procedures specified by section 202(j) of that Act).

(c) EXPENSES FOR FISCAL YEAR 2008 PERIOD.—The expenses of the committee for the period October 1, 2007, through September 30, 2008, under this section shall not exceed $5,721,937, of which amount—

(1) not to exceed $100,000, may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946 (2 U.S.C. 72a(i))); and

(2) not to exceed $20,000, may be expended for the training of the professional staff of such committee (under procedures specified by section 202(j) of that Act).

(d) EXPENSES FOR PERIOD ENDING FEBRUARY 28, 2009.—For the period October 1, 2008, through February 28, 2009, expenses of the committee under this section shall not exceed $2,429,876, of which amount—

(1) not to exceed $100,000, may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946); and

(2) not to exceed $20,000, may be expended for the training of the professional staff of such committee (under procedures specified by section 202(j) of that Act).

SEC. 11. COMMITTEE ON HOMELAND SECURITY AND GOVERNMENTAL AFFAIRS.

(a) GENERAL AUTHORITY.—In carrying out its powers, duties, and functions under the Standing Rules of the Senate, in accordance with its jurisdiction under rule XXV of such rules and S. Res. 445, agreed to October 9, 2004 (108th Congress), including holding hearings, reporting such hearings, and making investigations as authorized by paragraphs 1 and 8 of rule XXVI of the Standing Rules of the Senate, the Committee on Homeland Security and Governmental Affairs is authorized from March 1, 2007, through February 28, 2009, in its discretion—

(1) to make expenditures from the contingent fund of the Senate;

(2) to employ personnel; and

(3) with the prior consent of the Government department or agency concerned and the Committee on Rules and Administration, to use on a reimbursable, or nonreimbursable, basis the services of personnel of any such department or agency.

(b) EXPENSES FOR PERIOD ENDING SEPTEMBER 30, 2007.—The expenses of the committee for the period March 1, 2007, through September 30, 2007, under this section shall not exceed $5,393,404, of which amount—

(1) not to exceed $75,000, may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946 (2 U.S.C. 72a(i))); and

(2) not to exceed $20,000, may be expended for the training of the professional staff of such committee (under procedures specified by section 202(j) of that Act).

(c) EXPENSES FOR FISCAL YEAR 2008 PERIOD.—The expenses of the committee for the period October 1, 2007, through September 30, 2008, under this section shall not exceed $9,451,962, of which amount—

(1) not to exceed $75,000, may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946 (2 U.S.C. 72a(i))); and

(2) not to exceed $20,000, may be expended for the training of the professional staff of such committee (under procedures specified by section 202(j) of that Act).

(d) EXPENSES FOR PERIOD ENDING FEBRUARY 28, 2009.—For the period October 1, 2008, through February 28, 2009, expenses of the committee under this section shall not exceed $4,014,158, of which amount—

(1) not to exceed $75,000, may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946); and

(2) not to exceed $20,000, may be expended for the training of the professional staff of such committee (under procedures specified by section 202(j) of that Act).

(e) INVESTIGATIONS.—

(1) IN GENERAL.—The committee, or any duly authorized subcommittee of the committee, is authorized to study or investigate—

(A) the efficiency and economy of operations of all branches of the Government including the possible existence of fraud, misfeasance, malfeasance, collusion, mismanagement, incompetence, corruption, or unethical practices, waste, extravagance, conflicts of interest, and the improper expenditure of Government funds in transactions, contracts, and activities of the Government or of Government officials and employees and any and all such improper practices between Government personnel and corporations, individuals, companies, or persons affiliated therewith, doing business with the Government; and the compliance or noncompliance of such corporations, companies, or individuals or other entities with the rules, regulations, and laws governing the various governmental agencies and its relationships with the public;

(B) the extent to which criminal or other improper practices or activities are, or have been, engaged in the field of labor-management relations or in groups or organizations of employees or employers, to the detriment of interests of the public, employers, or employees, and to determine whether any changes are required in the laws of the United States in order to protect such interests against the occurrence of such practices or activities;

(C) organized criminal activity which may operate in or otherwise utilize the facilities of interstate or international commerce in furtherance of any transactions and the manner and extent to which, and the identity of the persons, firms, or corporations, or other entities by whom such utilization is being made, and further, to study and investigate the manner in which and the extent to which persons engaged in organized criminal activity have infiltrated lawful business enterprise, and to study the adequacy of Federal laws to prevent the operations of organized crime in interstate or international commerce; and to determine whether any changes are required in the laws of the United States in order to protect the public against such practices or activities;

(D) all other aspects of crime and lawlessness within the United States which have an impact upon or affect the national health, welfare, and safety; including but not limited to investment fraud schemes, commodity and security fraud, computer fraud, and the use of offshore banking and corporate facilities to carry out criminal objectives;

(E) the efficiency and economy of operations of all branches and functions of the Government with particular reference to—

(i) the effectiveness of present national security methods, staffing, and processes as tested against the requirements imposed by the rapidly mounting complexity of national security problems;

(ii) the capacity of present national security staffing, methods, and processes to make full use of the Nation's resources of knowledge and talents;

(iii) the adequacy of present intergovernmental relations between the United States and international organizations principally concerned with national security of which the United States is a member; and

(iv) legislative and other proposals to improve these methods, processes, and relationships;

(F) the efficiency, economy, and effectiveness of all agencies and departments of the Government involved in the control and management of energy shortages including, but not limited to, their performance with respect to—

(i) the collection and dissemination of accurate statistics on fuel demand and supply;

(ii) the implementation of effective energy conservation measures;

(iii) the pricing of energy in all forms;

(iv) coordination of energy programs with State and local government;

(v) control of exports of scarce fuels;

(vi) the management of tax, import, pricing, and other policies affecting energy supplies;

(vii) maintenance of the independent sector of the petroleum industry as a strong competitive force;

(viii) the allocation of fuels in short supply by public and private entities;

(ix) the management of energy supplies owned or controlled by the Government;

(x) relations with other oil producing and consuming countries;

(xi) the monitoring of compliance by governments, corporations, or individuals with the laws and regulations governing the allocation, conservation, or pricing of energy supplies; and

(xii) research into the discovery and development of alternative energy supplies; and

(G) the efficiency and economy of all branches and functions of Government with particular references to the operations and management of Federal regulatory policies and programs.

(2) EXTENT OF INQUIRIES.—In carrying out the duties provided in paragraph (1), the inquiries of this committee or any subcommittee of the committee shall not be construed to be limited to the records, functions, and operations of any particular branch of the Government and may extend to the records and activities of any persons, corporation, or other entity.

(3) SPECIAL COMMITTEE AUTHORITY.—For the purposes of this subsection, the committee, or any duly authorized subcommittee of the committee, or its chairman, or any other member of the committee or subcommittee designated by the chairman, from March 1, 2007, through February 28, 2009, is authorized, in its, his, or their discretion—

(A) to require by subpoena or otherwise the attendance of witnesses and production of correspondence, books, papers, and documents;

(B) to hold hearings;

(C) to sit and act at any time or place during the sessions, recess, and adjournment periods of the Senate;

(D) to administer oaths; and

(E) to take testimony, either orally or by sworn statement, or, in the case of staff members of the Committee and the Permanent Subcommittee on Investigations, by deposition in accordance with the Committee Rules of Procedure.

(4) AUTHORITY OF OTHER COMMITTEES.—Nothing contained in this subsection shall affect or impair the exercise of any other standing committee of the Senate of any power, or the discharge by such committee of any duty, conferred or imposed upon it by the Standing Rules of the Senate or by the Legislative Reorganization Act of 1946.

(5) SUBPOENA AUTHORITY.—All subpoenas and related legal processes of the committee and its subcommittee authorized under S. Res. 50, agreed to February 17, 2005 (109th Congress) are authorized to continue.

SEC. 12. COMMITTEE ON HEALTH, EDUCATION, LABOR, AND PENSIONS.

(a) GENERAL AUTHORITY.—In carrying out its powers, duties, and functions under the Standing Rules of the Senate, in accordance with its jurisdiction under rule XXV of such rules, including holding hearings, reporting such hearings, and making investigations as authorized by paragraphs 1 and 8 of rule XXVI of the Standing Rules of the Senate, the Committee on Health, Education, Labor, and Pensions is authorized from March 1, 2007, through February 28, 2009, in its discretion—

(1) to make expenditures from the contingent fund of the Senate;

(2) to employ personnel; and

(3) with the prior consent of the Government department or agency concerned and the Committee on Rules and Administration, to use on a reimbursable, or nonreimbursable, basis the services of personnel of any such department or agency.

(b) EXPENSES FOR PERIOD ENDING SEPTEMBER 30, 2007.—The expenses of the committee for the period March 1, 2007, through September 30, 2007, under this section shall not exceed $4,794,663, of which amount—

(1) not to exceed $75,000, may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946 (2 U.S.C. 72a(i))); and

(2) not to exceed $25,000, may be expended for the training of the professional staff of such committee (under procedures specified by section 202(j) of that Act).

(c) EXPENSES FOR FISCAL YEAR 2008 PERIOD.—The expenses of the committee for the period October 1, 2007, through September 30, 2008, under this section shall not exceed $8,402,456, of which amount—

(1) not to exceed $75,000, may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946 (2 U.S.C. 72a(i))); and

(2) not to exceed $25,000, may be expended for the training of the professional staff of such committee (under procedures specified by section 202(j) of that Act).

(d) EXPENSES FOR PERIOD ENDING FEBRUARY 28, 2009.—For the period October 1, 2008, through February 28, 2009, expenses of the committee under this section shall not exceed $3,568,366, of which amount—

(1) not to exceed $75,000, may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946); and

(2) not to exceed $25,000, may be expended for the training of the professional staff of such committee (under procedures specified by section 202(j) of that Act).

SEC. 13. COMMITTEE ON THE JUDICIARY.

(a) GENERAL AUTHORITY.—In carrying out its powers, duties, and functions under the Standing Rules of the Senate, in accordance with its jurisdiction under rule XXV of such rules, including holding hearings, reporting such hearings, and making investigations as authorized by paragraphs 1 and 8 of rule XXVI of the Standing Rules of the Senate, the Committee on the Judiciary is authorized from March 1, 2007, through February 28, 2009, in its discretion—

(1) to make expenditures from the contingent fund of the Senate;

(2) to employ personnel; and

(3) with the prior consent of the Government department or agency concerned and the Committee on Rules and Administration, to use on a reimbursable, or nonreimbursable, basis the services of personnel of any such department or agency.

(b) EXPENSES FOR PERIOD ENDING SEPTEMBER 30, 2007.—The expenses of the committee for the period March 1, 2007, through September 30, 2007, under this section shall not exceed $5,220,177, of which amount—

(1) not to exceed $200,000, may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946 (2 U.S.C. 72a(i))); and

(2) not to exceed $20,000, may be expended for the training of the professional staff of such committee (under procedures specified by section 202(j) of that Act).

(c) EXPENSES FOR FISCAL YEAR 2008 PERIOD.—The expenses of the committee for the period October 1, 2007, through September 30, 2008, under this section shall not exceed $9,150,340, of which amount—

(1) not to exceed $200,000, may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946 (2 U.S.C. 72a(i))); and

(2) not to exceed $20,000, may be expended for the training of the professional staff of such committee (under procedures specified by section 202(j) of that Act).

(d) EXPENSES FOR PERIOD ENDING FEBRUARY 28, 2009.—For the period October 1, 2008, through February 28, 2009, expenses of the committee under this section shall not exceed $3,886,766, of which amount—

(1) not to exceed $200,000, may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946); and

(2) not to exceed $20,000, may be expended for the training of the professional staff of such committee (under procedures specified by section 202(j) of that Act).

SEC. 14. COMMITTEE ON RULES AND ADMINISTRATION.

(a) GENERAL AUTHORITY.—In carrying out its powers, duties, and functions under the Standing Rules of the Senate, in accordance with its jurisdiction under rule XXV of such rules, including holding hearings, reporting such hearings, and making investigations as authorized by paragraphs 1 and 8 of rule XXVI of the Standing Rules of the Senate, the Committee on Rules and Administration is authorized from March 1, 2007, through February 28, 2009, in its discretion—

(1) to make expenditures from the contingent fund of the Senate;

(2) to employ personnel; and

(3) with the prior consent of the Government department or agency concerned and the Committee on Rules and Administration, to use on a reimbursable, or nonreimbursable, basis the services of personnel of any such department or agency.

(b) EXPENSES FOR PERIOD ENDING SEPTEMBER 30, 2007.—The expenses of the committee for the period March 1, 2007, through September 30, 2007, under this section shall not exceed $1,461,012, of which amount—

(1) not to exceed $30,000, may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946 (2 U.S.C. 72a(i))); and

(2) not to exceed $6,000, may be expended for the training of the professional staff of such committee (under procedures specified by section 202(j) of that Act).

(c) EXPENSES FOR FISCAL YEAR 2008 PERIOD.—The expenses of the committee for the period October 1, 2007, through September 30, 2008, under this section shall not exceed $2,561,183, of which amount—

(1) not to exceed $50,000, may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946 (2 U.S.C. 72a(i))); and

(2) not to exceed $10,000, may be expended for the training of the professional staff of such committee (under procedures specified by section 202(j) of that Act).

(d) EXPENSES FOR PERIOD ENDING FEBRUARY 28, 2009.—For the period October 1, 2008, through February 28, 2009, expenses of the committee under this section shall not exceed $1,087,981, of which amount—

(1) not to exceed $21,000, may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946); and

(2) not to exceed $4,200, may be expended for the training of the professional staff of such committee (under procedures specified by section 202(j) of that Act).

SEC. 15. COMMITTEE ON SMALL BUSINESS AND ENTREPRENEURSHIP.

(a) GENERAL AUTHORITY.—In carrying out its powers, duties, and functions under the Standing Rules of the Senate, in accordance with its jurisdiction under rule XXV of such rules, including holding hearings, reporting such hearings, and making investigations as authorized by paragraphs 1 and 8 of rule XXVI of the Standing Rules of the Senate, the Committee on Small Business and Entrepreneurship is authorized from March 1, 2007, through February 28, 2009, in its discretion—

(1) to make expenditures from the contingent fund of the Senate;

(2) to employ personnel; and

(3) with the prior consent of the Government department or agency concerned and the Committee on Rules and Administration, to use on a reimbursable, or nonreimbursable, basis the services of personnel of any such department or agency.

(b) EXPENSES FOR PERIOD ENDING SEPTEMBER 30, 2007.—The expenses of the committee for the period March 1, 2007, through September 30, 2007, under this section shall not exceed $1,373,063, of which amount—

(1) not to exceed $25,000, may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946 (2 U.S.C. 72a(i))); and

(2) not to exceed $10,000, may be expended for the training of the professional staff of such committee (under procedures specified by section 202(j) of that Act).

(c) EXPENSES FOR FISCAL YEAR 2008 PERIOD.—The expenses of the committee for the period October 1, 2007, through September 30, 2008, under this section shall not exceed $2,405,349, of which amount—

(1) not to exceed $25,000, may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946 (2 U.S.C. 72a(i))); and

(2) not to exceed $10,000, may be expended for the training of the professional staff of such committee (under procedures specified by section 202(j) of that Act).

(d) EXPENSES FOR PERIOD ENDING FEBRUARY 28, 2009.—For the period October 1, 2008, through February 28, 2009, expenses of the committee under this section shall not exceed $1,021,186, of which amount—

(1) not to exceed $25,000, may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946); and

(2) not to exceed $10,000, may be expended for the training of the professional staff of such committee (under procedures specified by section 202(j) of that Act).

SEC. 16. COMMITTEE ON VETERANS' AFFAIRS.

(a) GENERAL AUTHORITY.—In carrying out its powers, duties, and functions under the Standing Rules of the Senate, in accordance with its jurisdiction under rule XXV of such rules, including holding hearings, reporting such hearings, and making investigations as authorized by paragraphs 1 and 8 of rule XXVI of the Standing Rules of the Senate, the Committee on Veterans' Affairs is authorized from March 1, 2007, through February 28, 2009, in its discretion—

(1) to make expenditures from the contingent fund of the Senate;

(2) to employ personnel; and

(3) with the prior consent of the Government department or agency concerned and the Committee on Rules and Administration, to use on a reimbursable, or nonreimbursable, basis the services of personnel of any such department or agency.

(b) EXPENSES FOR PERIOD ENDING SEPTEMBER 30, 2007.—The expenses of the committee for the period March 1, 2007, through September 30, 2007, under this section shall not exceed $1,259,442, of which amount—

(1) not to exceed $59,000, may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946 (2 U.S.C. 72a(i))); and

(2) not to exceed $12,000, may be expended for the training of the professional staff of such committee (under procedures specified by section 202(j) of that Act).

(c) EXPENSES FOR FISCAL YEAR 2008 PERIOD.—The expenses of the committee for the period October 1, 2007, through September 30, 2008, under this section shall not exceed $2,207,230, of which amount—

(1) not to exceed $100,000, may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946 (2 U.S.C. 72a(i))); and

(2) not to exceed $20,000, may be expended for the training of the professional staff of such committee (under procedures specified by section 202(j) of that Act).

(d) EXPENSES FOR PERIOD ENDING FEBRUARY 28, 2009.—For the period October 1, 2008, through February 28, 2009, expenses of the committee under this section shall not exceed $937,409, of which amount—

(1) not to exceed $42,000, may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946); and

(2) not to exceed $8,334, may be expended for the training of the professional staff of such committee (under procedures specified by section 202(j) of that Act).

SEC. 17. SPECIAL COMMITTEE ON AGING.

(a) GENERAL AUTHORITY.—In carrying out its powers, duties, and functions imposed by section 104 of S. Res. 4, agreed to February 4, 1977 (Ninety-fifth Congress), and in exercising the authority conferred on it by such section, the Special Committee on Aging is authorized from March 1, 2007, through February 28, 2009, in its discretion—

(1) to make expenditures from the contingent fund of the Senate;

(2) to employ personnel; and

(3) with the prior consent of the Government department or agency concerned and the Committee on Rules and Administration, to use on a reimbursable, or nonreimbursable, basis the services of personnel of any such department or agency.

(b) EXPENSES FOR PERIOD ENDING SEPTEMBER 30, 2007.—The expenses of the committee for the period March 1, 2007, through September 30, 2007, under this section shall not exceed $1,524,019, of which amount—

(1) not to exceed $117,000, may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946); and

(2) not to exceed $5,000, may be expended for the training of the professional staff of such committee (under procedures specified by section 202(j) of that Act).

(c) EXPENSES FOR FISCAL YEAR 2008 PERIOD.—The expenses of the committee for the period October 1, 2007, through September 30, 2008, under this section shall not exceed $2,670,342, of which amount—

(1) not to exceed $200,000, may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946); and

(2) not to exceed $5,000, may be expended for the training of the professional staff of such committee (under procedures specified by section 202(j) of that Act).

(d) EXPENSES FOR PERIOD ENDING FEBRUARY 28, 2009.—For the period October 1, 2008, through February 28, 2009, expenses of the committee under this section shall not exceed $1,133,885, of which amount—

(1) not to exceed $85,000, may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946); and

(2) not to exceed $5,000, may be expended for the training of the professional staff of such committee (under procedures specified by section 202(j) of that Act).

SEC. 18. SELECT COMMITTEE ON INTELLIGENCE.

(a) GENERAL AUTHORITY.—In carrying out its powers, duties, and functions under S. Res. 400, agreed to May 19, 1976 (94th Congress), as amended by S. Res. 445, agreed to October 9, 2004 (108th Congress), in accordance with its jurisdiction under sections 3(a) and 17 of such S. Res. 400, including holding hearings, reporting such hearings, and making investigations as authorized by section 5 of such S. Res. 400, the Select Committee on Intelligence is authorized from March 1, 2007, through February 28, 2009, in its discretion—

(1) to make expenditures from the contingent fund of the Senate;

(2) to employ personnel; and

(3) with the prior consent of the Government department or agency concerned and the Committee on Rules and Administration, to use on a reimbursable, or nonreimbursable, basis the services of personnel of any such department or agency.

(b) EXPENSES FOR PERIOD ENDING SEPTEMBER 30, 2007.—The expenses of the committee for the period March 1, 2007, through September 30, 2007, under this section shall not exceed $3,220,932, of which amount—

(1) not to exceed $32,083, may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946 (2 U.S.C. 72a(i))); and

(2) not to exceed $5,834, may be expended for the training of the professional staff of such committee (under procedures specified by section 202(j) of that Act).

(c) EXPENSES FOR FISCAL YEAR 2008 PERIOD.—The expenses of the committee for the period October 1, 2007, through September 30, 2008, under this section shall not exceed $5,643,433, of which amount—

(1) not to exceed $55,000, may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946 (2 U.S.C. 72a(i))); and

(2) not to exceed $10,000, may be expended for the training of the professional staff of such committee (under procedures specified by section 202(j) of that Act).

(d) EXPENSES FOR PERIOD ENDING FEBRUARY 28, 2009.—For the period October 1, 2008, through February 28, 2009, expenses of the committee under this section shall not exceed $2,396,252, of which amount—

(1) not to exceed $22,917, may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946); and

(2) not to exceed $4,166, may be expended for the training of the professional staff of such committee (under procedures specified by section 202(j) of that Act).

SEC. 19. COMMITTEE ON INDIAN AFFAIRS.

(a) GENERAL AUTHORITY.—In carrying out its powers, duties, and functions imposed by section 105 of S. Res. 4, agreed to February 4, 1977 (95th Congress), and in exercising the authority conferred on it by that section, the Committee on Indian Affairs is authorized from March 1, 2007, through February 28, 2009, in its discretion—

(1) to make expenditures from the contingent fund of the Senate;

(2) to employ personnel; and

(3) with the prior consent of the Government department or agency concerned and the Committee on Rules and Administration, to use on a reimbursable, or nonreimbursable, basis the services of personnel of any such department or agency.

(b) EXPENSES FOR PERIOD ENDING SEPTEMBER 30, 2007.—The expenses of the committee for the period March 1, 2007, through September 30, 2007, under this section shall not exceed $1,183,262, of which amount—

(1) not to exceed $20,000, may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946); and

(2) not to exceed $20,000, may be expended for training consultants of the professional staff of such committee (under procedures specified by section 202(j) of that Act).

(c) EXPENSES FOR FISCAL YEAR 2008 PERIOD.—The expenses of the committee for the period October 1, 2007, through September 30, 2008, under this section shall not exceed $2,071,712, of which amount—

(1) not to exceed $20,000, may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946); and

(2) not to exceed $20,000, may be expended for training consultants of the professional staff of such committee (under procedures specified by section 202(j) of that Act).

(d) EXPENSES FOR PERIOD ENDING FEBRUARY 28, 2009.—For the period October 1, 2008, through February 28, 2009, expenses of the committee under this section shall not exceed $879,131, of which amount—

(1) not to exceed $20,000, may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946); and

(2) not to exceed $20,000, may be expended for training consultants of the professional

staff of such committee (under procedures specified by section 202(j) of that Act).

SEC. 20. SPECIAL RESERVE.

(a) ESTABLISHMENT.—Within the funds in the account ''Expenses of Inquiries and Investigations'' appropriated by the legislative branch appropriation Acts for fiscal years 2007, 2008, and 2009, there is authorized to be established a special reserve to be available to any committee funded by this resolution as provided in subsection (b) of which—

(1) an amount not to exceed $4,375,000, shall be available for the period March 1, 2007, through September 30, 2007; and

(2) an amount not to exceed $7,500,000, shall be available for the period October 1, 2007, through September 30, 2008; and

(3) an amount not to exceed $3,125,000, shall be available for the period October 1, 2008, through February 28, 2009.

(b) AVAILABILITY.—The special reserve authorized in subsection (a) shall be available to any committee—

(1) on the basis of special need to meet unpaid obligations incurred by that committee during the periods referred to in paragraphs (1), (2), and (3) of subsection (a); and

(2) at the request of a Chairman and Ranking Member of that committee subject to the approval of the Chairman and Ranking Member of the Committee on Rules and Administration.

SENATE RESOLUTION 90—COMMENDING STUDENTS WHO PARTICIPATED IN THE UNITED STATES SENATE YOUTH PROGRAM BETWEEN 1962 AND 2007

Ms. COLLINS (for herself, Mr. OBAMA, Mr. DOMENICI, Mr. THOMAS, and Mr. COCHRAN) submitted the following resolution; which was considered and agreed to:

S. RES. 90

Whereas the students who have participated in the United States Senate Youth Program (referred to in this preamble as the ''Senate Youth Program'') over the past 45 years were chosen for their exceptional merit and interest in the political process;

Whereas the students demonstrated outstanding leadership abilities and a strong commitment to community service and have ranked academically in the top 1 percent of their States;

Whereas the Senate Youth Program alumni have continued to achieve unparalleled educational and professional success and have demonstrated a strong commitment to public service on the local, State, national, and global levels;

Whereas the Senate Youth Program alumni have demonstrated excellent qualities of citizenship and have contributed to the Nation's constitutional democracy, both professionally and in volunteer capacities, and have made an indelible impression on their communities;

Whereas each State department of education has selected outstanding participants for the Senate Youth Program;

Whereas the Department of Defense, Department of State, and other Federal departments, as well as Congress, have offered support and provided top level speakers who have inspired and educated the students in the Senate Youth Program; and

Whereas the directors of the William Randolph Hearst Foundation have continually made the Senate Youth Program available for outstanding young students and exposed them to the varied aspects of public service: Now, therefore, be it

Resolved, That the Senate congratulates, honors, and pays tribute to the more than 4,500 exemplary students who have been selected, on their merit, to participate in the United States Senate Youth Program between 1962 and 2007.

SENATE RESOLUTION 91—DESIGNATING MARCH 2, 2007, AS ''READ ACROSS AMERICA DAY''

Mr. REED (for himself and Ms. COLLINS) submitted the following resolution; which was considered and agreed to:

S. RES. 91

Whereas reading is a basic requirement for quality education and professional success, and is a source of pleasure throughout life;

Whereas the people of the United States must be able to read if the United States is to remain competitive in the global economy;

Whereas Congress, through the No Child Left Behind Act of 2001 (Public Law 107–110) and the Reading First, Early Reading First, and Improving Literacy Through School Libraries programs, has placed great emphasis on reading intervention and providing additional resources for reading assistance; and

Whereas more than 50 national organizations concerned about reading and education have joined with the National Education Association to use March 2, the anniversary of the birth of Theodor Geisel, also known as Dr. Seuss, to celebrate reading: Now, therefore, be it

Resolved, That the Senate—

(1) designates March 2, 2007, as ''Read Across America Day'';

(2) honors Theodor Geisel, also known as Dr. Seuss, for his success in encouraging children to discover the joy of reading;

(3) honors the 10th anniversary of Read Across America Day;

(4) encourages parents to read with their children for at least 30 minutes on Read Across America Day in honor of the commitment of the Senate to building a nation of readers; and

(5) encourages the people of the United States to observe the day with appropriate ceremonies and activities.

SENATE CONCURRENT RESOLUTION 14—COMMEMORATING THE 85TH ANNIVERSARY OF THE FOUNDING OF THE AMERICAN HELLENIC EDUCATIONAL PROGRESSIVE ASSOCIATION, A LEADING ASSOCIATION FOR THE 1,300,000 UNITED STATES CITIZENS OF GREEK ANCESTRY AND PHILHELLENES IN THE UNITED STATES

Ms. SNOWE (for herself and Mr. MENENDEZ) submitted the following concurrent resolution; which was referred to the Committee on the Judiciary:

S. CON. RES. 14

Whereas the American Hellenic Educational Progressive Association (AHEPA) was founded on July 26, 1922, in Atlanta, Georgia, by 8 visionary Greek immigrants to help unify, organize, and protect against the bigotry, discrimination, and defamation faced by people of all ethnic, racial, and religious backgrounds perpetrated predominantly by the Ku Klux Klan;

Whereas the mission of AHEPA is to promote the ideals of ancient Greece, which include philanthropy, education, civic responsibility, and family and individual excellence through community service and volunteerism;

Whereas, since its inception, AHEPA has instilled in its members an understanding of their Hellenic heritage and an awareness of the contributions made by Greece to the development of democratic principles and governance in the United States and throughout the world;

Whereas AHEPA has done much throughout its history to foster patriotism in the United States;

Whereas members of AHEPA have served in the Armed Forces to protect the freedom of the United States and to preserve the democratic ideals that are part of the Hellenic legacy;

Whereas, in World War II, members of AHEPA were parachuted behind enemy lines in Nazi-occupied Greece to help liberate the country;

Whereas AHEPA raised more than $253,000,000 for United States war bonds during World War II, for which AHEPA was named an official Issuing Agent for United States War Bonds by the Department of Treasury, an honor that no other civic organization was able to achieve at the time;

Whereas the members of AHEPA donated $612,000 for the restoration of the Statue of Liberty and Ellis Island, New York, for which AHEPA received special recognition by the Department of the Interior;

Whereas the AHEPA National Housing Program was awarded $500,000,000 by the Department of Housing and Urban Development for its Section 202 Program, which has yielded 4,370 units in 80 properties across 21 States and 49 cities and has provided dignified, affordable housing to senior citizens;

Whereas AHEPA was recognized by the Department of State as an organization that has engaged in ''Track Two Diplomacy'' to foster reconciliation and rapprochement in the Eastern Mediterranean, which is in the best interest of the United States;

Whereas members of AHEPA raised $110,000 for the George C. Marshall Statue to be erected on the grounds of the United States Embassy in Athens, Greece, in celebration of the historic relationship between the United States and Greece, and in tribute to an outstanding statesman and Philhellene, General Marshall;

Whereas AHEPA financially supports scholarships, educational chairs, medical research, and countless other charitable and philanthropic causes by contributing more than $2,000,000 annually from its national, district, and local levels collectively;

Whereas, in the spirit of their Hellenic heritage and in commemoration of the Centennial Olympic Games held in Atlanta, Georgia, members of AHEPA raised $775,000 for the Tribute to Olympism Sculpture, the fanlike structure of which helped to save lives during the bombing at Centennial Olympic Park;

Whereas members of AHEPA have been Presidents and Vice Presidents of the United States, United States Senators and Representatives, and United States Ambassadors, and have served honorably as elected officials at the local and State levels throughout the United States; and

Whereas President George H.W. Bush cited AHEPA as one of the ''thousand points of light'': Now, therefore, be it

Resolved by the Senate (the House of Representatives concurring), That the Congress—

(1) recognizes the significant contributions of United States citizens of Hellenic heritage to the United States;

(2) commemorates the 85th anniversary of the founding of the American Hellenic Educational Progressive Association (AHEPA), applauds its mission, and commends the

many charitable contributions of its members to communities around the world; and

(3) encourages the people of the United States to observe the 85th anniversary of the founding of AHEPA and celebrate its many accomplishments.

Ms. SNOWE. Mr. President, this year marks the 85th anniversary of the founding of the American Hellenic Educational Progressive Association, AHEPA. I rise today to submit with my colleague, Senator MENENDEZ, a concurrent resolution honoring AHEPA's history of service, not only to Americans of Greek descent, but to Americans of all backgrounds and to the United States itself.

AHEPA was founded in 1922 to combat the bigotry encountered by Greek immigrants to this country, and to assist these new Americans with building and protecting their livelihoods in our great Nation. Eighty-five years later—decades in which generations of Greek-Americans worked tirelessly in commerce and fought patriotically on the battlefield to make the United States the prosperous and peaceful land it is today—AHEPA continues its mission to promote the shared Hellenic and American values of education, philanthropy, civic responsibility, and family and individual excellence.

This is more than a mission statement, it is a commitment to action that has been fulfilled time and again. AHEPA today awards more than half a million dollars in academic scholarships annually. Its philanthropic efforts have contributed to the restoration of the Statue of Liberty and Ellis Island. It has enhanced the civic participation of its members and other U.S. citizens through seminars and conferences on key domestic and international policy issues. And, together with three affiliated organizations—the Daughters of Penelope, the Sons of Pericles and the Maids of Athena—AHEPA has contributed to over a billion dollars in funding for youth- and family-focused projects across the country.

As the first Greek-American woman elected to both the House and Senate, I am often reminded that the connection between the U.S. Congress and the Greek people is not limited to the Greek Americans who have served as members, or the foreign policy issues debated in its halls. Rather, the very inspiration for the Congress as a legislative body are the democratic chambers of ancient Greece.

The myriad ties between our two countries—be they cultural, economic or geopolitical—comprise a bond that can and should only strengthen. AHEPA's long record of service to Greek-Americans and their countrymen are both a testament and critical component of that historical bond. It is accordingly an honor and a pleasure to submit this concurrent resolution recognizing the accomplishments of AHEPA's first 85 years. May there be many, many more.

AMENDMENTS SUBMITTED AND PROPOSED

SA 271. Mrs. FEINSTEIN submitted an amendment intended to be proposed to amendment SA 275 proposed by Mr. REID (for himself, Mr. LIEBERMAN, and Ms. COLLINS) to the bill S. 4, to make the United States more secure by implementing unfinished recommendations of the 9/11 Commission to fight the war on terror more effectively, to improve homeland security, and for other purposes.

SA 272. Mr. ALLARD submitted an amendment intended to be proposed by him to the bill S. 4, supra; which was ordered to lie on the table.

SA 273. Mr. ALLARD (for himself and Mr. SALAZAR) submitted an amendment intended to be proposed by him to the bill S. 4, supra; which was ordered to lie on the table.

SA 274. Mr. ALLARD submitted an amendment intended to be proposed by him to the bill S. 4, supra; which was ordered to lie on the table.

SA 275. Mr. REID (for himself, Mr. LIEBERMAN, and Ms. COLLINS) proposed an amendment to the bill S. 4, supra.

SA 276. Mrs. FEINSTEIN (for herself, Mr. CORNYN, Mr. LAUTENBERG, Mrs. BOXER, Mrs. HUTCHISON, Mr. SCHUMER, Mrs. CLINTON, Mr. OBAMA, Mr. MENENDEZ, Mr. CASEY, and Mr. KERRY) submitted an amendment intended to be proposed to amendment SA 275 proposed by Mr. REID (for himself, Mr. LIEBERMAN, and Ms. COLLINS) to the bill S. 4, supra; which was ordered to lie on the table.

SA 277. Ms. COLLINS (for herself, Mr. ALEXANDER, Mr. CARPER, Ms. SNOWE, Ms. CANTWELL, Ms. MIKULSKI, Mr. CHAMBLISS, and Ms. MURKOWSKI) proposed an amendment to amendment SA 275 proposed by Mr. REID (for himself, Mr. LIEBERMAN, and Ms. COLLINS) to the bill S. 4, supra.

SA 278. Mrs. CLINTON (for herself and Mr. SCHUMER) submitted an amendment intended to be proposed to amendment SA 275 proposed by Mr. REID (for himself, Mr. LIEBERMAN, and Ms. COLLINS) to the bill S. 4, supra; which was ordered to lie on the table.

SA 279. Mr. DEMINT proposed an amendment to amendment SA 275 proposed by Mr. REID (for himself, Mr. LIEBERMAN, and Ms. COLLINS) to the bill S. 4, supra.

SA 280. Mr. SALAZAR (for himself, Mr. CHAMBLISS, Mr. ISAKSON, and Mr. PRYOR) submitted an amendment intended to be proposed to amendment SA 275 proposed by Mr. REID (for himself, Mr. LIEBERMAN, and Ms. COLLINS) to the bill S. 4, supra; which was ordered to lie on the table.

SA 281. Mr. BINGAMAN (for himself and Mr. DOMENICI) submitted an amendment intended to be proposed to amendment SA 275 proposed by Mr. REID (for himself, Mr. LIEBERMAN, and Ms. COLLINS) to the bill S. 4, supra.

SA 282. Mr. BINGAMAN submitted an amendment intended to be proposed to amendment SA 275 proposed by Mr. REID (for himself, Mr. LIEBERMAN, and Ms. COLLINS) to the bill S. 4, supra; which was ordered to lie on the table.

SA 283. Mr. BINGAMAN submitted an amendment intended to be proposed to amendment SA 275 proposed by Mr. REID (for himself, Mr. LIEBERMAN, and Ms. COLLINS) to the bill S. 4, supra; which was ordered to lie on the table.

SA 284. Mr. REID (for Mr. BIDEN) submitted an amendment intended to be proposed to amendment SA 275 proposed by Mr. REID (for himself, Mr. LIEBERMAN, and Ms. COLLINS) to the bill S. 4, supra; which was ordered to lie on the table.

SA 285. Mr. INOUYE (for himself, Mr. STEVENS, Mr. LIEBERMAN, and Mrs. MURRAY) proposed an amendment to amendment SA 275 proposed by Mr. REID (for himself, Mr. LIEBERMAN, and Ms. COLLINS) to the bill S. 4, supra.

SA 286. Mr. SPECTER (for himself, Mr. LEAHY, and Mr. DODD) submitted an amendment intended to be proposed by him to the bill S. 4, supra; which was ordered to lie on the table.

SA 287. Mr. ALLARD submitted an amendment intended to be proposed by him to the bill S. 4, supra; which was ordered to lie on the table.

TEXT OF AMENDMENTS

SA 271. Mrs. FEINSTEIN submitted an amendment intended to be proposed to amendment SA 275 proposed by Mr. REID (for himself, Mr. LIEBERMAN, and Ms. COLLINS) to the bill S. 4, to make the United States more secure by implementing unfinished recommendations of the 9/11 Commission to fight the war on terror more effectively, to improve homeland security, and for other purposes; as follows:

Strike subsection (c) of section 401 and insert the following:

(c) DISCRETIONARY VISA WAIVER PROGRAM EXPANSION.—Section 217(c) of the Immigration and Nationality Act (8 U.S.C. 1187(c)) is amended by adding at the end the following:

''(8) NONIMMIGRANT VISA REFUSAL RATE FLEXIBILITY.—

''(A) CERTIFICATION.—On the date on which an air exit system is in place that can verify the departure of not less than 97 percent of foreign nationals that exit through airports of the United States, the Secretary of Homeland Security shall certify to Congress that such air exit system is in place.

''(B) WAIVER.—After certification by the Secretary under subparagraph (A), the Secretary of Homeland Security, in consultation with the Secretary of State, may waive the application of paragraph (2)(A) for a country—

''(i) if the country meets all security requirements of this section;

''(ii) if the Secretary of Homeland Security determines that the totality of the country's security risk mitigation measures provide assurance that the country's participation in the program would not compromise the law enforcement, security interests, or enforcement of the immigration laws of the United States;

''(iii) if there has been a sustained reduction in the rate of refusals for nonimmigrant visitor visas for nationals of the country and conditions exist to continue such reduction;

''(iv) the country cooperated with the Government of the United States on counterterrorism initiatives and information sharing before the date of its designation as a program country, and the Secretary of Homeland Security and the Secretary of State expect such cooperation will continue; and

''(v)(I) if the rate of refusals for nonimmigrant visitor visas for nationals of the country during the previous full fiscal year was not more than 10 percent; or

''(II) if the visa overstay rate for the country for the previous full fiscal year does not exceed the maximum visa overstay rate, once it is established under subparagraph (C).

''(C) MAXIMUM VISA OVERSTAY RATE.—

''(i) REQUIREMENT TO ESTABLISH.—After certification by the Secretary under subparagraph (A), the Secretary of Homeland Security and the Secretary of State jointly

shall use information from the air exit system referred to in subparagraph (A) to establish a maximum visa overstay rate for countries participating in the program pursuant to a waiver under subparagraph (B).

''(ii) VISA OVERSTAY RATE DEFINED.—In this paragraph the term 'visa overstay rate' means, with respect to a country, the ratio of—

''(I) the total number of nationals of that country who were admitted to the United States on the basis of a nonimmigrant visitor visa for which the period of stay authorized by such visa ended during a fiscal year and who remained in the United States unlawfully beyond the such period of stay; to

''(II) the total number of nationals of that country who were admitted to the United States on the basis of a nonimmigrant visitor visa for which the period of stay authorized by such visa ended during such fiscal year.

''(iii) REPORT AND PUBLICATION.—Secretary of Homeland Security shall submit to Congress and publish in the Federal Register a notice of the maximum visa overstay rate proposed to be established under clause (i). Not less than 60 days after the date such notice is submitted and published, the Secretary shall issue a final maximum visa overstay rate.

''(9) DISCRETIONARY SECURITY-RELATED CONSIDERATIONS.—In determining whether to waive the application of paragraph (2)(A) for a country, pursuant to paragraph (8), the Secretary of Homeland Security, in consultation with the Secretary of State, shall take into consideration other factors affecting the security of the United States, including—

''(A) airport security standards in the country;

''(B) whether the country assists in the operation of an effective air marshal program;

''(C) the standards of passports and travel documents issued by the country; and

''(D) other security-related factors.''.

SA 272. Mr. ALLARD submitted an amendment intended to be proposed by him to the bill S. 4, to make the United States more secure by implementing unfinished recommendations of the 9/11 Commission to fight the war on terror more effectively, to improve homeland security, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ____. SHARING OF SOCIAL SECURITY DATA FOR IMMIGRATION ENFORCEMENT PURPOSES.

(a) SOCIAL SECURITY ACCOUNT NUMBERS.—Section 264(f) of the Immigration and Nationality Act (8 U.S.C. 1304(f)) is amended to read as follows:

''(f) Notwithstanding any other provision of law (including section 6103 of the Internal Revenue Code of 1986), the Secretary of Homeland Security, the Secretary of Labor, and the Attorney General are authorized to require an individual to provide the individual's social security account number for purposes of inclusion in any record of the individual maintained by either such Secretary or the Attorney General, or of inclusion in any application, document, or form provided under or required by the immigration laws.''.

(b) EXCHANGE OF INFORMATION.—Section 290(c) of the Immigration and Nationality Act (8 U.S.C. 1360(c)) is amended by striking paragraph (2) and inserting the following new paragraphs:

''(2)(A) Notwithstanding any other provision of law (including section 6103 of the Internal Revenue Code of 1986), if earnings are reported on or after January 1, 1997, to the Social Security Administration on a social security account number issued to an alien not authorized to work in the United States, the Commissioner of Social Security shall provide the Secretary of Homeland Security with information regarding the name, date of birth, and address of the alien, the name and address of the person reporting the earnings, and the amount of the earnings.

''(B) The information described in subparagraph (A) shall be provided in an electronic form agreed upon by the Commissioner and the Secretary.

''(3)(A) Notwithstanding any other provision of law (including section 6103 of the Internal Revenue Code of 1986), if a social security account number was used with multiple names, the Commissioner of Social Security shall provide the Secretary of Homeland Security with information regarding the name, date of birth, and address of each individual who used that social security account number, and the name and address of the person reporting the earnings for each individual who used that social security account number.

''(B) The information described in subparagraph (A) shall be provided in an electronic form agreed upon by the Commissioner and the Secretary for the sole purpose of enforcing the immigration laws.

''(C) The Secretary, in consultation with the Commissioner, may limit or modify the requirements of this paragraph, as appropriate, to identify the cases posing the highest possibility of fraudulent use of social security account numbers related to violation of the immigration laws.

''(4)(A) Notwithstanding any other provision of law (including section 6103 of the Internal Revenue Code of 1986), if more than one person reports earnings for an individual during a single tax year, the Commissioner of Social Security shall provide the Secretary of Homeland Security information regarding the name, date of birth, and address of the individual, and the name and address of the each person reporting earnings for that individual.

''(B) The information described in subparagraph (A) shall be provided in an electronic form agreed upon by the Commissioner and the Secretary for the sole purpose of enforcing the immigration laws.

''(C) The Secretary, in consultation with the Commissioner, may limit or modify the requirements of this paragraph, as appropriate, to identify the cases posing the highest possibility of fraudulent use of social security account numbers related to violation of the immigration laws.

''(5)(A) The Commissioner of Social Security shall perform, at the request of the Secretary of Homeland Security, a search or manipulation of records held by the Commissioner if the Secretary certifies that the purpose of the search or manipulation is to obtain information that is likely to assist in identifying individuals (and their employers) who are using false names or social security account numbers, who are sharing a single valid name and social security account number among multiple individuals, who are using the social security account number of a person who is deceased, too young to work, or not authorized to work, or who are otherwise engaged in a violation of the immigration laws. The Commissioner shall provide the results of such search or manipulation to the Secretary, notwithstanding any other provision law (including section 6103 of the Internal Revenue Code of 1986).

''(B) The Secretary shall transfer to the Commissioner the funds necessary to cover the costs directly incurred by the Commissioner in carrying out each search or manipulation requested by the Secretary under subparagraph (A).''.

(c) FALSE CLAIMS OF CITIZENSHIP BY NATIONALS OF THE UNITED STATES.—Section 212(a)(6)(C)(ii)(I) of the Immigration and Nationality Act (8 U.S.C. 1182(a)(6)(C)(ii)(I)) is amended by inserting ''or national'' after ''citizen''.

SA 273. Mr. ALLARD (for himself and Mr. SALAZAR) submitted an amendment intended to be proposed by him to the bill S. 4, to make the United States more secure by implementing unfinished recommendations of the 9/11 Commission to fight the war on terror more effectively, to improve homeland security, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ____. INCLUSION OF THE TRANSPORTATION TECHNOLOGY CENTER IN THE NATIONAL DOMESTIC PREPAREDNESS CONSORTIUM.

The National Domestic Preparedness Consortium shall include the Transportation Technology Center in Pueblo, Colorado.

SA 274. Mr. ALLARD submitted an amendment intended to be proposed by him to the bill S. 4, to make the United States more secure by implementing unfinished recommendations of the 9/11 Commission to fight the war on terror more effectively, to improve homeland security, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ____. CABLE CARRIAGE OF TELEVISON BROADCAST SIGNALS.

Part I of title III of the Communications Act of 1934 (47 U.S.C. 301 et seq.) is amended by adding at the end the following:

''SEC. 342. CARRIAGE OF SIGNALS TO CERTAIN TELEVISION MARKET AREAS.

''(a) IN GENERAL.—Notwithstanding any other provision of law, each cable operator providing service in an eligible area may elect to carry the primary signal of any network station located in the capital of the State in which such area is located.

''(b) DEFINITIONS.—As used in this section:

''(1) ELIGIBLE AREA.—The term 'eligible area' means 1 of 2 counties that—

''(A) are all in a single State;

''(B) on the date of enactment of this section, were each located in—

''(i) the 46th largest designated market area for the year 2005 according to Nielsen Media Research; and

''(ii) a designated market area comprised principally of counties located in another State; and

''(C) as a group had a total number of television households that when combined did not exceed 30,000 for the year 2005 according to Nielsen Media Research.

''(2) NETWORK STATION.—The term 'network station' has the same meaning as in section 119(d) of title 17, United States Code.''.

SEC. ____. SATELLITE CARRIAGE OF TELEVISION BROADCAST SIGNALS.

Section 119(a)(2)(C) of title 17, United States Code, is amended—

(1) by redesignating clause (v) as clause (vi);

(2) by inserting after clause (v) the following:

''(v) FURTHER ADDITIONAL STATIONS.—If 2 adjacent counties in a single State are in a local market comprised principally of counties located in another State, the statutory

license provided for in subparagraph (A) shall apply to the secondary transmission by a satellite carrier to subscribers in those 2 counties of the primary transmissions of any network station located in the capital of the State in which such 2 counties are located, if—

''(I) the 2 counties are located in the 46th largest designated market area for the year 2005 according to Nielsen Media Research; and

''(II) the total number of television households in the 2 counties combined did not exceed 30,000 for the year 2005 according to Nielsen Media Research.''; and

(3) in clause (vi) as redesignated, by striking ''and (iv)'' and inserting ''(iv), and (v)''.

SA 275. Mr. REID (for himself, Mr. LIEBERMAN, and Ms. COLLINS) proposed an amendment to the bill S. 4, to make the United States more secure by implementing unfinished recommendations of the 9/11 Commission to fight the war on terror more effectively, to improve homeland security, and for other purposes; which was ordered to lie on the table; as follows:

Strike all after the enacting clause and insert the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Improving America's Security Act of 2007''.

SEC. 2. DEFINITIONS.

In this Act:

(1) DEPARTMENT.—The term ''Department'' means the Department of Homeland Security.

(2) SECRETARY.—The term ''Secretary'' means the Secretary of Homeland Security.

SEC. 3. TABLE OF CONTENTS.

The table of contents for this Act is as follows:

Sec. 1. Short title.
Sec. 2. Definitions.
Sec. 3. Table of contents.

TITLE I—IMPROVING INTELLIGENCE AND INFORMATION SHARING WITHIN THE FEDERAL GOVERNMENT AND WITH STATE, LOCAL, AND TRIBAL GOVERNMENTS

Subtitle A—Homeland Security Information Sharing Enhancement

Sec. 111. Homeland Security Advisory System and information sharing.
Sec. 112. Information sharing.
Sec. 113. Intelligence training development for State and local government officials.
Sec. 114. Information sharing incentives.

Subtitle B—Homeland Security Information Sharing Partnerships

Sec. 121. State, Local, and Regional Fusion Center Initiative.
Sec. 122. Homeland Security Information Sharing Fellows Program.

Subtitle C—Interagency Threat Assessment and Coordination Group

Sec. 131. Interagency Threat Assessment and Coordination Group.

TITLE II—HOMELAND SECURITY GRANTS

Sec. 201. Short title.
Sec. 202. Homeland Security Grant Program.
Sec. 203. Technical and conforming amendments.

TITLE III—COMMUNICATIONS OPERABILITY AND INTEROPERABILITY

Sec. 301. Dedicated funding to achieve emergency communications operability and interoperable communications.
Sec. 302. Border Interoperability Demonstration Project.

TITLE IV—ENHANCING SECURITY OF INTERNATIONAL TRAVEL

Sec. 401. Modernization of the visa waiver program.
Sec. 402. Strengthening the capabilities of the Human Smuggling and Trafficking Center.
Sec. 403. Enhancements to the Terrorist Travel Program.
Sec. 404. Enhanced driver's license.
Sec. 405. Western Hemisphere Travel Initiative.

TITLE V—PRIVACY AND CIVIL LIBERTIES MATTERS

Sec. 501. Modification of authorities relating to Privacy and Civil Liberties Oversight Board.
Sec. 502. Privacy and civil liberties officers.
Sec. 503. Department Privacy Officer.
Sec. 504. Federal Agency Data Mining Reporting Act of 2007.

TITLE VI—ENHANCED DEFENSES AGAINST WEAPONS OF MASS DESTRUCTION

Sec. 601. National Biosurveillance Integration Center.
Sec. 602. Biosurveillance efforts.
Sec. 603. Interagency coordination to enhance defenses against nuclear and radiological weapons of mass destruction.

TITLE VII—PRIVATE SECTOR PREPAREDNESS

Sec. 701. Definitions.
Sec. 702. Responsibilities of the private sector office of the Department.
Sec. 703. Voluntary national preparedness standards compliance; accreditation and certification program for the private sector.
Sec. 704. Sense of Congress regarding promoting an international standard for private sector preparedness.
Sec. 705. Report to Congress.
Sec. 706. Rule of construction.

TITLE VIII—TRANSPORTATION SECURITY PLANNING AND INFORMATION SHARING

Sec. 801. Transportation security strategic planning.
Sec. 802. Transportation security information sharing.
Sec. 803. Transportation Security Administration personnel management.

TITLE IX—INCIDENT COMMAND SYSTEM

Sec. 901. Preidentifying and evaluating multijurisdictional facilities to strengthen incident command; private sector preparedness.
Sec. 902. Credentialing and typing to strengthen incident command.

TITLE X—CRITICAL INFRASTRUCTURE PROTECTION

Sec. 1001. Critical infrastructure protection.
Sec. 1002. Risk assessment and report.
Sec. 1003. Use of existing capabilities.

TITLE XI—CONGRESSIONAL OVERSIGHT OF INTELLIGENCE

Sec. 1101. Availability to public of certain intelligence funding information.
Sec. 1102. Response of intelligence community to requests from Congress.
Sec. 1103. Public Interest Declassification Board.

TITLE XII—INTERNATIONAL COOPERATION ON ANTITERRORISM TECHNOLOGIES

Sec. 1201. Promoting antiterrorism capabilities through international cooperation.
Sec. 1202. Transparency of funds.

TITLE XIII—TRANSPORTATION AND INTEROPERABLE COMMUNICATION CAPABILITIES

Sec. 1301. Short title.

Subtitle A—Surface Transportation and Rail Security

Sec. 1311. Definition.

PART I—IMPROVED RAIL SECURITY

Sec. 1321. Rail transportation security risk assessment.
Sec. 1322. Systemwide Amtrak security upgrades.
Sec. 1323. Fire and life-safety improvements.
Sec. 1324. Freight and passenger rail security upgrades.
Sec. 1325. Rail security research and development.
Sec. 1326. Oversight and grant procedures.
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TITLE I—IMPROVING INTELLIGENCE AND INFORMATION SHARING WITHIN THE FEDERAL GOVERNMENT AND WITH STATE, LOCAL, AND TRIBAL GOVERNMENTS

Subtitle A—Homeland Security Information Sharing Enhancement

SEC. 111. HOMELAND SECURITY ADVISORY SYSTEM AND INFORMATION SHARING.

(a) ADVISORY SYSTEM AND INFORMATION SHARING.—

(1) IN GENERAL.—Subtitle A of title II of the Homeland Security Act of 2002 (6 U.S.C. 121 et seq.) is amended by adding at the end the following:

"SEC. 203. HOMELAND SECURITY ADVISORY SYSTEM.

''(a) REQUIREMENT.—The Secretary shall administer the Homeland Security Advisory System in accordance with this section to provide warnings regarding the risk of terrorist attacks on the homeland to Federal, State, local, and tribal government authorities and to the people of the United States, as appropriate. The Secretary shall exercise primary responsibility for providing such warnings.

''(b) REQUIRED ELEMENTS.—In administering the Homeland Security Advisory System, the Secretary shall—

''(1) establish criteria for the issuance and revocation of such warnings;

''(2) develop a methodology, relying on the criteria established under paragraph (1), for the issuance and revocation of such warnings;

''(3) provide, in each such warning, specific information and advice regarding appropriate protective measures and countermeasures that may be taken in response to that risk, at the maximum level of detail practicable to enable individuals, government entities, emergency response providers, and the private sector to act appropriately; and

''(4) whenever possible, limit the scope of each such warning to a specific region, locality, or economic sector believed to be at risk.

"SEC. 204. HOMELAND SECURITY INFORMATION SHARING.

''(a) INFORMATION SHARING.—Consistent with section 1016 of the Intelligence Reform and Terrorism Prevention Act of 2004 (6 U.S.C. 485), the Secretary shall integrate and standardize the information of the intelligence components of the Department, except for any internal protocols of such intelligence components, to be administered by the Chief Intelligence Officer.

''(b) INFORMATION SHARING AND KNOWLEDGE MANAGEMENT OFFICERS.—For each intelligence component of the Department, the Secretary shall designate an information sharing and knowledge management officer who shall report to the Chief Intelligence Officer regarding coordinating the different systems used in the Department to gather and disseminate homeland security information.

''(c) STATE, LOCAL, AND PRIVATE-SECTOR SOURCES OF INFORMATION.—

''(1) ESTABLISHMENT OF BUSINESS PROCESSES.—The Chief Intelligence Officer shall—

''(A) establish Department-wide procedures for the review and analysis of information gathered from sources in State, local, and tribal government and the private sector;

''(B) as appropriate, integrate such information into the information gathered by the Department and other departments and agencies of the Federal Government; and

''(C) make available such information, as appropriate, within the Department and to other departments and agencies of the Federal Government.

''(2) FEEDBACK.—The Secretary shall develop mechanisms to provide feedback regarding the analysis and utility of information provided by any entity of State, local, or tribal government or the private sector that gathers information and provides such information to the Department.

''(d) TRAINING AND EVALUATION OF EMPLOYEES.—

''(1) TRAINING.—The Chief Intelligence Officer shall provide to employees of the Department opportunities for training and education to develop an understanding of—

''(A) the definition of homeland security information; and

''(B) how information available to such employees as part of their duties—

''(i) might qualify as homeland security information; and

''(ii) might be relevant to the intelligence components of the Department.

''(2) EVALUATIONS.—The Chief Intelligence Officer shall—

''(A) on an ongoing basis, evaluate how employees of the Office of Intelligence and Analysis and the intelligence components of the Department are utilizing homeland security information, sharing information within the Department, as described in this subtitle, and participating in the information sharing environment established under section 1016 of the Intelligence Reform and Terrorism Prevention Act of 2004 (6 U.S.C. 485); and

''(B) provide a report regarding any evaluation under subparagraph (A) to the appropriate component heads.

"SEC. 205. COORDINATION WITH INFORMATION SHARING ENVIRONMENT.

''All activities to comply with sections 203 and 204 shall be—

''(1) implemented in coordination with the program manager for the information sharing environment established under section 1016 of the Intelligence Reform and Terrorism Prevention Act of 2004 (6 U.S.C. 485); and

''(2) consistent with and support the establishment of that environment, and any policies, guidelines, procedures, instructions, or standards established by the President or, as appropriate, the program manager for the implementation and management of that environment.''.

(2) TECHNICAL AND CONFORMING AMENDMENTS.—

(A) IN GENERAL.—Section 201(d) of the Homeland Security Act of 2002 (6 U.S.C. 121(d)) is amended—

(i) by striking paragraph (7); and

(ii) by redesignating paragraphs (8) through (19) as paragraphs (7) through (18), respectively.

(B) TABLE OF CONTENTS.—The table of contents in section 1(b) of the Homeland Security Act of 2002 (6 U.S.C. 101 et seq.) is amended by inserting after the item relating to section 202 the following:

''Sec. 203. Homeland Security Advisory System.
''Sec. 204. Homeland Security Information Sharing.
''Sec. 205. Coordination with information sharing environment.''.

(b) INTELLIGENCE COMPONENT DEFINED.—

(1) IN GENERAL.—Section 2 of the Homeland Security Act of 2002 (6 U.S.C. 101) is amended—

(A) by redesignating paragraphs (9) through (16) as paragraphs (10) through (17), respectively; and

(B) by inserting after paragraph (8) the following:

''(9) The term 'intelligence component of the Department' means any directorate, agency, or other element or entity of the Department that gathers, receives, analyzes, produces, or disseminates homeland security information.''.

(2) TECHNICAL AND CONFORMING AMENDMENTS.—

(A) HOMELAND SECURITY ACT OF 2002.—Section 501(11) of the Homeland Security Act of 2002 (6 U.S.C. 311(11)) is amended by striking ''section 2(10)(B)'' and inserting ''section 2(11)(B)''.

(B) OTHER LAW.—Section 712(a) of title 14, United States Code, is amended by striking ''section 2(15) of the Homeland Security Act of 2002 (6 U.S.C. 101(15))'' and inserting ''section 2(16) of the Homeland Security Act of 2002 (6 U.S.C. 101(16))''.

(c) RESPONSIBILITIES OF THE UNDER SECRETARY FOR INFORMATION ANALYSIS AND INFRASTRUCTURE PROTECTION.—Section 201(d) of the Homeland Security Act of 2002 (6 U.S.C. 121(d)) is amended—

(1) in paragraph (1), by inserting '', in support of the mission responsibilities of the Department and consistent with the functions of the National Counterterrorism Center established under section 119 of the National Security Act of 1947 (50 U.S.C. 50 U.S.C. 404o),'' after ''and to integrate such information''; and

(2) by striking paragraph (7), as redesignated by subsection (a)(2)(A) of this section, and inserting the following:

''(7) To review, analyze, and make recommendations for improvements in the policies and procedures governing the sharing of intelligence information, intelligence-related information, and other information relating to homeland security within the Federal Government and among the Federal Government and State, local, and tribal government agencies and authorities, consistent with the information sharing environment established under section 1016 of the Intelligence Reform and Terrorism Prevention Act of 2004 (6 U.S.C. 485) and any policies, guidelines, procedures, instructions or standards established by the President or, as appropriate, the program manager for the implementation and management of that environment.''.

SEC. 112. INFORMATION SHARING.

Section 1016 of the Intelligence Reform and Terrorist Prevention Act of 2004 (6 U.S.C. 485) is amended—

(1) in subsection (a)—

(A) by redesignating paragraphs (1) through (4) as paragraphs (2) through (5), respectively;

(B) by inserting before paragraph (2), as so redesignated, the following:

''(1) HOMELAND SECURITY INFORMATION.—The term 'homeland security information' has the meaning given that term in section 892 of the Homeland Security Act of 2002 (6 U.S.C. 482).'';

(C) in paragraph (5), as so redesignated—

(i) by redesignating subparagraphs (A) through (D) as clauses (i) through (iv), respectively, and adjusting the margin accordingly;

(ii) by striking '' 'terrorism information' means'' and inserting the following: '' 'terrorism information'—

''(A) means'';

(iii) in subparagraph (A)(iv), as so redesignated, by striking the period at the end and inserting ''; and''; and

(iv) by adding at the end the following:

''(B) includes homeland security information and weapons of mass destruction information.''; and

(D) by adding at the end the following:

''(6) WEAPONS OF MASS DESTRUCTION INFORMATION.—The term 'weapons of mass destruction information' means information that could reasonably be expected to assist in the development, proliferation, or use of a weapon of mass destruction (including chemical, biological, radiological, and nuclear weapons) that could be used by a terrorist or a terrorist organization against the United States, including information about the location of any stockpile of nuclear materials that could be exploited for use in such a weapon that could be used by a terrorist or a terrorist organization against the United States.'';

(2) in subsection (b)(2)—

(A) in subparagraph (H), by striking ''and'' at the end;

(B) in subparagraph (I), by striking the period at the end and inserting a semicolon; and

(C) by adding at the end the following:

''(J) integrates the information within the scope of the information sharing environment, including any such information in legacy technologies;

''(K) integrates technologies, including all legacy technologies, through Internet-based services;

''(L) allows the full range of analytic and operational activities without the need to centralize information within the scope of the information sharing environment;

''(M) permits analysts to collaborate both independently and in a group (commonly known as 'collective and noncollective collaboration'), and across multiple levels of national security information and controlled unclassified information;

''(N) provides a resolution process that enables changes by authorized officials regarding rules and policies for the access, use, and retention of information within the scope of the information sharing environment; and

''(O) incorporates continuous, real-time, and immutable audit capabilities, to the maximum extent practicable.'';

(3) in subsection (f)—

(A) in paragraph (1)—

(i) by striking ''during the two-year period beginning on the date of designation under this paragraph unless sooner'' and inserting ''until''; and

(ii) by striking ''The program manager shall have and exercise governmentwide authority.'' and inserting ''Except as otherwise expressly provided by law, the program manager, in consultation with the head of any affected department or agency, shall have and exercise governmentwide authority over the sharing of information within the scope of the information sharing environment by all Federal departments, agencies, and components, irrespective of the Federal department, agency, or component in which the program manager may be administratively located.''; and

(B) in paragraph (2)(A)—

(i) by redesignating clause (iii) as clause (v); and

(ii) by striking clause (ii) and inserting the following:

''(ii) assist in the development of policies, as appropriate, to foster the development and proper operation of the ISE;

''(iii) issue governmentwide procedures, guidelines, instructions, and functional standards, as appropriate, for the management, development, and proper operation of the ISE;

''(iv) identify and resolve information sharing disputes between Federal departments, agencies, and components; and'';

(4) in subsection (g)—

(A) in paragraph (1), by striking ''during the two-year period beginning on the date of the initial designation of the program manager by the President under subsection (f)(1), unless sooner'' and inserting ''until'';

(B) in paragraph (2)—

(i) in subparagraph (F), by striking ''and'' at the end;

(ii) by redesignating subparagraph (G) as subparagraph (I); and

(iii) by inserting after subparagraph (F) the following:

''(G) assist the program manager in identifying and resolving information sharing disputes between Federal departments, agencies, and components;

''(H) identify appropriate personnel for assignment to the program manager to support staffing needs identified by the program manager; and'';

(C) in paragraph (4), by inserting ''(including any subsidiary group of the Information Sharing Council)'' before ''shall not be subject''; and

(D) by adding at the end the following:

''(5) DETAILEES.—Upon a request by the Director of National Intelligence, the departments and agencies represented on the Information Sharing Council shall detail to the program manager, on a reimbursable basis, appropriate personnel identified under paragraph (2)(H).'';

(5) in subsection (h)(1), by striking ''and annually thereafter'' and inserting ''and not later than June 30 of each year thereafter''; and

(6) by striking subsection (j) and inserting the following:

''(j) REPORT ON THE INFORMATION SHARING ENVIRONMENT.—

''(1) IN GENERAL.—Not later than 180 days after the date of enactment of the Improving America's Security Act of 2007, the President shall report to the Committee on Homeland Security and Governmental Affairs of the Senate, the Select Committee on Intelligence of the Senate, the Committee on Homeland Security of the House of Representatives, and the Permanent Select Committee on Intelligence of the House of Representatives on the feasibility of—

''(A) eliminating the use of any marking or process (including 'Originator Control') intended to, or having the effect of, restricting the sharing of information within the scope of the information sharing environment between and among participants in the information sharing environment, unless the President has—

''(i) specifically exempted categories of information from such elimination; and

''(ii) reported that exemption to the committees of Congress described in the matter preceding this subparagraph; and

''(B) continuing to use Federal agency standards in effect on such date of enactment for the collection, sharing, and access to information within the scope of the information sharing environment relating to citizens and lawful permanent residents;

''(C) replacing the standards described in subparagraph (B) with a standard that would allow mission-based or threat-based permission to access or share information within the scope of the information sharing environment for a particular purpose that the Federal Government, through an appropriate process, has determined to be lawfully permissible for a particular agency, component, or employee (commonly known as an 'authorized use' standard); and

''(D) the use of anonymized data by Federal departments, agencies, or components collecting, possessing, disseminating, or handling information within the scope of the information sharing environment, in any cases in which—

''(i) the use of such information is reasonably expected to produce results materially equivalent to the use of information that is transferred or stored in a non-anonymized form; and

''(ii) such use is consistent with any mission of that department, agency, or component (including any mission under a Federal statute or directive of the President) that involves the storage, retention, sharing, or exchange of personally identifiable information.

''(2) DEFINITION.—In this subsection, the term 'anonymized data' means data in which the individual to whom the data pertains is not identifiable with reasonable efforts, including information that has been encrypted or hidden through the use of other technology.

''(k) ADDITIONAL POSITIONS.—The program manager is authorized to hire not more than 40 full-time employees to assist the program manager in—

''(1) identifying and resolving information sharing disputes between Federal departments, agencies, and components under subsection (f)(2)(A)(iv); and

''(2) other activities associated with the implementation of the information sharing environment, including—

''(A) implementing the requirements under subsection (b)(2); and

''(B) any additional implementation initiatives to enhance and expedite the creation of the information sharing environment.

''(l) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section $30,000,000 for each of fiscal years 2008 and 2009.''.

SEC. 113. INTELLIGENCE TRAINING DEVELOPMENT FOR STATE AND LOCAL GOVERNMENT OFFICIALS.

(a) CURRICULUM.—The Secretary, acting through the Chief Intelligence Officer, shall develop curriculum for the training of State, local, and tribal government officials relating to the handling, review, and development of intelligence material.

(b) TRAINING.—To the extent possible, the Federal Law Enforcement Training Center and other existing Federal entities with the capacity and expertise to train State, local, and tribal government officials based on the curriculum developed under subsection (a) shall be used to carry out the training programs created under this section. If such entities do not have the capacity, resources, or capabilities to conduct such training, the Secretary may approve another entity to conduct the training.

(c) CONSULTATION.—In carrying out the duties described in subsection (a), the Chief Intelligence Officer shall consult with the Director of the Federal Law Enforcement Training Center, the Attorney General, the

Director of National Intelligence, the Administrator of the Federal Emergency Management Agency, and other appropriate parties, such as private industry, institutions of higher education, nonprofit institutions, and other intelligence agencies of the Federal Government.

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

SEC. 114. INFORMATION SHARING INCENTIVES.

(a) AWARDS.—In making cash awards under chapter 45 of title 5, United States Code, the President or the head of an agency, in consultation with the program manager designated under section 1016 of the Intelligence Reform and Terrorist Prevention Act of 2004 (6 U.S.C. 485), may consider the success of an employee in sharing information within the scope of the information sharing environment established under that section in a manner consistent with any policies, guidelines, procedures, instructions, or standards established by the President or, as appropriate, the program manager of that environment for the implementation and management of that environment.

(b) OTHER INCENTIVES.—The head of each department or agency described in section 1016(i) of the Intelligence Reform and Terrorist Prevention Act of 2004 (6 U.S.C. 485(i)), in consultation with the program manager designated under section 1016 of the Intelligence Reform and Terrorist Prevention Act of 2004 (6 U.S.C. 485), shall adopt best practices regarding effective ways to educate and motivate officers and employees of the Federal Government to engage in the information sharing environment, including—

(1) promotions and other nonmonetary awards; and

(2) publicizing information sharing accomplishments by individual employees and, where appropriate, the tangible end benefits that resulted.

Subtitle B—Homeland Security Information Sharing Partnerships

SEC. 121. STATE, LOCAL, AND REGIONAL FUSION CENTER INITIATIVE.

(a) IN GENERAL.—Subtitle A of title II of the Homeland Security Act of 2002 (6 U.S.C. 121 et seq.), as amended by this Act, is amended by adding at the end the following:

"SEC. 206. STATE, LOCAL, AND REGIONAL FUSION CENTER INITIATIVE.

''(a) DEFINITIONS.—In this section—

''(1) the term 'Chief Intelligence Officer' means the Chief Intelligence Officer of the Department;

''(2) the term 'fusion center' means a collaborative effort of 2 or more Federal, State, local, or tribal government agencies that combines resources, expertise, or information with the goal of maximizing the ability of such agencies to detect, prevent, investigate, apprehend, and respond to criminal or terrorist activity;

''(3) the term 'information sharing environment' means the information sharing environment established under section 1016 of the Intelligence Reform and Terrorism Prevention Act of 2004 (6 U.S.C. 485);

''(4) the term 'intelligence analyst' means an individual who regularly advises, administers, supervises, or performs work in the collection, analysis, evaluation, reporting, production, or dissemination of information on political, economic, social, cultural, physical, geographical, scientific, or military conditions, trends, or forces in foreign or domestic areas that directly or indirectly affect national security;

''(5) the term 'intelligence-led policing' means the collection and analysis of information to produce an intelligence end product designed to inform law enforcement decision making at the tactical and strategic levels; and

''(6) the term 'terrorism information' has the meaning given that term in section 1016 of the Intelligence Reform and Terrorist Prevention Act of 2004 (6 U.S.C. 485).

''(b) ESTABLISHMENT.—The Secretary, in consultation with the program manager of the information sharing environment established under section 1016 of the Intelligence Reform and Terrorist Prevention Act of 2004 (6 U.S.C. 485), the Attorney General, the Privacy Officer of the Department, the Officer for Civil Rights and Civil Liberties of the Department, and the Privacy and Civil Liberties Oversight Board established under section 1061 of the Intelligence Reform and Terrorist Prevention Act of 2004 (5 U.S.C. 601 note), shall establish a State, Local, and Regional Fusion Center Initiative to establish partnerships with State, local, and regional fusion centers.

''(c) DEPARTMENT SUPPORT AND COORDINATION.—Through the State, Local, and Regional Fusion Center Initiative, the Secretary shall—

''(1) coordinate with the principal officer of each State, local, or regional fusion center and the officer designated as the Homeland Security Advisor of the State;

''(2) provide operational and intelligence advice and assistance to State, local, and regional fusion centers;

''(3) support efforts to include State, local, and regional fusion centers into efforts to establish an information sharing environment;

''(4) conduct exercises, including live training exercises, to regularly assess the capability of individual and regional networks of State, local, and regional fusion centers to integrate the efforts of such networks with the efforts of the Department;

''(5) coordinate with other relevant Federal entities engaged in homeland security-related activities;

''(6) provide analytic and reporting advice and assistance to State, local, and regional fusion centers;

''(7) review homeland security information gathered by State, local, and regional fusion centers and incorporate relevant information with homeland security information of the Department;

''(8) provide management assistance to State, local, and regional fusion centers;

''(9) serve as a point of contact to ensure the dissemination of relevant homeland security information;

''(10) facilitate close communication and coordination between State, local, and regional fusion centers and the Department;

''(11) provide State, local, and regional fusion centers with expertise on Department resources and operations;

''(12) provide training to State, local, and regional fusion centers and encourage such fusion centers to participate in terrorist threat-related exercises conducted by the Department; and

''(13) carry out such other duties as the Secretary determines are appropriate.

''(d) PERSONNEL ASSIGNMENT.—

''(1) IN GENERAL.—The Chief Intelligence Officer may, to the maximum extent practicable, assign officers and intelligence analysts from components of the Department to State, local, and regional fusion centers.

''(2) PERSONNEL SOURCES.—Officers and intelligence analysts assigned to fusion centers under this subsection may be assigned from the following Department components, in consultation with the respective component head:

''(A) Office of Intelligence and Analysis, or its successor.

''(B) Office of Infrastructure Protection.

''(C) Transportation Security Administration.

''(D) United States Customs and Border Protection.

''(E) United States Immigration and Customs Enforcement.

''(F) United States Coast Guard.

''(G) Other intelligence components of the Department, as determined by the Secretary.

''(3) PARTICIPATION.—

''(A) IN GENERAL.—The Secretary may develop qualifying criteria for a fusion center to participate in the assigning of Department officers or intelligence analysts under this section.

''(B) CRITERIA.—Any criteria developed under subparagraph (A) may include—

''(i) whether the fusion center, through its mission and governance structure, focuses on a broad counterterrorism approach, and whether that broad approach is pervasive through all levels of the organization;

''(ii) whether the fusion center has sufficient numbers of adequately trained personnel to support a broad counterterrorism mission;

''(iii) whether the fusion center has—

''(I) access to relevant law enforcement, emergency response, private sector, open source, and national security data; and

''(II) the ability to share and analytically exploit that data for authorized purposes;

''(iv) whether the fusion center is adequately funded by the State, local, or regional government to support its counterterrorism mission; and

''(v) the relevancy of the mission of the fusion center to the particular source component of Department officers or intelligence analysts.

''(4) PREREQUISITE.—

''(A) INTELLIGENCE ANALYSIS, PRIVACY, AND CIVIL LIBERTIES TRAINING.—Before being assigned to a fusion center under this section, an officer or intelligence analyst shall undergo—

''(i) appropriate intelligence analysis or information sharing training using an intelligence-led policing curriculum that is consistent with—

''(I) standard training and education programs offered to Department law enforcement and intelligence personnel; and

''(II) the Criminal Intelligence Systems Operating Policies under part 23 of title 28, Code of Federal Regulations (or any corresponding similar regulation or ruling);

''(ii) appropriate privacy and civil liberties training that is developed, supported, or sponsored by the Privacy Officer appointed under section 222 and the Officer for Civil Rights and Civil Liberties of the Department, in partnership with the Privacy and Civil Liberties Oversight Board established under section 1061 of the Intelligence Reform and Terrorism Prevention Act of 2004 (5 U.S.C. 601 note); and

''(iii) such other training prescribed by the Chief Intelligence Officer.

''(B) PRIOR WORK EXPERIENCE IN AREA.—In determining the eligibility of an officer or intelligence analyst to be assigned to a fusion center under this section, the Chief Intelligence Officer shall consider the familiarity of the officer or intelligence analyst with the State, locality, or region, as determined by such factors as whether the officer or intelligence analyst—

''(i) has been previously assigned in the geographic area; or

''(ii) has previously worked with intelligence officials or emergency response providers from that State, locality, or region.

''(5) EXPEDITED SECURITY CLEARANCE PROCESSING.—The Chief Intelligence Officer—

''(A) shall ensure that each officer or intelligence analyst assigned to a fusion center under this section has the appropriate clearance to contribute effectively to the mission of the fusion center; and

''(B) may request that security clearance processing be expedited for each such officer or intelligence analyst.

''(6) FURTHER QUALIFICATIONS.—Each officer or intelligence analyst assigned to a fusion center under this section shall satisfy any other qualifications the Chief Intelligence Officer may prescribe.

''(e) RESPONSIBILITIES.—An officer or intelligence analyst assigned to a fusion center under this section shall—

''(1) assist law enforcement agencies and other emergency response providers of State, local, and tribal governments and fusion center personnel in using Federal homeland security information to develop a comprehensive and accurate threat picture;

''(2) review homeland security-relevant information from law enforcement agencies and other emergency response providers of State, local, and tribal government;

''(3) create intelligence and other information products derived from such information and other homeland security-relevant information provided by the Department;

''(4) assist in the dissemination of such products, under the coordination of the Chief Intelligence Officer, to law enforcement agencies and other emergency response providers of State, local, and tribal government; and

''(5) assist in the dissemination of such products to the Chief Intelligence Officer for collection and dissemination to other fusion centers.

''(f) DATABASE ACCESS.—In order to fulfill the objectives described under subsection (e), each officer or intelligence analyst assigned to a fusion center under this section shall have direct access to all relevant Federal databases and information systems, consistent with any policies, guidelines, procedures, instructions, or standards established by the President or, as appropriate, the program manager of the information sharing environment for the implementation and management of that environment.

''(g) CONSUMER FEEDBACK.—

''(1) IN GENERAL.—The Secretary shall create a mechanism for any State, local, or tribal emergency response provider who is a consumer of the intelligence or other information products described under subsection (e) to voluntarily provide feedback to the Department on the quality and utility of such intelligence products.

''(2) RESULTS.—The results of the voluntary feedback under paragraph (1) shall be provided electronically to Congress and appropriate personnel of the Department.

''(h) RULE OF CONSTRUCTION.—

''(1) IN GENERAL.—The authorities granted under this section shall supplement the authorities granted under section 201(d) and nothing in this section shall be construed to abrogate the authorities granted under section 201(d).

''(2) PARTICIPATION.—Nothing in this section shall be construed to require a State, local, or regional government or entity to accept the assignment of officers or intelligence analysts of the Department into the fusion center of that State, locality, or region.

''(i) GUIDELINES.—The Secretary, in consultation with the Attorney General of the United States, shall establish guidelines for fusion centers operated by State and local governments, to include standards that any such fusion center shall—

''(1) collaboratively develop a mission statement, identify expectations and goals, measure performance, and determine effectiveness for that fusion center;

''(2) create a representative governance structure that includes emergency response providers and, as appropriate, the private sector;

''(3) create a collaborative environment for the sharing of information within the scope of the information sharing environment established under section 1016 of the Intelligence Reform and Terrorism Prevention Act of 2004 (6 U.S.C. 485) among Federal, State, tribal, and local emergency response providers, the private sector, and the public, consistent with any policies, guidelines, procedures, instructions, or standards established by the President or, as appropriate, the program manager of the information sharing environment;

''(4) leverage the databases, systems, and networks available from public and private sector entities to maximize information sharing;

''(5) develop, publish, and adhere to a privacy and civil liberties policy consistent with Federal, State, and local law;

''(6) ensure appropriate security measures are in place for the facility, data, and personnel;

''(7) select and train personnel based on the needs, mission, goals, and functions of that fusion center; and

''(8) offer a variety of intelligence services and products to recipients of fusion center intelligence and information.

''(j) AUTHORIZATION OF APPROPRIATIONS.—Except for subsection (i), there are authorized to be appropriated $10,000,000 for each of fiscal years 2008 through 2012, to carry out this section, including for hiring officers and intelligence analysts to replace officers and intelligence analysts who are assigned to fusion centers under this section.''.

(b) TECHNICAL AND CONFORMING AMENDMENT.—The table of contents in section 1(b) of the Homeland Security Act of 2002 (6 U.S.C. 101 et seq.) is amended by inserting after the item relating to section 205, as added by this Act, the following:

''Sec. 206. State, Local, and Regional Information Fusion Center Initiative.''.

(c) REPORTS.—

(1) CONCEPT OF OPERATIONS.—Not later than 90 days after the date of enactment of this Act and before the State, Local, and Regional Fusion Center Initiative under section 206 of the Homeland Security Act of 2002, as added by subsection (a), (in this section referred to as the ''program'') has been implemented, the Secretary, in consultation with the Privacy Officer of the Department, the Officer for Civil Rights and Civil Liberties of the Department, and the Privacy and Civil Liberties Oversight Board established under section 1061 of the Intelligence Reform and Terrorist Prevention Act of 2004 (5 U.S.C. 601 note), shall submit to the Committee on Homeland Security and Governmental Affairs of the Senate and the Committee on Homeland Security of the House of Representatives a report that contains a concept of operations for the program, which shall—

(A) include a clear articulation of the purposes, goals, and specific objectives for which the program is being developed;

(B) identify stakeholders in the program and provide an assessment of their needs;

(C) contain a developed set of quantitative metrics to measure, to the extent possible, program output;

(D) contain a developed set of qualitative instruments (including surveys and expert interviews) to assess the extent to which stakeholders believe their needs are being met; and

(E) include a privacy and civil liberties impact assessment.

(2) PRIVACY AND CIVIL LIBERTIES.—Not later than 1 year after the date on which the program is implemented, the Privacy and Civil Liberties Oversight Board established under section 1061 of the Intelligence Reform and Terrorist Prevention Act of 2004 (5 U.S.C. 601 note), in consultation with the Privacy Officer of the Department and the Officer for Civil Rights and Civil Liberties of the Department, shall submit to Congress, the Secretary, and the Chief Intelligence Officer of the Department a report on the privacy and civil liberties impact of the program.

SEC. 122. HOMELAND SECURITY INFORMATION SHARING FELLOWS PROGRAM.

(a) ESTABLISHMENT OF PROGRAM.—Subtitle A of title II of the Homeland Security Act of 2002 (6 U.S.C. 121 et seq.), as amended by this Act, is amended by adding at the end the following:

''SEC. 207. HOMELAND SECURITY INFORMATION SHARING FELLOWS PROGRAM.

''(a) ESTABLISHMENT.—

''(1) IN GENERAL.—The Secretary, acting through the Chief Intelligence Officer, and in consultation with the Chief Human Capital Officer, shall establish a fellowship program in accordance with this section for the purpose of—

''(A) detailing State, local, and tribal law enforcement officers and intelligence analysts to the Department in accordance with subchapter VI of chapter 33 of title 5, United States Code, to participate in the work of the Office of Intelligence and Analysis in order to become familiar with—

''(i) the relevant missions and capabilities of the Department and other Federal agencies; and

''(ii) the role, programs, products, and personnel of the Office of Intelligence and Analysis; and

''(B) promoting information sharing between the Department and State, local, and tribal law enforcement officers and intelligence analysts by assigning such officers and analysts to—

''(i) serve as a point of contact in the Department to assist in the representation of State, local, and tribal homeland security information needs;

''(ii) identify homeland security information of interest to State, local, and tribal law enforcement officers, emergency response providers, and intelligence analysts; and

''(iii) assist Department analysts in preparing and disseminating terrorism-related products that are tailored to State, local, and tribal emergency response providers, law enforcement officers, and intelligence analysts and designed to prepare for and thwart terrorist attacks.

''(2) PROGRAM NAME.—The program under this section shall be known as the 'Homeland Security Information Sharing Fellows Program'.

''(b) ELIGIBILITY.—

''(1) IN GENERAL.—In order to be eligible for selection as an Information Sharing Fellow under the program under this section, an individual shall—

''(A) have homeland security-related responsibilities;

''(B) be eligible for an appropriate national security clearance;

''(C) possess a valid need for access to classified information, as determined by the Chief Intelligence Officer;

''(D) be an employee of an eligible entity; and

''(E) have undergone appropriate privacy and civil liberties training that is developed, supported, or sponsored by the Privacy Officer and the Officer for Civil Rights and Civil Liberties, in partnership with the Privacy and Civil Liberties Oversight Board established under section 1061 of the Intelligence Reform and Terrorist Prevention Act of 2004 (5 U.S.C. 601 note).

''(2) ELIGIBLE ENTITIES.—In this subsection, the term 'eligible entity' means—

''(A) a State, local, or regional fusion center;

''(B) a State or local law enforcement or other government entity that serves a major metropolitan area, suburban area, or rural area, as determined by the Secretary;

''(C) a State or local law enforcement or other government entity with port, border, or agricultural responsibilities, as determined by the Secretary;

''(D) a tribal law enforcement or other authority; or

''(E) such other entity as the Secretary determines is appropriate.

''(c) OPTIONAL PARTICIPATION.—No State, local, or tribal law enforcement or other government entity shall be required to participate in the Homeland Security Information Sharing Fellows Program.

''(d) PROCEDURES FOR NOMINATION AND SELECTION.—

''(1) IN GENERAL.—The Chief Intelligence Officer shall establish procedures to provide for the nomination and selection of individuals to participate in the Homeland Security Information Sharing Fellows Program.

''(2) LIMITATIONS.—The Chief Intelligence Officer shall—

''(A) select law enforcement officers and intelligence analysts representing a broad cross-section of State, local, and tribal agencies; and

''(B) ensure that the number of Information Sharing Fellows selected does not impede the activities of the Office of Intelligence and Analysis.

''(e) DEFINITIONS.—In this section—

''(1) the term 'Chief Intelligence Officer' means the Chief Intelligence Officer of the Department; and

''(2) the term 'Office of Intelligence and Analysis' means the office of the Chief Intelligence Officer.''.

(b) TECHNICAL AND CONFORMING AMENDMENT.—The table of contents in section 1(b) of the Homeland Security Act of 2002 (6 U.S.C. 101 et seq.) is amended by inserting after the item relating to section 206, as added by this Act, the following:

''Sec. 207. Homeland Security Information Sharing Fellows Program.''.

(c) REPORTS.—

(1) CONCEPT OF OPERATIONS.—Not later than 90 days after the date of enactment of this Act, and before the implementation of the Homeland Security Information Sharing Fellows Program under section 207 of the Homeland Security Act of 2002, as added by subsection (a), (in this section referred to as the ''Program'') the Secretary, in consultation with the Privacy Officer of the Department, the Officer for Civil Rights and Civil Liberties of the Department, and the Privacy and Civil Liberties Oversight Board established under section 1061 of the Intelligence Reform and Terrorist Prevention Act of 2004 (5 U.S.C. 601 note), shall submit to the Committee on Homeland Security and Governmental Affairs of the Senate and the Committee on Homeland Security of the House of Representatives a report that contains a concept of operations for the Program, which shall include a privacy and civil liberties impact assessment.

(2) REVIEW OF PRIVACY IMPACT.—Not later than 1 year after the date on which the Program is implemented, the Privacy and Civil Liberties Oversight Board established under section 1061 of the Intelligence Reform and Terrorist Prevention Act of 2004 (5 U.S.C. 601 note), in consultation with the Privacy Officer of the Department and the Officer for Civil Rights and Civil Liberties of the Department, shall submit to Congress, the Secretary, and the Chief Intelligence Officer of the Department a report on the privacy and civil liberties impact of the Program.

Subtitle C—Interagency Threat Assessment and Coordination Group

SEC. 131. INTERAGENCY THREAT ASSESSMENT AND COORDINATION GROUP.

(a) IN GENERAL.—As part of efforts to establish the information sharing environment established under section 1016 of the Intelligence Reform and Terrorism Prevention Act of 2004 (6 U.S.C. 485), the program manager shall oversee and coordinate the creation and ongoing operation of an Interagency Threat Assessment and Coordination Group (in this section referred to as the ''ITACG'').

(b) RESPONSIBILITIES.—The ITACG shall facilitate the production of federally coordinated products derived from information within the scope of the information sharing environment established under section 1016 of the Intelligence Reform and Terrorism Prevention Act of 2004 (6 U.S.C. 485) and intended for distribution to State, local, and tribal government officials and the private sector.

(c) OPERATIONS.—

(1) IN GENERAL.—The ITACG shall be located at the facilities of the National Counterterrorism Center of the Office of the Director of National Intelligence.

(2) MANAGEMENT.—

(A) IN GENERAL.—The Secretary shall assign a senior level officer to manage and direct the administration of the ITACG.

(B) DISTRIBUTION.—The Secretary, in consultation with the Attorney General and the heads of other agencies, as appropriate, shall determine how specific products shall be distributed to State, local, and tribal officials and private sector partners under this section.

(C) STANDARDS FOR ADMISSION.—The Secretary, acting through the Chief Intelligence Officer and in consultation with the Director of National Intelligence, the Attorney General, and the program manager of the information sharing environment established under section 1016 of the Intelligence Reform and Terrorist Prevention Act of 2004 (6 U.S.C. 485), shall establish standards for the admission of law enforcement and intelligence officials from a State, local, or tribal government into the ITACG.

(d) MEMBERSHIP.—

(1) IN GENERAL.—The ITACG shall include representatives of—

(A) the Department;

(B) the Federal Bureau of Investigation;

(C) the Department of Defense;

(D) the Department of Energy;

(E) law enforcement and intelligence officials from State, local, and tribal governments, as appropriate; and

(F) other Federal entities as appropriate.

(2) CRITERIA.—The program manager for the information sharing environment, in consultation with the Secretary of Defense, the Secretary, the Director of National Intelligence, and the Director of the Federal Bureau of Investigation shall develop qualifying criteria and establish procedures for selecting personnel assigned to the ITACG and for the proper handling and safeguarding of information related to terrorism.

(e) INAPPLICABILITY OF THE FEDERAL ADVISORY COMMITTEE ACT.—The ITACG and any subsidiary groups thereof shall not be subject to the requirements of the Federal Advisory Committee Act (5 U.S.C. App.).

TITLE II—HOMELAND SECURITY GRANTS

SEC. 201. SHORT TITLE.

This title may be cited as the ''Homeland Security Grant Enhancement Act of 2007''.

SEC. 202. HOMELAND SECURITY GRANT PROGRAM.

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

''TITLE XX—HOMELAND SECURITY GRANTS

''SEC. 2001. DEFINITIONS.

''In this title, the following definitions shall apply:

''(1) ADMINISTRATOR.—The term 'Administrator' means the Administrator of the Federal Emergency Management Agency.

''(2) COMBINED STATISTICAL AREA.—The term 'combined statistical area' means a combined statistical area, as defined by the Office of Management and Budget.

''(3) DIRECTLY ELIGIBLE TRIBE.—The term 'directly eligible tribe' means—

''(A) any Indian tribe that—

''(i) is located in the continental United States;

''(ii) operates a law enforcement or emergency response agency with the capacity to respond to calls for law enforcement or emergency services;

''(iii) is located—

''(I) on, or within 50 miles of, an international border or a coastline bordering an ocean or international waters;

''(II) within 10 miles of critical infrastructure or has critical infrastructure within its territory; or

''(III) within or contiguous to 1 of the 50 largest metropolitan statistical areas in the United States; and

''(iv) certifies to the Secretary that a State is not making funds distributed under this title available to the Indian tribe or consortium of Indian tribes for the purpose for which the Indian tribe or consortium of Indian tribes is seeking grant funds; and

''(B) a consortium of Indian tribes, if each tribe satisfies the requirements of subparagraph (A).

''(4) ELIGIBLE METROPOLITAN AREA.—The term 'eligible metropolitan area' means the following:

''(A) IN GENERAL.—A combination of 2 or more incorporated municipalities, counties, parishes, or Indian tribes that—

''(i) is within—

''(I) any of the 100 largest metropolitan statistical areas in the United States; or

''(II) any combined statistical area, of which any metropolitan statistical area described in subparagraph (A) is a part; and

''(ii) includes the city with the largest population in that metropolitan statistical area.

''(B) OTHER COMBINATIONS.—Any other combination of contiguous local or tribal governments that are formally certified by the Administrator as an eligible metropolitan area for purposes of this title with the consent of the State or States in which such local or tribal governments are located.

''(C) INCLUSION OF ADDITIONAL LOCAL GOVERNMENTS.—An eligible metropolitan area may include additional local or tribal governments outside the relevant metropolitan statistical area or combined statistical area that are likely to be affected by, or be called upon to respond to, a terrorist attack within the metropolitan statistical area.

''(5) INDIAN TRIBE.—The term 'Indian tribe' has the meaning given that term in section 4(e) of the Indian Self-Determination Act (25 U.S.C. 450b(e)).

''(6) METROPOLITAN STATISTICAL AREA.—The term 'metropolitan statistical area' means a metropolitan statistical area, as defined by the Office of Management and Budget.

''(7) NATIONAL SPECIAL SECURITY EVENT.—The term 'National Special Security Event' means a designated event that, by virtue of its political, economic, social, or religious significance, may be the target of terrorism or other criminal activity.

''(8) POPULATION.—The term 'population' means population according to the most recent United States census population estimates available at the start of the relevant fiscal year.

''(9) POPULATION DENSITY.—The term 'population density' means population divided by land area in square miles.

''(10) TARGET CAPABILITIES.—The term 'target capabilities' means the target capabilities for Federal, State, local, and tribal government preparedness for which guidelines are required to be established under section 646(a) of the Post-Katrina Emergency Management Reform Act of 2006 (6 U.S.C. 746(a)).

''(11) TRIBAL GOVERNMENT.—The term 'tribal government' means the government of an Indian tribe.

''SEC. 2002. HOMELAND SECURITY GRANT PROGRAM.

''(a) ESTABLISHMENT.—There is established a Homeland Security Grant Program, which shall consist of—

''(1) the Urban Area Security Initiative established under section 2003, or any successor thereto;

''(2) the State Homeland Security Grant Program established under section 2004, or any successor thereto;

''(3) the Emergency Management Performance Grant Program established under section 2005 or any successor thereto; and

''(4) the Emergency Communications and Interoperability Grants Program established under section 1809, or any successor thereto.

''(b) GRANTS AUTHORIZED.—The Secretary, through the Administrator, may award grants to State, local, and tribal governments under the Homeland Security Grant Program for the purposes of this title.

''(c) PROGRAMS NOT AFFECTED.—This title shall not be construed to affect any authority to award grants under any of the following Federal programs:

''(1) The firefighter assistance programs authorized under section 33 and 34 of the Federal Fire Prevention and Control Act of 1974 (15 U.S.C. 2229 and 2229a).

''(2) Except as provided in subsection (d), all grant programs authorized under the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5121 et seq.), including the Urban Search and Rescue Grant Program.

''(3) Grants to protect critical infrastructure, including port security grants authorized under section 70107 of title 46, United States Code.

''(4) The Metropolitan Medical Response System authorized under section 635 of the Post-Katrina Emergency Management Reform Act of 2006 (6 U.S.C. 723).

''(5) Grant programs other than those administered by the Department.

''(d) RELATIONSHIP TO OTHER LAWS.—

''(1) IN GENERAL.—The Homeland Security Grant Program shall supercede—

''(A) all grant programs authorized under section 1014 of the USA PATRIOT Act (42 U.S.C. 3714); and

''(B) the Emergency Management Performance Grant authorized under the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5121 et seq.) and section 662 of the Post-Katrina Emergency Management Reform Act of 2006 (6 U.S.C. 762).

''(2) PROGRAM INTEGRITY.—Each grant program described under paragraphs (1) through (4) of subsection (a) shall include, consistent with the Improper Payments Information Act of 2002 (31 U.S.C. 3321 note), policies and procedures for—

''(A) identifying activities funded under the Homeland Security Grant Program that are susceptible to significant improper payments; and

''(B) reporting the incidence of improper payments to the Department.

''(3) ALLOCATION.—Except as provided under paragraph (2) of this subsection, the allocation of grants authorized under this title shall be governed by the terms of this title and not by any other provision of law.

''(e) MINIMUM PERFORMANCE REQUIREMENTS.—

''(1) IN GENERAL.—The Administrator shall—

''(A) establish minimum performance requirements for entities that receive homeland security grants;

''(B) conduct, in coordination with State, regional, local, and tribal governments receiving grants under the Homeland Security Grant Program, simulations and exercises to test the minimum performance requirements established under subparagraph (A) for—

''(i) emergencies (as that term is defined in section 102 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5122)) and major disasters not less than twice each year; and

''(ii) catastrophic incidents (as that term is defined in section 501) not less than once each year; and

''(C) ensure that entities that the Administrator determines are failing to demonstrate minimum performance requirements established under subparagraph (A) shall remedy the areas of failure, not later than the end of the second full fiscal year after the date of such determination by—

''(i) establishing a plan for the achievement of the minimum performance requirements under subparagraph (A), including—

''(I) developing intermediate indicators for the 2 fiscal years following the date of such determination; and

''(II) conducting additional simulations and exercises; and

''(ii) revising an entity's homeland security plan, if necessary, to achieve the minimum performance requirements under subparagraph (A).

''(2) WAIVER.—At the discretion of the Administrator, the occurrence of an actual emergency, major disaster, or catastrophic incident in an area may be deemed as a simulation under paragraph (1)(B).

''(3) REPORT TO CONGRESS.—Not later than the end of the first full fiscal year after the date of enactment of the Improving America's Security Act of 2007, and each fiscal year thereafter, the Administrator shall submit to the Committee on Homeland Security and Governmental Affairs of the Senate and to the Committee on Homeland Security of the House of Representatives a report describing—

''(A) the performance of grantees under paragraph (1)(A);

''(B) lessons learned through the simulations and exercises under paragraph (1)(B); and

''(C) efforts being made to remedy failed performance under paragraph (1)(C).

''SEC. 2003. URBAN AREA SECURITY INITIATIVE.

''(a) ESTABLISHMENT.—There is established an Urban Area Security Initiative to provide grants to assist high-risk metropolitan areas in preventing, preparing for, protecting against, responding to, and recovering from acts of terrorism.

''(b) APPLICATION.—

''(1) IN GENERAL.—An eligible metropolitan area may apply for grants under this section.

''(2) ANNUAL APPLICATIONS.—Applicants for grants under this section shall apply or reapply on an annual basis for grants distributed under the program.

''(3) INFORMATION.—In an application for a grant under this section, an eligible metropolitan area shall submit—

''(A) a plan describing the proposed division of responsibilities and distribution of funding among the local and tribal governments in the eligible metropolitan area;

''(B) the name of an individual to serve as a metropolitan area liaison with the Department and among the various jurisdictions in the metropolitan area; and

''(C) such information in support of the application as the Administrator may reasonably require.

''(c) STATE REVIEW AND TRANSMISSION.—

''(1) IN GENERAL.—To ensure consistency with State homeland security plans, an eligible metropolitan area applying for a grant under this section shall submit its application to each State within which any part of the eligible metropolitan area is located for review before submission of such application to the Department.

''(2) DEADLINE.—Not later than 30 days after receiving an application from an eligible metropolitan area under paragraph (1), each such State shall transmit the application to the Department.

''(3) STATE DISAGREEMENT.—If the Governor of any such State determines that an application of an eligible metropolitan area is inconsistent with the State homeland security plan of that State, or otherwise does not support the application, the Governor shall—

''(A) notify the Administrator, in writing, of that fact; and

''(B) provide an explanation of the reason for not supporting the application at the time of transmission of the application.

''(d) PRIORITIZATION.—In allocating funds among metropolitan areas applying for grants under this section, the Administrator shall consider—

''(1) the relative threat, vulnerability, and consequences faced by the eligible metropolitan area from a terrorist attack, including consideration of—

''(A) the population of the eligible metropolitan area, including appropriate consideration of military, tourist, and commuter populations;

''(B) the population density of the eligible metropolitan area;

''(C) the history of threats faced by the eligible metropolitan area, including—

''(i) whether there has been a prior terrorist attack in the eligible metropolitan area; and

''(ii) whether any part of the eligible metropolitan area, or any critical infrastructure or key resource within the eligible metropolitan area, has ever experienced a higher threat level under the Homeland Security Advisory System than other parts of the United States;

''(D) the degree of threat, vulnerability, and consequences to the eligible metropolitan area related to critical infrastructure or key resources identified by the Secretary or the State homeland security plan, including threats, vulnerabilities, and consequences from critical infrastructure in nearby jurisdictions;

''(E) whether the eligible metropolitan area is located at or near an international border;

''(F) whether the eligible metropolitan area has a coastline bordering ocean or international waters;

''(G) threats, vulnerabilities, and consequences faced by the eligible metropolitan area related to at-risk sites or activities in nearby jurisdictions, including the need to respond to terrorist attacks arising in those jurisdictions;

''(H) the most current threat assessments available to the Department;

''(I) the extent to which the eligible metropolitan area has unmet target capabilities;

''(J) the extent to which the eligible metropolitan area includes—

''(i) all incorporated municipalities, counties, parishes, and Indian tribes within the relevant metropolitan statistical area or combined statistical area; and

''(ii) other local governments and tribes that are likely to be called upon to respond to a terrorist attack within the eligible metropolitan area; and

''(K) such other factors as are specified in writing by the Administrator; and

''(2) the anticipated effectiveness of the proposed spending plan for the eligible metropolitan area in increasing the ability of that eligible metropolitan area to prevent, prepare for, protect against, respond to, and recover from terrorism, to meet its target capabilities, and to otherwise reduce the overall risk to the metropolitan area, the State, and the Nation.

''(e) OPPORTUNITY TO AMEND.—In considering applications for grants under this section, the Administrator shall provide applicants with a reasonable opportunity to correct defects in the application, if any, before making final awards.

''(f) ALLOWABLE USES.—Grants awarded under this section may be used to achieve target capabilities, consistent with a State homeland security plan and relevant local and regional homeland security plans, through—

''(1) developing and enhancing State, local, or regional plans, risk assessments, or mutual aid agreements;

''(2) purchasing, upgrading, storing, or maintaining equipment;

''(3) designing, conducting, and evaluating training and exercises, including exercises of mass evacuation plans under section 512 and including the payment of overtime and backfill costs in support of such activities;

''(4) responding to an increase in the threat level under the Homeland Security Advisory System, or to the needs resulting from a National Special Security Event, including payment of overtime and backfill costs;

''(5) establishing, enhancing, and staffing with appropriately qualified personnel State and local fusion centers that comply with the guidelines established under section 206(i);

''(6) protecting critical infrastructure and key resources identified in the Critical Infrastructure List established under section 1001 of the Improving America's Security Act of 2007, including the payment of appropriate personnel costs;

''(7) any activity permitted under the Fiscal Year 2007 Program Guidance of the Department for the Urban Area Security Initiative or the Law Enforcement Terrorism Prevention Grant Program, including activities permitted under the full-time counterterrorism staffing pilot; and

''(8) any other activity relating to achieving target capabilities approved by the Administrator.

''(g) DISTRIBUTION OF AWARDS TO METROPOLITAN AREAS.—

''(1) IN GENERAL.—If the Administrator approves the application of an eligible metropolitan area for a grant under this section, the Administrator shall distribute the grant funds to the State or States in which the eligible metropolitan area is located.

''(2) STATE DISTRIBUTION OF FUNDS.—Each State shall provide the eligible metropolitan area not less than 80 percent of the grant funds. Any funds retained by a State shall be expended on items or services approved by the Administrator that benefit the eligible metropolitan area.

''(3) MULTISTATE REGIONS.—If parts of an eligible metropolitan area awarded a grant are located in 2 or more States, the Secretary shall distribute to each such State—

''(A) a portion of the grant funds in accordance with the proposed distribution set forth in the application; or

''(B) if no agreement on distribution has been reached, a portion of the grant funds in proportion to each State's share of the population of the eligible metropolitan area.

''SEC. 2004. STATE HOMELAND SECURITY GRANT PROGRAM.

''(a) ESTABLISHMENT.—There is established a State Homeland Security Grant Program to assist State, local, and tribal governments in preventing, preparing for, protecting against, responding to, and recovering from acts of terrorism.

''(b) APPLICATION.—

''(1) IN GENERAL.—Each State may apply for a grant under this section, and shall submit such information in support of the application as the Administrator may reasonably require.

''(2) ANNUAL APPLICATIONS.—Applicants for grants under this section shall apply or reapply on an annual basis for grants distributed under the program.

''(c) PRIORITIZATION.—In allocating funds among States applying for grants under this section, the Administrator shall consider—

''(1) the relative threat, vulnerability, and consequences faced by a State from a terrorist attack, including consideration of—

''(A) the size of the population of the State, including appropriate consideration of military, tourist, and commuter populations;

''(B) the population density of the State;

''(C) the history of threats faced by the State, including—

''(i) whether there has been a prior terrorist attack in an urban area that is wholly or partly in the State, or in the State itself; and

''(ii) whether any part of the State, or any critical infrastructure or key resource within the State, has ever experienced a higher threat level under the Homeland Security Advisory System than other parts of the United States;

''(D) the degree of threat, vulnerability, and consequences related to critical infrastructure or key resources identified by the Secretary or the State homeland security plan;

''(E) whether the State has an international border;

''(F) whether the State has a coastline bordering ocean or international waters;

''(G) threats, vulnerabilities, and consequences faced by a State related to at-risk sites or activities in adjacent States, including the State's need to respond to terrorist attacks arising in adjacent States;

''(H) the most current threat assessments available to the Department;

''(I) the extent to which the State has unmet target capabilities; and

''(J) such other factors as are specified in writing by the Administrator;

''(2) the anticipated effectiveness of the proposed spending plan of the State in increasing the ability of the State to—

''(A) prevent, prepare for, protect against, respond to, and recover from terrorism;

''(B) meet the target capabilities of the State; and

''(C) otherwise reduce the overall risk to the State and the Nation; and

''(3) the need to balance the goal of ensuring the target capabilities of the highest risk areas are achieved quickly and the goal of ensuring that basic levels of preparedness, as measured by the attainment of target capabilities, are achieved nationwide.

''(d) MINIMUM ALLOCATION.—In allocating funds under subsection (c), the Administrator shall ensure that, for each fiscal year—

''(1) except as provided for in paragraph (2), no State receives less than an amount equal to 0.45 percent of the total funds appropriated for the State Homeland Security Grant Program; and

''(2) American Samoa, the Commonwealth of the Northern Mariana Islands, Guam, and the Virgin Islands each receive not less than 0.08 percent of the amounts appropriated for the State Homeland Security Grant Program.

''(e) MULTISTATE PARTNERSHIPS.—

''(1) IN GENERAL.—Instead of, or in addition to, any application for funds under subsection (b), 2 or more States may submit an application under this paragraph for multistate efforts to prevent, prepare for, protect against, respond to, or recover from acts of terrorism.

''(2) GRANTEES.—Multistate grants may be awarded to either—

''(A) an individual State acting on behalf of a consortium or partnership of States with the consent of all member States; or

''(B) a group of States applying as a consortium or partnership.

''(3) ADMINISTRATION OF GRANT.—If a group of States apply as a consortium or partnership such States shall submit to the Secretary at the time of application a plan describing—

''(A) the division of responsibilities for administering the grant; and

''(B) the distribution of funding among the various States and entities that are party to the application.

''(f) FUNDING FOR LOCAL AND TRIBAL GOVERNMENTS.—

''(1) IN GENERAL.—The Administrator shall require that, not later than 60 days after receiving grant funding, any State receiving a grant under this section shall make available to local and tribal governments and emergency response providers, consistent with the applicable State homeland security plan—

''(A) not less than 80 percent of the grant funds;

''(B) with the consent of local and tribal governments, the resources purchased with such grant funds having a value equal to not less than 80 percent of the amount of the grant; or

''(C) grant funds combined with resources purchased with the grant funds having a value equal to not less than 80 percent of the amount of the grant.

''(2) EXTENSION OF PERIOD.—The Governor of a State may request in writing that the Administrator extend the period under paragraph (1) for an additional period of time. The Administrator may approve such a request, and may extend such period for an additional period, if the Administrator determines that the resulting delay in providing grant funding to the local and tribal governments and emergency response providers is necessary to promote effective investments to prevent, prepare for, protect against, respond to, and recover from terrorism, or to meet the target capabilities of the State.

''(3) INDIAN TRIBES.—States shall be responsible for allocating grant funds received under this section to tribal governments in order to help those tribal communities achieve target capabilities. Indian tribes shall be eligible for funding directly from the States, and shall not be required to seek funding from any local government.

''(4) EXCEPTION.—Paragraph (1) shall not apply to the District of Columbia, the Commonwealth of Puerto Rico, American Samoa, the Commonwealth of the Northern Mariana Islands, Guam, or the Virgin Islands.

''(g) GRANTS TO DIRECTLY ELIGIBLE TRIBES.—

''(1) IN GENERAL.—Notwithstanding subsection (b), the Secretary may award grants to directly eligible tribes under this section.

''(2) TRIBAL APPLICATIONS.—A directly eligible tribe may apply for a grant under this section by submitting an application to the Administrator that includes the information required for an application by a State under subsection (b).

''(3) STATE REVIEW.—

''(A) IN GENERAL.—To ensure consistency with State homeland security plans, a directly eligible tribe applying for a grant under this section shall submit its application to each State within which any part of the tribe is located for review before submission of such application to the Department.

''(B) DEADLINE.—Not later than 30 days after receiving an application from a directly eligible tribe under subparagraph (A), each such State shall transmit the application to the Department.

''(C) STATE DISAGREEMENT.—If the Governor of any such State determines that the application of a directly eligible tribe is inconsistent with the State homeland security plan of that State, or otherwise does not support the application, the Governor shall—

''(i) notify the Administrator, in writing, of that fact; and

''(ii) provide an explanation of the reason for not supporting the application at the time of transmission of the application.

''(4) DISTRIBUTION OF AWARDS TO DIRECTLY ELIGIBLE TRIBES.—If the Administrator awards funds to a directly eligible tribe under this section, the Administrator shall distribute the grant funds directly to the directly eligible tribe. The funds shall not be distributed to the State or States in which the directly eligible tribe is located.

''(5) TRIBAL LIAISON.—A directly eligible tribe applying for a grant under this section shall designate a specific individual to serve as the tribal liaison who shall—

''(A) coordinate with Federal, State, local, regional, and private officials concerning terrorism preparedness;

''(B) develop a process for receiving input from Federal, State, local, regional, and private officials to assist in the development of the application of such tribe and to improve the access of such tribe to grants; and

''(C) administer, in consultation with State, local, regional, and private officials, grants awarded to such tribe.

''(6) TRIBES RECEIVING DIRECT GRANTS.—A directly eligible tribe that receives a grant directly under this section is eligible to receive funds for other purposes under a grant from the State or States within the boundaries of which any part of such tribe is located, consistent with the homeland security plan of the State.

''(7) RULE OF CONSTRUCTION.—Nothing in this section shall be construed to affect the authority of an Indian tribe that receives funds under this section.

''(h) OPPORTUNITY TO AMEND.—In considering applications for grants under this section, the Administrator shall provide applicants with a reasonable opportunity to correct defects in the application, if any, before making final awards.

''(i) ALLOWABLE USES.—Grants awarded under this section may be used to achieve target capabilities, consistent with a State homeland security plan, through—

''(1) developing and enhancing State, local, tribal, or regional plans, risk assessments, or mutual aid agreements;

''(2) purchasing, upgrading, storing, or maintaining equipment;

''(3) designing, conducting, and evaluating training and exercises, including exercises of mass evacuation plans under section 512 and including the payment of overtime and backfill costs in support of such activities;

''(4) responding to an increase in the threat level under the Homeland Security Advisory System, including payment of overtime and backfill costs;

''(5) establishing, enhancing, and staffing with appropriately qualified personnel State and local fusion centers, that comply with the guidelines established under section 206(i);

''(6) protecting critical infrastructure and key resources identified in the Critical Infrastructure List established under section 1001 of the Improving America's Security Act of 2007, including the payment of appropriate personnel costs;

''(7) any activity permitted under the Fiscal Year 2007 Program Guidance of the Department for the State Homeland Security Grant Program or the Law Enforcement Terrorism Prevention Grant Program, including activities permitted under the full-time counterterrorism staffing pilot; and

''(8) any other activity relating to achieving target capabilities approved by the Administrator.

"SEC. 2005. EMERGENCY MANAGEMENT PERFORMANCE GRANTS PROGRAM.

''(a) ESTABLISHMENT.—There is established an Emergency Management Performance Grants Program to make grants to States to assist State, local, and tribal governments in preventing, preparing for, protecting against, responding to, recovering from, and mitigating against all hazards, including natural disasters, acts of terrorism, and other man-made disasters.

''(b) APPLICATION.—

''(1) IN GENERAL.—Each State may apply for a grant under this section, and shall submit such information in support of an application as the Administrator may reasonably require.

''(2) ANNUAL APPLICATIONS.—Applicants for grants under this section shall apply or reapply on an annual basis for grants distributed under the program.

''(c) ALLOCATION.—Funds available under the Emergency Management Performance Grants Program shall be allocated as follows:

''(1) BASELINE AMOUNT.—

''(A) IN GENERAL.—Except as provided in subparagraph (B), each State shall receive an amount equal to 0.75 percent of the total funds appropriated for grants under this section.

''(B) TERRITORIES.—American Samoa, the Commonwealth of the Northern Mariana Islands, Guam, and the Virgin Islands each shall receive an amount equal to 0.25 percent of the amounts appropriated for grants under this section.

''(2) PER CAPITA ALLOCATION.—The funds remaining for grants under this section after allocation of the baseline amounts under paragraph (1) shall be allocated to each State in proportion to its population.

''(d) ALLOWABLE USES.—Grants awarded under this section may be used to achieve target capabilities, consistent with a State homeland security plan or a catastrophic incident annex developed under section 613 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5196b) through—

''(1) any activity permitted under the Fiscal Year 2007 Program Guidance of the Department for Emergency Management Performance Grants; and

''(2) any other activity approved by the Administrator that will improve the capability of a State, local, or tribal government in preventing, preparing for, protecting against, responding to, recovering from, or mitigating against all hazards, including natural disasters, acts of terrorism, and other man-made disasters.

''(e) COST SHARING.—

''(1) IN GENERAL.—The Federal share of the costs of an activity carried out with a grant under this section shall not exceed 75 percent.

''(2) IN-KIND MATCHING.—Each recipient of a grant under this section may meet the matching requirement under paragraph (1) by making in-kind contributions of goods or services that are directly linked with the purpose for which the grant is made.

''(f) LOCAL AND TRIBAL GOVERNMENTS.—

''(1) IN GENERAL.—In allocating grant funds received under this section, a State shall take into account the needs of local and tribal governments.

''(2) INDIAN TRIBES.—States shall be responsible for allocating grant funds received under this section to tribal governments in order to help those tribal communities improve their capabilities in preventing, preparing for, protecting against, responding to, recovering from, or mitigating against all hazards, including natural disasters, acts of terrorism, and other man-made disasters. Indian tribes shall be eligible for funding directly from the States, and shall not be required to seek funding from any local government.

"SEC. 2006. TERRORISM PREVENTION.

''(a) LAW ENFORCEMENT TERRORISM PREVENTION PROGRAM.—

''(1) IN GENERAL.—The Administrator shall designate not less than 25 percent of the combined amount appropriated for grants under sections 2003 and 2004 to be used for law enforcement terrorism prevention activities.

''(2) USE OF FUNDS.—Grants awarded under this subsection may be used for—

''(A) information sharing to preempt terrorist attacks;

''(B) target hardening to reduce the vulnerability of selected high value targets;

''(C) threat recognition to recognize the potential or development of a threat;

''(D) intervention activities to interdict terrorists before they can execute a threat;

''(E) overtime expenses related to a State homeland security plan, including overtime costs associated with providing enhanced law enforcement operations in support of Federal agencies for increased border security and border crossing enforcement;

''(F) establishing, enhancing, and staffing with appropriately qualified personnel State and local fusion centers that comply with the guidelines established under section 206(i);

''(G) any other activity permitted under the Fiscal Year 2007 Program Guidance of the Department for the Law Enforcement Terrorism Prevention Program; and

''(H) any other terrorism prevention activity authorized by the Administrator.

''(b) OFFICE FOR THE PREVENTION OF TERRORISM.—

''(1) ESTABLISHMENT.—There is established in the Department an Office for the Prevention of Terrorism, which shall be headed by a Director.

''(2) DIRECTOR.—

''(A) REPORTING.—The Director of the Office for the Prevention of Terrorism shall report directly to the Secretary.

''(B) QUALIFICATIONS.—The Director of the Office for the Prevention of Terrorism shall have an appropriate background with experience in law enforcement, intelligence, or other antiterrorist functions.

''(3) ASSIGNMENT OF PERSONNEL.—

''(A) IN GENERAL.—The Secretary shall assign to the Office for the Prevention of Terrorism permanent staff and other appropriate personnel detailed from other components of the Department to carry out the responsibilities under this section.

''(B) LIAISONS.—The Secretary shall designate senior employees from each component of the Department that has significant antiterrorism responsibilities to act as liaisons between that component and the Office for the Prevention of Terrorism.

''(4) RESPONSIBILITIES.—The Director of the Office for the Prevention of Terrorism shall—

''(A) coordinate policy and operations between the Department and State, local, and tribal government agencies relating to preventing acts of terrorism within the United States;

''(B) serve as a liaison between State, local, and tribal law enforcement agencies and the Department;

''(C) in coordination with the Office of Intelligence and Analysis, develop better methods for the sharing of intelligence with State, local, and tribal law enforcement agencies;

''(D) work with the Administrator to ensure that homeland security grants to State, local, and tribal government agencies, including grants under this title, the Commercial Equipment Direct Assistance Program, and grants to support fusion centers and other law enforcement-oriented programs are adequately focused on terrorism prevention activities; and

''(E) coordinate with the Federal Emergency Management Agency, the Department of Justice, the National Institute of Justice, law enforcement organizations, and other appropriate entities to support the development, promulgation, and updating, as necessary, of national voluntary consensus standards for training and personal protective equipment to be used in a tactical environment by law enforcement officers.

''(5) PILOT PROJECT.—

''(A) IN GENERAL.—The Director of the Office for the Prevention of Terrorism, in coordination with the Administrator, shall establish a pilot project to determine the efficacy and feasibility of establishing law enforcement deployment teams.

''(B) FUNCTION.—The law enforcement deployment teams participating in the pilot program under this paragraph shall form the basis of a national network of standardized law enforcement resources to assist State, local, and tribal governments in responding to natural disasters, acts of terrorism, or other man-made disaster.

''(6) CONSTRUCTION.—Nothing in this section may be construed to affect the roles or responsibilities of the Department of Justice.

''SEC. 2007. RESTRICTIONS ON USE OF FUNDS.

''(a) LIMITATIONS ON USE.—

''(1) CONSTRUCTION.—

''(A) IN GENERAL.—Grants awarded under this title may not be used to acquire land or to construct buildings or other physical facilities.

''(B) EXCEPTIONS.—

''(i) IN GENERAL.—Notwithstanding subparagraph (A), nothing in this paragraph shall prohibit the use of grants awarded under this title to achieve target capabilities through—

''(I) the construction of facilities described in section 611 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5196); or

''(II) the alteration or remodeling of existing buildings for the purpose of making such buildings secure against terrorist attacks or able to withstand or protect against chemical, radiological, or biological attacks.

''(ii) REQUIREMENTS FOR EXCEPTION.—No grant awards may be used for the purposes under clause (i) unless—

''(I) specifically approved by the Administrator;

''(II) the construction occurs under terms and conditions consistent with the requirements under section 611(j)(8) of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5196(j)(8)); and

''(III) the amount allocated for purposes under clause (i) does not exceed 20 percent of the grant award.

''(2) PERSONNEL.—

''(A) IN GENERAL.—For any grant awarded under section 2003 or 2004—

''(i) not more than 25 percent of the amount awarded to a grant recipient may be used to pay overtime and backfill costs; and

''(ii) not more than 25 percent of the amount awarded to the grant recipient may be used to pay personnel costs not described in clause (i).

''(B) WAIVER.—At the request of the recipient of a grant under section 2003 or section 2004, the Administrator may grant a waiver of any limitation under subparagraph (A).

''(3) RECREATION.—Grants awarded under this title may not be used for recreational or social purposes.

''(b) MULTIPLE-PURPOSE FUNDS.—Nothing in this title shall be construed to prohibit State, local, or tribal governments from using grant funds under sections 2003 and 2004 in a manner that enhances preparedness for disasters unrelated to acts of terrorism, if such use assists such governments in achieving capabilities for terrorism preparedness established by the Administrator.

''(c) EQUIPMENT STANDARDS.—If an applicant for a grant under this title proposes to upgrade or purchase, with assistance provided under that grant, new equipment or systems that do not meet or exceed any applicable national voluntary consensus standards developed under section 647 of the Post-Katrina Emergency Management Reform Act of 2006 (6 U.S.C. 747), the applicant shall include in its application an explanation of why such equipment or systems will serve the needs of the applicant better than equipment or systems that meet or exceed such standards.

''(d) SUPPLEMENT NOT SUPPLANT.—Amounts appropriated for grants under this title shall be used to supplement and not supplant other State, local, and tribal government public funds obligated for the purposes provided under this title.

''SEC. 2008. ADMINISTRATION AND COORDINATION.

''(a) ADMINISTRATOR.—The Administrator shall, in consultation with other appropriate offices within the Department, have responsibility for administering all homeland security grant programs administered by the Department and for ensuring coordination among those programs and consistency in the guidance issued to recipients across those programs.

''(b) NATIONAL ADVISORY COUNCIL.—To ensure input from and coordination with State, local, and tribal governments and emergency response providers, the Administrator shall regularly consult and work with the National Advisory Council established under section 508 on the administration and assessment of grant programs administered by the Department, including with respect to the development of program guidance and the development and evaluation of risk-assessment methodologies.

''(c) REGIONAL COORDINATION.—The Administrator shall ensure that—

''(1) all recipients of homeland security grants administered by the Department, as a condition of receiving those grants, coordinate their prevention, preparedness, and protection efforts with neighboring State, local, and tribal governments, as appropriate; and

''(2) all metropolitan areas and other recipients of homeland security grants administered by the Department that include or substantially affect parts or all of more than 1 State, coordinate across State boundaries, including, where appropriate, through the use of regional working groups and requirements for regional plans, as a condition of receiving Departmentally administered homeland security grants.

''(d) PLANNING COMMITTEES.—

''(1) IN GENERAL.—Any State or metropolitan area receiving grants under this title shall establish a planning committee to assist in preparation and revision of the State, regional, or local homeland security plan and to assist in determining effective funding priorities.

''(2) COMPOSITION.—

''(A) IN GENERAL.—The planning committee shall include representatives of significant stakeholders, including—

''(i) local and tribal government officials; and

''(ii) emergency response providers, which shall include representatives of the fire service, law enforcement, emergency medical response, and emergency managers.

''(B) GEOGRAPHIC REPRESENTATION.—The members of the planning committee shall be a representative group of individuals from the counties, cities, towns, and Indian tribes within the State or metropolitan areas, including, as appropriate, representatives of rural, high-population, and high-threat jurisdictions.

''(e) INTERAGENCY COORDINATION.—The Secretary, through the Administrator, in coordination with the Attorney General, the Secretary of Health and Human Services, and other agencies providing assistance to State, local, and tribal governments for preventing, preparing for, protecting against, responding to, and recovering from natural disasters, acts of terrorism, and other man-made disasters, and not later than 12 months after the date of enactment of the Improving America's Security Act of 2007, shall—

''(1) compile a comprehensive list of Federal programs that provide assistance to State, local, and tribal governments for preventing, preparing for, and responding to, natural disasters, acts of terrorism, and other man-made disasters;

''(2) develop a proposal to coordinate, to the greatest extent practicable, the planning, reporting, application, and other requirements and guidance for homeland security assistance programs to—

''(A) eliminate redundant and duplicative requirements, including onerous application and ongoing reporting requirements;

''(B) ensure accountability of the programs to the intended purposes of such programs;

''(C) coordinate allocation of grant funds to avoid duplicative or inconsistent purchases by the recipients; and

''(D) make the programs more accessible and user friendly to applicants; and

''(3) submit the information and proposals under paragraphs (1) and (2) to the Committee on Homeland Security and Governmental Affairs of the Senate and the Committee on Homeland Security of the House of Representatives.

''SEC. 2009. ACCOUNTABILITY.

''(a) REPORTS TO CONGRESS.—

''(1) FUNDING EFFICACY.—The Administrator shall submit to Congress, as a component of the annual Federal Preparedness Report required under section 652 of the Post-Katrina Emergency Management Reform Act of 2006 (6 U.S.C. 752), an evaluation of the extent to which grants Administered by the Department, including the grants established by this title—

''(A) have contributed to the progress of State, local, and tribal governments in achieving target capabilities; and

''(B) have led to the reduction of risk nationally and in State, local, and tribal jurisdictions.

''(2) RISK ASSESSMENT.—

''(A) IN GENERAL.—For each fiscal year, the Administrator shall provide to the Committee on Homeland Security and Governmental Affairs of the Senate and the Committee on Homeland Security of the House of Representatives a detailed and comprehensive explanation of the methodology used to

calculate risk and compute the allocation of funds under sections 2003 and 2004 of this title, including—

''(i) all variables included in the risk assessment and the weights assigned to each;

''(ii) an explanation of how each such variable, as weighted, correlates to risk, and the basis for concluding there is such a correlation; and

''(iii) any change in the methodology from the previous fiscal year, including changes in variables considered, weighting of those variables, and computational methods.

''(B) CLASSIFIED ANNEX.—The information required under subparagraph (A) shall be provided in unclassified form to the greatest extent possible, and may include a classified annex if necessary.

''(C) DEADLINE.—For each fiscal year, the information required under subparagraph (A) shall be provided on the earlier of—

''(i) October 31; or

''(ii) 30 days before the issuance of any program guidance for grants under sections 2003 and 2004.

''(b) REVIEWS AND AUDITS.—

''(1) DEPARTMENT REVIEW.—The Administrator shall conduct periodic reviews of grants made under this title to ensure that recipients allocate funds consistent with the guidelines established by the Department.

''(2) GOVERNMENT ACCOUNTABILITY OFFICE.—

''(A) ACCESS TO INFORMATION.—Each recipient of a grant under this title and the Department shall provide the Government Accountability Office with full access to information regarding the activities carried out under this title.

''(B) AUDITS AND REPORTS.—

''(i) AUDIT.—Not later than 12 months after the date of enactment of the Improving America's Security Act of 2007, and periodically thereafter, the Comptroller General of the United States shall conduct an audit of the Homeland Security Grant Program.

''(ii) REPORT.—The Comptroller General of the United States shall submit a report to the Committee on Homeland Security and Governmental Affairs of the Senate and the Committee on Homeland Security of the House of Representatives on—

''(I) the results of any audit conducted under clause (i), including an analysis of the purposes for which the grant funds authorized under this title are being spent; and

''(II) whether the grant recipients have allocated funding consistent with the State homeland security plan and the guidelines established by the Department.

''(3) AUDIT REQUIREMENT.—Grant recipients that expend $500,000 or more in grant funds received under this title during any fiscal year shall submit to the Administrator an organization-wide financial and compliance audit report in conformance with the requirements of chapter 75 of title 31, United States Code.

''(4) RECOVERY AUDITS.—The Secretary shall conduct a recovery audit (as that term is defined by the Director of the Office of Management and Budget under section 3561 of title 31, United States Code) for any grant administered by the Department with a total value of $1,000,000 or greater.

''(c) REMEDIES FOR NONCOMPLIANCE.—

''(1) IN GENERAL.—If the Administrator finds, after reasonable notice and an opportunity for a hearing, that a recipient of a grant under this title has failed to substantially comply with any provision of this title, or with any regulations or guidelines of the Department regarding eligible expenditures, the Administrator shall—

''(A) terminate any payment of grant funds to be made to the recipient under this title;

''(B) reduce the amount of payment of grant funds to the recipient by an amount equal to the amount of grants funds that were not expended by the recipient in accordance with this title; or

''(C) limit the use of grant funds received under this title to programs, projects, or activities not affected by the failure to comply.

''(2) DURATION OF PENALTY.—The Administrator shall apply an appropriate penalty under paragraph (1) until such time as the Secretary determines that the grant recipient is in full compliance with this title or with applicable guidelines or regulations of the Department.

''(3) DIRECT FUNDING.—If a State fails to substantially comply with any provision of this title or with applicable guidelines or regulations of the Department, including failing to provide local or tribal governments with grant funds or resources purchased with grant funds in a timely fashion, a local or tribal government entitled to receive such grant funds or resources may petition the Administrator, at such time and in such manner as determined by the Administrator, to request that grant funds or resources be provided directly to the local or tribal government.

''SEC. 2010. AUDITING.

''(a) AUDIT OF GRANTS UNDER THIS TITLE.—

''(1) IN GENERAL.—Not later than the date described in paragraph (2), and every 2 years thereafter, the Inspector General of the Department shall conduct an audit of each entity that receives a grant under the Urban Area Security Initiative, the State Homeland Security Grant Program, or the Emergency Management Performance Grant Program to evaluate the use of funds under such grant program by such entity.

''(2) TIMING.—The date described in this paragraph is the later of 2 years after—

''(A) the date of enactment of the Improving America's Security Act of 2007; and

''(B) the date that an entity first receives a grant under the Urban Area Security Initiative, the State Homeland Security Grant Program, or the Emergency Management Performance Grant Program, as the case may be.

''(3) CONTENTS.—Each audit under this subsection shall evaluate—

''(A) the use of funds under the relevant grant program by an entity during the 2 full fiscal years before the date of that audit;

''(B) whether funds under that grant program were used by that entity as required by law; and

''(C)(i) for each grant under the Urban Area Security Initiative or the State Homeland Security Grant Program, the extent to which funds under that grant were used to prepare for, protect against, respond to, or recover from acts of terrorism; and

''(ii) for each grant under the Emergency Management Performance Grant Program, the extent to which funds under that grant were used to prevent, prepare for, protect against, respond to, recover from, or mitigate against all hazards, including natural disasters, acts of terrorism, and other man-made disasters.

''(4) PUBLIC AVAILABILITY ON WEBSITE.—The Inspector General of the Department shall make each audit under this subsection available on the website of the Inspector General.

''(5) REPORTING.—

''(A) IN GENERAL.—Not later than 2 years and 60 days after the date of enactment of the Improving America's Security Act of 2007, and annually thereafter, the Inspector General of the Department shall submit to Congress a consolidated report regarding the audits conducted under this subsection.

''(B) CONTENTS.—Each report submitted under this paragraph shall describe—

''(i)(I) for the first such report, the audits conducted under this subsection during the 2-year period beginning on the date of enactment of the Improving America's Security Act of 2007; and

''(II) for each subsequent such report, the audits conducted under this subsection during the fiscal year before the date of the submission of that report;

''(ii) whether funds under each grant audited during the period described in clause (i) that is applicable to such report were used as required by law; and

''(iii)(I) for grants under the Urban Area Security Initiative or the State Homeland Security Grant Program audited, the extent to which, during the period described in clause (i) that is applicable to such report, funds under such grants were used to prepare for, protect against, respond to, or recover from acts of terrorism; and

''(II) for grants under the Emergency Management Performance Grant Program audited, the extent to which funds under such grants were used during the period described in clause (i) applicable to such report to prevent, prepare for, protect against, respond to, recover from, or mitigate against all hazards, including natural disasters, acts of terrorism, and other man-made disasters.

''(b) AUDIT OF OTHER PREPAREDNESS GRANTS.—

''(1) IN GENERAL.—Not later than the date described in paragraph (2), the Inspector General of the Department shall conduct an audit of each entity that receives a grant under the Urban Area Security Initiative, the State Homeland Security Grant Program, or the Emergency Management Performance Grant Program to evaluate the use by that entity of any grant for preparedness administered by the Department that was awarded before the date of enactment of the Improving America's Security Act of 2007.

''(2) TIMING.—The date described in this paragraph is the later of 2 years after—

''(A) the date of enactment of the Improving America's Security Act of 2007; and

''(B) the date that an entity first receives a grant under the Urban Area Security Initiative, the State Homeland Security Grant Program, or the Emergency Management Performance Grant Program, as the case may be.

''(3) CONTENTS.—Each audit under this subsection shall evaluate—

''(A) the use of funds by an entity under any grant for preparedness administered by the Department that was awarded before the date of enactment of the Improving America's Security Act of 2007;

''(B) whether funds under each such grant program were used by that entity as required by law; and

''(C) the extent to which such funds were used to enhance preparedness.

''(4) PUBLIC AVAILABILITY ON WEBSITE.—The Inspector General of the Department shall make each audit under this subsection available on the website of the Inspector General.

''(5) REPORTING.—

''(A) IN GENERAL.—Not later than 2 years and 60 days after the date of enactment of the Improving America's Security Act of 2007, and annually thereafter, the Inspector General of the Department shall submit to Congress a consolidated report regarding the audits conducted under this subsection.

''(B) CONTENTS.—Each report submitted under this paragraph shall describe—

''(i)(I) for the first such report, the audits conducted under this subsection during the 2-year period beginning on the date of enactment of the Improving America's Security Act of 2007; and

''(II) for each subsequent such report, the audits conducted under this subsection during the fiscal year before the date of the submission of that report;

''(ii) whether funds under each grant audited were used as required by law; and

''(iii) the extent to which funds under each grant audited were used to enhance preparedness.

''(c) FUNDING FOR AUDITS.—

''(1) IN GENERAL.—The Administrator shall withhold 1 percent of the total amount of each grant under the Urban Area Security Initiative, the State Homeland Security Grant Program, and the Emergency Management Performance Grant Program for audits under this section.

''(2) AVAILABILITY OF FUNDS.—The Administrator shall make amounts withheld under this subsection available as follows:

''(A) Amounts withheld from grants under the Urban Area Security Initiative shall be made available for audits under this section of entities receiving grants under the Urban Area Security Initiative.

''(B) Amounts withheld from grants under the State Homeland Security Grant Program shall be made available for audits under this section of entities receiving grants under the State Homeland Security Grant Program.

''(C) Amounts withheld from grants under the Emergency Management Performance Grant Program shall be made available for audits under this section of entities receiving grants under the Emergency Management Performance Grant Program.

''SEC. 2011. AUTHORIZATION OF APPROPRIATIONS.

''(a) GRANTS.—

''(1) IN GENERAL.—There is authorized to be appropriated for the Homeland Security Grant Program established under section 2002 of this title for each of fiscal years 2008, 2009, and 2010, $3,105,000,000, to be allocated as follows:

''(A) For grants under the Urban Area Security Initiative under section 2003, $1,278,639,000.

''(B) For grants under the State Homeland Security Grant Program established under section 2004, $913,180,500.

''(C) For grants under the Emergency Management Performance Grant Program established under section 2005, $913,180,500.

''(2) SUBSEQUENT YEARS.—There is authorized to be appropriated for the Homeland Security Grant Program established under section 2002 of this title such sums as are necessary for fiscal year 2011 and each fiscal year thereafter.

''(b) PROPORTIONATE ALLOCATION.—Regardless of the amount appropriated for the Homeland Security Grant Program in any fiscal year, the appropriated amount shall, in each fiscal year, be allocated among the grant programs under sections 2003, 2004, and 2005 in direct proportion to the amounts allocated under paragraph (a)(1) of this section.''.

SEC. 203. TECHNICAL AND CONFORMING AMENDMENTS.

(a) IN GENERAL.—The Homeland Security Act of 2002 (6 U.S.C. 101 et seq.) is amended—

(1) by redesignating title XVIII, as added by the SAFE Port Act (Public Law 109–347; 120 Stat. 1884), as title XIX;

(2) by redesignating sections 1801 through 1806, as added by the SAFE Port Act (Public Law 109–347; 120 Stat. 1884), as sections 1901 through 1906, respectively;

(3) in section 1904(a), as so redesignated, by striking ''section 1802'' and inserting ''section 1902''; and

(4) in section 1906, as so redesignated, by striking ''section 1802(a)'' each place that term appears and inserting ''section 1902(a)''.

(b) TABLE OF CONTENTS.—The table of contents in section 1(b) of the Homeland Security Act of 2002 (6 U.S.C. 101 note) is amended by striking the items relating to title XVIII and sections 1801 through 1806, as added by the SAFE Port Act (Public Law 109–347; 120 Stat. 1884), and inserting the following:

''TITLE XIX—DOMESTIC NUCLEAR DETECTION OFFICE

''Sec. 1901. Domestic Nuclear Detection Office.
''Sec. 1902. Mission of Office.
''Sec. 1903. Hiring authority.
''Sec. 1904. Testing authority.
''Sec. 1905. Relationship to other Department entities and Federal agencies.
''Sec. 1906. Contracting and grant making authorities.

''TITLE XX—HOMELAND SECURITY GRANTS

''Sec. 2001. Definitions.
''Sec. 2002. Homeland Security Grant Program.
''Sec. 2003. Urban Area Security Initiative.
''Sec. 2004. State Homeland Security Grant Program.
''Sec. 2005. Emergency Management Performance Grants Program.
''Sec. 2006. Terrorism prevention.
''Sec. 2007. Restrictions on use of funds.
''Sec. 2008. Administration and coordination.
''Sec. 2009. Accountability.
''Sec. 2010. Auditing.
''Sec. 2011. Authorization of appropriations.''.

TITLE III—COMMUNICATIONS OPERABILITY AND INTEROPERABILITY

SEC. 301. DEDICATED FUNDING TO ACHIEVE EMERGENCY COMMUNICATIONS OPERABILITY AND INTEROPERABLE COMMUNICATIONS.

(a) EMERGENCY COMMUNICATIONS OPERABILITY AND INTEROPERABLE COMMUNICATIONS.—

(1) IN GENERAL.—Title XVIII of the Homeland Security Act of 2002 (6 U.S.C. 571 et seq.) (relating to emergency communications) is amended by adding at the end the following:

''SEC. 1809. EMERGENCY COMMUNICATIONS OPERABILITY AND INTEROPERABLE COMMUNICATIONS GRANTS.

''(a) DEFINITIONS.—In this section:

''(1) ADMINISTRATOR.—The term 'Administrator' means the Administrator of the Federal Emergency Management Agency.

''(2) EMERGENCY COMMUNICATIONS OPERABILITY.—The term 'emergency communications operability' means the ability to provide and maintain, throughout an emergency response operation, a continuous flow of information among emergency response providers, agencies, and government officers from multiple disciplines and jurisdictions and at all levels of government, in the event of a natural disaster, act of terrorism, or other man-made disaster, including where there has been significant damage to, or destruction of, critical infrastructure, including substantial loss of ordinary telecommunications infrastructure and sustained loss of electricity.

''(b) IN GENERAL.—The Administrator shall make grants to States for initiatives necessary to achieve, maintain, or enhance Statewide, regional, national and, as appropriate, international emergency communications operability and interoperable communications.

''(c) STATEWIDE INTEROPERABLE COMMUNICATIONS PLANS.—

''(1) SUBMISSION OF PLANS.—The Administrator shall require any State applying for a grant under this section to submit a Statewide Interoperable Communications Plan as described under section 7303(f) of the Intelligence Reform and Terrorism Prevention Act of 2004 (6 U.S.C. 194(f)).

''(2) COORDINATION AND CONSULTATION.—The Statewide plan submitted under paragraph (1) shall be developed—

''(A) in coordination with local and tribal governments, emergency response providers, and other relevant State officers; and

''(B) in consultation with and subject to appropriate comment by the applicable Regional Emergency Communications Coordination Working Group as described under section 1805.

''(3) APPROVAL.—The Administrator may not award a grant to a State unless the Administrator, in consultation with the Director for Emergency Communications, has approved the applicable Statewide plan.

''(4) REVISIONS.—A State may revise the applicable Statewide plan approved by the Administrator under this subsection, subject to approval of the revision by the Administrator.

''(d) CONSISTENCY.—The Administrator shall ensure that each grant is used to supplement and support, in a consistent and coordinated manner, any applicable State, regional, or urban area homeland security plan.

''(e) USE OF GRANT FUNDS.—Grants awarded under subsection (b) may be used for initiatives to achieve, maintain, or enhance emergency communications operability and interoperable communications, including—

''(1) Statewide or regional communications planning, including governance related activities;

''(2) system design and engineering;

''(3) system procurement and installation;

''(4) exercises;

''(5) modeling and simulation exercises for operational command and control functions;

''(6) technical assistance;

''(7) training; and

''(8) other appropriate activities determined by the Administrator to be integral to achieve, maintain, or enhance emergency communications operability and interoperable communications.

''(f) APPLICATION.—

''(1) IN GENERAL.—A State desiring a grant under this section shall submit an application at such time, in such manner, and accompanied by such information as the Administrator may reasonably require.

''(2) MINIMUM CONTENTS.—At a minimum, each application submitted under paragraph (1) shall—

''(A) identify the critical aspects of the communications life cycle, including planning, system design and engineering, procurement and installation, and training for which funding is requested;

''(B) describe how—

''(i) the proposed use of funds—

''(I) would be consistent with and address the goals in any applicable State, regional, or urban homeland security plan; and

''(II) unless the Administrator determines otherwise, are—

''(aa) consistent with the National Emergency Communications Plan under section 1802; and

''(bb) compatible with the national infrastructure and national voluntary consensus standards;

''(ii) the applicant intends to spend funds under the grant, to administer such funds, and to allocate such funds among participating local and tribal governments and emergency response providers;

''(iii) the State plans to allocate the grant funds on the basis of risk and effectiveness to regions, local and tribal governments to promote meaningful investments for achieving, maintaining, or enhancing emergency communications operability and interoperable communications;

''(iv) the State intends to address the emergency communications operability and interoperable communications needs at the city, county, regional, State, and interstate level; and

''(v) the State plans to emphasize regional planning and cooperation, both within the jurisdictional borders of that State and with neighboring States;

''(C) be consistent with the Statewide Interoperable Communications Plan required under section 7303(f) of the Intelligence Reform and Terrorism Prevention Act of 2004 (6 U.S.C. 194(f)); and

''(D) include a capital budget and timeline showing how the State intends to allocate and expend the grant funds.

''(g) AWARD OF GRANTS.—

''(1) CONSIDERATIONS.—In approving applications and awarding grants under this section, the Administrator shall consider—

''(A) the nature of the threat to the State from a natural disaster, act of terrorism, or other man-made disaster;

''(B) the location, risk, or vulnerability of critical infrastructure and key national assets, including the consequences from damage to critical infrastructure in nearby jurisdictions as a result of natural disasters, acts of terrorism, or other man-made disasters;

''(C) the size of the population of the State, including appropriate consideration of military, tourist, and commuter populations;

''(D) the population density of the State;

''(E) the extent to which grants will be utilized to implement emergency communications operability and interoperable communications solutions—

''(i) consistent with the National Emergency Communications Plan under section 1802 and compatible with the national infrastructure and national voluntary consensus standards; and

''(ii) more efficient and cost effective than current approaches;

''(F) the extent to which a grant would expedite the achievement, maintenance, or enhancement of emergency communications operability and interoperable communications in the State with Federal, State, local, and tribal governments;

''(G) the extent to which a State, given its financial capability, demonstrates its commitment to achieve, maintain, or enhance emergency communications operability and interoperable communications by supplementing Federal funds with non-Federal funds;

''(H) whether the State is on or near an international border;

''(I) whether the State encompasses an economically significant border crossing;

''(J) whether the State has a coastline bordering an ocean, a major waterway used for interstate commerce, or international waters;

''(K) the extent to which geographic barriers pose unusual obstacles to achieving, maintaining, or enhancing emergency communications operability or interoperable communications;

''(L) the threats, vulnerabilities, and consequences faced by the State related to at-risk sites or activities in nearby jurisdictions, including the need to respond to natural disasters, acts of terrorism, and other man-made disasters arising in those jurisdictions;

''(M) the need to achieve, maintain, or enhance nationwide emergency communications operability and interoperable communications, consistent with the National Emergency Communications Plan under section 1802;

''(N) whether the activity for which a grant is requested is being funded under another Federal or State emergency communications grant program; and

''(O) such other factors as are specified by the Administrator in writing.

''(2) REVIEW PANEL.—

''(A) IN GENERAL.—The Secretary shall establish a review panel under section 871(a) to assist in reviewing grant applications under this section.

''(B) RECOMMENDATIONS.—The review panel established under subparagraph (A) shall make recommendations to the Administrator regarding applications for grants under this section.

''(C) MEMBERSHIP.—The review panel established under subparagraph (A) shall include—

''(i) individuals with technical expertise in emergency communications operability and interoperable communications;

''(ii) emergency response providers; and

''(iii) other relevant State and local officers.

''(3) MINIMUM GRANT AMOUNTS.—The Administrator shall ensure that for each fiscal year—

''(A) no State receives less than an amount equal to 0.75 percent of the total funds appropriated for grants under this section; and

''(B) American Samoa, the Commonwealth of the Northern Mariana Islands, Guam, and the Virgin Islands each receive no less than 0.25 percent of the amounts appropriated for grants under this section.

''(4) AVAILABILITY OF FUNDS.—Any grant funds awarded that may be used to support emergency communications operability or interoperable communications shall, as the Administrator may determine, remain available for up to 3 years, consistent with section 7303(e) of the Intelligence Reform and Terrorism Prevention Act of 2004 (6 U.S.C. 194(e)).

''(h) STATE RESPONSIBILITIES.—

''(1) PASS-THROUGH OF FUNDS TO LOCAL AND TRIBAL GOVERNMENTS.—The Administrator shall determine a date by which a State that receives a grant shall obligate or otherwise make available to local and tribal governments and emergency response providers—

''(A) not less than 80 percent of the funds of the amount of the grant;

''(B) resources purchased with the grant funds having a value equal to not less than 80 percent of the total amount of the grant; or

''(C) grant funds combined with resources purchased with the grant funds having a value equal to not less than 80 percent of the total amount of the grant.

''(2) CERTIFICATIONS REGARDING DISTRIBUTION OF GRANT FUNDS TO LOCAL AND TRIBAL GOVERNMENTS.—Any State that receives a grant shall certify to the Administrator, by not later than 30 days after the date described under paragraph (1) with respect to the grant, that the State has made available for expenditure by local or tribal governments and emergency response providers the required amount of grant funds under paragraph (1).

''(3) REPORT ON GRANT SPENDING.—

''(A) IN GENERAL.—Any State that receives a grant shall submit a spending report to the Administrator at such time, in such manner, and accompanied by such information as the Administrator may reasonably require.

''(B) MINIMUM CONTENTS.—At a minimum, each report under this paragraph shall include—

''(i) the amount, ultimate recipients, and dates of receipt of all funds received under the grant;

''(ii) the amount and the dates of disbursements of all such funds expended in compliance with paragraph (1) or under mutual aid agreements or other intrastate and interstate sharing arrangements, as applicable;

''(iii) how the funds were used by each ultimate recipient or beneficiary;

''(iv) the extent to which emergency communications operability and interoperable communications identified in the applicable Statewide plan and application have been achieved, maintained, or enhanced as the result of the expenditure of grant funds; and

''(v) the extent to which emergency communications operability and interoperable communications identified in the applicable Statewide plan and application remain unmet.

''(C) PUBLIC AVAILABILITY ON WEBSITE.—The Administrator shall make each report submitted under subparagraph (A) publicly available on the website of the Federal Emergency Management Agency. The Administrator may redact such information from the reports as the Administrator determines necessary to protect national security.

''(4) PENALTIES FOR REPORTING DELAY.—If a State fails to provide the information required by the Administrator under paragraph (3), the Administrator may—

''(A) reduce grant payments to the State from the portion of grant funds that are not required to be passed through under paragraph (1);

''(B) terminate payment of funds under the grant to the State, and transfer the appropriate portion of those funds directly to local and tribal governments and emergency response providers that were intended to receive funding under that grant; or

''(C) impose additional restrictions or burdens on the use of funds by the State under the grant, which may include—

''(i) prohibiting use of such funds to pay the grant-related expenses of the State; or

''(ii) requiring the State to distribute to local and tribal government and emergency response providers all or a portion of grant funds that are not required to be passed through under paragraph (1).

''(i) PROHIBITED USES.—Grants awarded under this section may not be used for recreational or social purposes.

''(j) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated for grants under this section—

''(1) $400,000,000 for fiscal year 2008;

''(2) $500,000,000 for fiscal year 2009;

''(3) $600,000,000 for fiscal year 2010;

''(4) $800,000,000 for fiscal year 2011;

''(5) $1,000,000,000 for fiscal year 2012; and

''(6) such sums as necessary for each fiscal year thereafter.''.

(2) TECHNICAL AND CONFORMING AMENDMENT.—The table of contents under section 1(b) of the Homeland Security Act of 2002 (6 U.S.C. 101) is amended by inserting after the item relating to section 1808 the following:

''Sec. 1809. Emergency communications operability and interoperable communications grants.''

(b) INTEROPERABLE COMMUNICATIONS PLANS.—Section 7303 of the Intelligence Reform and Terrorist Prevention Act of 2004 (6 U.S.C. 194) is amended—

(1) in subsection (f)—

(A) in paragraph (4), by striking ''and'' at the end;

(B) in paragraph (5), by striking the period at the end and inserting a semicolon; and

(C) by adding at the end the following:

''(6) include information on the governance structure used to develop the plan, such as all agencies and organizations that participated in developing the plan and the scope and timeframe of the plan; and

''(7) describe the method by which multi-jurisdictional, multi-disciplinary input was provided from all regions of the jurisdiction and the process for continuing to incorporate such input.''; and

(2) in subsection (g)(1), by striking ''or video'' and inserting ''and video''.

(c) NATIONAL EMERGENCY COMMUNICATIONS PLAN.—Section 1802(c) of the Homeland Security Act of 2002 (6 U.S.C. 652(c)) is amended—

(1) in paragraph (8), by striking ''and'' at the end;

(2) in paragraph (9), by striking the period at the end and inserting a semicolon; and

(3) by adding at the end the following:

''(10) set a date, including interim benchmarks, as appropriate, by which State, local, and tribal governments, Federal departments and agencies, emergency response providers, and the private sector will achieve interoperable communications as that term is defined under section 7303(g)(1) of the Intelligence Reform and Terrorism Prevention Act of 2004 (6 U.S.C. 194(g)(1).''.

SEC. 302. BORDER INTEROPERABILITY DEMONSTRATION PROJECT.

(a) IN GENERAL.—

(1) ESTABLISHMENT.—There is established in the Department an International Border Community Interoperable Communications Demonstration Project (referred to in this section as ''demonstration project'').

(2) MINIMUM NUMBER OF COMMUNITIES.—The Secretary shall select no fewer than 6 communities to participate in a demonstration project.

(3) LOCATION OF COMMUNITIES.—No fewer than 3 of the communities selected under paragraph (2) shall be located on the northern border of the United States and no fewer than 3 of the communities selected under paragraph (2) shall be located on the southern border of the United States.

(b) PROGRAM REQUIREMENTS.—The demonstration projects shall—

(1) address the interoperable communications needs of emergency response providers and the National Guard;

(2) foster interoperable emergency communications systems—

(A) among Federal, State, local, and tribal government agencies in the United States involved in preventing or responding to a natural disaster, act of terrorism, or other manmade disaster; and

(B) with similar agencies in Canada or Mexico;

(3) identify common international cross-border frequencies for communications equipment, including radio or computer messaging equipment;

(4) foster the standardization of interoperable emergency communications equipment;

(5) identify solutions that will facilitate interoperable communications across national borders expeditiously;

(6) ensure that emergency response providers can communicate with each other and the public at disaster sites;

(7) provide training and equipment to enable emergency response providers to deal with threats and contingencies in a variety of environments; and

(8) identify and secure appropriate joint-use equipment to ensure communications access.

(c) DISTRIBUTION OF FUNDS.—

(1) IN GENERAL.—The Secretary shall distribute funds under this section to each community participating in a demonstration project through the State, or States, in which each community is located.

(2) OTHER PARTICIPANTS.—Not later than 60 days after receiving funds under paragraph (1), a State shall make the funds available to the local and tribal governments and emergency response providers selected by the Secretary to participate in a demonstration project.

(d) REPORTING.—

(1) IN GENERAL.—Not later than December 31, 2007, and each year thereafter in which funds are appropriated for a demonstration project, the Secretary shall submit to the Committee on Homeland Security and Governmental Affairs of the Senate and the Committee on Homeland Security of the House of Representatives a report on the demonstration projects.

(2) CONTENTS.—Each report under this subsection shall contain the following:

(A) The name and location of all communities involved in the demonstration project.

(B) The amount of funding provided to each State for the demonstration project.

(C) An evaluation of the usefulness of the demonstration project towards developing an effective interoperable communications system at the borders.

(D) The factors that were used in determining how to distribute the funds in a risk-based manner.

(E) The specific risks inherent to a border community that make interoperable communications more difficult than in non-border communities.

(F) The optimal ways to prioritize funding for interoperable communication systems based upon risk.

(e) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as are necessary in each of fiscal years 2007, 2008, and 2009 to carry out this section.

TITLE IV—ENHANCING SECURITY OF INTERNATIONAL TRAVEL

SEC. 401. MODERNIZATION OF THE VISA WAIVER PROGRAM.

(a) SHORT TITLE.—This section may be cited as the ''Secure Travel and Counterterrorism Partnership Act''.

(b) SENSE OF CONGRESS.—It is the sense of Congress that—

(1) the United States should modernize the visa waiver program by simultaneously—

(A) enhancing program security requirements; and

(B) extending visa-free travel privileges to nationals of foreign countries that are allies in the war on terrorism; and

(2) the expansion described in paragraph (1) will—

(A) enhance bilateral cooperation on critical counterterrorism and information sharing initiatives;

(B) support and expand tourism and business opportunities to enhance long-term economic competitiveness; and

(C) strengthen bilateral relationships.

(c) DISCRETIONARY VISA WAIVER PROGRAM EXPANSION.—Section 217(c) of the Immigration and Nationality Act (8 U.S.C. 1187(c)) is amended by adding at the end the following:

''(8) NONIMMIGRANT VISA REFUSAL RATE FLEXIBILITY.—

''(A) CERTIFICATION.—On the date on which an air exit system is in place that can verify the departure of not less than 97 percent of foreign nationals that exit through airports of the United States, the Secretary of Homeland Security shall certify to Congress that such air exit system is in place.

''(B) WAIVER.—After certification by the Secretary under subparagraph (A), the Secretary of Homeland Security, in consultation with the Secretary of State, may waive the application of paragraph (2)(A) for a country if—

''(i) the country meets all security requirements of this section;

''(ii) the Secretary of Homeland Security determines that the totality of the country's security risk mitigation measures provide assurance that the country's participation in the program would not compromise the law enforcement, security interests, or enforcement of the immigration laws of the United States;

''(iii) there has been a sustained reduction in visa refusal rates for aliens from the country and conditions exist to continue such reduction; and

''(iv) the country cooperated with the Government of the United States on counterterrorism initiatives and information sharing before the date of its designation as a program country, and the Secretary of Homeland Security and the Secretary of State expect such cooperation will continue.

''(9) DISCRETIONARY SECURITY-RELATED CONSIDERATIONS.—

''(A) IN GENERAL.—In determining whether to waive the application of paragraph (2)(A) for a country, pursuant to paragraph (8), the Secretary of Homeland Security, in consultation with the Secretary of State, shall take into consideration other factors affecting the security of the United States, including—

''(i) airport security standards in the country;

''(ii) whether the country assists in the operation of an effective air marshal program;

''(iii) the standards of passports and travel documents issued by the country; and

''(iv) other security-related factors.

''(B) OVERSTAY RATES.—In determining whether to permit a country to participate in the program, the Secretary of Homeland Security shall consider the estimated rate at which nationals of the country violate the terms of their visas by remaining in the United States after the expiration of such visas.''.

(d) SECURITY ENHANCEMENTS TO THE VISA WAIVER PROGRAM.—

(1) IN GENERAL.—Section 217 of the Immigration and Nationality Act (8 U.S.C. 1187) is amended—

(A) in subsection (a)—

(i) by striking ''Operators of aircraft'' and inserting the following:

''(10) ELECTRONIC TRANSMISSION OF IDENTIFICATION INFORMATION.—Operators of aircraft''; and

(ii) by adding at the end the following:

''(11) ELIGIBILITY DETERMINATION UNDER THE ELECTRONIC TRAVEL AUTHORIZATION SYSTEM.—Beginning on the date on which the electronic travel authorization system developed under subsection (h)(3) is fully operational, each alien traveling under the program shall, before applying for admission, electronically provide basic biographical information to the system. Upon review of such biographical information, the Secretary of Homeland Security shall determine whether the alien is eligible to travel to the United States under the program.'';

(B) in subsection (c), as amended by subsection (c) of this section—

(i) in paragraph (2)—

(I) by amending subparagraph (D) to read as follows:

''(D) REPORTING LOST AND STOLEN PASSPORTS.—The government of the country enters into an agreement with the United States to report, or make available through Interpol, to the United States Government information about the theft or loss of passports within a strict time limit and in a manner specified in the agreement.''; and

(II) by adding at the end the following:

''(E) REPATRIATION OF ALIENS.—The government of a country accepts for repatriation any citizen, former citizen, or national against whom a final executable order of removal is issued not later than 3 weeks after the issuance of the final order of removal. Nothing in this subparagraph creates any duty for the United States or any right for any alien with respect to removal or release. Nothing in this subparagraph gives rise to any cause of action or claim under this paragraph or any other law against any official of the United States or of any State to compel the release, removal, or consideration for release or removal of any alien.

''(F) PASSENGER INFORMATION EXCHANGE.—The government of the country enters into an agreement with the United States to share information regarding whether nationals of that country traveling to the United States represent a threat to the security or

welfare of the United States or its citizens.''.

(ii) in paragraph (5)—

(I) by striking ''Attorney General'' each place it appears and inserting ''Secretary of Homeland Security''; and

(II) in subparagraph (A)(i)—

(aa) in subclause (II), by striking ''and'' at the end;

(bb) in subclause (III), by striking the period at the end and inserting ''; and''; and

(cc) by adding at the end the following:

''(IV) shall submit to Congress a report regarding the implementation of the electronic travel authorization system under subsection (h)(3) and the participation of new countries in the program through a waiver under paragraph (8).''; and

(iii) by adding at the end the following:

''(10) TECHNICAL ASSISTANCE.—The Secretary of Homeland Security, in consultation with the Secretary of State, shall provide technical assistance to program countries to assist those countries in meeting the requirements under this section.'';

(C) in subsection (f)(5), by striking ''of blank'' and inserting ''or loss of''; and

(D) in subsection (h), by adding at the end the following:

''(3) ELECTRONIC TRAVEL AUTHORIZATION SYSTEM.—

''(A) SYSTEM.—The Secretary of Homeland Security, in consultation with the Secretary of State, is authorized to develop and implement a fully automated electronic travel authorization system (referred to in this paragraph as the 'System') to collect such basic biographical information as the Secretary of Homeland Security determines to be necessary to determine, in advance of travel, the eligibility of an alien to travel to the United States under the program.

''(B) FEES.—The Secretary of Homeland Security may charge a fee for the use of the System, which shall be—

''(i) set at a level that will ensure recovery of the full costs of providing and administering the System; and

''(ii) available to pay the costs incurred to administer the System.

''(C) VALIDITY.—

''(i) PERIOD.—The Secretary of Homeland Security, in consultation with the Secretary of State shall prescribe regulations that provide for a period, not to exceed 3 years, during which a determination of eligibility to travel under the program will be valid. Notwithstanding any other provision under this section, the Secretary of Homeland Security may revoke any such determination at any time and for any reason.

''(ii) LIMITATION.—A determination that an alien is eligible to travel to the United States under the program is not a determination that the alien is admissible to the United States.

''(iii) JUDICIAL REVIEW.—Notwithstanding any other provision of law, no court shall have jurisdiction to review an eligibility determination under the System.

''(D) REPORT.—Not later than 60 days before publishing notice regarding the implementation of the System in the Federal Register, the Secretary of Homeland Security shall submit a report regarding the implementation of the System to—

''(i) the Committee on Homeland Security and Governmental Affairs of the Senate;

''(ii) the Committee on the Judiciary of the Senate;

''(iii) the Select Committee on Intelligence of the Senate;

''(iv) the Committee on Appropriations of the Senate;

''(v) the Committee on Homeland Security of the House of Representatives;

''(vi) the Committee on the Judiciary of the House of Representatives;

''(vii) the Permanent Select Committee on Intelligence of the House of Representatives; and

''(viii) the Committee on Appropriations of the House of Representatives.''.

(2) EFFECTIVE DATE.—Section 217(a)(11) of the Immigration and Nationality Act, as added by paragraph (1)(A)(ii) shall take effect on the date which is 60 days after the date on which the Secretary of Homeland Security publishes notice in the Federal Register of the requirement under such paragraph.

(e) EXIT SYSTEM.—

(1) IN GENERAL.—Not later than 1 year after the date of enactment of this Act, the Secretary of Homeland Security shall establish an exit system that records the departure on a flight leaving the United States of every alien participating in the visa waiver program established under section 217 of the Immigration and Nationality Act (8 U.S.C. 1187).

(2) SYSTEM REQUIREMENTS.—The system established under paragraph (1) shall—

(A) match biometric information of the alien against relevant watch lists and immigration information; and

(B) compare such biometric information against manifest information collected by air carriers on passengers departing the United States to confirm such individuals have departed the United States.

(3) REPORT.—Not later than 180 days after the date of enactment of this Act, the Secretary shall submit a report to Congress that describes—

(A) the progress made in developing and deploying the exit system established under this subsection; and

(B) the procedures by which the Secretary will improve the manner of calculating the rates of nonimmigrants who violate the terms of their visas by remaining in the United States after the expiration of such visas.

(f) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as may be necessary to carry out this section and the amendments made by this section.

SEC. 402. STRENGTHENING THE CAPABILITIES OF THE HUMAN SMUGGLING AND TRAFFICKING CENTER.

(a) IN GENERAL.—Section 7202 of the Intelligence Reform and Terrorism Prevention Act of 2004 (8 U.S.C. 1777) is amended—

(1) in subsection (c)(1), by striking ''address'' and inserting ''integrate and disseminate intelligence and information related to'';

(2) by redesignating subsections (d) and (e) as subsections (g) and (h), respectively; and

(3) by inserting after subsection (c) the following new subsections:

''(d) DIRECTOR.—The Secretary of Homeland Security shall nominate an official of the Government of the United States to serve as the Director of the Center, in accordance with the requirements of the memorandum of understanding entitled the 'Human Smuggling and Trafficking Center (HSTC) Charter'.

''(e) STAFFING OF THE CENTER.—

''(1) IN GENERAL.—The Secretary of Homeland Security, in cooperation with heads of other relevant agencies and departments, shall ensure that the Center is staffed with not fewer than 40 full-time equivalent positions, including, as appropriate, detailees from the following:

''(A) The Office of Intelligence and Analysis.

''(B) The Transportation Security Administration.

''(C) The United States Citizenship and Immigration Services.

''(D) The United States Customs and Border Protection.

''(E) The United States Coast Guard.

''(F) The United States Immigration and Customs Enforcement.

''(G) The Central Intelligence Agency.

''(H) The Department of Defense.

''(I) The Department of the Treasury.

''(J) The National Counterterrorism Center.

''(K) The National Security Agency.

''(L) The Department of Justice.

''(M) The Department of State.

''(N) Any other relevant agency or department.

''(2) EXPERTISE OF DETAILEES.—The Secretary of Homeland Security, in cooperation with the head of each agency, department, or other entity set out under paragraph (1), shall ensure that the detailees provided to the Center under paragraph (1) include an adequate number of personnel with experience in the area of—

''(A) consular affairs;

''(B) counterterrorism;

''(C) criminal law enforcement;

''(D) intelligence analysis;

''(E) prevention and detection of document fraud;

''(F) border inspection; or

''(G) immigration enforcement.

''(3) REIMBURSEMENT FOR DETAILEES.—To the extent that funds are available for such purpose, the Secretary of Homeland Security shall provide reimbursement to each agency or department that provides a detailee to the Center, in such amount or proportion as is appropriate for costs associated with the provision of such detailee, including costs for travel by, and benefits provided to, such detailee.

''(f) ADMINISTRATIVE SUPPORT AND FUNDING.—The Secretary of Homeland Security shall provide to the Center the administrative support and funding required for its maintenance, including funding for personnel, leasing of office space, supplies, equipment, technology, training, and travel expenses necessary for the Center to carry out its functions.''.

(b) REPORT.—Subsection (g) of section 7202 of the Intelligence Reform and Terrorism Prevention Act of 2004 (8 U.S.C. 1777), as redesignated by subsection (a)(2), is amended—

(1) in the heading, by striking ''REPORT'' and inserting ''INITIAL REPORT'';

(2) by redesignating such subsection (g) as paragraph (1);

(3) by indenting such paragraph, as so designated, four ems from the left margin;

(4) by inserting before such paragraph, as so designated, the following:

''(g) REPORT.—''; and

(5) by inserting after such paragraph, as so designated, the following new paragraph:

''(2) FOLLOW-UP REPORT.—Not later than 180 days after the date of enactment of the Improving America's Security Act of 2007, the President shall transmit to Congress a report regarding the operation of the Center and the activities carried out by the Center, including a description of—

''(A) the roles and responsibilities of each agency or department that is participating in the Center;

''(B) the mechanisms used to share information among each such agency or department;

''(C) the staff provided to the Center by each such agency or department;

''(D) the type of information and reports being disseminated by the Center; and

''(E) any efforts by the Center to create a centralized Federal Government database to store information related to illicit travel of foreign nationals, including a description of any such database and of the manner in which information utilized in such a database would be collected, stored, and shared.''.

(c) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Secretary to carry out section 7202 of the Intelligence Reform and Terrorism Prevention Act of 2004 (8 U.S.C. 1777), as amended by this section, $20,000,000 for fiscal year 2008.

SEC. 403. ENHANCEMENTS TO THE TERRORIST TRAVEL PROGRAM.

Section 7215 of the Intelligence Reform and Terrorism Prevention Act of 2004 (6 U.S.C. 123) is amended to read as follows:

"SEC. 7215. TERRORIST TRAVEL PROGRAM.

''(a) REQUIREMENT TO ESTABLISH.—Not later than 90 days after the date of enactment of the Improving America's Security Act of 2007, the Secretary of Homeland Security, in consultation with the Director of the National Counterterrorism Center and consistent with the strategy developed under section 7201, shall establish a program to oversee the implementation of the Secretary's responsibilities with respect to terrorist travel.

''(b) HEAD OF THE PROGRAM.—The Secretary of Homeland Security shall designate an official of the Department of Homeland Security to be responsible for carrying out the program. Such official shall be—

''(1) the Assistant Secretary for Policy of the Department of Homeland Security; or

''(2) an official appointed by the Secretary who reports directly to the Secretary.

''(c) DUTIES.—The official designated under subsection (b) shall assist the Secretary of Homeland Security in improving the Department's ability to prevent terrorists from entering the United States or remaining in the United States undetected by—

''(1) developing relevant strategies and policies;

''(2) reviewing the effectiveness of existing programs and recommending improvements, if necessary;

''(3) making recommendations on budget requests and on the allocation of funding and personnel;

''(4) ensuring effective coordination, with respect to policies, programs, planning, operations, and dissemination of intelligence and information related to terrorist travel—

''(A) among appropriate subdivisions of the Department of Homeland Security, as determined by the Secretary and including—

''(i) the United States Customs and Border Protection;

''(ii) the United States Immigration and Customs Enforcement;

''(iii) the United States Citizenship and Immigration Services;

''(iv) the Transportation Security Administration; and

''(v) the United States Coast Guard; and

''(B) between the Department of Homeland Security and other appropriate Federal agencies; and

''(5) serving as the Secretary's primary point of contact with the National Counterterrorism Center for implementing initiatives related to terrorist travel and ensuring that the recommendations of the Center related to terrorist travel are carried out by the Department.

''(d) REPORT.—Not later than 180 days after the date of enactment of the Improving America's Security Act of 2007, the Secretary of Homeland Security shall submit to the Committee on Homeland Security and Governmental Affairs of the Senate and the Committee on Homeland Security of the House of Representatives a report on the implementation of this section.''.

SEC. 404. ENHANCED DRIVER'S LICENSE.

Section 7209(b)(1) of the Intelligence Reform and Terrorism Prevention Act of 2004 (8 U.S.C. 1185 note) is amended—

(1) in subparagraph (B)—

(A) in clause (vi), by striking ''and'' at the end;

(B) in clause (vii), by striking the period at the end and inserting ''; and''; and

(C) by adding at the end the following:

''(viii) the signing of a memorandum of agreement to initiate a pilot program with not less than 1 State to determine if an enhanced driver's license, which is machine-readable and tamper proof, not valid for certification of citizenship for any purpose other than admission into the United States from Canada, and issued by such State to an individual, may permit the individual to use the driver's license to meet the documentation requirements under subparagraph (A) for entry into the United States from Canada at the land and sea ports of entry.''; and

(2) by adding at the end the following:

''(C) REPORT.—Not later than 180 days after the initiation of the pilot program described in subparagraph (B)(viii), the Secretary of Homeland Security and Secretary of State shall submit to the appropriate congressional committees a report, which includes—

''(i) an analysis of the impact of the pilot program on national security;

''(ii) recommendations on how to expand the pilot program to other States;

''(iii) any appropriate statutory changes to facilitate the expansion of the pilot program to additional States and to citizens of Canada;

''(iv) a plan to scan individuals participating in the pilot program against United States terrorist watch lists; and

''(v) a recommendation for the type of machine-readable technology that should be used in enhanced driver's licenses, based on individual privacy considerations and the costs and feasibility of incorporating any new technology into existing driver's licenses.''.

SEC. 405. WESTERN HEMISPHERE TRAVEL INITIATIVE.

Before publishing a final rule in the Federal Register, the Secretary shall conduct—

(1) a complete cost-benefit analysis of the Western Hemisphere Travel Initiative, authorized under section 7209 of the Intelligence Reform and Terrorism Prevention Act of 2004 (Public Law 108–458; 8 U.S.C. 1185 note); and

(2) a study of the mechanisms by which the execution fee for a PASS Card could be reduced, considering the potential increase in the number of applications.

TITLE V—PRIVACY AND CIVIL LIBERTIES MATTERS

SEC. 501. MODIFICATION OF AUTHORITIES RELATING TO PRIVACY AND CIVIL LIBERTIES OVERSIGHT BOARD.

(a) MODIFICATION OF AUTHORITIES.—Section 1061 of the National Security Intelligence Reform Act of 2004 (title I of Public Law 108–458; 5 U.S.C. 601 note) is amended to read as follows:

"SEC. 1061. PRIVACY AND CIVIL LIBERTIES OVERSIGHT BOARD.

''(a) IN GENERAL.—There is established within the Executive Office of the President a Privacy and Civil Liberties Oversight Board (referred to in this section as the 'Board').

''(b) FINDINGS.—Consistent with the report of the National Commission on Terrorist Attacks Upon the United States, Congress makes the following findings:

''(1) In conducting the war on terrorism, the Government may need additional powers and may need to enhance the use of its existing powers.

''(2) This shift of power and authority to the Government calls for an enhanced system of checks and balances to protect the precious liberties that are vital to our way of life and to ensure that the Government uses its powers for the purposes for which the powers were given.

''(c) PURPOSE.—The Board shall—

''(1) analyze and review actions the executive branch takes to protect the Nation from terrorism, ensuring that the need for such actions is balanced with the need to protect privacy and civil liberties; and

''(2) ensure that liberty concerns are appropriately considered in the development and implementation of laws, regulations, and policies related to efforts to protect the Nation against terrorism.

''(d) FUNCTIONS.—

''(1) ADVICE AND COUNSEL ON POLICY DEVELOPMENT AND IMPLEMENTATION.—The Board shall—

''(A) review proposed legislation, regulations, and policies related to efforts to protect the Nation from terrorism, including the development and adoption of information sharing guidelines under subsections (d) and (f) of section 1016;

''(B) review the implementation of new and existing legislation, regulations, and policies related to efforts to protect the Nation from terrorism, including the implementation of information sharing guidelines under subsections (d) and (f) of section 1016;

''(C) advise the President and the departments, agencies, and elements of the executive branch to ensure that privacy and civil liberties are appropriately considered in the development and implementation of such legislation, regulations, policies, and guidelines; and

''(D) in providing advice on proposals to retain or enhance a particular governmental power, consider whether the department, agency, or element of the executive branch has established—

''(i) that the need for the power is balanced with the need to protect privacy and civil liberties;

''(ii) that there is adequate supervision of the use by the executive branch of the power to ensure protection of privacy and civil liberties; and

''(iii) that there are adequate guidelines and oversight to properly confine its use.

''(2) OVERSIGHT.—The Board shall continually review—

''(A) the regulations, policies, and procedures, and the implementation of the regulations, policies, and procedures, of the departments, agencies, and elements of the executive branch to ensure that privacy and civil liberties are protected;

''(B) the information sharing practices of the departments, agencies, and elements of the executive branch to determine whether they appropriately protect privacy and civil liberties and adhere to the information sharing guidelines issued or developed under subsections (d) and (f) of section 1016 and to other governing laws, regulations, and policies regarding privacy and civil liberties; and

''(C) other actions by the executive branch related to efforts to protect the Nation from terrorism to determine whether such actions—

''(i) appropriately protect privacy and civil liberties; and

''(ii) are consistent with governing laws, regulations, and policies regarding privacy and civil liberties.

''(3) RELATIONSHIP WITH PRIVACY AND CIVIL LIBERTIES OFFICERS.—The Board shall—

''(A) review and assess reports and other information from privacy officers and civil liberties officers under section 1062;

''(B) when appropriate, make recommendations to such privacy officers and civil liberties officers regarding their activities; and

''(C) when appropriate, coordinate the activities of such privacy officers and civil liberties officers on relevant interagency matters.

''(4) TESTIMONY.—The members of the Board shall appear and testify before Congress upon request.

''(e) REPORTS.—

''(1) IN GENERAL.—The Board shall—

''(A) receive and review reports from privacy officers and civil liberties officers under section 1062; and

''(B) periodically submit, not less than semiannually, reports—

''(i)(I) to the appropriate committees of Congress, including the Committee on the Judiciary of the Senate, the Committee on the Judiciary of the House of Representatives, the Committee on Homeland Security and Governmental Affairs of the Senate, the Committee on Oversight and Government Reform of the House of Representatives, the Select Committee on Intelligence of the Senate, and the Permanent Select Committee on Intelligence of the House of Representatives; and

''(II) to the President; and

''(ii) which shall be in unclassified form to the greatest extent possible, with a classified annex where necessary.

''(2) CONTENTS.—Not less than 2 reports submitted each year under paragraph (1)(B) shall include—

''(A) a description of the major activities of the Board during the preceding period;

''(B) information on the findings, conclusions, and recommendations of the Board resulting from its advice and oversight functions under subsection (d);

''(C) the minority views on any findings, conclusions, and recommendations of the Board resulting from its advice and oversight functions under subsection (d);

''(D) each proposal reviewed by the Board under subsection (d)(1) that—

''(i) the Board advised against implementation; and

''(ii) notwithstanding such advice, actions were taken to implement; and

''(E) for the preceding period, any requests submitted under subsection (g)(1)(D) for the issuance of subpoenas that were modified or denied by the Attorney General.

''(f) INFORMING THE PUBLIC.—The Board shall—

''(1) make its reports, including its reports to Congress, available to the public to the greatest extent that is consistent with the protection of classified information and applicable law; and

''(2) hold public hearings and otherwise inform the public of its activities, as appropriate and in a manner consistent with the protection of classified information and applicable law.

''(g) ACCESS TO INFORMATION.—

''(1) AUTHORIZATION.—If determined by the Board to be necessary to carry out its responsibilities under this section, the Board is authorized to—

''(A) have access from any department, agency, or element of the executive branch, or any Federal officer or employee, to all relevant records, reports, audits, reviews, documents, papers, recommendations, or other relevant material, including classified information consistent with applicable law;

''(B) interview, take statements from, or take public testimony from personnel of any department, agency, or element of the executive branch, or any Federal officer or employee;

''(C) request information or assistance from any State, tribal, or local government; and

''(D) at the direction of a majority of the members of the Board, submit a written request to the Attorney General of the United States that the Attorney General require, by subpoena, persons (other than departments, agencies, and elements of the executive branch) to produce any relevant information, documents, reports, answers, records, accounts, papers, and other documentary or testimonial evidence.

''(2) REVIEW OF SUBPOENA REQUEST.—

''(A) IN GENERAL.—Not later than 30 days after the date of receipt of a request by the Board under paragraph (1)(D), the Attorney General shall—

''(i) issue the subpoena as requested; or

''(ii) provide the Board, in writing, with an explanation of the grounds on which the subpoena request has been modified or denied.

''(B) NOTIFICATION.—If a subpoena request is modified or denied under subparagraph (A)(ii), the Attorney General shall, not later than 30 days after the date of that modification or denial, notify the Committee on the Judiciary of the Senate and the Committee on the Judiciary of the House of Representatives.

''(3) ENFORCEMENT OF SUBPOENA.—In the case of contumacy or failure to obey a subpoena issued pursuant to paragraph (1)(D), the United States district court for the judicial district in which the subpoenaed person resides, is served, or may be found may issue an order requiring such person to produce the evidence required by such subpoena.

''(4) AGENCY COOPERATION.—Whenever information or assistance requested under subparagraph (A) or (B) of paragraph (1) is, in the judgment of the Board, unreasonably refused or not provided, the Board shall report the circumstances to the head of the department, agency, or element concerned without delay. The head of the department, agency, or element concerned shall ensure that the Board is given access to the information, assistance, material, or personnel the Board determines to be necessary to carry out its functions.

''(h) MEMBERSHIP.—

''(1) MEMBERS.—The Board shall be composed of a full-time chairman and 4 additional members, who shall be appointed by the President, by and with the advice and consent of the Senate.

''(2) QUALIFICATIONS.—Members of the Board shall be selected solely on the basis of their professional qualifications, achievements, public stature, expertise in civil liberties and privacy, and relevant experience, and without regard to political affiliation, but in no event shall more than 3 members of the Board be members of the same political party.

''(3) INCOMPATIBLE OFFICE.—An individual appointed to the Board may not, while serving on the Board, be an elected official, officer, or employee of the Federal Government, other than in the capacity as a member of the Board.

''(4) TERM.—Each member of the Board shall serve a term of 6 years, except that—

''(A) a member appointed to a term of office after the commencement of such term may serve under such appointment only for the remainder of such term;

''(B) upon the expiration of the term of office of a member, the member shall continue to serve until the member's successor has been appointed and qualified, except that no member may serve under this subparagraph—

''(i) for more than 60 days when Congress is in session unless a nomination to fill the vacancy shall have been submitted to the Senate; or

''(ii) after the adjournment sine die of the session of the Senate in which such nomination is submitted; and

''(C) the members first appointed under this subsection after the date of enactment of the Improving America's Security Act of 2007 shall serve terms of two, three, four, five, and six years, respectively, with the term of each such member to be designated by the President.

''(5) QUORUM AND MEETINGS.—After its initial meeting, the Board shall meet upon the call of the chairman or a majority of its members. Three members of the Board shall constitute a quorum.

''(i) COMPENSATION AND TRAVEL EXPENSES.—

''(1) COMPENSATION.—

''(A) CHAIRMAN.—The chairman of the Board shall be compensated at the rate of pay payable for a position at level III of the Executive Schedule under section 5314 of title 5, United States Code.

''(B) MEMBERS.—Each member of the Board shall be compensated at a rate of pay payable for a position at level IV of the Executive Schedule under section 5315 of title 5, United States Code, for each day during which that member is engaged in the actual performance of the duties of the Board.

''(2) TRAVEL EXPENSES.—Members of the Board shall be allowed travel expenses, including per diem in lieu of subsistence, at rates authorized for persons employed intermittently by the Government under section 5703(b) of title 5, United States Code, while away from their homes or regular places of business in the performance of services for the Board.

''(j) STAFF.—

''(1) APPOINTMENT AND COMPENSATION.—The chairman of the Board, in accordance with rules agreed upon by the Board, shall appoint and fix the compensation of a full-time executive director and such other personnel as may be necessary to enable the Board to carry out its functions, without regard to the provisions of title 5, United States Code, governing appointments in the competitive service, and without regard to the provisions of chapter 51 and subchapter III of chapter 53 of such title relating to classification and General Schedule pay rates, except that no rate of pay fixed under this subsection may exceed the equivalent of that payable for a position at level V of the Executive Schedule under section 5316 of title 5, United States Code.

''(2) DETAILEES.—Any Federal employee may be detailed to the Board without reimbursement from the Board, and such detailee shall retain the rights, status, and privileges of the detailee's regular employment without interruption.

''(3) CONSULTANT SERVICES.—The Board may procure the temporary or intermittent services of experts and consultants in accordance with section 3109 of title 5, United States Code, at rates that do not exceed the daily rate paid a person occupying a position at level IV of the Executive Schedule under section 5315 of such title.

''(k) SECURITY CLEARANCES.—The appropriate departments, agencies, and elements of the executive branch shall cooperate with the Board to expeditiously provide the Board members and staff with appropriate security clearances to the extent possible under existing procedures and requirements.

''(l) TREATMENT AS AGENCY, NOT AS ADVISORY COMMITTEE.—The Board—

''(1) is an agency (as defined in section 551(1) of title 5, United States Code); and

''(2) is not an advisory committee (as defined in section 3(2) of the Federal Advisory Committee Act (5 U.S.C. App.)).

''(m) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section amounts as follows:

''(1) For fiscal year 2008, $5,000,000.

''(2) For fiscal year 2009, $6,650,000.

''(3) For fiscal year 2010, $8,300,000.

''(4) For fiscal year 2011, $10,000,000.

''(5) For fiscal year 2012, and each fiscal year thereafter, such sums as may be necessary.''.

(b) CONTINUATION OF SERVICE OF CURRENT MEMBERS OF PRIVACY AND CIVIL LIBERTIES

BOARD.—The members of the Privacy and Civil Liberties Oversight Board as of the date of enactment of this Act may continue to serve as members of that Board after that date, and to carry out the functions and exercise the powers of that Board as specified in section 1061 of the National Security Intelligence Reform Act of 2004 (as amended by subsection (a)), until—

(1) in the case of any individual serving as a member of the Board under an appointment by the President, by and with the advice and consent of the Senate, the expiration of a term designated by the President under section 1061(h)(4)(C) of such Act (as so amended);

(2) in the case of any individual serving as a member of the Board other than under an appointment by the President, by and with the advice and consent of the Senate, the confirmation or rejection by the Senate of that member's nomination to the Board under such section 1061 (as so amended), except that no such individual may serve as a member under this paragraph—

(A) for more than 60 days when Congress is in session unless a nomination of that individual to be a member of the Board has been submitted to the Senate; or

(B) after the adjournment sine die of the session of the Senate in which such nomination is submitted; or

(3) the appointment of members of the Board under such section 1061 (as so amended), except that no member may serve under this paragraph—

(A) for more than 60 days when Congress is in session unless a nomination to fill the position on the Board shall have been submitted to the Senate; or

(B) after the adjournment sine die of the session of the Senate in which such nomination is submitted.

SEC. 502. PRIVACY AND CIVIL LIBERTIES OFFICERS.

(a) IN GENERAL.—Section 1062 of the National Security Intelligence Reform Act of 2004 (title I of Public Law 108–458; 118 Stat. 3688) is amended to read as follows:

"SEC. 1062. PRIVACY AND CIVIL LIBERTIES OFFICERS.

''(a) DESIGNATION AND FUNCTIONS.—The Attorney General, the Secretary of Defense, the Secretary of State, the Secretary of the Treasury, the Secretary of Health and Human Services, the Secretary of Homeland Security, the Director of National Intelligence, the Director of the Central Intelligence Agency, and the head of any other department, agency, or element of the executive branch designated by the Privacy and Civil Liberties Oversight Board under section 1061 to be appropriate for coverage under this section shall designate not less than 1 senior officer to—

''(1) assist the head of such department, agency, or element and other officials of such department, agency, or element in appropriately considering privacy and civil liberties concerns when such officials are proposing, developing, or implementing laws, regulations, policies, procedures, or guidelines related to efforts to protect the Nation against terrorism;

''(2) periodically investigate and review department, agency, or element actions, policies, procedures, guidelines, and related laws and their implementation to ensure that such department, agency, or element is adequately considering privacy and civil liberties in its actions;

''(3) ensure that such department, agency, or element has adequate procedures to receive, investigate, respond to, and redress complaints from individuals who allege such department, agency, or element has violated their privacy or civil liberties; and

''(4) in providing advice on proposals to retain or enhance a particular governmental power the officer shall consider whether such department, agency, or element has established—

''(A) that the need for the power is balanced with the need to protect privacy and civil liberties;

''(B) that there is adequate supervision of the use by such department, agency, or element of the power to ensure protection of privacy and civil liberties; and

''(C) that there are adequate guidelines and oversight to properly confine its use.

''(b) EXCEPTION TO DESIGNATION AUTHORITY.—

''(1) PRIVACY OFFICERS.—In any department, agency, or element referred to in subsection (a) or designated by the Privacy and Civil Liberties Oversight Board, which has a statutorily created privacy officer, such officer shall perform the functions specified in subsection (a) with respect to privacy.

''(2) CIVIL LIBERTIES OFFICERS.—In any department, agency, or element referred to in subsection (a) or designated by the Board, which has a statutorily created civil liberties officer, such officer shall perform the functions specified in subsection (a) with respect to civil liberties.

''(c) SUPERVISION AND COORDINATION.—Each privacy officer or civil liberties officer described in subsection (a) or (b) shall—

''(1) report directly to the head of the department, agency, or element concerned; and

''(2) coordinate their activities with the Inspector General of such department, agency, or element to avoid duplication of effort.

''(d) AGENCY COOPERATION.—The head of each department, agency, or element shall ensure that each privacy officer and civil liberties officer—

''(1) has the information, material, and resources necessary to fulfill the functions of such officer;

''(2) is advised of proposed policy changes;

''(3) is consulted by decision makers; and

''(4) is given access to material and personnel the officer determines to be necessary to carry out the functions of such officer.

''(e) REPRISAL FOR MAKING COMPLAINT.—No action constituting a reprisal, or threat of reprisal, for making a complaint or for disclosing information to a privacy officer or civil liberties officer described in subsection (a) or (b), or to the Privacy and Civil Liberties Oversight Board, that indicates a possible violation of privacy protections or civil liberties in the administration of the programs and operations of the Federal Government relating to efforts to protect the Nation from terrorism shall be taken by any Federal employee in a position to take such action, unless the complaint was made or the information was disclosed with the knowledge that it was false or with willful disregard for its truth or falsity.

''(f) PERIODIC REPORTS.—

''(1) IN GENERAL.—The privacy officers and civil liberties officers of each department, agency, or element referred to or described in subsection (a) or (b) shall periodically, but not less than quarterly, submit a report on the activities of such officers—

''(A)(i) to the appropriate committees of Congress, including the Committee on the Judiciary of the Senate, the Committee on the Judiciary of the House of Representatives, the Committee on Homeland Security and Governmental Affairs of the Senate, the Committee on Oversight and Government Reform of the House of Representatives, the Select Committee on Intelligence of the Senate, and the Permanent Select Committee on Intelligence of the House of Representatives;

''(ii) to the head of such department, agency, or element; and

''(iii) to the Privacy and Civil Liberties Oversight Board; and

''(B) which shall be in unclassified form to the greatest extent possible, with a classified annex where necessary.

''(2) CONTENTS.—Each report submitted under paragraph (1) shall include information on the discharge of each of the functions of the officer concerned, including—

''(A) information on the number and types of reviews undertaken;

''(B) the type of advice provided and the response given to such advice;

''(C) the number and nature of the complaints received by the department, agency, or element concerned for alleged violations; and

''(D) a summary of the disposition of such complaints, the reviews and inquiries conducted, and the impact of the activities of such officer.

''(g) INFORMING THE PUBLIC.—Each privacy officer and civil liberties officer shall—

''(1) make the reports of such officer, including reports to Congress, available to the public to the greatest extent that is consistent with the protection of classified information and applicable law; and

''(2) otherwise inform the public of the activities of such officer, as appropriate and in a manner consistent with the protection of classified information and applicable law.

''(h) SAVINGS CLAUSE.—Nothing in this section shall be construed to limit or otherwise supplant any other authorities or responsibilities provided by law to privacy officers or civil liberties officers.''.

(b) CLERICAL AMENDMENT.—The table of contents for the Intelligence Reform and Terrorism Prevention Act of 2004 (Public Law 108–458) is amended by striking the item relating to section 1062 and inserting the following new item:

''Sec. 1062. Privacy and civil liberties officers.''.

SEC. 503. DEPARTMENT PRIVACY OFFICER.

Section 222 of the Homeland Security Act of 2002 (6 U.S.C. 142) is amended—

(1) by inserting ''(a) APPOINTMENT AND RESPONSIBILITIES.—'' before ''The Secretary''; and

(2) by adding at the end the following:

''(b) AUTHORITY TO INVESTIGATE.—

''(1) IN GENERAL.—The senior official appointed under subsection (a) may—

''(A) have access to all records, reports, audits, reviews, documents, papers, recommendations, and other materials available to the Department that relate to programs and operations with respect to the responsibilities of the senior official under this section;

''(B) make such investigations and reports relating to the administration of the programs and operations of the Department that are necessary or desirable as determined by that senior official;

''(C) subject to the approval of the Secretary, require by subpoena the production, by any person other than a Federal agency, of all information, documents, reports, answers, records, accounts, papers, and other data and documentary evidence necessary to performance of the responsibilities of the senior official under this section; and

''(D) administer to or take from any person an oath, affirmation, or affidavit, whenever necessary to performance of the responsibilities of the senior official under this section.

''(2) ENFORCEMENT OF SUBPOENAS.—Any subpoena issued under paragraph (1)(C) shall, in the case of contumacy or refusal to obey, be enforceable by order of any appropriate United States district court.

''(3) EFFECT OF OATHS.—Any oath, affirmation, or affidavit administered or taken under paragraph (1)(D) by or before an employee of the Privacy Office designated for that purpose by the senior official appointed

under subsection (a) shall have the same force and effect as if administered or taken by or before an officer having a seal of office.

''(c) SUPERVISION AND COORDINATION.—

''(1) IN GENERAL.—The senior official appointed under subsection (a) shall—

''(A) report to, and be under the general supervision of, the Secretary; and

''(B) coordinate activities with the Inspector General of the Department in order to avoid duplication of effort.

''(2) NOTIFICATION TO CONGRESS ON REMOVAL.—If the Secretary removes the senior official appointed under subsection (a) or transfers that senior official to another position or location within the Department, the Secretary shall—

''(A) promptly submit a written notification of the removal or transfer to Houses of Congress; and

''(B) include in any such notification the reasons for the removal or transfer.

''(d) REPORTS BY SENIOR OFFICIAL TO CONGRESS.—The senior official appointed under subsection (a) shall—

''(1) submit reports directly to the Congress regarding performance of the responsibilities of the senior official under this section, without any prior comment or amendment by the Secretary, Deputy Secretary, or any other officer or employee of the Department or the Office of Management and Budget; and

''(2) inform the Committee on Homeland Security and Governmental Affairs of the Senate and the Committee on Homeland Security of the House of Representatives not later than—

''(A) 30 days after the Secretary disapproves the senior official's request for a subpoena under subsection (b)(1)(C) or the Secretary substantively modifies the requested subpoena; or

''(B) 45 days after the senior official's request for a subpoena under subsection (b)(1)(C), if that subpoena has not either been approved or disapproved by the Secretary.''.

SEC. 504. FEDERAL AGENCY DATA MINING REPORTING ACT OF 2007.

(a) SHORT TITLE.—This section may be cited as the ''Federal Agency Data Mining Reporting Act of 2007''.

(b) DEFINITIONS.—In this section:

(1) DATA MINING.—The term ''data mining'' means a query, search, or other analysis of 1 or more electronic databases, where—

(A) a department or agency of the Federal Government, or a non-Federal entity acting on behalf of the Federal Government, is conducting the query, search, or other analysis to discover or locate a predictive pattern or anomaly indicative of terrorist or criminal activity on the part of any individual or individuals; and

(B) the query, search, or other analysis does not use personal identifiers of a specific individual, or inputs associated with a specific individual or group of individuals, to retrieve information from the database or databases.

(2) DATABASE.—The term ''database'' does not include telephone directories, news reporting, information publicly available to any member of the public without payment of a fee, or databases of judicial and administrative opinions.

(c) REPORTS ON DATA MINING ACTIVITIES BY FEDERAL AGENCIES.—

(1) REQUIREMENT FOR REPORT.—The head of each department or agency of the Federal Government that is engaged in any activity to use or develop data mining shall submit a report to Congress on all such activities of the department or agency under the jurisdiction of that official. The report shall be made available to the public, except for a classified annex described paragraph (2)(H).

(2) CONTENT OF REPORT.—Each report submitted under paragraph (1) shall include, for each activity to use or develop data mining, the following information:

(A) A thorough description of the data mining activity, its goals, and, where appropriate, the target dates for the deployment of the data mining activity.

(B) A thorough description of the data mining technology that is being used or will be used, including the basis for determining whether a particular pattern or anomaly is indicative of terrorist or criminal activity.

(C) A thorough description of the data sources that are being or will be used.

(D) An assessment of the efficacy or likely efficacy of the data mining activity in providing accurate information consistent with and valuable to the stated goals and plans for the use or development of the data mining activity.

(E) An assessment of the impact or likely impact of the implementation of the data mining activity on the privacy and civil liberties of individuals, including a thorough description of the actions that are being taken or will be taken with regard to the property, privacy, or other rights or privileges of any individual or individuals as a result of the implementation of the data mining activity.

(F) A list and analysis of the laws and regulations that govern the information being or to be collected, reviewed, gathered, analyzed, or used with the data mining activity.

(G) A thorough discussion of the policies, procedures, and guidelines that are in place or that are to be developed and applied in the use of such technology for data mining in order to—

(i) protect the privacy and due process rights of individuals, such as redress procedures; and

(ii) ensure that only accurate information is collected, reviewed, gathered, analyzed, or used.

(H) Any necessary classified information in an annex that shall be available, as appropriate, to the Committee on Homeland Security and Governmental Affairs, the Committee on the Judiciary, the Select Committee on Intelligence, and the Committee on Appropriations of the Senate and the Committee on Homeland Security, the Committee on the Judiciary, the Permanent Select Committee on Intelligence, and the Committee on Appropriations of the House of Representatives.

(3) TIME FOR REPORT.—Each report required under paragraph (1) shall be—

(A) submitted not later than 180 days after the date of enactment of this Act; and

(B) updated not less frequently than annually thereafter, to include any activity to use or develop data mining engaged in after the date of the prior report submitted under paragraph (1).

TITLE VI—ENHANCED DEFENSES AGAINST WEAPONS OF MASS DESTRUCTION

SEC. 601. NATIONAL BIOSURVEILLANCE INTEGRATION CENTER.

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

''SEC. 316. NATIONAL BIOSURVEILLANCE INTEGRATION CENTER.

''(a) DEFINITIONS.—In this section—

''(1) the term 'biological event of national significance' means—

''(A) an act of terrorism that uses a biological agent, toxin, or other product derived from a biological agent; or

''(B) a naturally-occurring outbreak of an infectious disease that may result in a national epidemic;

''(2) the term 'Member Agencies' means the departments and agencies described in subsection (d)(1);

''(3) the term 'NBIC' means the National Biosurveillance Integration Center established under subsection (b);

''(4) the term 'NBIS' means the National Biosurveillance Integration System established under subsection (b); and

''(5) the term 'Privacy Officer' means the Privacy Officer appointed under section 222.

''(b) ESTABLISHMENT.—The Secretary shall establish, operate, and maintain a National Biosurveillance Integration Center, headed by a Directing Officer, under an existing office or directorate of the Department, subject to the availability of appropriations, to oversee development and operation of the National Biosurveillance Integration System.

''(c) PRIMARY MISSION.—The primary mission of the NBIC is to enhance the capability of the Federal Government to—

''(1) rapidly identify, characterize, localize, and track a biological event of national significance by integrating and analyzing data from human health, animal, plant, food, and environmental monitoring systems (both national and international); and

''(2) disseminate alerts and other information regarding such data analysis to Member Agencies and, in consultation with relevant member agencies, to agencies of State, local, and tribal governments, as appropriate, to enhance the ability of such agencies to respond to a biological event of national significance.

''(d) REQUIREMENTS.—The NBIC shall design the NBIS to detect, as early as possible, a biological event of national significance that presents a risk to the United States or the infrastructure or key assets of the United States, including—

''(1) if a Federal department or agency, at the discretion of the head of that department or agency, has entered a memorandum of understanding regarding participation in the NBIC, consolidating data from all relevant surveillance systems maintained by that department or agency to detect biological events of national significance across human, animal, and plant species;

''(2) seeking private sources of surveillance, both foreign and domestic, when such sources would enhance coverage of critical surveillance gaps;

''(3) using an information technology system that uses the best available statistical and other analytical tools to identify and characterize biological events of national significance in as close to real-time as is practicable;

''(4) providing the infrastructure for such integration, including information technology systems and space, and support for personnel from Member Agencies with sufficient expertise to enable analysis and interpretation of data;

''(5) working with Member Agencies to create information technology systems that use the minimum amount of patient data necessary and consider patient confidentiality and privacy issues at all stages of development and apprise the Privacy Officer of such efforts; and

''(6) alerting relevant Member Agencies and, in consultation with relevant Member Agencies, public health agencies of State, local, and tribal governments regarding any incident that could develop into a biological event of national significance.

''(e) RESPONSIBILITIES OF THE SECRETARY.—

''(1) IN GENERAL.—The Secretary shall—

''(A) ensure that the NBIC is fully operational not later than September 30, 2008;

''(B) not later than 180 days after the date of enactment of this section and on the date that the NBIC is fully operational, submit a report to the Committee on Homeland Security and Governmental Affairs of the Senate and the Committee on Homeland Security of

the House of Representatives on the progress of making the NBIC operational addressing the efforts of the NBIC to integrate surveillance efforts of Federal, State, local, and tribal governments.

''(f) RESPONSIBILITIES OF THE DIRECTING OFFICER OF THE NBIC.—

''(1) IN GENERAL.—The Directing Officer of the NBIC shall—

''(A) establish an entity to perform all operations and assessments related to the NBIS;

''(B) on an ongoing basis, monitor the availability and appropriateness of contributing surveillance systems and solicit new surveillance systems that would enhance biological situational awareness or overall performance of the NBIS;

''(C) on an ongoing basis, review and seek to improve the statistical and other analytical methods utilized by the NBIS;

''(D) receive and consider other relevant homeland security information, as appropriate; and

''(E) provide technical assistance, as appropriate, to all Federal, regional, State, local, and tribal government entities and private sector entities that contribute data relevant to the operation of the NBIS.

''(2) ASSESSMENTS.—The Directing Officer of the NBIC shall—

''(A) on an ongoing basis, evaluate available data for evidence of a biological event of national significance; and

''(B) integrate homeland security information with NBIS data to provide overall situational awareness and determine whether a biological event of national significance has occurred.

''(3) INFORMATION SHARING.—

''(A) IN GENERAL.—The Directing Officer of the NBIC shall—

''(i) establish a method of real-time communication with the National Operations Center, to be known as the Biological Common Operating Picture;

''(ii) in the event that a biological event of national significance is detected, notify the Secretary and disseminate results of NBIS assessments related to that biological event of national significance to appropriate Federal response entities and, in consultation with relevant member agencies, regional, State, local, and tribal governmental response entities in a timely manner;

''(iii) provide any report on NBIS assessments to Member Agencies and, in consultation with relevant member agencies, any affected regional, State, local, or tribal government, and any private sector entity considered appropriate that may enhance the mission of such Member Agencies, governments, or entities or the ability of the Nation to respond to biological events of national significance; and

''(iv) share NBIS incident or situational awareness reports, and other relevant information, consistent with the information sharing environment established under section 1016 of the Intelligence Reform and Terrorism Prevention Act of 2004 (6 U.S.C. 485) and any policies, guidelines, procedures, instructions, or standards established by the President or the program manager for the implementation and management of that environment.

''(B) COORDINATION.—The Directing Officer of the NBIC shall implement the activities described in subparagraph (A) in coordination with the program manager for the information sharing environment of the Office of the Director of National Intelligence, the Under Secretary for Intelligence and Analysis, and other offices or agencies of the Federal Government, as appropriate.

''(g) RESPONSIBILITIES OF THE NBIC MEMBER AGENCIES.—

''(1) IN GENERAL.—Each Member Agency shall—

''(A) use its best efforts to integrate biosurveillance information into the NBIS, with the goal of promoting information sharing between Federal, State, local, and tribal governments to detect biological events of national significance;

''(B) participate in the formation and maintenance of the Biological Common Operating Picture to facilitate timely and accurate detection and reporting;

''(C) connect the biosurveillance data systems of that Member Agency to the NBIC data system under mutually-agreed protocols that maintain patient confidentiality and privacy;

''(D) participate in the formation of strategy and policy for the operation of the NBIC and its information sharing; and

''(E) provide personnel to the NBIC under an interagency personnel agreement and consider the qualifications of such personnel necessary to provide human, animal, and environmental data analysis and interpretation support to the NBIC.

''(h) ADMINISTRATIVE AUTHORITIES.—

''(1) HIRING OF EXPERTS.—The Directing Officer of the NBIC shall hire individuals with the necessary expertise to develop and operate the NBIS.

''(2) DETAIL OF PERSONNEL.—Upon the request of the Directing Officer of the NBIC, the head of any Federal department or agency may detail, on a reimbursable basis, any of the personnel of that department or agency to the Department to assist the NBIC in carrying out this section.

''(i) JOINT BIOSURVEILLANCE LEADERSHIP COUNCIL.—The Directing Officer of the NBIC shall—

''(1) establish an interagency coordination council to facilitate interagency cooperation and to advise the Directing Officer of the NBIC regarding recommendations to enhance the biosurveillance capabilities of the Department; and

''(2) invite Member Agencies to serve on such council.

''(j) RELATIONSHIP TO OTHER DEPARTMENTS AND AGENCIES.—The authority of the Directing Officer of the NBIC under this section shall not affect any authority or responsibility of any other department or agency of the Federal Government with respect to biosurveillance activities under any program administered by that department or agency.

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

(b) CONFORMING AMENDMENT.—The table of contents in section 1(b) of the Homeland Security Act of 2002 (6 U.S.C. 101 et seq.) is amended by inserting after the item relating to section 315 the following:

''Sec. 316. National Biosurveillance Integration Center.''.

SEC. 602. BIOSURVEILLANCE EFFORTS.

The Comptroller General of the United States shall submit a report to Congress describing—

(1) the state of Federal, State, local, and tribal government biosurveillance efforts as of the date of such report;

(2) any duplication of effort at the Federal, State, local, or tribal government level to create biosurveillance systems; and

(3) the integration of biosurveillance systems to allow the maximizing of biosurveillance resources and the expertise of Federal, State, local, and tribal governments to benefit public health.

SEC. 603. INTERAGENCY COORDINATION TO ENHANCE DEFENSES AGAINST NUCLEAR AND RADIOLOGICAL WEAPONS OF MASS DESTRUCTION.

(a) IN GENERAL.—The Homeland Security Act of 2002 is amended by adding after section 1906, as redesignated by section 203 of this Act, the following:

''SEC. 1907. JOINT ANNUAL REVIEW OF GLOBAL NUCLEAR DETECTION ARCHITECTURE.

''(a) ANNUAL REVIEW.—

''(1) IN GENERAL.—The Secretary, the Attorney General, the Secretary of State, the Secretary of Defense, the Secretary of Energy, and the Director of National Intelligence shall jointly ensure interagency coordination on the development and implementation of the global nuclear detection architecture by ensuring that, not less frequently than once each year—

''(A) each relevant agency, office, or entity—

''(i) assesses its involvement, support, and participation in the development, revision, and implementation of the global nuclear detection architecture;

''(ii) examines and evaluates components of the global nuclear detection architecture (including associated strategies and acquisition plans) that are related to the operations of that agency, office, or entity, to determine whether such components incorporate and address current threat assessments, scenarios, or intelligence analyses developed by the Director of National Intelligence or other agencies regarding threats related to nuclear or radiological weapons of mass destruction; and

''(B) each agency, office, or entity deploying or operating any technology acquired by the Office—

''(i) evaluates the deployment and operation of that technology by that agency, office, or entity;

''(ii) identifies detection performance deficiencies and operational or technical deficiencies in that technology; and

''(iii) assesses the capacity of that agency, office, or entity to implement the responsibilities of that agency, office, or entity under the global nuclear detection architecture.

''(2) TECHNOLOGY.—Not less frequently than once each year, the Secretary shall examine and evaluate the development, assessment, and acquisition of technology by the Office.

''(b) ANNUAL REPORT.—

''(1) IN GENERAL.—Not later than March 31 of each year, the Secretary, in coordination with the Attorney General, the Secretary of State, the Secretary of Defense, the Secretary of Energy, and the Director of National Intelligence, shall submit a report regarding the compliance of such officials with this section and the results of the reviews required under subsection (a) to—

''(A) the President;

''(B) the Committee on Appropriations, the Committee on Armed Services, and the Committee on Homeland Security and Governmental Affairs of the Senate; and

''(C) the Committee on Appropriations, the Committee on Armed Services, and the Committee on Homeland Security of the House of Representatives.

''(2) FORM.—Each report submitted under paragraph (1) shall be submitted in unclassified form to the maximum extent practicable, but may include a classified annex.

''(c) DEFINITION.—In this section, the term 'global nuclear detection architecture' means the global nuclear detection architecture developed under section 1902.''.

(b) TECHNICAL AND CONFORMING AMENDMENT.—The table of contents in section 1(b) of the Homeland Security Act of 2002 (6 U.S.C. 101 note) is amended by inserting after the item relating to section 1906, as added by section 203 of this Act, the following:

''Sec. 1907. Joint annual review of global nuclear detection architecture.''.

TITLE VII—PRIVATE SECTOR PREPAREDNESS

SEC. 701. DEFINITIONS.

(a) IN GENERAL.—In this title, the term ''voluntary national preparedness standards'' has the meaning given that term in section 2 of the Homeland Security Act of 2002 (6 U.S.C. 101), as amended by this Act.

(b) HOMELAND SECURITY ACT OF 2002.—Section 2 of the Homeland Security Act of 2002 (6 U.S.C. 101) is amended by adding at the end the following:

''(17) The term 'voluntary national preparedness standards' means a common set of criteria for preparedness, disaster management, emergency management, and business continuity programs, such as the American National Standards Institute's National Fire Protection Association Standard on Disaster/Emergency Management and Business Continuity Programs (ANSI/NFPA 1600).''.

SEC. 702. RESPONSIBILITIES OF THE PRIVATE SECTOR OFFICE OF THE DEPARTMENT.

(a) IN GENERAL.—Section 102(f) of the Homeland Security Act of 2002 (6 U.S.C. 112(f)) is amended—

(1) by redesignating paragraphs (8) through (10) as paragraphs (9) through (11), respectively; and

(2) by inserting after paragraph (7) the following:

''(8) providing information to the private sector regarding voluntary national preparedness standards and the business justification for preparedness and promoting to the private sector the adoption of voluntary national preparedness standards;''.

(b) PRIVATE SECTOR ADVISORY COUNCILS.—Section 102(f)(4) of the Homeland Security Act of 2002 (6 U.S.C. 112(f)(4)) is amended—

(1) in subparagraph (A), by striking ''and'' at the end;

(2) in subparagraph (B), by adding ''and'' at the end; and

(3) by adding at the end the following:

''(C) advise the Secretary on private sector preparedness issues, including effective methods for—

''(i) promoting voluntary national preparedness standards to the private sector;

''(ii) assisting the private sector in adopting voluntary national preparedness standards; and

''(iii) developing and implementing the accreditation and certification program under section 522;''.

SEC. 703. VOLUNTARY NATIONAL PREPAREDNESS STANDARDS COMPLIANCE; ACCREDITATION AND CERTIFICATION PROGRAM FOR THE PRIVATE SECTOR.

(a) IN GENERAL.—Title V of the Homeland Security Act of 2002 (6 U.S.C. 311 et seq.) is amended by adding at the end the following:

''SEC. 522. VOLUNTARY NATIONAL PREPAREDNESS STANDARDS COMPLIANCE; ACCREDITATION AND CERTIFICATION PROGRAM FOR THE PRIVATE SECTOR.

''(a) ACCREDITATION AND CERTIFICATION PROGRAM.—Not later than 120 days after the date of enactment of this section, the Secretary, in consultation with representatives of the organizations that coordinate or facilitate the development of and use of voluntary consensus standards, appropriate voluntary consensus standards development organizations, and each private sector advisory council created under section 102(f)(4), shall—

''(1) support the development, promulgating, and updating, as necessary, of voluntary national preparedness standards; and

''(2) develop, implement, and promote a program to certify the preparedness of private sector entities.

''(b) PROGRAM ELEMENTS.—

''(1) IN GENERAL.—

''(A) PROGRAM.—The program developed and implemented under this section shall assess whether a private sector entity complies with voluntary national preparedness standards.

''(B) GUIDELINES.—In developing the program under this section, the Secretary shall develop guidelines for the accreditation and certification processes established under this section.

''(2) STANDARDS.—The Secretary, in consultation with the American National Standards Institute and representatives of appropriate voluntary consensus standards development organizations and each private sector advisory council created under section 102(f)(4)—

''(A) shall adopt appropriate voluntary national preparedness standards that promote preparedness, which shall be used in the accreditation and certification program under this section; and

''(B) after the adoption of standards under subparagraph (A), may adopt additional voluntary national preparedness standards or modify or discontinue the use of voluntary national preparedness standards for the accreditation and certification program, as necessary and appropriate to promote preparedness.

''(3) TIERING.—The certification program developed under this section may use a multiple-tiered system to rate the preparedness of a private sector entity.

''(4) SMALL BUSINESS CONCERNS.—The Secretary and any selected entity shall establish separate classifications and methods of certification for small business concerns (as that term is defined in section 3 of the Small Business Act (15 U.S.C. 632)) for the program under this section.

''(5) CONSIDERATIONS.—In developing and implementing the program under this section, the Secretary shall—

''(A) consider the needs of the insurance industry, the credit-ratings industry, and other industries that may consider preparedness of private sector entities, to assess the preparedness of private sector entities; and

''(B) ensure the program accommodates those needs where appropriate and feasible.

''(c) ACCREDITATION AND CERTIFICATION PROCESSES.—

''(1) AGREEMENT.—

''(A) IN GENERAL.—Not later than 120 days after the date of enactment of this section, the Secretary shall enter into 1 or more agreements with the American National Standards Institute or other similarly qualified nongovernmental or other private sector entities to carry out accreditations and oversee the certification process under this section.

''(B) CONTENTS.—Any selected entity shall manage the accreditation process and oversee the certification process in accordance with the program established under this section and accredit qualified third parties to carry out the certification program established under this section.

''(2) PROCEDURES AND REQUIREMENTS FOR ACCREDITATION AND CERTIFICATION.—

''(A) IN GENERAL.—The selected entities shall collaborate to develop procedures and requirements for the accreditation and certification processes under this section, in accordance with the program established under this section and guidelines developed under subsection (b)(1)(B).

''(B) CONTENTS AND USE.—The procedures and requirements developed under subparagraph (A) shall—

''(i) ensure reasonable uniformity in the accreditation and certification processes if there is more than 1 selected entity; and

''(ii) be used by any selected entity in conducting accreditations and overseeing the certification process under this section.

''(C) DISAGREEMENT.—Any disagreement among selected entities in developing procedures under subparagraph (A) shall be resolved by the Secretary.

''(3) DESIGNATION.—A selected entity may accredit any qualified third party to carry out the certification process under this section.

''(4) THIRD PARTIES.—To be accredited under paragraph (3), a third party shall—

''(A) demonstrate that the third party has the ability to certify private sector entities in accordance with the procedures and requirements developed under paragraph (2);

''(B) agree to perform certifications in accordance with such procedures and requirements;

''(C) agree not to have any beneficial interest in or any direct or indirect control over—

''(i) a private sector entity for which that third party conducts a certification under this section; or

''(ii) any organization that provides preparedness consulting services to private sector entities;

''(D) agree not to have any other conflict of interest with respect to any private sector entity for which that third party conducts a certification under this section;

''(E) maintain liability insurance coverage at policy limits in accordance with the requirements developed under paragraph (2); and

''(F) enter into an agreement with the selected entity accrediting that third party to protect any proprietary information of a private sector entity obtained under this section.

''(5) MONITORING.—

''(A) IN GENERAL.—The Secretary and any selected entity shall regularly monitor and inspect the operations of any third party conducting certifications under this section to ensure that third party is complying with the procedures and requirements established under paragraph (2) and all other applicable requirements.

''(B) REVOCATION.—If the Secretary or any selected entity determines that a third party is not meeting the procedures or requirements established under paragraph (2), the appropriate selected entity shall—

''(i) revoke the accreditation of that third party to conduct certifications under this section; and

''(ii) review any certification conducted by that third party, as necessary and appropriate.

''(d) ANNUAL REVIEW.—

''(1) IN GENERAL.—The Secretary, in consultation with representatives of the organizations that coordinate or facilitate the development of and use of voluntary consensus standards, appropriate voluntary consensus standards development organizations, and each private sector advisory council created under section 102(f)(4), shall annually review the voluntary accreditation and certification program established under this section to ensure the effectiveness of such program and make improvements and adjustments to the program as necessary and appropriate.

''(2) REVIEW OF STANDARDS.—Each review under paragraph (1) shall include an assessment of the voluntary national preparedness standards used in the program under this section.

''(e) VOLUNTARY PARTICIPATION.—Certification under this section shall be voluntary for any private sector entity.

''(f) PUBLIC LISTING.—The Secretary shall maintain and make public a listing of any private sector entity certified as being in compliance with the program established under this section, if that private sector entity consents to such listing.

''(g) DEFINITION.—In this section, the term 'selected entity' means any entity entering

an agreement with the Secretary under subsection (c)(1)(A).''.

(b) TECHNICAL AND CONFORMING AMENDMENT.—The table of contents in section 1(b) of the Homeland Security Act of 2002 (6 U.S.C. 101 et seq.) is amended by inserting after the item relating to section 521 the following:

''Sec. 522. Voluntary national preparedness standards compliance; accreditation and certification program for the private sector.''.

SEC. 704. SENSE OF CONGRESS REGARDING PROMOTING AN INTERNATIONAL STANDARD FOR PRIVATE SECTOR PREPAREDNESS.

It is the sense of Congress that the Secretary or any entity designated under section 522(c)(1)(A) of the Homeland Security Act of 2002, as added by this Act, should promote, where appropriate, efforts to develop a consistent international standard for private sector preparedness.

SEC. 705. REPORT TO CONGRESS.

Not later than 180 days after the date of enactment of this Act, the Secretary shall submit to the Committee on Homeland Security and Governmental Affairs of the Senate and the Committee on Homeland Security of the House of Representatives a report detailing—

(1) any action taken to implement this title or an amendment made by this title; and

(2) the status, as of the date of that report, of the implementation of this title and the amendments made by this title.

SEC. 706. RULE OF CONSTRUCTION.

Nothing in this title may be construed to supercede any preparedness or business continuity standards or requirements established under any other provision of Federal law.

TITLE VIII—TRANSPORTATION SECURITY PLANNING AND INFORMATION SHARING

SEC. 801. TRANSPORTATION SECURITY STRATEGIC PLANNING.

(a) IN GENERAL.—Section 114(t)(1)(B) of title 49, United States Code, is amended to read as follows:

''(B) transportation modal and intermodal security plans addressing risks, threats, and vulnerabilities for aviation, bridge, tunnel, commuter rail and ferry, highway, maritime, pipeline, rail, mass transit, over-the-road bus, and other public transportation infrastructure assets.''.

(b) CONTENTS OF THE NATIONAL STRATEGY FOR TRANSPORTATION SECURITY.—Section 114(t)(3) of such title is amended—

(1) in subparagraph (B), by inserting '', based on risk assessments conducted by the Secretary of Homeland Security,'' after ''risk based priorities'';

(2) in subparagraph (D)—

(A) by striking ''and local'' and inserting '', local, and tribal''; and

(B) by striking ''private sector cooperation and participation'' and inserting ''cooperation and participation by private sector entities and nonprofit employee labor organizations'';

(3) in subparagraph (E)—

(A) by striking ''response'' and inserting ''prevention, response,''; and

(B) by inserting ''and threatened and executed acts of terrorism outside the United States to the extent such acts affect United States transportation systems'' before the period at the end;

(4) in subparagraph (F), by adding at the end the following: ''Transportation security research and development projects initiated by the Secretary of Homeland Security shall be based on such prioritization.''; and

(5) by adding at the end the following:

''(G) Short- and long-term budget recommendations for Federal transportation security programs, which reflect the priorities of the National Strategy for Transportation Security.

''(H) Methods for linking the individual transportation modal security plans and the programs contained therein, and a plan for addressing the security needs of intermodal transportation hubs.

''(I) Transportation security modal and intermodal plans, including operational recovery plans to expedite, to the maximum extent practicable, the return of an adversely affected transportation system to its normal performance level preceding a major terrorist attack on that system or another catastrophe. These plans shall be coordinated with the resumption of trade protocols required under section 202 of the SAFE Port Act (6 U.S.C. 942).''.

(c) PERIODIC PROGRESS REPORTS.—Section 114(t)(4) of such title is amended—

(1) in subparagraph (C)—

(A) in clause (i), by inserting '', including the transportation modal security plans'' before the period at the end; and

(B) by striking clause (ii) and inserting the following:

''(ii) CONTENT.—Each progress report submitted under this subparagraph shall include the following:

''(I) Recommendations for improving and implementing the National Strategy for Transportation Security and the transportation modal and intermodal security plans that the Secretary of Homeland Security, in consultation with the Secretary of Transportation, considers appropriate.

''(II) An accounting of all grants for transportation security, including grants for research and development, distributed by the Secretary of Homeland Security in the most recently concluded fiscal year and a description of how such grants accomplished the goals of the National Strategy for Transportation Security.

''(III) An accounting of all—

''(aa) funds requested in the President's budget submitted pursuant to section 1105 of title 31 for the most recently concluded fiscal year for transportation security, by mode; and

''(bb) personnel working on transportation security issues, including the number of contractors.

''(iii) WRITTEN EXPLANATION OF TRANSPORTATION SECURITY ACTIVITIES NOT DELINEATED IN THE NATIONAL STRATEGY FOR TRANSPORTATION SECURITY.—At the end of each year, the Secretary of Homeland Security shall submit to the appropriate congressional committees a written explanation of any activity inconsistent with, or not clearly delineated in, the National Strategy for Transportation Security, including the amount of funds to be expended for the activity.''; and

(2) in subparagraph (E), by striking ''Select''.

(d) PRIORITY STATUS.—Section 114(t)(5)(B) of such title is amended—

(1) in clause (iii), by striking ''and'' at the end;

(2) by redesignating clause (iv) as clause (v); and

(3) by inserting after clause (iii) the following:

''(iv) the transportation sector specific plan required under Homeland Security Presidential Directive-7; and''.

(e) COORDINATION AND PLAN DISTRIBUTION.—Section 114(t) of such title is amended by adding at the end the following:

''(6) COORDINATION.—In carrying out the responsibilities under this section, the Secretary of Homeland Security, in consultation with the Secretary of Transportation, shall consult with Federal, State, and local agencies, tribal governments, private sector entities (including nonprofit employee labor organizations), institutions of higher learning, and other appropriate entities.

''(7) PLAN DISTRIBUTION.—The Secretary of Homeland Security shall provide an unclassified version of the National Strategy for Transportation Security, including its component transportation modal security plans, to Federal, State, regional, local and tribal authorities, transportation system owners or operators, private sector stakeholders (including non-profit employee labor organizations), institutions of higher learning, and other appropriate entities.''.

SEC. 802. TRANSPORTATION SECURITY INFORMATION SHARING.

(a) IN GENERAL.—Section 114 of title 49, United States Code, is amended by adding at the end the following:

''(u) TRANSPORTATION SECURITY INFORMATION SHARING PLAN.—

''(1) ESTABLISHMENT OF PLAN.—The Secretary of Homeland Security, in consultation with the program manager of the information sharing environment established under section 1016 of the Intelligence Reform and Terrorism Prevention Act of 2004 (6 U.S.C. 485), the Secretary of Transportation, and public and private stakeholders, shall establish a Transportation Security Information Sharing Plan.

''(2) PURPOSE OF PLAN.—The Plan shall promote sharing of transportation security information between the Department of Homeland Security and public and private stakeholders.

''(3) CONTENT OF PLAN.—The Plan shall include—

''(A) a description of how intelligence analysts within the Department of Homeland Security will coordinate their activities within the Department and with other Federal, State, and local agencies, and tribal governments;

''(B) an assignment of a single point of contact for and within the Department of Homeland Security for its sharing of transportation security information with public and private stakeholders;

''(C) a demonstration of input on the development of the Plan from private and public stakeholders and the program manager of the information sharing environment established under section 1016 of the Intelligence Reform and Terrorism Prevention Act of 2004 (6 U.S.C. 485);

''(D) a reasonable deadline by which the Plan will be implemented; and

''(E) a description of resource needs for fulfilling the Plan.

''(4) COORDINATION WITH THE INFORMATION SHARING ENVIRONMENT.—The Plan shall be—

''(A) implemented in coordination with the program manager for the information sharing environment established under section 1016 of the Intelligence Reform and Terrorism Prevention Act of 2004 (6 U.S.C. 485); and

''(B) consistent with and support the establishment of that environment, and any policies, guidelines, procedures, instructions, or standards established by the President or the program manager for the implementation and management of that environment.

''(5) REPORTS TO CONGRESS.—

''(A) IN GENERAL.—Not later than 180 days after the date of enactment of this subsection, the Secretary shall submit to the appropriate congressional committees a report containing the Plan.

''(B) ANNUAL REPORT.—Not later than 1 year after the date of enactment of this subsection, the Secretary shall submit to the appropriate congressional committees an annual report on updates to and the implementation of the Plan.

''(6) SURVEY.—

''(A) IN GENERAL.—The Secretary shall conduct an annual survey of the satisfaction of

each of the recipients of transportation intelligence reports disseminated under the Plan, and include the results of the survey as part of the annual report to be submitted under paragraph (5)(B).

''(B) INFORMATION SOUGHT.—The annual survey conducted under subparagraph (A) shall seek information about the quality, speed, regularity, and classification of the transportation security information products disseminated from the Department of Homeland Security to public and private stakeholders.

''(7) SECURITY CLEARANCES.—The Secretary, to the greatest extent practicable, shall facilitate the security clearances needed for public and private stakeholders to receive and obtain access to classified information as appropriate.

''(8) CLASSIFICATION OF MATERIAL.—The Secretary, to the greatest extent practicable, shall provide public and private stakeholders with specific and actionable information in an unclassified format.

''(9) DEFINITIONS.—In this subsection:

''(A) APPROPRIATE CONGRESSIONAL COMMITTEES.—The term 'appropriate congressional committees' has the meaning given that term in subsection (t).

''(B) PLAN.—The term 'Plan' means the Transportation Security Information Sharing Plan established under paragraph (1).

''(C) PUBLIC AND PRIVATE STAKEHOLDERS.—The term 'public and private stakeholders' means Federal, State, and local agencies, tribal governments, and appropriate private entities, including nonprofit employee labor organizations.

''(D) SECRETARY.—The term 'Secretary' means the Secretary of Homeland Security.

''(E) TRANSPORTATION SECURITY INFORMATION.—The term 'transportation security information' means information relating to the threats to and vulnerabilities and consequences of transportation modes, including aviation, bridge and tunnel, mass transit, passenger and freight rail, ferry, highway, maritime, pipeline, and over-the-road bus transportation.''.

(b) CONGRESSIONAL OVERSIGHT OF SECURITY ASSURANCE FOR PUBLIC AND PRIVATE STAKEHOLDERS.—

(1) IN GENERAL.—Except as provided in paragraph (2), the Secretary shall provide a semiannual report to the Committee on Homeland Security and Governmental Affairs and the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Homeland Security and the Committee on Transportation and Infrastructure of the House of Representatives that—

(A) identifies the job titles and descriptions of the persons with whom such information is to be shared under the transportation security information sharing plan established under section 114(u) of title 49, United States Code, as added by this Act, and explains the reason for sharing the information with such persons;

(B) describes the measures the Secretary has taken, under section 114(u)(7) of that title, or otherwise, to ensure proper treatment and security for any classified information to be shared with the public and private stakeholders under the plan; and

(C) explains the reason for the denial of transportation security information to any stakeholder who had previously received such information.

(2) NO REPORT REQUIRED IF NO CHANGES IN STAKEHOLDERS.—The Secretary is not required to provide a semiannual report under paragraph (1) if no stakeholders have been added to or removed from the group of persons with whom transportation security information is shared under the plan since the end of the period covered by the last preceding semiannual report.

SEC. 803. TRANSPORTATION SECURITY ADMINISTRATION PERSONNEL MANAGEMENT.

(a) TSA EMPLOYEE DEFINED.—In this section, the term ''TSA employee'' means an individual who holds—

(1) any position which was transferred (or the incumbent of which was transferred) from the Transportation Security Administration of the Department of Transportation to the Department by section 403 of the Homeland Security Act of 2002 (6 U.S.C. 203); or

(2) any other position within the Department the duties and responsibilities of which include carrying out 1 or more of the functions that were transferred from the Transportation Security Administration of the Department of Transportation to the Secretary by such section.

(b) ELIMINATION OF CERTAIN PERSONNEL MANAGEMENT AUTHORITIES.—Effective 90 days after the date of enactment of this Act—

(1) section 111(d) of the Aviation and Transportation Security Act (49 U.S.C. 44935 note) is repealed and any authority of the Secretary derived from such section 111(d) shall terminate;

(2) any personnel management system, to the extent established or modified under such section 111(d) (including by the Secretary through the exercise of any authority derived from such section 111(d)) shall terminate; and

(3) the Secretary shall ensure that all TSA employees are subject to the same personnel management system as described in paragraph (1) or (2) of subsection (e).

(c) ESTABLISHMENT OF CERTAIN UNIFORMITY REQUIREMENTS.—

(1) SYSTEM UNDER SUBSECTION (e)(1).—The Secretary shall, with respect to any personnel management system described in subsection (e)(1), take any measures which may be necessary to provide for the uniform treatment of all TSA employees under such system.

(2) SYSTEM UNDER SUBSECTION (e)(2).—Section 9701(b) of title 5, United States Code, is amended—

(A) in paragraph (4), by striking ''and'' at the end;

(B) in paragraph (5), by striking the period at the end and inserting ''; and''; and

(C) by adding at the end the following:

''(6) provide for the uniform treatment of all TSA employees (as that term is defined in section 803 of the Improving America's Security Act of 2007).''.

(3) EFFECTIVE DATE.—

(A) PROVISIONS RELATING TO A SYSTEM UNDER SUBSECTION (e)(1).—Any measures necessary to carry out paragraph (1) shall take effect 90 days after the date of enactment of this Act.

(B) PROVISIONS RELATING TO A SYSTEM UNDER SUBSECTION (e)(2).—Any measures necessary to carry out the amendments made by paragraph (2) shall take effect on the later of 90 days after the date of enactment of this Act and the commencement date of the system involved.

(d) REPORT TO CONGRESS.—

(1) REPORT REQUIRED.—Not later than 6 months after the date of enactment of this Act, the Comptroller General of the United States shall submit to the Committee on Homeland Security and Governmental Affairs of the Senate and the Committee on Homeland Security of the House of Representatives a report on—

(A) the pay system that applies with respect to TSA employees as of the date of enactment of this Act; and

(B) any changes to such system which would be made under any regulations which have been prescribed under chapter 97 of title 5, United States Code.

(2) MATTERS FOR INCLUSION.—The report required under paragraph (1) shall include—

(A) a brief description of each pay system described in paragraphs (1)(A) and (1)(B), respectively;

(B) a comparison of the relative advantages and disadvantages of each of those pay systems; and

(C) such other matters as the Comptroller General determines appropriate.

(e) PERSONNEL MANAGEMENT SYSTEM DESCRIBED.—A personnel management system described in this subsection is—

(1) any personnel management system, to the extent that it applies with respect to any TSA employees under section 114(n) of title 49, United States Code; and

(2) any human resources management system, established under chapter 97 of title 5, United States Code.

TITLE IX—INCIDENT COMMAND SYSTEM

SEC. 901. PREIDENTIFYING AND EVALUATING MULTIJURISDICTIONAL FACILITIES TO STRENGTHEN INCIDENT COMMAND; PRIVATE SECTOR PREPAREDNESS.

Section 507(c)(2) of the Homeland Security Act of 2002 (6 U.S.C. 317(c)(2)) is amended—

(1) in subparagraph (H), by striking ''and'' at the end;

(2) by redesignating subparagraph (I) as subparagraph (K); and

(3) by inserting after subparagraph (H) the following:

''(I) coordinating with the private sector to help ensure private sector preparedness for natural disasters, acts of terrorism, or other man-made disasters;

''(J) assisting State, local, or tribal governments, where appropriate, to preidentify and evaluate suitable sites where a multijurisdictional incident command system can be quickly established and operated from, if the need for such a system arises; and''.

SEC. 902. CREDENTIALING AND TYPING TO STRENGTHEN INCIDENT COMMAND.

(a) IN GENERAL.—Title V of the Homeland Security Act of 2002 (6 U.S.C. 331 et seq.) is amended—

(1) by striking section 510 and inserting the following:

''SEC. 510. CREDENTIALING AND TYPING.

''(a) CREDENTIALING.—

''(1) DEFINITIONS.—In this subsection—

''(A) the term 'credential' means to provide documentation that can authenticate and verify the qualifications and identity of managers of incidents, emergency response providers, and other appropriate personnel, including by ensuring that such personnel possess a minimum common level of training, experience, physical and medical fitness, and capability appropriate for their position;

''(B) the term 'credentialing' means evaluating an individual's qualifications for a specific position under guidelines created under this subsection and assigning such individual a qualification under the standards developed under this subsection; and

''(C) the term 'credentialed' means an individual has been evaluated for a specific position under the guidelines created under this subsection.

''(2) REQUIREMENTS.—

''(A) IN GENERAL.—The Administrator shall enter into a memorandum of understanding with the administrators of the Emergency Management Assistance Compact, State, local, and tribal governments, emergency response providers, and the organizations that represent such providers, to collaborate on establishing nationwide standards for credentialing all personnel who are likely to

respond to a natural disaster, act of terrorism, or other man-made disaster.

''(B) CONTENTS.—The standards developed under subparagraph (A) shall—

''(i) include the minimum professional qualifications, certifications, training, and education requirements for specific emergency response functional positions that are applicable to Federal, State, local, and tribal government;

''(ii) be compatible with the National Incident Management System; and

''(iii) be consistent with standards for advance registration for health professions volunteers under section 319I of the Public Health Services Act (42 U.S.C. 247d–7b).

''(C) TIMEFRAME.—The Administrator shall develop standards under subparagraph (A) not later than 6 months after the date of enactment of the Improving America's Security Act of 2007.

''(3) CREDENTIALING OF DEPARTMENT PERSONNEL.—

''(A) IN GENERAL.—Not later than 1 year after the date of enactment of the Improving America's Security Act of 2007, the Secretary and the Administrator shall ensure that all personnel of the Department (including temporary personnel and individuals in the Surge Capacity Force established under section 624 of the Post-Katrina Emergency Management Reform Act of 2006 (6 U.S.C. 711)) who are likely to respond to a natural disaster, act of terrorism, or other man-made disaster are credentialed.

''(B) STRATEGIC HUMAN CAPITAL PLAN.—Not later than 90 days after completion of the credentialing under subparagraph (A), the Administrator shall evaluate whether the workforce of the Agency complies with the strategic human capital plan of the Agency developed under section 10102 of title 5, United States Code, and is sufficient to respond to a catastrophic incident.

''(4) INTEGRATION WITH NATIONAL RESPONSE PLAN.—

''(A) DISTRIBUTION OF STANDARDS.—Not later than 6 months after the date of enactment of the Improving America's Security Act of 2007, the Administrator shall provide the standards developed under paragraph (2) to all Federal agencies that have responsibilities under the National Response Plan.

''(B) CREDENTIALING OF AGENCIES.—Not later than 6 months after the date on which the standards are provided under subparagraph (A), each agency described in subparagraph (A) shall—

''(i) ensure that all employees or volunteers of that agency who are likely to respond to a natural disaster, act of terrorism, or other man-made disaster are credentialed; and

''(ii) submit to the Secretary the name of each credentialed employee or volunteer of such agency.

''(C) LEADERSHIP.—The Administrator shall provide leadership, guidance, and technical assistance to an agency described in subparagraph (A) to facilitate the credentialing process of that agency.

''(5) DOCUMENTATION AND DATABASE SYSTEM.—

''(A) IN GENERAL.—Not later than 1 year after the date of enactment of the Improving America's Security Act of 2007, the Administrator shall establish and maintain a documentation and database system of Federal emergency response providers and all other Federal personnel credentialed to respond to a natural disaster, act of terrorism, or other man-made disaster.

''(B) ACCESSIBILITY.—The documentation and database system established under subparagraph (1) shall be accessible to the Federal coordinating officer and other appropriate officials preparing for or responding to a natural disaster, act of terrorism, or other man-made disaster.

''(C) CONSIDERATIONS.—The Administrator shall consider whether the credentialing system can be used to regulate access to areas affected by a natural disaster, act of terrorism, or other man-made disaster.

''(6) GUIDANCE TO STATE AND LOCAL GOVERNMENTS.—Not later than 6 months after the date of enactment of the Improving America's Security Act of 2007, the Administrator shall—

''(A) in collaboration with the administrators of the Emergency Management Assistance Compact, State, local, and tribal governments, emergency response providers, and the organizations that represent such providers, provide detailed written guidance, assistance, and expertise to State, local, and tribal governments to facilitate the credentialing of State, local, and tribal emergency response providers commonly or likely to be used in responding to a natural disaster, act of terrorism, or other man-made disaster; and

''(B) in coordination with the administrators of the Emergency Management Assistance Compact, State, local, and tribal governments, emergency response providers (and the organizations that represent such providers), and appropriate national professional organizations, assist State, local, and tribal governments with credentialing the personnel of the State, local, or tribal government under the guidance provided under subparagraph (A).

''(7) REPORT.—Not later than 6 months after the date of enactment of the Improving America's Security Act of 2007, and annually thereafter, the Administrator shall submit to the Committee on Homeland Security and Governmental Affairs of the Senate and the Committee on Homeland Security of the House of Representatives a report describing the implementation of this subsection, including the number and level of qualification of Federal personnel trained and ready to respond to a natural disaster, act of terrorism, or other man-made disaster.

''(b) TYPING OF RESOURCES.—

''(1) DEFINITIONS.—In this subsection—

''(A) the term 'typed' means an asset or resource that has been evaluated for a specific function under the guidelines created under this section; and

''(B) the term 'typing' means to define in detail the minimum capabilities of an asset or resource.

''(2) REQUIREMENTS.—

''(A) IN GENERAL.—The Administrator shall enter into a memorandum of understanding with the administrators of the Emergency Management Assistance Compact, State, local, and tribal governments, emergency response providers, and organizations that represent such providers, to collaborate on establishing nationwide standards for typing of resources commonly or likely to be used in responding to a natural disaster, act of terrorism, or other man-made disaster.

''(B) CONTENTS.—The standards developed under subparagraph (A) shall—

''(i) be applicable to Federal, State, local, and tribal government; and

''(ii) be compatible with the National Incident Management System.

''(3) TYPING OF DEPARTMENT RESOURCES AND ASSETS.—Not later than 1 year after the date of enactment of the Improving America's Security Act of 2007, the Secretary shall ensure that all resources and assets of the Department that are commonly or likely to be used to respond to a natural disaster, act of terrorism, or other man-made disaster are typed.

''(4) INTEGRATION WITH NATIONAL RESPONSE PLAN.—

''(A) DISTRIBUTION OF STANDARDS.—Not later than 6 months after the date of enactment of the Improving America's Security Act of 2007, the Administrator shall provide the standards developed under paragraph (2) to all Federal agencies that have responsibilities under the National Response Plan.

''(B) TYPING OF AGENCIES, ASSETS, AND RESOURCES.—Not later than 6 months after the date on which the standards are provided under subparagraph (A), each agency described in subparagraph (A) shall—

''(i) ensure that all resources and assets (including teams, equipment, and other assets) of that agency that are commonly or likely to be used to respond to a natural disaster, act of terrorism, or other man-made disaster are typed; and

''(ii) submit to the Secretary a list of all types resources and assets.

''(C) LEADERSHIP.—The Administrator shall provide leadership, guidance, and technical assistance to an agency described in subparagraph (A) to facilitate the typing process of that agency.

''(5) DOCUMENTATION AND DATABASE SYSTEM.—

''(A) IN GENERAL.—Not later than 1 year after the date of enactment of the Improving America's Security Act of 2007, the Administrator shall establish and maintain a documentation and database system of Federal resources and assets commonly or likely to be used to respond to a natural disaster, act of terrorism, or other man-made disaster.

''(B) ACCESSIBILITY.—The documentation and database system established under subparagraph (A) shall be accessible to the Federal coordinating officer and other appropriate officials preparing for or responding to a natural disaster, act of terrorism, or other man-made disaster.

''(6) GUIDANCE TO STATE AND LOCAL GOVERNMENTS.—Not later than 6 months after the date of enactment of the Improving America's Security Act of 2007, the Administrator, in collaboration with the administrators of the Emergency Management Assistance Compact, State, local, and tribal governments, emergency response providers, and the organizations that represent such providers, shall—

''(A) provide detailed written guidance, assistance, and expertise to State, local, and tribal governments to facilitate the typing of the resources and assets of State, local, and tribal governments likely to be used in responding to a natural disaster, act of terrorism, or other man-made disaster; and

''(B) assist State, local, and tribal governments with typing resources and assets of State, local, or tribal governments under the guidance provided under subparagraph (A).

''(7) REPORT.—Not later than 6 months after the date of enactment of the Improving America's Security Act of 2007, and annually thereafter, the Administrator shall submit to the Committee on Homeland Security and Governmental Affairs of the Senate and the Committee on Homeland Security of the House of Representatives a report describing the implementation of this subsection, including the number and type of Federal resources and assets ready to respond to a natural disaster, act of terrorism, or other man-made disaster.

''(c) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as necessary to carry out this section.''; and

(2) by adding after section 522, as added by section 703 of this Act, the following:

"SEC. 523. PROVIDING SECURE ACCESS TO CRITICAL INFRASTRUCTURE.

''Not later than 6 months after the date of enactment of the Improving America's Security Act of 2007, and in coordination with appropriate national professional organizations, Federal, State, local, and tribal government agencies, and private-sector and nongovernmental entities, the Administrator shall create model standards or guidelines that States may adopt in conjunction with critical infrastructure owners and operators and their employees to permit access to restricted areas in the event of a natural disaster, act of terrorism, or other man-made disaster.''.

(b) TECHNICAL AND CONFORMING AMENDMENT.—The table of contents in section 1(b) of the Homeland Security Act of 2002 (6 U.S.C. 101(b)) is amended by inserting after the item relating to section 522, as added by section 703 of this Act, the following:

''Sec. 523. Providing secure access to critical infrastructure.''.

TITLE X—CRITICAL INFRASTRUCTURE PROTECTION

SEC. 1001. CRITICAL INFRASTRUCTURE PROTECTION.

(a) CRITICAL INFRASTRUCTURE LIST.—Not later than 90 days after the date of enactment of this Act, and in coordination with other initiatives of the Secretary relating to critical infrastructure or key resource protection and partnerships between the government and private sector, the Secretary shall establish a risk-based prioritized list of critical infrastructure and key resources that—

(1) includes assets or systems that, if successfully destroyed or disrupted through a terrorist attack or natural catastrophe, would cause catastrophic national or regional impacts, including—

(A) significant loss of life;

(B) severe economic harm;

(C) mass evacuations; or

(D) loss of a city, region, or sector of the economy as a result of contamination, destruction, or disruption of vital public services; and

(2) reflects a cross-sector analysis of critical infrastructure to determine priorities for prevention, protection, recovery, and restoration.

(b) SECTOR LISTS.—In coordination with other initiatives of the Secretary relating to critical infrastructure or key resource protection and partnerships between the government and private sector, the Secretary may establish additional critical infrastructure and key resources priority lists by sector, including at a minimum the sectors named in Homeland Security Presidential Directive–7 as in effect on January 1, 2006.

(c) MAINTENANCE.—Each list created under this section shall be reviewed and updated on an ongoing basis, but at least annually.

(d) ANNUAL REPORT.—

(1) GENERALLY.—Not later than 120 days after the date of enactment of this Act, and annually thereafter, the Secretary shall submit to the Committee on Homeland Security and Governmental Affairs of the Senate and the Committee on Homeland Security of the House of Representatives a report summarizing—

(A) the criteria used to develop each list created under this section;

(B) the methodology used to solicit and verify submissions for each list;

(C) the name, location, and sector classification of assets in each list created under this section;

(D) a description of any additional lists or databases the Department has developed to prioritize critical infrastructure on the basis of risk; and

(E) how each list developed under this section will be used by the Secretary in program activities, including grant making.

(2) CLASSIFIED INFORMATION.—The Secretary shall submit with each report under this subsection a classified annex containing information required to be submitted under this subsection that cannot be made public.

SEC. 1002. RISK ASSESSMENT AND REPORT.

(a) RISK ASSESSMENT.—

(1) IN GENERAL.—The Secretary, pursuant to the responsibilities under section 202 of the Homeland Security Act (6 U.S.C. 122), for each fiscal year beginning with fiscal year 2007, shall prepare a risk assessment of the critical infrastructure and key resources of the Nation which shall—

(A) be organized by sector, including the critical infrastructure sectors named in Homeland Security Presidential Directive–7, as in effect on January 1, 2006; and

(B) contain any actions or countermeasures proposed, recommended, or directed by the Secretary to address security concerns covered in the assessment.

(2) RELIANCE ON OTHER ASSESSMENTS.—In preparing the assessments and reports under this section, the Department may rely on a vulnerability assessment or risk assessment prepared by another Federal agency that the Department determines is prepared in coordination with other initiatives of the Department relating to critical infrastructure or key resource protection and partnerships between the government and private sector, if the Department certifies in the applicable report submitted under subsection (b) that the Department—

(A) reviewed the methodology and analysis of the assessment upon which the Department relied; and

(B) determined that assessment is reliable.

(b) REPORT.—

(1) IN GENERAL.—Not later than 6 months after the last day of fiscal year 2007 and for each year thereafter, the Secretary shall submit to the Committee on Homeland Security and Governmental Affairs of the Senate and the Committee on Homeland Security of the House of Representatives a report containing a summary and review of the risk assessments prepared by the Secretary under this section for that fiscal year, which shall be organized by sector and which shall include recommendations of the Secretary for mitigating risks identified by the assessments.

(2) CLASSIFIED ANNEX.—The report under this subsection may contain a classified annex.

SEC. 1003. USE OF EXISTING CAPABILITIES.

Where appropriate, the Secretary shall use the National Infrastructure Simulation and Analysis Center to carry out the actions required under this title.

TITLE XI—CONGRESSIONAL OVERSIGHT OF INTELLIGENCE

SEC. 1101. AVAILABILITY TO PUBLIC OF CERTAIN INTELLIGENCE FUNDING INFORMATION.

(a) AMOUNTS REQUESTED EACH FISCAL YEAR.—The President shall disclose to the public for each fiscal year after fiscal year 2007 the aggregate amount of appropriations requested in the budget of the President for such fiscal year for the National Intelligence Program.

(b) AMOUNTS AUTHORIZED AND APPROPRIATED EACH FISCAL YEAR.—Congress shall disclose to the public for each fiscal year after fiscal year 2007 the aggregate amount of funds authorized to be appropriated, and the aggregate amount of funds appropriated, by Congress for such fiscal year for the National Intelligence Program.

(c) STUDY ON DISCLOSURE OF ADDITIONAL INFORMATION.—

(1) IN GENERAL.—The Director of National Intelligence shall conduct a study to assess the advisability of disclosing to the public amounts as follows:

(A) The aggregate amount of appropriations requested in the budget of the President for each fiscal year for each element of the intelligence community.

(B) The aggregate amount of funds authorized to be appropriated, and the aggregate amount of funds appropriated, by Congress for each fiscal year for each element of the intelligence community.

(2) REQUIREMENTS.—The study required by paragraph (1) shall—

(A) address whether or not the disclosure to the public of the information referred to in that paragraph would harm the national security of the United States; and

(B) take into specific account concerns relating to the disclosure of such information for each element of the intelligence community.

(3) REPORT.—Not later than 180 days after the date of enactment of this Act, the Director shall submit to Congress a report on the study required by paragraph (1).

(d) DEFINITIONS.—In this section—

(1) the term ''element of the intelligence community'' means an element of the intelligence community specified in or designated under section 3(4) of the National Security Act of 1947 (50 U.S.C. 401a(4)); and

(2) the term ''National Intelligence Program'' has the meaning given that term in section 3(6) of the National Security Act of 1947 (50 U.S.C. 401a(6)).

SEC. 1102. RESPONSE OF INTELLIGENCE COMMUNITY TO REQUESTS FROM CONGRESS.

(a) RESPONSE OF INTELLIGENCE COMMUNITY TO REQUESTS FROM CONGRESS FOR INTELLIGENCE DOCUMENTS AND INFORMATION.—Title V of the National Security Act of 1947 (50 U.S.C. 413 et seq.) is amended by adding at the end the following new section:

''RESPONSE OF INTELLIGENCE COMMUNITY TO REQUESTS FROM CONGRESS FOR INTELLIGENCE DOCUMENTS AND INFORMATION

''SEC. 508. (a) REQUESTS OF COMMITTEES.—The Director of the National Counterterrorism Center, the Director of a national intelligence center, or the head of any department, agency, or element of the intelligence community shall, not later than 15 days after receiving a request for any intelligence assessment, report, estimate, legal opinion, or other intelligence information from the Select Committee on Intelligence of the Senate, the Permanent Select Committee on Intelligence of the House of Representatives, or any other committee of Congress with jurisdiction over the subject matter to which information in such assessment, report, estimate, legal opinion, or other information relates, make available to such committee such assessment, report, estimate, legal opinion, or other information, as the case may be.

''(b) REQUESTS OF CERTAIN MEMBERS.—(1) The Director of the National Counterterrorism Center, the Director of a national intelligence center, or the head of any department, agency, or element of the intelligence community shall respond, in the time specified in subsection (a), to a request described in that subsection from the Chairman or Vice Chairman of the Select Committee on Intelligence of the Senate or the Chairman or Ranking Member of the Permanent Select Committee on Intelligence of the House of Representatives.

''(2) Upon making a request covered by paragraph (1)—

''(A) the Chairman or Vice Chairman, as the case may be, of the Select Committee on Intelligence of the Senate shall notify the

other of the Chairman or Vice Chairman of such request; and

''(B) the Chairman or Ranking Member, as the case may be, of the Permanent Select Committee on Intelligence of the House of Representatives shall notify the other of the Chairman or Ranking Member of such request.

''(c) ASSERTION OF PRIVILEGE.—In response to a request covered by subsection (a) or (b), the Director of the National Counterterrorism Center, the Director of a national intelligence center, or the head of any department, agency, or element of the intelligence community shall provide the document or information covered by such request unless the President certifies that such document or information is not being provided because the President is asserting a privilege pursuant to the Constitution of the United States.

''(d) INDEPENDENT TESTIMONY OF INTELLIGENCE OFFICIALS.—No officer, department, agency, or element within the Executive branch shall have any authority to require the head of any department, agency, or element of the intelligence community, or any designate of such a head—

''(1) to receive permission to testify before Congress; or

''(2) to submit testimony, legislative recommendations, or comments to any officer or agency of the Executive branch for approval, comments, or review prior to the submission of such recommendations, testimony, or comments to Congress if such testimony, legislative recommendations, or comments include a statement indicating that the views expressed therein are those of the head of the department, agency, or element of the intelligence community that is making the submission and do not necessarily represent the views of the Administration.''.

(b) DISCLOSURES OF CERTAIN INFORMATION TO CONGRESS.—Title V of the National Security Act of 1947 (50 U.S.C. 413 et seq.), as amended by subsection (a), is amended by adding at the end the following new section:

''DISCLOSURES TO CONGRESS

''SEC. 509. (a) AUTHORITY TO DISCLOSE CERTAIN INFORMATION.—An employee of a covered agency or an employee of a contractor carrying out activities pursuant to a contract with a covered agency may disclose covered information to an authorized individual without first reporting such information to the appropriate Inspector General.

''(b) AUTHORIZED INDIVIDUAL.—(1) In this section, the term 'authorized individual' means—

''(A) a Member of the Senate or the House of Representatives who is authorized to receive information of the type disclosed; or

''(B) an employee of the Senate or the House of Representatives who—

''(i) has an appropriate security clearance; and

''(ii) is authorized to receive information of the type disclosed.

''(2) An authorized individual described in paragraph (1) to whom covered information is disclosed under the authority in subsection (a) shall be presumed to have a need to know such covered information.

''(c) COVERED AGENCY AND COVERED INFORMATION DEFINED.—In this section:

''(1) The term 'covered agency' means—

''(A) any department, agency, or element of the intelligence community;

''(B) a national intelligence center; and

''(C) any other Executive agency, or element or unit thereof, determined by the President under section 2302(a)(2)(C)(ii) of title 5, United States Code, to have as its principal function the conduct of foreign intelligence or counterintelligence activities.

''(2) The term 'covered information'—

''(A) means information, including classified information, that an employee referred to in subsection (a) reasonably believes provides direct and specific evidence of a false or inaccurate statement—

''(i) made to Congress; or

''(ii) contained in any intelligence assessment, report, or estimate; and

''(B) does not include information the disclosure of which is prohibited by rule 6(e) of the Federal Rules of Criminal Procedure.

''(d) CONSTRUCTION WITH OTHER REPORTING REQUIREMENTS.—Nothing in this section may be construed to modify, alter, or otherwise affect—

''(1) any reporting requirement relating to intelligence activities that arises under this Act or any other provision of law; or

''(2) the right of any employee of the United States to disclose information to Congress, in accordance with applicable law, information other than covered information.''.

(c) CLERICAL AMENDMENT.—The table of contents in the first section of that Act is amended by inserting after the item relating to section 507 the following new items:

''Sec. 508. Response of intelligence community to requests from Congress for intelligence documents and information.

''Sec. 509. Disclosures to Congress.''.

SEC. 1103. PUBLIC INTEREST DECLASSIFICATION BOARD.

The Public Interest Declassification Act of 2000 (50 U.S.C. 435 note) is amended—

(1) in section 704(e)—

(A) by striking ''If requested'' and inserting the following:

''(1) IN GENERAL.—If requested''; and

(B) by adding at the end the following:

''(2) AUTHORITY OF BOARD.—Upon receiving a congressional request described in section 703(b)(5), the Board may conduct the review and make the recommendations described in that section, regardless of whether such a review is requested by the President.

''(3) REPORTING.—Any recommendations submitted to the President by the Board under section 703(b)(5), shall be submitted to the chairman and ranking member of the committee of Congress that made the request relating to such recommendations.''; and

(2) in section 710(b), by striking ''8 years after the date of the enactment of this Act'' and inserting ''on December 31, 2012''.

TITLE XII—INTERNATIONAL COOPERATION ON ANTITER-RORISM TECHNOLOGIES

SEC. 1201. PROMOTING ANTITERRORISM CAPABILITIES THROUGH INTERNATIONAL COOPERATION.

(a) FINDINGS.—The Congress finds the following:

(1) The development and implementation of technology is critical to combating terrorism and other high consequence events and implementing a comprehensive homeland security strategy.

(2) The United States and its allies in the global war on terrorism share a common interest in facilitating research, development, testing, and evaluation of equipment, capabilities, technologies, and services that will aid in detecting, preventing, responding to, recovering from, and mitigating against acts of terrorism.

(3) Certain United States allies in the global war on terrorism, including Israel, the United Kingdom, Canada, Australia, and Singapore have extensive experience with, and technological expertise in, homeland security.

(4) The United States and certain of its allies in the global war on terrorism have a history of successful collaboration in developing mutually beneficial equipment, capabilities, technologies, and services in the areas of defense, agriculture, and telecommunications.

(5) The United States and its allies in the global war on terrorism will mutually benefit from the sharing of technological expertise to combat domestic and international terrorism.

(6) The establishment of an office to facilitate and support cooperative endeavors between and among government agencies, for-profit business entities, academic institutions, and nonprofit entities of the United States and its allies will safeguard lives and property worldwide against acts of terrorism and other high consequence events.

(b) PROMOTING ANTITERRORISM THROUGH INTERNATIONAL COOPERATION ACT.—

(1) IN GENERAL.—The Homeland Security Act of 2002 is amended by inserting after section 316, as added by section 601 of this Act, the following:

''SEC. 317. PROMOTING ANTITERRORISM THROUGH INTERNATIONAL COOPERATION PROGRAM.

''(a) DEFINITIONS.—In this section:

''(1) DIRECTOR.—The term 'Director' means the Director selected under subsection (b)(2).

''(2) INTERNATIONAL COOPERATIVE ACTIVITY.—The term 'international cooperative activity' includes—

''(A) coordinated research projects, joint research projects, or joint ventures;

''(B) joint studies or technical demonstrations;

''(C) coordinated field exercises, scientific seminars, conferences, symposia, and workshops;

''(D) training of scientists and engineers;

''(E) visits and exchanges of scientists, engineers, or other appropriate personnel;

''(F) exchanges or sharing of scientific and technological information; and

''(G) joint use of laboratory facilities and equipment.

''(b) SCIENCE AND TECHNOLOGY HOMELAND SECURITY INTERNATIONAL COOPERATIVE PROGRAMS OFFICE.—

''(1) ESTABLISHMENT.—The Under Secretary shall establish the Science and Technology Homeland Security International Cooperative Programs Office.

''(2) DIRECTOR.—The Office shall be headed by a Director, who—

''(A) shall be selected (in consultation with the Assistant Secretary for International Affairs, Policy Directorate) by and shall report to the Under Secretary; and

''(B) may be an officer of the Department serving in another position.

''(3) RESPONSIBILITIES.—

''(A) DEVELOPMENT OF MECHANISMS.—The Director shall be responsible for developing, in coordination with the Department of State, the Department of Defense, the Department of Energy, and other Federal agencies, mechanisms and legal frameworks to allow and to support international cooperative activity in support of homeland security research.

''(B) PRIORITIES.—The Director shall be responsible for developing, in coordination with the Directorate of Science and Technology, the other components of the Department (including the Office of the Assistant Secretary for International Affairs, Policy Directorate), the Department of State, the Department of Defense, the Department of Energy, and other Federal agencies, strategic priorities for international cooperative activity.

''(C) ACTIVITIES.—The Director shall facilitate the planning, development, and implementation of international cooperative activity to address the strategic priorities developed under subparagraph (B) through mechanisms the Under Secretary considers

appropriate, including grants, cooperative agreements, or contracts to or with foreign public or private entities, governmental organizations, businesses, federally funded research and development centers, and universities.

''(D) IDENTIFICATION OF PARTNERS.—The Director shall facilitate the matching of United States entities engaged in homeland security research with non-United States entities engaged in homeland security research so that they may partner in homeland security research activities.

''(4) COORDINATION.—The Director shall ensure that the activities under this subsection are coordinated with the Office of International Affairs and the Department of State, the Department of Defense, the Department of Energy, and other relevant Federal agencies or interagency bodies. The Director may enter into joint activities with other Federal agencies.

''(c) MATCHING FUNDING.—

''(1) IN GENERAL.—

''(A) EQUITABILITY.—The Director shall ensure that funding and resources expended in international cooperative activity will be equitably matched by the foreign partner government or other entity through direct funding, funding of complementary activities, or through the provision of staff, facilities, material, or equipment.

''(B) GRANT MATCHING AND REPAYMENT.—

''(i) IN GENERAL.—The Secretary may require a recipient of a grant under this section—

''(I) to make a matching contribution of not more than 50 percent of the total cost of the proposed project for which the grant is awarded; and

''(II) to repay to the Secretary the amount of the grant (or a portion thereof), interest on such amount at an appropriate rate, and such charges for administration of the grant as the Secretary determines appropriate.

''(ii) MAXIMUM AMOUNT.—The Secretary may not require that repayment under clause (i)(II) be more than 150 percent of the amount of the grant, adjusted for inflation on the basis of the Consumer Price Index.

''(2) FOREIGN PARTNERS.—Partners may include Israel, the United Kingdom, Canada, Australia, Singapore, and other allies in the global war on terrorism, as determined by the Secretary of State.

''(d) FUNDING.—Funding for all activities under this section shall be paid from discretionary funds appropriated to the Department.

''(e) FOREIGN REIMBURSEMENTS.—If the Science and Technology Homeland Security International Cooperative Programs Office participates in an international cooperative activity with a foreign partner on a cost-sharing basis, any reimbursements or contributions received from that foreign partner to meet the share of that foreign partner of the project may be credited to appropriate appropriations accounts of the Directorate of Science and Technology.''.

(2) TECHNICAL AND CONFORMING AMENDMENT.—The table of contents in section 1(b) of the Homeland Security Act of 2002 (6 U.S.C. 101 et seq.) is amended by adding after the item relating to section 316, as added by section 601 of this Act, the following:

''Sec. 317. Promoting antiterrorism through international cooperation program.''.

SEC. 1202. TRANSPARENCY OF FUNDS.

For each Federal award (as that term is defined in section 2 of the Federal Funding Accountability and Transparency Act of 2006 (31 U.S.C. 6101 note)) under this title or an amendment made by this title, the Director of the Office of Management and Budget shall ensure full and timely compliance with the requirements of the Federal Funding Accountability and Transparency Act of 2006 (31 U.S.C. 6101 note).

TITLE XIII—TRANSPORTATION AND INTEROPERABLE COMMUNICATION CAPABILITIES

SEC. 1301. SHORT TITLE.

This title may be cited as the ''Transportation Security and Interoperable Communication Capabilities Act''.

Subtitle A—Surface Transportation and Rail Security

SEC. 1311. DEFINITION.

In this title, the term ''high hazard materials'' means quantities of poison inhalation hazard materials, Class 2.3 gases, Class 6.1 materials, anhydrous ammonia, and other hazardous materials that the Secretary, in consultation with the Secretary of Transportation, determines pose a security risk.

PART I—IMPROVED RAIL SECURITY

SEC. 1321. RAIL TRANSPORTATION SECURITY RISK ASSESSMENT.

(a) IN GENERAL.—

(1) RISK ASSESSMENT.—The Secretary shall establish a task force, including the Transportation Security Administration, the Department of Transportation, and other appropriate agencies, to complete a risk assessment of freight and passenger rail transportation (encompassing railroads, as that term is defined in section 20102(1) of title 49, United States Code). The assessment shall include—

(A) a methodology for conducting the risk assessment, including timelines, that addresses how the Department of Homeland Security will work with the entities described in subsection (b) and make use of existing Federal expertise within the Department of Homeland Security, the Department of Transportation, and other appropriate agencies;

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

(C) identification of risks to those assets and infrastructures;

(D) identification of risks that are specific to the transportation of hazardous materials via railroad;

(E) identification of risks to passenger and cargo security, transportation infrastructure (including rail tunnels used by passenger and freight railroads in high threat urban areas), protection systems, operations, communications systems, employee training, emergency response planning, and any other area identified by the assessment;

(F) an assessment of public and private operational recovery plans to expedite, to the maximum extent practicable, the return of an adversely affected freight or passenger rail transportation system or facility to its normal performance level after a major terrorist attack or other security event on that system or facility; and

(G) an account of actions taken or planned by both public and private entities to address identified rail security issues and assess the effective integration of such actions.

(2) RECOMMENDATIONS.—Based on the assessment conducted under paragraph (1), the Secretary, in consultation with the Secretary of Transportation, shall develop prioritized recommendations for improving rail security, including any recommendations the Secretary has for—

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

(B) deploying equipment and personnel to detect security threats, including those posed by explosives and hazardous chemical, biological, and radioactive substances, and any appropriate countermeasures;

(C) training appropriate railroad or railroad shipper employees in terrorism prevention, preparedness, passenger evacuation, and response activities;

(D) conducting public outreach campaigns on passenger railroads regarding security;

(E) deploying surveillance equipment;

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

(G) public and private sector sources to fund such measures.

(3) PLANS.—The report required by subsection (c) shall include—

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

(B) a plan for coordinating existing and planned rail security initiatives undertaken by the public and private sectors; and

(C) a contingency plan, developed in coordination with freight and intercity and commuter passenger railroads, to ensure the continued movement of freight and passengers in the event of an attack affecting the railroad system, which shall contemplate—

(i) the possibility of rerouting traffic due to the loss of critical infrastructure, such as a bridge, tunnel, yard, or station; and

(ii) methods of continuing railroad service in the Northeast Corridor in the event of a commercial power loss, or catastrophe affecting a critical bridge, tunnel, yard, or station.

(b) CONSULTATION; USE OF EXISTING RESOURCES.—In carrying out the assessment and developing the recommendations and plans required by subsection (a), the Secretary shall consult with rail management, rail labor, owners or lessors of rail cars used to transport hazardous materials, first responders, offerers of hazardous materials, public safety officials, and other relevant parties. In developing the risk assessment required under this section, the Secretary shall utilize relevant existing risk assessments developed by the Department or other Federal agencies, and, as appropriate, assessments developed by other public and private stakeholders.

(c) REPORT.—

(1) CONTENTS.—Within 1 year after the date of enactment of this Act, the Secretary shall transmit to the Committee on Commerce, Science, and Transportation of the Senate, and the Committee on Transportation and Infrastructure and the Committee on Homeland Security of the House of Representatives a report containing—

(A) the assessment, prioritized recommendations, and plans required by subsection (a); and

(B) an estimate of the cost to implement such recommendations.

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

(d) ANNUAL UPDATES.—The Secretary, in consultation with the Secretary of Transportation, shall update the assessment and recommendations each year and transmit a report, which may be submitted in both classified and redacted formats, to the Committees named in subsection (c)(1), containing the updated assessment and recommendations.

(e) FUNDING.—Out of funds appropriated pursuant to section 114(u) of title 49, United States Code, as amended by section 1336 of this title, there shall be made available to the Secretary to carry out this section $5,000,000 for fiscal year 2008.

SEC. 1322. SYSTEMWIDE AMTRAK SECURITY UPGRADES.

(a) IN GENERAL.—

(1) GRANTS.—Subject to subsection (c) the Secretary, in consultation with the Assistant Secretary of Homeland Security (Transportation Security Administration), is authorized to make grants to Amtrak in accordance with the provisions of this section.

(2) GENERAL PURPOSES.—The Secretary may make such grants for the purposes of—

(A) protecting underwater and underground assets and systems;

(B) protecting high risk and high consequence assets identified through systemwide risk assessments;

(C) providing counter-terrorism training;

(D) providing both visible and unpredictable deterrence; and

(E) conducting emergency preparedness drills and exercises.

(3) SPECIFIC PROJECTS.—The Secretary shall make such grants—

(A) to secure major tunnel access points and ensure tunnel integrity in New York, New Jersey, Maryland, and Washington, DC;

(B) to secure Amtrak trains;

(C) to secure Amtrak stations;

(D) to obtain a watch list identification system approved by the Secretary;

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

(F) to hire additional police officers, special agents, security officers, including canine units, and to pay for other labor costs directly associated with security and terrorism prevention activities;

(G) to expand emergency preparedness efforts; and

(H) for employee security training.

(b) CONDITIONS.—The Secretary of Transportation shall disburse funds to Amtrak provided under subsection (a) for projects contained in a systemwide security plan approved by the Secretary. Amtrak shall develop the security plan in consultation with constituent States and other relevant parties. The plan shall include appropriate measures to address security awareness, emergency response, and passenger evacuation training and shall be consistent with State security plans to the maximum extent practicable.

(c) EQUITABLE GEOGRAPHIC ALLOCATION.—The Secretary shall ensure that, subject to meeting the highest security needs on Amtrak's entire system and consistent with the risk assessment required under section 1321, stations and facilities located outside of the Northeast Corridor receive an equitable share of the security funds authorized by this section.

(d) AVAILABILITY OF FUNDS.—

(1) IN GENERAL.—Out of funds appropriated pursuant to section 114(u) of title 49, United States Code, as amended by section 1336 of this title, there shall be made available to the Secretary and the Assistant Secretary of Homeland Security (Transportation Security Administration) to carry out this section—

(A) $63,500,000 for fiscal year 2008;

(B) $30,000,000 for fiscal year 2009; and

(C) $30,000,000 for fiscal year 2010.

(2) AVAILABILITY OF APPROPRIATED FUNDS.—Amounts appropriated pursuant to paragraph (1) shall remain available until expended.

SEC. 1323. FIRE AND LIFE-SAFETY IMPROVEMENTS.

(a) LIFE-SAFETY NEEDS.—The Secretary of Transportation, in consultation with the Secretary, is authorized to make grants to Amtrak for the purpose of making fire and life-safety improvements to Amtrak tunnels on the Northeast Corridor in New York, New Jersey, Maryland, and Washington, DC.

(b) AUTHORIZATION OF APPROPRIATIONS.—Out of funds appropriated pursuant to section 1336(b) of this title, there shall be made available to the Secretary of Transportation for the purposes of carrying out subsection (a) the following amounts:

(1) For the 6 New York and New Jersey 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 2008;

(B) $100,000,000 for fiscal year 2009;

(C) $100,000,000 for fiscal year 2010; and

(D) $100,000,000 for fiscal year 2011.

(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 2008;

(B) $10,000,000 for fiscal year 2009;

(C) $10,000,000 for fiscal year 2010; and

(D) $10,000,000 for fiscal year 2011.

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

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

(B) $8,000,000 for fiscal year 2009;

(C) $8,000,000 for fiscal year 2010; and

(D) $8,000,000 for fiscal year 2011.

(c) INFRASTRUCTURE UPGRADES.—Out of funds appropriated pursuant to section 1336(b) of this title, there shall be made available to the Secretary of Transportation for fiscal year 2008 $3,000,000 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 made available pursuant to this section shall remain available until expended.

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

(1) until Amtrak has submitted to the Secretary, and the Secretary has approved, an engineering and financial plan for such projects; and

(2) unless, for each project funded pursuant to this section, the Secretary has approved a project management plan prepared by Amtrak addressing appropriate project budget, construction schedule, recipient staff organization, document control and record keeping, change order procedure, quality control and assurance, periodic plan updates, and periodic status reports.

(f) REVIEW OF PLANS.—

(1) IN GENERAL.—The Secretary of Transportation shall complete the review of the plans required by paragraphs (1) and (2) of subsection (e) and approve or disapprove the plans within 45 days after the date on which each such plan is submitted by Amtrak.

(2) INCOMPLETE OR DEFICIENT PLAN.—If the Secretary determines that a plan is incomplete or deficient, the Secretary shall notify Amtrak of the incomplete items or deficiencies and Amtrak shall, within 30 days after receiving the Secretary's notification, submit a modified plan for the Secretary's review.

(3) APPROVAL OF PLAN.—Within 15 days after receiving additional information on items previously included in the plan, and within 45 days after receiving items newly included in a modified plan, the Secretary shall either approve the modified plan, or, if the Secretary finds the plan is still incomplete or deficient, the Secretary shall—

(A) identify in writing to the Committee on Commerce, Science, and Transportation of the Senate, and the Committee on Transportation and Infrastructure and the Committee on Homeland Security of the House of Representatives the portions of the plan the Secretary finds incomplete or deficient;

(B) approve all other portions of the plan;

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

(D) execute an agreement with Amtrak within 15 days thereafter on a process for resolving the remaining portions of the plan.

(g) FINANCIAL CONTRIBUTION FROM OTHER TUNNEL USERS.—The Secretary 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 or plan to use the tunnels;

(2) consider the feasibility of seeking a financial contribution from those other rail carriers toward the costs of the projects; and

(3) obtain financial contributions or commitments from such other rail carriers at levels reflecting the extent of their use or planned use of the tunnels, if feasible.

SEC. 1324. FREIGHT AND PASSENGER RAIL SECURITY UPGRADES.

(a) SECURITY IMPROVEMENT GRANTS.—The Secretary, through the Assistant Secretary of Homeland Security (Transportation Security Administration) and other appropriate agencies or officials, is authorized to make grants to freight railroads, the Alaska Railroad, hazardous materials offerers, owners of rail cars used in the transportation of hazardous materials, universities, colleges and research centers, State and local governments (for rail 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 risks identified under section 1321, including—

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

(2) accommodation of rail cargo or passenger screening equipment at the United States-Mexico border, the United States-Canada border, or other ports of entry;

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

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

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

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

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

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

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

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

(11) other improvements recommended by the report required by section 1321, including infrastructure, facilities, and equipment upgrades.

(b) ACCOUNTABILITY.—The 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 Secretary.

(c) ALLOCATION.—The Secretary shall distribute the funds authorized by this section based on risk as determined under section 1321, and shall encourage non-Federal financial participation in projects funded by grants awarded under this section. With respect to grants for intercity passenger rail security, the Secretary shall also take into account passenger volume and whether stations or facilities are used by commuter rail passengers as well as 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 1322(b) of this title.

(e) ALLOCATION BETWEEN RAILROADS AND OTHERS.—Unless as a result of the assessment required by section 1321 the Secretary determines that critical rail transportation security needs require reimbursement in greater amounts to any eligible entity, no grants under this section may be made cumulatively over the period authorized by this title—

(1) in excess of $45,000,000 to Amtrak; or

(2) in excess of $80,000,000 for the purposes described in paragraphs (3) and (5) of subsection (a).

(f) AUTHORIZATION OF APPROPRIATIONS.—

(1) IN GENERAL.—Out of funds appropriated pursuant to section 114(u) of title 49, United States Code, as amended by section 1336 of this title, there shall be made available to the Secretary to carry out this section—

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

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

(C) $100,000,000 for fiscal year 2010.

(2) AVAILABILITY OF APPROPRIATED FUNDS.—Amounts appropriated pursuant to paragraph (1) shall remain available until expended.

SEC. 1325. RAIL SECURITY RESEARCH AND DEVELOPMENT.

(a) ESTABLISHMENT OF RESEARCH AND DEVELOPMENT PROGRAM.—The Secretary, through the Under Secretary for Science and Technology and the Assistant Secretary of Homeland Security (Transportation Security Administration), in consultation 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 risk of terrorist attacks on rail transportation, including risks posed by explosives and hazardous chemical, biological, and radioactive substances to intercity rail passengers, facilities, and equipment;

(2) test new emergency response techniques and technologies;

(3) develop improved freight rail security technologies, including—

(A) technologies for sealing rail cars;

(B) automatic inspection of rail cars;

(C) communication-based train controls; and

(D) emergency response training;

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

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

(A) technologies to detect a breach in a tank car or other rail car used to transport hazardous materials and transmit information about the integrity of cars to the train crew or dispatcher;

(B) research to improve tank car integrity, with a focus on tank cars that carry high hazard materials (as defined in section 1311 of this title); and

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

(6) other projects that address risks identified under section 1321.

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

(1) is 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) GRANTS AND ACCOUNTABILITY.—To carry out the research and development program, the Secretary may award grants to the entities described in section 1324(a) and 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 Secretary.

(d) AUTHORIZATION OF APPROPRIATIONS.—

(1) IN GENERAL.—Out of funds appropriated pursuant to section 114(u) of title 49, United States Code, as amended by section 1336 of this title, there shall be made available to the Secretary to carry out this section—

(A) $33,000,000 for fiscal year 2008;

(B) $33,000,000 for fiscal year 2009; and

(C) $33,000,000 for fiscal year 2010.

(2) AVAILABILITY OF APPROPRIATED FUNDS.—Amounts appropriated pursuant to paragraph (1) shall remain available until expended.

SEC. 1326. OVERSIGHT AND GRANT PROCEDURES.

(a) SECRETARIAL OVERSIGHT.—The Secretary may award contracts to audit and review the safety, security, procurement, management, and financial compliance of a recipient of amounts under this title.

(b) PROCEDURES FOR GRANT AWARD.—The Secretary shall, within 180 days after the date of enactment of this Act, 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 Secretary and shall be consistent, to the extent practicable, with the grant procedures established under section 70107 of title 46, United States Code.

(c) ADDITIONAL AUTHORITY.—The Secretary may issue nonbinding letters under similar terms to those issued pursuant to section 47110(e) of title 49, United States Code, to sponsors of rail projects funded under this title.

SEC. 1327. 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 Transportation Security and Interoperable Communication Capabilities Act, Amtrak shall submit to the Chairman of the National Transportation Safety Board, the Secretary of Transportation, and the Secretary of Homeland Security 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, the Secretary of Transportation, and the Secretary of Homeland Security, 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.—Neither the National Transportation Safety Board, the Secretary of Transportation, the Secretary of Homeland Security, nor Amtrak may release any personal information on a list obtained under subsection (b)(1) but may provide information on the list about a passenger to the family of the passenger to the extent that the Board or Amtrak considers appropriate.

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

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

"(f) FUNDING.—Out of funds appropriated pursuant to section 1336(b) of the Transportation Security and Interoperable Communication Capabilities Act, there shall be

made available to the Secretary of Transportation for the use of Amtrak $500,000 for fiscal year 2008 to carry out this section. Amounts made available 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:

''24316. Plan to assist families of passengers involved in rail passenger accidents''.

SEC. 1328. NORTHERN BORDER RAIL PASSENGER REPORT.

Within 1 year after the date of enactment of this Act, the Secretary, in consultation with the Assistant Secretary of Homeland Security (Transportation Security Administration), the Secretary of Transportation, heads of other appropriate Federal departments, and agencies and the National Railroad Passenger Corporation, shall transmit a report to the Senate Committee on Commerce, Science, and Transportation, the House of Representatives Committee on Transportation and Infrastructure, and the House of Representatives Committee on Homeland Security that contains—

(1) a description of the current system for screening passengers and baggage on passenger rail service between the United States and Canada;

(2) an assessment of the current program to provide preclearance of airline passengers between the United States and Canada as outlined in ''The Agreement on Air Transport Preclearance between the Government of Canada and the Government of the United States of America'', dated January 18, 2001;

(3) an assessment of the current program to provide preclearance of freight railroad traffic between the United States and Canada as outlined in the ''Declaration of Principle for the Improved Security of Rail Shipments by Canadian National Railway and Canadian Pacific Railway from Canada to the United States'', dated April 2, 2003;

(4) information on progress by the Department of Homeland Security and other Federal agencies towards finalizing a bilateral protocol with Canada that would provide for preclearance of passengers on trains operating between the United States and Canada;

(5) a description of legislative, regulatory, budgetary, or policy barriers within the United States Government to providing prescreened passenger lists for rail passengers traveling between the United States and Canada to the Department of Homeland Security;

(6) a description of the position of the Government of Canada and relevant Canadian agencies with respect to preclearance of such passengers;

(7) a draft of any changes in existing Federal law necessary to provide for pre-screening of such passengers and providing prescreened passenger lists to the Department of Homeland Security; and

(8) an analysis of the feasibility of reinstating in-transit inspections onboard international Amtrak trains.

SEC. 1329. RAIL WORKER SECURITY TRAINING PROGRAM.

(a) IN GENERAL.—Not later than 1 year after the date of enactment of this Act, the Secretary, in consultation with the Secretary of Transportation, appropriate law enforcement, security, and terrorism experts, representatives of railroad carriers and shippers, and nonprofit employee organizations that represent rail workers, shall develop and issue detailed guidance for a rail worker security training program to prepare front-line workers for potential threat conditions. The guidance shall take into consideration any current security training requirements or best practices.

(b) PROGRAM ELEMENTS.—The guidance developed under subsection (a) shall include elements appropriate to passenger and freight rail service that address the following:

(1) Determination of the seriousness of any occurrence.

(2) Crew communication and coordination.

(3) Appropriate responses to defend or protect oneself.

(4) Use of protective devices.

(5) Evacuation procedures.

(6) Psychology, behavior, and methods of terrorists.

(7) Situational training exercises regarding various threat conditions.

(8) Any other subject the Secretary considers appropriate.

(c) RAILROAD CARRIER PROGRAMS.—Not later than 90 days after the Secretary issues guidance under subsection (a) in final form, each railroad carrier shall develop a rail worker security training program in accordance with that guidance and submit it to the Secretary for review. Not later than 90 days after receiving a railroad carrier's program under this subsection, the Secretary shall review the program and transmit comments to the railroad carrier concerning any revisions the Secretary considers necessary for the program to meet the guidance requirements. A railroad carrier shall respond to the Secretary's comments within 90 days after receiving them.

(d) TRAINING.—Not later than 1 year after the Secretary reviews the training program developed by a railroad carrier under this section, the railroad carrier shall complete the training of all front-line workers in accordance with that program. The Secretary shall review implementation of the training program of a representative sample of railroad carriers and report to the Senate Committee on Commerce, Science, and Transportation, the House of Representatives Committee on Transportation and Infrastructure, and the House of Representatives Committee on Homeland Security on the number of reviews conducted and the results. The Secretary may submit the report in both classified and redacted formats as necessary.

(e) UPDATES.—The Secretary shall update the training guidance issued under subsection (a) as appropriate to reflect new or different security threats. Railroad carriers shall revise their programs accordingly and provide additional training to their front-line workers within a reasonable time after the guidance is updated.

(f) FRONT-LINE WORKERS DEFINED.—In this section, the term ''front-line workers'' means security personnel, dispatchers, locomotive engineers, conductors, trainmen, other onboard employees, maintenance and maintenance support personnel, bridge tenders, as well as other appropriate employees of railroad carriers, as defined by the Secretary.

(g) OTHER EMPLOYEES.—The Secretary shall issue guidance and best practices for a rail shipper employee security program containing the elements listed under subsection (b) as appropriate.

SEC. 1330. WHISTLEBLOWER PROTECTION PROGRAM.

(a) IN GENERAL.—Subchapter A of chapter 201 of title 49, United States Code, is amended by inserting after section 20117 the following:

''§ 20118. Whistleblower protection for rail Security matters

''(a) DISCRIMINATION AGAINST EMPLOYEE.—A railroad carrier engaged in interstate or foreign commerce may not discharge or in any way discriminate against an employee because the employee, whether acting for the employee or as a representative, has—

''(1) provided, caused to be provided, or is about to provide or cause to be provided, to the employer or the Federal Government information relating to a reasonably perceived threat, in good faith, to security;

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

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

''(b) DISPUTE RESOLUTION.—A dispute, grievance, or claim arising under this section is subject to resolution under section 3 of the Railway Labor Act (45 U.S.C. 153). In a proceeding by the National Railroad Adjustment Board, a division or delegate of the Board, or another board of adjustment established under section 3 to resolve the dispute, grievance, or claim the proceeding shall be expedited and the dispute, grievance, or claim shall be resolved not later than 180 days after it is filed. 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) of this subtitle, including the burdens of proof, applies to any complaint brought under this section.

''(d) ELECTION OF REMEDIES.—An employee of a railroad carrier may not seek protection under both this section and another provision of law for the same allegedly unlawful act of the carrier.

''(e) DISCLOSURE OF IDENTITY.—

''(1) Except as provided in paragraph (2) of this subsection, or with the written consent of the employee, the Secretary of Transportation or Secretary of Homeland Security may not disclose the name of an employee of a railroad carrier who has provided information about an alleged violation of this section.

''(2) The Secretary shall disclose to the Attorney General the name of an employee described in paragraph (1) of this subsection 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 20117 the following:

''20118. Whistleblower protection for rail security matters''.

SEC. 1331. HIGH HAZARD MATERIAL SECURITY RISK MITIGATION PLANS.

(a) IN GENERAL.—The Secretary, in consultation with the Assistant Secretary of Homeland Security (Transportation Security Administration) and the Secretary of Transportation, shall require rail carriers transporting a high hazard material, as defined in section 1311 of this title, to develop a high hazard material security risk mitigation plan containing appropriate measures, including alternative routing and temporary shipment suspension options, to address assessed risks to high consequence targets. The plan, and any information submitted to the Secretary under this section shall be protected as sensitive security information under the regulations prescribed under section 114(s) of title 49, United States Code.

(b) IMPLEMENTATION.—A high hazard material security risk mitigation plan shall be

put into effect by a rail carrier for the shipment of high hazardous materials by rail on the rail carrier's right-of-way when the threat levels of the Homeland Security Advisory System are high or severe or specific intelligence of probable or imminent threat exists towards—

(1) a high-consequence target that is within the catastrophic impact zone of a railroad right-of-way used to transport high hazardous material; or

(2) rail infrastructure or operations within the immediate vicinity of a high-consequence target.

(c) COMPLETION AND REVIEW OF PLANS.—

(1) PLANS REQUIRED.—Each rail carrier shall—

(A) submit a list of routes used to transport high hazard materials to the Secretary within 60 days after the date of enactment of this Act;

(B) develop and submit a high hazard material security risk mitigation plan to the Secretary within 180 days after it receives the notice of high consequence targets on such routes by the Secretary that includes an operational recovery plan to expedite, to the maximum extent practicable, the return of an adversely affected rail system or facility to its normal performance level following a major terrorist attack or other security incident; and

(C) submit any subsequent revisions to the plan to the Secretary within 30 days after making the revisions.

(2) REVIEW AND UPDATES.—The Secretary, with assistance of the Secretary of Transportation, shall review the plans and transmit comments to the railroad carrier concerning any revisions the Secretary considers necessary. A railroad carrier shall respond to the Secretary's comments within 30 days after receiving them. Each rail carrier shall update and resubmit its plan for review not less than every 2 years.

(d) DEFINITIONS.—In this section:

(1) The term ''high-consequence target'' means property, infrastructure, public space, or natural resource designated by the Secretary that is a viable terrorist target of national significance, the attack of which could result in—

(A) catastrophic loss of life;

(B) significant damage to national security or defense capabilities; or

(C) national economic harm.

(2) The term ''catastrophic impact zone'' means the area immediately adjacent to, under, or above an active railroad right-of-way used to ship high hazard materials in which the potential release or explosion of the high hazard material being transported would likely cause—

(A) loss of life; or

(B) significant damage to property or structures.

(3) The term ''rail carrier'' has the meaning given that term by section 10102(5) of title 49, United States Code.

SEC. 1332. ENFORCEMENT AUTHORITY.

(a) IN GENERAL.—Section 114 of title 49, United States Code, as amended by section 1336 of this title, is further amended by adding at the end the following:

''(v) ENFORCEMENT OF REGULATIONS AND ORDERS OF THE SECRETARY OF HOMELAND SECURITY ISSUED UNDER THIS TITLE.—

''(1) APPLICATION OF SUBSECTION.—

''(A) IN GENERAL.—This subsection applies to the enforcement of regulations prescribed, and orders issued, by the Secretary of Homeland Security under a provision of this title other than a provision of chapter 449.

''(B) VIOLATIONS OF CHAPTER 449.—The penalties for violations of regulations prescribed, and orders issued, by the Secretary of Homeland Security under chapter 449 of this title are provided under chapter 463 of this title.

''(C) NONAPPLICATION TO CERTAIN VIOLATIONS.—

''(i) Paragraphs (2) through (5) of this subsection do not apply to violations of regulations prescribed, and orders issued, by the Secretary of Homeland Security under a provision of this title—

''(I) involving the transportation of personnel or shipments of materials by contractors where the Department of Defense has assumed control and responsibility;

''(II) by a member of the armed forces of the United States when performing official duties; or

''(III) by a civilian employee of the Department of Defense when performing official duties.

''(ii) Violations described in subclause (I), (II), or (III) of clause (i) shall be subject to penalties as determined by the Secretary of Defense or the Secretary's designee.

''(2) CIVIL PENALTY.—

''(A) IN GENERAL.—A person is liable to the United States Government for a civil penalty of not more than $10,000 for a violation of a regulation prescribed, or order issued, by the Secretary of Homeland Security under this title.

''(B) REPEAT VIOLATIONS.—A separate violation occurs under this paragraph for each day the violation continues.

''(3) ADMINISTRATIVE IMPOSITION OF CIVIL PENALTIES.—

''(A) IN GENERAL.—The Secretary of Homeland Security may impose a civil penalty for a violation of a regulation prescribed, or order issued, under this title. The Secretary shall give written notice of the finding of a violation and the penalty.

''(B) SCOPE OF CIVIL ACTION.—In a civil action to collect a civil penalty imposed by the Secretary under this subsection, the court may not re-examine issues of liability or the amount of the penalty.

''(C) JURISDICTION.—The district courts of the United States have exclusive jurisdiction of civil actions to collect a civil penalty imposed by the Secretary under this subsection if—

''(i) the amount in controversy is more than—

''(I) $400,000, if the violation was committed by a person other than an individual or small business concern; or

''(II) $50,000, if the violation was committed by an individual or small business concern;

''(ii) the action is in rem or another action in rem based on the same violation has been brought; or

''(iii) another action has been brought for an injunction based on the same violation.

''(D) MAXIMUM PENALTY.—The maximum penalty the Secretary may impose under this paragraph is—

''(i) $400,000, if the violation was committed by a person other than an individual or small business concern; or

''(ii) $50,000, if the violation was committed by an individual or small business concern.

''(4) COMPROMISE AND SETOFF.—

''(A) The Secretary may compromise the amount of a civil penalty imposed under this subsection. If the Secretary compromises the amount of a civil penalty under this subparagraph, the Secretary shall—

''(i) notify the Senate Committee on Commerce, Science, and Transportation and the House of Representatives Committee on Homeland Security of the compromised penalty and explain the rationale therefor; and

''(ii) make the explanation available to the public to the extent feasible without compromising security.

''(B) The Government may deduct the amount of a civil penalty imposed or compromised under this subsection from amounts it owes the person liable for the penalty.

''(5) INVESTIGATIONS AND PROCEEDINGS.—Chapter 461 of this title shall apply to investigations and proceedings brought under this subsection to the same extent that it applies to investigations and proceedings brought with respect to aviation security duties designated to be carried out by the Secretary.

''(6) DEFINITIONS.—In this subsection:

''(A) PERSON.—The term 'person' does not include—

''(i) the United States Postal Service; or

''(ii) the Department of Defense.

''(B) SMALL BUSINESS CONCERN.—The term 'small business concern' has the meaning given that term in section 3 of the Small Business Act (15 U.S.C. 632).''.

(b) CONFORMING AMENDMENT.—Section 46301(a)(4) of title 49, United States Code is amended by striking ''or another requirement under this title administered by the Under Secretary of Transportation for Security''.

(c) RAIL SAFETY REGULATIONS.—Section 20103(a) of title 49, United States Code, is amended by striking ''safety'' the first place it appears, and inserting ''safety, including security,''.

SEC. 1333. RAIL SECURITY ENHANCEMENTS.

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

(1) by inserting ''(a) IN GENERAL.—'' before ''Under''; and

(2) by adding at the end the following:

''(b) ASSIGNMENT.—A rail police officer employed by a rail carrier and certified or commissioned as a police officer under the laws of a State may be temporarily assigned to assist a second rail carrier in carrying out law enforcement duties upon the request of the second rail carrier, at which time the police officer shall be considered to be an employee of the second rail carrier and shall have authority to enforce the laws of any jurisdiction in which the second rail carrier owns property to the same extent as provided in subsection (a).''.

(b) MODEL STATE LEGISLATION.—By no later than September 7, 2007, the Secretary of Transportation shall develop model State legislation to address the problem of entities that claim to be rail carriers in order to establish and run a police force when the entities do not in fact provide rail transportation and shall make it available to State governments. In developing the model State legislation the Secretary shall solicit the input of the States, railroads companies, and railroad employees. The Secretary shall review and, if necessary, revise such model State legislation periodically.

SEC. 1334. PUBLIC AWARENESS.

Not later than 90 days after the date of enactment of this Act, the Secretary, in consultation with the Secretary of Transportation, shall develop a national plan for public outreach and awareness. Such plan shall be designed to increase awareness of measures that the general public, railroad passengers, and railroad employees can take to increase railroad system security. Such plan shall also provide outreach to railroad carriers and their employees to improve their awareness of available technologies, ongoing research and development efforts, and available Federal funding sources to improve railroad security. Not later than 9 months after the date of enactment of this Act, the Secretary shall implement the plan developed under this section.

SEC. 1335. RAILROAD HIGH HAZARD MATERIAL TRACKING.

(a) WIRELESS COMMUNICATIONS.—

(1) IN GENERAL.—In conjunction with the research and development program established under section 1325 and consistent with

the results of research relating to wireless tracking technologies, the Secretary, in consultation with the Assistant Secretary of Homeland Security (Transportation Security Administration), shall develop a program that will encourage the equipping of rail cars transporting high hazard materials (as defined in section 1311 of this title) with technology that provides—

(A) car position location and tracking capabilities; and

(B) notification of rail car depressurization, breach, unsafe temperature, or release of hazardous materials.

(2) COORDINATION.—In developing the program required by paragraph (1), the Secretary shall—

(A) consult with the Secretary of Transportation to coordinate the program with any ongoing or planned efforts for rail car tracking at the Department of Transportation; and

(B) ensure that the program is consistent with recommendations and findings of the Department of Homeland Security's hazardous material tank rail car tracking pilot programs.

(b) FUNDING.—Out of funds appropriated pursuant to section 114(u) of title 49, United States Code, as amended by section 1336 of this title, there shall be made available to the Secretary to carry out this section $3,000,000 for each of fiscal years 2008, 2009, and 2010.

SEC. 1336. AUTHORIZATION OF APPROPRIATIONS.

(a) TRANSPORTATION SECURITY ADMINISTRATION AUTHORIZATION.—Section 114 of title 49, United States Code, is amended by adding at the end thereof the following:

''(u) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Secretary of Homeland Security for rail security—

''(1) $205,000,000 for fiscal year 2008;

''(2) $166,000,000 for fiscal year 2009; and

''(3) $166,000,000 for fiscal year 2010.''.

(b) DEPARTMENT OF TRANSPORTATION.—There are authorized to be appropriated to the Secretary of Transportation to carry out this title and sections 20118 and 24316 of title 49, United States Code, as added by this title—

(1) $121,000,000 for fiscal year 2008;

(2) $118,000,000 for fiscal year 2009;

(3) $118,000,000 for fiscal year 2010; and

(4) $118,000,000 for fiscal year 2011.

PART II—IMPROVED MOTOR CARRIER, BUS, AND HAZARDOUS MATERIAL SECURITY

SEC. 1341. HAZARDOUS MATERIALS HIGHWAY ROUTING.

(a) ROUTE PLAN GUIDANCE.—Within 1 year after the date of enactment of this Act, the Secretary of Transportation, in consultation with the Secretary, shall—

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

(2) assess and characterize existing and proposed routes for the transportation of radioactive and non-radioactive hazardous materials by motor carrier for the purpose of identifying measurable criteria for selecting routes based on safety and security concerns;

(3) analyze current route-related hazardous materials regulations in the United States, Canada, and Mexico to identify cross-border differences and conflicting regulations;

(4) document the concerns of the public, motor carriers, and State, local, territorial, and tribal governments about the highway routing of hazardous materials for the purpose of identifying and mitigating security risks associated with hazardous material routes;

(5) prepare guidance materials for State officials to assist them in identifying and reducing both safety concerns and security risks when designating highway routes for hazardous materials consistent with the 13 safety-based non-radioactive materials routing criteria and radioactive materials routing criteria in Subpart C part 397 of title 49, Code of Federal Regulations;

(6) develop a tool that will enable State officials to examine potential routes for the highway transportation of hazardous material and assess specific security risks associated with each route and explore alternative mitigation measures; and

(7) transmit to the Senate Committee on Commerce, Science, and Transportation, and the House of Representatives Committee on Transportation and Infrastructure a report on the actions taken to fulfill paragraphs (1) through (6) of this subsection and any recommended changes to the routing requirements for the highway transportation of hazardous materials in part 397 of title 49, Code of Federal Regulations.

(b) ROUTE PLANS.—

(1) ASSESSMENT.—Within 1 year after the date of enactment of this Act, the Secretary of Transportation shall complete an assessment of the safety and national security benefits achieved under existing requirements for route plans, in written or electronic format, for explosives and radioactive materials. The assessment shall, at a minimum—

(A) compare the percentage of Department of Transportation recordable incidents and the severity of such incidents for shipments of explosives and radioactive materials for which such route plans are required with the percentage of recordable incidents and the severity of such incidents for shipments of explosives and radioactive materials not subject to such route plans; and

(B) quantify the security and safety benefits, feasibility, and costs of requiring each motor carrier that is required to have a hazardous material safety permit under part 385 of title 49, Code of Federal Regulations, to maintain, follow, and carry such a route plan that meets the requirements of section 397.101 of that title when transporting the type and quantity of hazardous materials described in section 385.403 of that title, taking into account the various segments of the trucking industry, including tank truck, truckload and less than truckload carriers.

(2) REPORT.—Within 1 year after the date of enactment of this Act, the Secretary of Transportation shall submit a report to the Senate Committee on Commerce, Science, and Transportation, and the House of Representatives Committee on Transportation and Infrastructure containing the findings and conclusions of the assessment.

(c) REQUIREMENT.—The Secretary shall require motor carriers that have a hazardous material safety permit under part 385 of title 49, Code of Federal Regulations, to maintain, follow, and carry a route plan, in written or electronic format, that meets the requirements of section 397.101 of that title when transporting the type and quantity of hazardous materials described in section 385.403 of that title if the Secretary determines, under the assessment required in subsection (b), that such a requirement would enhance the security and safety of the nation without imposing unreasonable costs or burdens upon motor carriers.

SEC. 1342. MOTOR CARRIER HIGH HAZARD MATERIAL TRACKING.

(a) COMMUNICATIONS.—

(1) IN GENERAL.—Consistent with the findings of the Transportation Security Administration's Hazmat Truck Security Pilot Program and within 6 months after the date of enactment of this Act, the Secretary, through the Transportation Security Administration and in consultation with the Secretary of Transportation, shall develop a program to encourage the tracking of motor carrier shipments of high hazard materials as defined in this title with communications technology that provides—

(A) frequent or continuous communications;

(B) vehicle position location and tracking capabilities; and

(C) a feature that allows a driver of such vehicles to broadcast an emergency message.

(2) CONSIDERATIONS.—In developing the program required by paragraph (1), the Secretary shall—

(A) consult with the Secretary of Transportation to coordinate the program with any ongoing or planned efforts for motor carrier or high hazardous materials tracking at the Department of Transportation;

(B) take into consideration the recommendations and findings of the report on the Hazardous Material Safety and Security Operation Field Test released by the Federal Motor Carrier Safety Administration on November 11, 2004; and

(C) evaluate—

(i) any new information related to the cost and benefits of deploying and utilizing tracking technology for motor carriers transporting high hazard materials not included in the Hazardous Material Safety and Security Operation Field Test Report released by the Federal Motor Carrier Safety Administration on November 11, 2004;

(ii) the ability of tracking technology to resist tampering and disabling;

(iii) the capability of tracking technology to collect, display, and store information regarding the movements of shipments of high hazard materials by commercial motor vehicles;

(iv) the appropriate range of contact intervals between the tracking technology and a commercial motor vehicle transporting high hazard materials; and

(v) technology that allows the installation by a motor carrier of concealed electronic devices on commercial motor vehicles that can be activated by law enforcement authorities and alert emergency response resources to locate and recover security sensitive material in the event of loss or theft of such material.

(b) FUNDING.—There are authorized to be appropriated to the Secretary to carry out this section $3,000,000 for each of fiscal years 2008, 2009, and 2010.

SEC. 1343. MEMORANDUM OF AGREEMENT.

Similar to the other security annexes between the 2 departments, within 1 year after the date of enactment of this Act, the Secretary of Transportation and the Secretary shall execute and develop an annex to the memorandum of agreement between the 2 departments signed on September 28, 2004, governing the specific roles, delineations of responsibilities, resources and commitments of the Department of Transportation and the Department of Homeland Security, respectively, in addressing motor carrier transportation security matters, including the processes the departments will follow to promote communications, efficiency, and nonduplication of effort.

SEC. 1344. HAZARDOUS MATERIALS SECURITY INSPECTIONS AND ENFORCEMENT.

(a) IN GENERAL.—The Secretary shall establish a program within the Transportation Security Administration, in consultation with the Secretary of Transportation, for reviewing hazardous materials security plans required under part 172, title 49, Code of Federal Regulations, within 180 days after the

date of enactment of this Act. In establishing the program, the Secretary shall ensure that—

(1) the program does not subject carriers to unnecessarily duplicative reviews of their security plans by the 2 departments; and

(2) a common set of standards is used to review the security plans.

(b) CIVIL PENALTY.—The failure, by an offerer, carrier, or other person subject to part 172 of title 49, Code of Federal Regulations, to comply with any applicable section of that part within 180 days after being notified by the Secretary of such failure to comply, is punishable by a civil penalty imposed by the Secretary under title 49, United States Code. For purposes of this subsection, each day of noncompliance after the 181st day following the date on which the offerer, carrier, or other person received notice of the failure shall constitute a separate failure.

(c) COMPLIANCE REVIEW.—In reviewing the compliance of hazardous materials offerers, carriers, or other persons subject to part 172 of title 49, Code of Federal Regulations, with the provisions of that part, the Secretary shall utilize risk assessment methodologies to prioritize review and enforcement actions of the highest risk hazardous materials transportation operations.

(d) TRANSPORTATION COSTS STUDY.—Within 1 year after the date of enactment of this Act, the Secretary of Transportation, in conjunction with the Secretary, shall study to what extent the insurance, security, and safety costs borne by railroad carriers, motor carriers, pipeline carriers, air carriers, and maritime carriers associated with the transportation of hazardous materials are reflected in the rates paid by offerers of such commodities as compared to the costs and rates respectively for the transportation of non-hazardous materials.

(e) FUNDING.—There are authorized to be appropriated to the Secretary to carry out this section—

(1) $2,000,000 for fiscal year 2008;

(2) $2,000,000 for fiscal year 2009; and

(3) $2,000,000 for fiscal year 2010.

SEC. 1345. TRUCK SECURITY ASSESSMENT.

Not later than 1 year after the date of enactment of this Act, the Secretary, in consultation with the Secretary of Transportation, shall transmit to the Senate Committee on Commerce, Science, and Transportation, Senate Committee on Finance, the House of Representatives Committee on Transportation and Infrastructure, the House of Representatives Committee on Homeland Security, and the House of Representatives Committee on Ways and Means, a report on security issues related to the trucking industry that includes—

(1) an assessment of actions already taken to address identified security issues by both public and private entities;

(2) an assessment of the economic impact that security upgrades of trucks, truck equipment, or truck facilities may have on the trucking industry and its employees, including independent owner-operators;

(3) an assessment of ongoing research and the need for additional research on truck security;

(4) an assessment of industry best practices to enhance security; and

(5) an assessment of the current status of secure motor carrier parking.

SEC. 1346. NATIONAL PUBLIC SECTOR RESPONSE SYSTEM.

(a) DEVELOPMENT.—The Secretary, in conjunction with the Secretary of Transportation, shall consider the development of a national public sector response system to receive security alerts, emergency messages, and other information used to track the transportation of high hazard materials which can provide accurate, timely, and actionable information to appropriate first responder, law enforcement and public safety, and homeland security officials, as appropriate, regarding accidents, threats, thefts, or other safety and security risks or incidents. In considering the development of this system, they shall consult with law enforcement and public safety officials, hazardous material shippers, motor carriers, railroads, organizations representing hazardous material employees, State transportation and hazardous materials officials, private for-profit and non-profit emergency response organizations, and commercial motor vehicle and hazardous material safety groups. Consideration of development of the national public sector response system shall be based upon the public sector response center developed for the Transportation Security Administration hazardous material truck security pilot program and hazardous material safety and security operational field test undertaken by the Federal Motor Carrier Safety Administration.

(b) CAPABILITY.—The national public sector response system to be considered shall be able to receive, as appropriate—

(1) negative driver verification alerts;

(2) out-of-route alerts;

(3) driver panic or emergency alerts; and

(4) tampering or release alerts.

(c) CHARACTERISTICS.—The national public sector response system to be considered shall—

(1) be an exception-based system;

(2) be integrated with other private and public sector operation reporting and response systems and all Federal homeland security threat analysis systems or centers (including the National Response Center); and

(3) provide users the ability to create rules for alert notification messages.

(d) CARRIER PARTICIPATION.—The Secretary shall coordinate with motor carriers and railroads transporting high hazard materials, entities acting on their behalf who receive communication alerts from motor carriers or railroads, or other Federal agencies that receive security and emergency related notification regarding high hazard materials in transit to facilitate the provisions of the information listed in subsection (b) to the national public sector response system to the extent possible if the system is established.

(e) DATA PRIVACY.—The national public sector response system shall be designed to ensure appropriate protection of data and information relating to motor carriers, railroads, and employees.

(f) REPORT.—Not later than 180 days after the date of enactment of this Act, the Secretary shall transmit to the Senate Committee on Commerce, Science, and Transportation, the House of Representatives Committee on Transportation and Infrastructure, and the House of Representatives Committee on Homeland Security a report on whether to establish a national public sector response system and the estimated total public and private sector costs to establish and annually operate such a system, together with any recommendations for generating private sector participation and investment in the development and operation of such a system.

(g) FUNDING.—There are authorized to be appropriated to the Secretary to carry out this section—

(1) $1,000,000 for fiscal year 2008;

(2) $1,000,000 for fiscal year 2009; and

(3) $1,000,000 for fiscal year 2010.

SEC. 1347. OVER-THE-ROAD BUS SECURITY ASSISTANCE.

(a) IN GENERAL.—The Secretary shall establish a program within the Transportation Security Administration for making grants to private operators of over-the-road buses or over-the-road bus terminal operators for the purposes of emergency preparedness drills and exercises, protecting high risk/high consequence assets identified through system-wide risk assessment, counter-terrorism training, visible/unpredictable deterrence, public awareness and preparedness campaigns, and including—

(1) constructing and modifying terminals, garages, facilities, or over-the-road buses to assure their security;

(2) protecting or isolating the driver;

(3) acquiring, upgrading, installing, or operating equipment, software, or accessorial services for collection, storage, or exchange of passenger and driver information through ticketing systems or otherwise, and information links with government agencies;

(4) training employees in recognizing and responding to security risks, evacuation procedures, passenger screening procedures, and baggage inspection;

(5) hiring and training security officers;

(6) installing cameras and video surveillance equipment on over-the-road buses and at terminals, garages, and over-the-road bus facilities;

(7) creating a program for employee identification or background investigation;

(8) establishing and upgrading emergency communications tracking and control systems; and

(9) implementing and operating passenger screening programs at terminals and on over-the-road buses.

(b) DUE CONSIDERATION.—In making grants under this section, the Secretary shall give due consideration to private operators of over-the-road buses that have taken measures to enhance bus transportation security from those in effect before September 11, 2001, and shall prioritize grant funding based on the magnitude and severity of the security risks to bus passengers and the ability of the funded project to reduce, or respond to, that risk.

(c) GRANT REQUIREMENTS.—A grant under this section shall be subject to all the terms and conditions that a grant is subject to under section 3038(f) of the Transportation Equity Act for the 21st Century (49 U.S.C. 5310 note; 112 Stat. 393).

(d) PLAN REQUIREMENT.—

(1) IN GENERAL.—The Secretary may not make a grant under this section to a private operator of over-the-road buses until the operator has first submitted to the Secretary—

(A) a plan for making security improvements described in subsection (a) and the Secretary has reviewed or approved the plan; and

(B) such additional information as the Secretary may require to ensure accountability for the obligation and expenditure of amounts made available to the operator under the grant.

(2) COORDINATION.—To the extent that an application for a grant under this section proposes security improvements within a specific terminal owned and operated by an entity other than the applicant, the applicant shall demonstrate to the satisfaction of the Secretary that the applicant has coordinated the security improvements for the terminal with that entity.

(e) OVER-THE-ROAD BUS DEFINED.—In this section, the term ''over-the-road bus'' means a bus characterized by an elevated passenger deck located over a baggage compartment.

(f) BUS SECURITY ASSESSMENT.—

(1) IN GENERAL.—Not later than 1 year after the date of enactment of this Act, the Secretary shall transmit to the Senate Committee on Commerce, Science, and Transportation, the House of Representatives Committee on Transportation and Infrastructure, and the House of Representatives Committee on Homeland Security a report in accordance with the requirements of this section.

(2) CONTENTS OF REPORT.—The report shall include—

(A) an assessment of the over-the-road bus security grant program;

(B) an assessment of actions already taken to address identified security issues by both public and private entities and recommendations on whether additional safety and security enforcement actions are needed;

(C) an assessment of whether additional legislation is needed to provide for the security of Americans traveling on over-the-road buses;

(D) an assessment of the economic impact that security upgrades of buses and bus facilities may have on the over-the-road bus transportation industry and its employees;

(E) an assessment of ongoing research and the need for additional research on over-the-road bus security, including engine shut-off mechanisms, chemical and biological weapon detection technology, and the feasibility of compartmentalization of the driver;

(F) an assessment of industry best practices to enhance security; and

(G) an assessment of school bus security, if the Secretary deems it appropriate.

(3) CONSULTATION WITH INDUSTRY, LABOR, AND OTHER GROUPS.—In carrying out this section, the Secretary shall consult with over-the-road bus management and labor representatives, public safety and law enforcement officials, and the National Academy of Sciences.

(g) FUNDING.—

(1) IN GENERAL.—There are authorized to be appropriated to the Secretary to carry out this section—

(A) $12,000,000 for fiscal year 2008;

(B) $25,000,000 for fiscal year 2009; and

(C) $25,000,000 for fiscal year 2010.

(2) AVAILABILITY OF APPROPRIATED FUNDS.—Amounts appropriated pursuant to paragraph (1) shall remain available until expended.

SEC. 1348. PIPELINE SECURITY AND INCIDENT RECOVERY PLAN.

(a) IN GENERAL.—The Secretary, in consultation with the Secretary of Transportation and the Pipeline and Hazardous Materials Safety Administration, and in accordance with the Memorandum of Understanding Annex executed on August 9, 2006, shall develop a Pipeline Security and Incident Recovery Protocols Plan. The plan shall include—

(1) a plan for the Federal Government to provide increased security support to the most critical interstate and intrastate natural gas and hazardous liquid transmission pipeline infrastructure and operations as determined under section 1349—

(A) at severe security threat levels of alert; or

(B) when specific security threat information relating to such pipeline infrastructure or operations exists; and

(2) an incident recovery protocol plan, developed in conjunction with interstate and intrastate transmission and distribution pipeline operators and terminals and facilities operators connected to pipelines, to develop protocols to ensure the continued transportation of natural gas and hazardous liquids to essential markets and for essential public health or national defense uses in the event of an incident affecting the interstate and intrastate natural gas and hazardous liquid transmission and distribution pipeline system, which shall include protocols for granting access to pipeline operators for pipeline infrastructure repair, replacement or bypass following an incident.

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

(c) CONSULTATION.—In developing the plan under subsection (a), the Secretary shall consult with the Secretary of Transportation, interstate and intrastate transmission and distribution pipeline operators, pipeline labor, first responders, shippers, State pipeline safety agencies, public safety officials, and other relevant parties.

(d) REPORT.—

(1) CONTENTS.—Not later than 2 years after the date of enactment of this Act, the Secretary shall transmit to the Committee on Commerce, Science, and Transportation of the Senate, the Committee on Homeland Security of the House of Representatives, and the Committee on Transportation and Infrastructure of the House of Representatives a report containing the plan required by subsection (a), along with an estimate of the private and public sector costs to implement any recommendations.

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

SEC. 1349. PIPELINE SECURITY INSPECTIONS AND ENFORCEMENT.

(a) IN GENERAL.—Within 1 year after the date of enactment of this Act, the Secretary, in consultation with the Secretary of Transportation, shall establish a program for reviewing pipeline operator adoption of recommendations in the September, 5, 2002, Department of Transportation Research and Special Programs Administration Pipeline Security Information Circular, including the review of pipeline security plans and critical facility inspections.

(b) REVIEW AND INSPECTION.—Within 9 months after the date of enactment of this Act, the Secretary and the Secretary of Transportation shall develop and implement a plan for reviewing the pipeline security plan and an inspection of the critical facilities of the 100 most critical pipeline operators covered by the September, 5, 2002, circular, where such facilities have not been inspected for security purposes since September 5, 2002, by either the Department of Homeland Security or the Department of Transportation.

(c) COMPLIANCE REVIEW METHODOLOGY.—In reviewing pipeline operator compliance under subsections (a) and (b), risk assessment methodologies shall be used to prioritize risks and to target inspection and enforcement actions to the highest risk pipeline assets.

(d) REGULATIONS.—Within 1 year after the date of enactment of this Act, the Secretary and the Secretary of Transportation shall develop and transmit to pipeline operators security recommendations for natural gas and hazardous liquid pipelines and pipeline facilities. If the Secretary determines that regulations are appropriate, the Secretary shall consult with the Secretary of Transportation on the extent of risk and appropriate mitigation measures, and the Secretary or the Secretary of Transportation, consistent with the memorandum of understanding annex signed on August 9, 2006, shall promulgate such regulations and carry out necessary inspection and enforcement actions. Any regulations should incorporate the guidance provided to pipeline operators by the September 5, 2002, Department of Transportation Research and Special Programs Administration's Pipeline Security Information Circular and contain additional requirements as necessary based upon the results of the inspections performed under subsection (b). The regulations shall include the imposition of civil penalties for non-compliance.

(e) FUNDING.—There are authorized to be appropriated to the Secretary to carry out this section—

(1) $2,000,000 for fiscal year 2008; and

(2) $2,000,000 for fiscal year 2009.

SEC. 1350. TECHNICAL CORRECTIONS.

Section 5103a of title 49, United States Code, is amended—

(1) by inserting ''of Homeland Security'' after ''Secretary'' each place it appears in subsections (a)(1), (d)(1)(b), and (e); and

(2) by redesignating subsection (h) as subsection (i), and inserting the following after subsection (g):

''(h) RELATIONSHIP TO TRANSPORTATION SECURITY CARDS.—Upon application, a State shall issue to an individual a license to operate a motor vehicle transporting in commerce a hazardous material without the security assessment required by this section, provided the individual meets all other applicable requirements for such a license, if the Secretary of Homeland Security has previously determined, under section 70105 of title 46, United States Code, that the individual does not pose a security risk.''.

SEC. 1351. 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. 1352. MARITIME AND SURFACE TRANSPORTATION SECURITY USER FEE STUDY.

(a) IN GENERAL.—The Secretary of Homeland Security shall conduct a study of the need for, and feasibility of, establishing a system of maritime and surface transportation-related user fees that may be imposed and collected as a dedicated revenue source, on a temporary or continuing basis, to provide necessary funding for legitimate improvements to, and maintenance of, maritime and surface transportation security. In developing the study, the Secretary shall consult with maritime and surface transportation carriers, shippers, passengers, facility owners and operators, and other persons as determined by the Secretary. Not later than 1 year after the date of the enactment of this Act, the Secretary shall submit a report to the appropriate congressional committees that contains—

(1) the results of the study;

(2) an assessment of the annual sources of funding collected through maritime and surface transportation at ports of entry and a detailed description of the distribution and use of such funds, including the amount and percentage of such sources that are dedicated to improve and maintain security;

(3)(A) an assessment of the fees, charges, and standards imposed on United States ports, port terminal operators, shippers, carriers, and other persons who use United States ports of entry compared with the fees and charges imposed on Canadian and Mexican ports, Canadian and Mexican port terminal operators, shippers, carriers, and other persons who use Canadian or Mexican ports of entry; and

(B) an assessment of the impact of such fees, charges, and standards on the competitiveness of United States ports, port terminal operators, railroads, motor carriers, pipelines, other transportation modes, and shippers;

(4) an assessment of private efforts and investments to secure maritime and surface transportation modes, including those that are operational and those that are planned; and

(5) the Secretary's recommendations based upon the study, and an assessment of the consistency of such recommendations with the international obligations and commitments of the United States.

(b) DEFINITIONS.—In this section:

(1) APPROPRIATE CONGRESSIONAL COMMITTEES.—The term ''appropriate congressional committees'' has the meaning given that term by section 2(1) of the SAFE Port Act (6 U.S.C. 901(1)).

(2) PORT OF ENTRY.—The term ''port of entry'' means any port or other facility through which foreign goods are permitted to enter the customs territory of a country under official supervision.

(3) MARITIME AND SURFACE TRANSPORTATION.—The term ''maritime and surface transportation'' includes oceanborne, rail, and vehicular transportation.

Subtitle B—Aviation Security Improvement

SEC. 1361. EXTENSION OF AUTHORIZATION FOR AVIATION SECURITY FUNDING.

Section 48301(a) of title 49, United States Code, is amended by striking ''and 2006'' and inserting ''2006, 2007, 2008, and 2009''.

SEC. 1362. PASSENGER AIRCRAFT CARGO SCREENING.

(a) IN GENERAL.—Section 44901 of title 49, United States Code, is amended—

(1) by redesignating subsections (g) and (h) as subsections (h) and (i), respectively; and

(2) by inserting after subsection (f) the following:

''(g) AIR CARGO ON PASSENGER AIRCRAFT.—

''(1) IN GENERAL.—Not later than 3 years after the date of enactment of the Transportation Security and Interoperable Communication Capabilities Act, the Secretary of Homeland Security, acting through the Administrator of the Transportation Security Administration, shall establish a system to screen all cargo transported on passenger aircraft operated by an air carrier or foreign air carrier in air transportation or intrastate air transportation to ensure the security of all such passenger aircraft carrying cargo.

''(2) MINIMUM STANDARDS.—The system referred to in paragraph (1) shall require, at a minimum, that the equipment, technology, procedures, personnel, or other methods determined by the Administrator of the Transportation Security Administration, provide a level of security comparable to the level of security in effect for passenger checked baggage.

''(3) REGULATIONS.—

''(A) INTERIM FINAL RULE.—The Secretary of Homeland Security may issue an interim final rule as a temporary regulation to implement this subsection without regard to the provisions of chapter 5 of title 5.

''(B) FINAL RULE.—

''(i) IN GENERAL.—If the Secretary issues an interim final rule under subparagraph (A), the Secretary shall issue, not later than 1 year after the effective date of the interim final rule, a final rule as a permanent regulation to implement this subsection in accordance with the provisions of chapter 5 of title 5.

''(ii) FAILURE TO ACT.—If the Secretary does not issue a final rule in accordance with clause (i) on or before the last day of the 1-year period referred to in clause (i), the Secretary shall submit a report to the Congress explaining why the final rule was not timely issued and providing an estimate of the earliest date on which the final rule will be issued. The Secretary shall submit the first such report within 10 days after such last day and submit a report to the Congress containing updated information every 60 days thereafter until the final rule is issued.

''(iii) SUPERSEDING OF INTERIM FINAL RULE.—The final rule issued in accordance with this subparagraph shall supersede the interim final rule issued under subparagraph (A).

''(4) REPORT.—Not later than 1 year after the date on which the system required by paragraph (1) is established, the Secretary shall transmit a report to Congress that details and explains the system.''.

(b) ASSESSMENT OF EXEMPTIONS.—

(1) TSA ASSESSMENT OF EXEMPTIONS.—

(A) IN GENERAL.—Not later than 180 days after the date of enactment of this Act, the Secretary of Homeland Security, through the Administrator of the Transportation Security Administration, shall submit a report to Congress and to the Comptroller General containing an assessment of each exemption granted under section 44901(i) of title 49, United States Code, for the screening required by section 44901(g)(1) of that title for cargo transported on passenger aircraft and an analysis to assess the risk of maintaining such exemption. The Secretary may submit the report in both classified and redacted formats if the Secretary determines that such action is appropriate or necessary.

(B) CONTENTS.—The report shall include—

(i) the rationale for each exemption;

(ii) a statement of the percentage of cargo that is not screened as a result of each exemption;

(iii) the impact of each exemption on aviation security;

(iv) the projected impact on the flow of commerce of eliminating such exemption; and

(v) a statement of any plans, and the rationale, for maintaining, changing, or eliminating each exemption.

(2) GAO ASSESSMENT.—Not later than 120 days after the date on which the report required under paragraph (1) is submitted, the Comptroller General shall review the report and provide to Congress an assessment of the methodology used for determinations made by the Secretary for maintaining, changing, or eliminating an exemption.

SEC. 1363. BLAST-RESISTANT CARGO CONTAINERS.

Section 44901 of title 49, United States Code, as amended by section 1362, is amended by adding at the end the following:

''(j) BLAST-RESISTANT CARGO CONTAINERS.—

''(1) IN GENERAL.—Before January 1, 2008, the Administrator of the Transportation Security Administration shall—

''(A) evaluate the results of the blast-resistant cargo container pilot program instituted before the date of enactment of the Transportation Security and Interoperable Communication Capabilities Act;

''(B) based on that evaluation, begin the acquisition of a sufficient number of blast-resistant cargo containers to meet the requirements of the Transportation Security Administration's cargo security program under paragraph (2); and

''(C) develop a system under which the Administrator—

''(i) will make such containers available for use by passenger aircraft operated by air carriers or foreign air carriers in air transportation or intrastate air transportation on a random or risk-assessment basis as determined by the Administrator, in sufficient number to enable the carriers to meet the requirements of the Administration's cargo security system; and

''(ii) provide for the storage, maintenance, and distribution of such containers.

''(2) DISTRIBUTION TO AIR CARRIERS.—Within 90 days after the date on which the Administrator completes development of the system required by paragraph (1)(C), the Administrator of the Transportation Security Administration shall implement that system and begin making blast-resistant cargo containers available to such carriers as necessary.''.

SEC. 1364. PROTECTION OF AIR CARGO ON PASSENGER PLANES FROM EXPLOSIVES.

(a) TECHNOLOGY RESEARCH AND PILOT PROJECTS.—

(1) RESEARCH AND DEVELOPMENT.—The Secretary of Homeland Security shall expedite research and development for technology that can disrupt or prevent an explosive device from being introduced onto a passenger plane or from damaging a passenger plane while in flight or on the ground. The research shall include blast resistant cargo containers and other promising technology and will be used in concert with implementation of section 1363 of this title.

(2) PILOT PROJECTS.—The Secretary, in conjunction with the Secretary of Transportation, shall establish a grant program to fund pilot projects—

(A) to deploy technologies described in paragraph (1); and

(B) to test technology to expedite the recovery, development, and analysis of information from aircraft accidents to determine the cause of the accident, including deployable flight deck and voice recorders and remote location recording devices.

(b) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Secretary of Homeland Security for fiscal year 2008 such sums as may be necessary to carry out this section, such funds to remain available until expended.

SEC. 1365. IN-LINE BAGGAGE SCREENING.

(a) EXTENSION OF AUTHORIZATION.—Section 44923(i)(1) of title 49, United States Code, is amended by striking ''2007.'' and inserting ''2007, and $450,000,000 for each of fiscal years 2008 and 2009.''.

(b) REPORT.—Within 30 days after the date of enactment of this Act, the Secretary of Homeland Security shall submit the report the Secretary was required by section 4019(d) of the Intelligence Reform and Terrorism Prevention Act of 2004 (49 U.S.C. 44901 note) to have submitted in conjunction with the submission of the budget for fiscal year 2006.

SEC. 1366. ENHANCEMENT OF IN-LINE BAGGAGE SYSTEM DEPLOYMENT.

(a) IN GENERAL.—Section 44923 of title 49, United States Code, is amended—

(1) by striking ''may'' in subsection (a) and inserting ''shall'';

(2) by striking ''may'' in subsection (d)(1) and inserting ''shall'';

(3) by striking ''2007'' in subsection (h)(1) and inserting ''2028'';

(4) by striking paragraphs (2) and (3) of subsection (h) and inserting the following:

''(2) ALLOCATION.—Of the amount made available under paragraph (1) for a fiscal year, not less than $200,000,000 shall be allocated to fulfill letters of intent issued under subsection (d).

''(3) DISCRETIONARY GRANTS.—Of the amount made available under paragraph (1) for a fiscal year, up to $50,000,000 shall be used to make discretionary grants, with priority given to small hub airports and non-hub airports.''; and

(5) by redesignating subsection (i) as subsection (j), and inserting after subsection (h) the following:

''(i) LEVERAGED FUNDING.—For purposes of this section, a grant under subsection (a) to an airport sponsor to service an obligation issued by or on behalf of that sponsor to fund a project described in subsection (a) shall be considered to be a grant for that project.''.

(b) PRIORITIZATION OF PROJECTS.—

(1) IN GENERAL.—The Administrator shall create a prioritization schedule for airport

security improvement projects described in section 44923(b) of title 49, United States Code, based on risk and other relevant factors, to be funded under the grant program provided by that section. The schedule shall include both hub airports (as defined in section 41731(a)(3) of title 49, United States Code) and nonhub airports (as defined in section 41731(a)4) of title 49, United States Code).

(2) AIRPORTS THAT HAVE COMMENCED PROJECTS.—The schedule shall include airports that have incurred eligible costs associated with development of partial in-line baggage systems before the date of enactment of this Act in reasonable anticipation of receiving a grant under section 44923 of title 49, United States Code, in reimbursement of those costs but that have not received such a grant.

(3) REPORT.—Within 180 days after the date of enactment of this Act, the Administrator shall provide a copy of the prioritization schedule, a corresponding timeline, and a description of the funding allocation under section 44923 of title 49, United States Code, to the Senate Committee on Commerce, Science, and Transportation and the House of Representatives Committee on Homeland Security.

SEC. 1367. RESEARCH AND DEVELOPMENT OF AVIATION TRANSPORTATION SECURITY TECHNOLOGY.

Section 137(a) of the Aviation and Transportation Security Act (49 U.S.C. 44912 note) is amended—

(1) by striking ''2002 through 2006,'' and inserting ''2006 through 2009,'';

(2) by striking ''aviation'' and inserting ''transportation''; and

(3) by striking ''2002 and 2003'' and inserting ''2006 through 2009''.

SEC. 1368. CERTAIN TSA PERSONNEL LIMITATIONS NOT TO APPLY.

(a) IN GENERAL.—Notwithstanding any provision of law to the contrary, any statutory limitation on the number of employees in the Transportation Security Administration, before or after its transfer to the Department of Homeland Security from the Department of Transportation, does not apply after fiscal year 2007.

(b) AVIATION SECURITY.—Notwithstanding any provision of law imposing a limitation on the recruiting or hiring of personnel into the Transportation Security Administration to a maximum number of permanent positions, the Secretary of Homeland Security shall recruit and hire such personnel into the Administration as may be necessary—

(1) to provide appropriate levels of aviation security; and

(2) to accomplish that goal in such a manner that the average aviation security-related delay experienced by airline passengers is reduced to a level of less than 10 minutes.

SEC. 1369. SPECIALIZED TRAINING.

The Administrator of the Transportation Security Administration shall provide advanced training to transportation security officers for the development of specialized security skills, including behavior observation and analysis, explosives detection, and document examination, in order to enhance the effectiveness of layered transportation security measures.

SEC. 1370. EXPLOSIVE DETECTION AT PASSENGER SCREENING CHECKPOINTS.

(a) IN GENERAL.—Within 90 days after the date of enactment of this Act, the Secretary of Homeland Security shall issue the strategic plan the Secretary was required by section 44925(a) of title 49, United States Code, to have issued within 90 days after the date of enactment of the Intelligence Reform and Terrorism Prevention Act of 2004.

(b) DEPLOYMENT.—Section 44925(b) of title 49, United States Code, is amended by adding at the end the following:

''(3) FULL DEPLOYMENT.—The Secretary shall fully implement the strategic plan within 1 year after the date of enactment of the Transportation Security and Interoperable Communication Capabilities Act.''.

SEC. 1371. APPEAL AND REDRESS PROCESS FOR PASSENGERS WRONGLY DELAYED OR PROHIBITED FROM BOARDING A FLIGHT.

(a) IN GENERAL.—Subtitle C of title IV of the Homeland Security Act of 2002 (6 U.S.C. 231 et seq.) is amended by adding at the end the following:

''SEC. 432. APPEAL AND REDRESS PROCESS FOR PASSENGERS WRONGLY DELAYED OR PROHIBITED FROM BOARDING A FLIGHT.

''(a) IN GENERAL.—The Secretary shall establish a timely and fair process for individuals who believe they have been delayed or prohibited from boarding a commercial aircraft because they were wrongly identified as a threat under the regimes utilized by the Transportation Security Administration, the Bureau of Customs and Border Protection, or any other Department entity.

''(b) OFFICE OF APPEALS AND REDRESS.—

''(1) ESTABLISHMENT.—The Secretary shall establish an Office of Appeals and Redress to oversee the process established by the Secretary pursuant to subsection (a).

''(2) RECORDS.—The process established by the Secretary pursuant to subsection (a) shall include the establishment of a method by which the Office of Appeals and Redress, under the direction of the Secretary, will be able to maintain a record of air carrier passengers and other individuals who have been misidentified and have corrected erroneous information.

''(3) INFORMATION.—To prevent repeated delays of an misidentified passenger or other individual, the Office of Appeals and Redress shall—

''(A) ensure that the records maintained under this subsection contain information determined by the Secretary to authenticate the identity of such a passenger or individual; and

''(B) furnish to the Transportation Security Administration, the Bureau of Customs and Border Protection, or any other appropriate Department entity, upon request, such information as may be necessary to allow such agencies to assist air carriers in improving their administration of the advanced passenger prescreening system and reduce the number of false positives.''.

(b) CLERICAL AMENDMENT.—The table of contents in section 1(b) of the Homeland Security Act of 2002 is amended by inserting after the item relating to section 431 the following:

''Sec. 432. Appeal and redress process for passengers wrongly delayed or prohibited from boarding a flight''.

SEC. 1372. STRATEGIC PLAN TO TEST AND IMPLEMENT ADVANCED PASSENGER PRESCREENING SYSTEM.

(a) IN GENERAL.—Not later than 180 days after the date of enactment of this Act, the Secretary of Homeland Security, in consultation with the Administrator of the Transportation Security Administration, shall submit to the Congress a plan that—

(1) describes the system to be utilized by the Department of Homeland Security to assume the performance of comparing passenger information, as defined by the Administrator of the Transportation Security Administration, to the automatic selectee and no-fly lists, utilizing appropriate records in the consolidated and integrated terrorist watchlist maintained by the Federal Government;

(2) provides a projected timeline for each phase of testing and implementation of the system;

(3) explains how the system will be integrated with the prescreening system for passengers on international flights; and

(4) describes how the system complies with section 552a of title 5, United States Code.

(b) GAO ASSESSMENT.—No later than 90 days after the date of enactment of this Act, the Comptroller General shall submit a report to the Senate Committee on Commerce, Science, and Transportation and the House Committee on Homeland Security that—

(1) describes the progress made by the Transportation Security Administration in implementing the Secure Flight passenger pre-screening program;

(2) describes the effectiveness of the current appeals process for passengers wrongly assigned to the no-fly and terrorist watch lists;

(3) describes the Transportation Security Administration's plan to protect private passenger information and progress made in integrating the system with the pre-screening program for international flights operated by the Bureau of Customs and Border Protection;

(4) provides a realistic determination of when the system will be completed; and

(5) includes any other relevant observations or recommendations the Comptroller General deems appropriate.

SEC. 1373. REPAIR STATION SECURITY.

(a) CERTIFICATION OF FOREIGN REPAIR STATIONS SUSPENSION.—If the regulations required by section 44924(f) of title 49, United States Code, are not issued within 90 days after the date of enactment of this Act, the Administrator of the Federal Aviation Administration may not certify any foreign repair station under part 145 of title 14, Code of Federal Regulations, after such 90th day unless the station was previously certified by the Administration under that part.

(b) 6-MONTH DEADLINE FOR SECURITY REVIEW AND AUDIT.—Subsections (a) and (d) of section 44924 of title 49, United States Code, are each amended by striking ''18 months'' and inserting ''6 months''.

SEC. 1374. GENERAL AVIATION SECURITY.

Section 44901 of title 49, United States Code, as amended by section 1363, is amended by adding at the end the following:

''(k) GENERAL AVIATION AIRPORT SECURITY PROGRAM.—

''(1) IN GENERAL.—Within 1 year after the date of enactment of the Transportation Security and Interoperable Communication Capabilities Act, the Administrator of the Transportation Security Administration shall—

''(A) develop a standardized threat and vulnerability assessment program for general aviation airports (as defined in section 47135(m)); and

''(B) implement a program to perform such assessments on a risk-assessment basis at general aviation airports.

''(2) GRANT PROGRAM.—Within 6 months after date of enactment of the Transportation Security and Interoperable Communication Capabilities Act, the Administrator shall initiate and complete a study of the feasibility of a program, based on a risk-managed approach, to provide grants to general aviation airport operators for projects to upgrade security at general aviation airports (as defined in section 47135(m)). If the Administrator determines that such a program is feasible, the Administrator shall establish such a program.

''(3) APPLICATION TO FOREIGN-REGISTERED GENERAL AVIATION AIRCRAFT.—Within 180 days after the date of enactment of the Transportation Security and Interoperable Communication Capabilities Act, the Administrator shall develop a risk-based system under which—

''(A) foreign-registered general aviation aircraft, as identified by the Administrator, in coordination with the Administrator of the Federal Aviation Administration, are required to submit passenger information to the Transportation Security Administration before entering United States airspace; and

''(B) such information is checked against appropriate databases maintained by the Transportation Security Administration.

''(4) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Secretary of Homeland Security such sums as may be necessary to carry out any program established under paragraph (2).''.

SEC. 1375. SECURITY CREDENTIALS FOR AIRLINE CREWS.

Within 180 days after the date of enactment of this Act, the Administrator of the Transportation Security Administration shall, after consultation with airline, airport, and flight crew representatives, transmit a report to the Senate Committee on Commerce, Science, and Transportation and the House of Representatives Committee on Transportation and Infrastructure on the status of its efforts to institute a sterile area access system or method that will enhance security by properly identifying authorized airline flight deck and cabin crew members at screening checkpoints and granting them expedited access through screening checkpoints. The Administrator shall include in the report recommendations on the feasibility of implementing the system for the domestic aviation industry beginning 1 year after the date on which the report is submitted. The Administrator shall begin full implementation of the system or method not later than 1 year after the date on which the Administrator transmits the report.

SEC. 1376. NATIONAL EXPLOSIVES DETECTION CANINE TEAM TRAINING CENTER.

(a) IN GENERAL.—As soon as practicable after the date of enactment of this Act, the Secretary of Homeland Security shall enhance and maximize the Department of Homeland Security's National Explosives Detection Canine Team Program by doubling its existing capacity so that up to 100 additional canine teams can be brought on each year, a certain number of which shall be dedicated to high risk areas, as determined by the Secretary.

(b) DEPLOYMENT.—The Secretary shall use the canine teams as part of the Department's layers of defense across all modes of the transportation network and in other areas, as deemed appropriate by the Secretary.

(c) CANINE PROCUREMENT.—The Secretary of Homeland Security is encouraged to consider the potential benefits of establishing new canine procurement partnerships throughout the United States in order to provide a reliable and consistent source of dogs for the Department's national explosive detection canine team program.

(d) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section such sums as may be necessary for each of fiscal years 2008 and 2009.

Subtitle C—Interoperable Emergency Communications

SEC. 1381. INTEROPERABLE EMERGENCY COMMUNICATIONS.

(a) IN GENERAL.—Section 3006 of Public Law 109–171 (47 U.S.C. 309 note) is amended—

(1) by striking paragraphs (1) and (2) of subsection (a) and inserting the following:

''(1) may take such administrative action as is necessary to establish and implement a grant program to assist public safety agencies—

''(A) in conducting statewide or regional planning and coordination to improve the interoperability of emergency communications;

''(B) in supporting the design and engineering of interoperable emergency communications systems;

''(C) in supporting the acquisition or deployment of interoperable communications equipment, software, or systems that improve or advance the interoperability with public safety communications systems;

''(D) in obtaining technical assistance and conducting training exercises related to the use of interoperable emergency communications equipment and systems; and

''(E) in establishing and implementing a strategic technology reserve to pre-position or secure interoperable communications in advance for immediate deployment in an emergency or major disaster (as defined in section 102(2) of Public Law 93–288 (42 U.S.C. 5122)); and

''(2) shall make payments of not to exceed $1,000,000,000, in the aggregate, through fiscal year 2010 from the Digital Television Transition and Public Safety Fund established under section 309(j)(8)(E) of the Communications Act of 1934 (47 U.S.C. 309(j)(8)(E)) to carry out the grant program established under paragraph (1), of which not more than $100,000,000, in the aggregate, may be allocated for grants under paragraph (1)(E).'';

(2) by redesignating subsections (b), (c), and (d) as subsections (l), (m), and (n), respectively, and inserting after subsection (a) the following:

''(b) EXPEDITED IMPLEMENTATION.—Pursuant to section 4 of the Call Home Act of 2006, no less than $1,000,000,000 shall be awarded for grants under subsection (a) no later than September 30, 2007, subject to the receipt of qualified applications as determined by the Assistant Secretary.

''(c) ALLOCATION OF FUNDS.—In awarding grants under subparagraphs (A) through (D) of subsection (a)(1), the Assistant Secretary shall ensure that grant awards—

''(1) result in distributions to public safety entities among the several States that are consistent with section 1014(c)(3) of the USA PATRIOT ACT (42 U.S.C. 3714(c)(3)); and

''(2) are prioritized based upon threat and risk factors that reflect an all-hazards approach to communications preparedness and that takes into account the risks associated with, and the likelihood of the occurrence of, terrorist attacks or natural catastrophes (including, but not limited to, hurricanes, tornados, storms, high water, winddriven water, tidal waves, tsunami, earthquakes, volcanic eruptions, landslides, mudslides, snow and ice storms, forest fires, or droughts) in a State.

''(d) ELIGIBILITY.—To be eligible for assistance under the grant program established under subsection (a), an applicant shall submit an application, at such time, in such form, and containing such information as the Assistant Secretary may require, including—

''(1) a detailed explanation of how assistance received under the program would be used to improve regional, State, or local communications interoperability and ensure interoperability with other appropriate public safety agencies in an emergency or a major disaster; and

''(2) assurance that the equipment and system would—

''(A) be compatible with the communications architecture developed under section 7303(a)(1)(E) of the Intelligence Reform and Terrorism Prevention Act of 2004 (6 U.S.C. 194(a)(1)(E));

''(B) meet any voluntary consensus standards developed under section 7303(a)(1)(D) of that Act (6 U.S.C. 194(a)(1)(D)) to the extent that such standards exist for a given category of equipment; and

''(C) be consistent with the common grant guidance established under section 7303(a)(1)(H) of that Act (6 U.S.C. 194(a)(1)(H)).

''(e) CRITERIA FOR CERTAIN GRANTS.—In awarding grants under subparagraphs (A) through (D) of subsection (a)(1), the Assistant Secretary shall ensure that all grants funded are consistent with Federal grant guidance established by the SAFECOM Program within the Department of Homeland Security.

''(f) CRITERIA FOR STRATEGIC TECHNOLOGY RESERVE GRANTS.—

''(1) IN GENERAL.—In awarding grants under subsection (a)(1)(E), the Assistant Secretary shall consider the continuing technological evolution of communications technologies and devices, with its implicit risk of obsolescence, and shall ensure, to the maximum extent feasible, that a substantial part of the reserve involves prenegotiated contracts and other arrangements for rapid deployment of equipment, supplies, and systems (and communications service related to such equipment, supplies, and systems), rather than the warehousing or storage of equipment and supplies currently available at the time the reserve is established.

''(2) REQUIREMENTS AND CHARACTERISTICS.—A reserve established under paragraph (1) shall—

''(A) be capable of re-establishing communications when existing infrastructure is damaged or destroyed in an emergency or a major disaster;

''(B) include appropriate current, widely-used equipment, such as Land Mobile Radio Systems, cellular telephones and satellite-enabled equipment (and related communications service), Cells-On-Wheels, Cells-On-Light-Trucks, or other self-contained mobile cell sites that can be towed, backup batteries, generators, fuel, and computers;

''(C) include equipment on hand for the Governor of each State, key emergency response officials, and appropriate State or local personnel;

''(D) include contracts (including prenegotiated contracts) for rapid delivery of the most current technology available from commercial sources; and

''(E) include arrangements for training to ensure that personnel are familiar with the operation of the equipment and devices to be delivered pursuant to such contracts.

''(3) ADDITIONAL CHARACTERISTICS.—Portions of the reserve may be virtual and may include items donated on an in-kind contribution basis.

''(4) CONSULTATION.—In developing the reserve, the Assistant Secretary shall seek advice from the Secretary of Defense and the Secretary of Homeland Security, as well as national public safety organizations, emergency managers, State, local, and tribal governments, and commercial providers of such systems and equipment.

''(5) ALLOCATION AND USE OF FUNDS.—The Assistant Secretary shall allocate—

''(A) a portion of the reserve's funds for block grants to States to enable each State to establish a strategic technology reserve within its borders in a secure location to allow immediate deployment; and

''(B) a portion of the reserve's funds for regional Federal strategic technology reserves to facilitate any Federal response when necessary, to be held in each of the Federal Emergency Management Agency's regional offices, including Boston, Massachusetts (Region 1), New York, New York (Region 2), Philadelphia, Pennsylvania (Region 3), Atlanta, Georgia (Region 4), Chicago, Illinois (Region 5), Denton, Texas (Region 6), Kansas City, Missouri (Region 7), Denver, Colorado (Region 8), Oakland, California (Region 9), Bothell, Washington (Region 10), and each of the noncontiguous States for immediate deployment.

''(g) VOLUNTARY CONSENSUS STANDARDS.—In carrying out this section, the Assistant Secretary, in cooperation with the Secretary of Homeland Security shall identify and, if necessary, encourage the development and implementation of, voluntary consensus standards for interoperable communications systems to the greatest extent practicable, but shall not require any such standard.

''(h) USE OF ECONOMY ACT.—In implementing the grant program established under subsection (a)(1), the Assistant Secretary may seek assistance from other Federal agencies in accordance with section 1535 of title 31, United States Code.

''(i) INSPECTOR GENERAL REPORT.—Beginning with the first fiscal year beginning after the date of enactment of the Transportation Security and Interoperable Communication Capabilities Act, the Inspector General of the Department of Commerce shall conduct an annual assessment of the management of the grant program implemented under subsection (a)(1) and transmit a report containing the findings of that assessment and any recommendations related thereto to the Senate Committee on Commerce, Science, and Transportation and the House of Representatives Committee on Energy and Commerce.

''(j) DEADLINE FOR IMPLEMENTATION PROGRAM RULES.—Within 90 days after the date of enactment of the Transportation Security and Interoperable Communication Capabilities Act, the Assistant Secretary, in consultation with the Secretary of Homeland Security and the Federal Communications Commission, shall promulgate final program rules for the implementation of this section.

''(k) RULE OF CONSTRUCTION.—Nothing in this section shall be construed or interpreted to preclude the use of funds under this section by any public safety agency for interim or long-term Internet Protocol-based interoperable solutions, notwithstanding compliance with the Project 25 standard.''; and

(3) by striking paragraph (3) of subsection (n), as so redesignated.

(b) FCC REPORT ON EMERGENCY COMMUNICATIONS BACK-UP SYSTEM.—

(1) IN GENERAL.—Not later than 1 year after the date of enactment of this Act, the Federal Communications Commission, in coordination with the Assistant Secretary of Commerce for Communications and Information and the Secretary of Homeland Security, shall evaluate the technical feasibility of creating a back-up emergency communications system that complements existing communications resources and takes into account next generation and advanced telecommunications technologies. The overriding objective for the evaluation shall be providing a framework for the development of a resilient interoperable communications system for emergency responders in an emergency. The Commission shall evaluate all reasonable options, including satellites, wireless, and terrestrial-based communications systems and other alternative transport mechanisms that can be used in tandem with existing technologies.

(2) FACTORS TO BE EVALUATED.—The evaluation under paragraph (1) shall include—

(A) a survey of all Federal agencies that use terrestrial or satellite technology for communications security and an evaluation of the feasibility of using existing systems for the purpose of creating such an emergency back-up public safety communications system;

(B) the feasibility of using private satellite, wireless, or terrestrial networks for emergency communications;

(C) the technical options, cost, and deployment methods of software, equipment, handsets or desktop communications devices for public safety entities in major urban areas, and nationwide; and

(D) the feasibility and cost of necessary changes to the network operations center of terrestrial-based or satellite systems to enable the centers to serve as emergency back-up communications systems.

(3) REPORT.—Upon the completion of the evaluation under subsection (a), the Commission shall submit a report to Congress that details the findings of the evaluation, including a full inventory of existing public and private resources most efficiently capable of providing emergency communications.

(c) JOINT ADVISORY COMMITTEE ON COMMUNICATIONS CAPABILITIES OF EMERGENCY MEDICAL CARE FACILITIES.—

(1) ESTABLISHMENT.—The Assistant Secretary of Commerce for Communications and Information and the Chairman of Federal Communications Commission, in consultation with the Secretary of Homeland Security and the Secretary of Health and Human Services, shall establish a joint advisory committee to examine the communications capabilities and needs of emergency medical care facilities. The joint advisory committee shall be composed of individuals with expertise in communications technologies and emergency medical care, including representatives of Federal, State and local governments, industry and non-profit health organizations, and academia and educational institutions.

(2) DUTIES.—The joint advisory committee shall—

(A) assess specific communications capabilities and needs of emergency medical care facilities, including the including improvement of basic voice, data, and broadband capabilities;

(B) assess options to accommodate growth of basic and emerging communications services used by emergency medical care facilities;

(C) assess options to improve integration of communications systems used by emergency medical care facilities with existing or future emergency communications networks; and

(D) report its findings to the Senate Committee on Commerce, Science, and Transportation and the House of Representatives Committee on Energy and Commerce, within 6 months after the date of enactment of this Act.

(d) AUTHORIZATION OF EMERGENCY MEDICAL COMMUNICATIONS PILOT PROJECTS.—

(1) IN GENERAL.—The Assistant Secretary of Commerce for Communications and Information may establish not more than 10 geographically dispersed project grants to emergency medical care facilities to improve the capabilities of emergency communications systems in emergency medical care facilities.

(2) MAXIMUM AMOUNT.—The Assistant Secretary may not provide more than $2,000,000 in Federal assistance under the pilot program to any applicant.

(3) COST SHARING.—The Assistant Secretary may not provide more than 50 percent of the cost, incurred during the period of the grant, of any project under the pilot program.

(4) MAXIMUM PERIOD OF GRANTS.—The Assistant Secretary may not fund any applicant under the pilot program for more than 3 years.

(5) DEPLOYMENT AND DISTRIBUTION.—The Assistant Secretary shall seek to the maximum extent practicable to ensure a broad geographic distribution of project sites.

(6) TRANSFER OF INFORMATION AND KNOWLEDGE.—The Assistant Secretary shall establish mechanisms to ensure that the information and knowledge gained by participants in the pilot program are transferred among the pilot program participants and to other interested parties, including other applicants that submitted applications.

SEC. 1382. RULE OF CONSTRUCTION.

(a) IN GENERAL.—Title VI of the Post-Katrina emergency Management Reform Act of 2006 (Public Law 109–295) is amended by adding at the end the following:

''SEC. 699B. RULE OF CONSTRUCTION.

''Nothing in this title, including the amendments made by this title, may be construed to reduce or otherwise limit the authority of the Department of Commerce or the Federal Communications Commission.''.

(b) EFFECTIVE DATE.—The amendment made by this section shall take effect as though enacted as part of the Department of Homeland Security Appropriations Act, 2007.

SEC. 1383. CROSS BORDER INTEROPERABILITY REPORTS.

(a) IN GENERAL.—Not later than 90 days after the date of enactment of this Act, the Federal Communications Commission, in conjunction with the Department of Homeland Security, the Office of Management of Budget, and the Department of State shall report to the Senate Committee on Commerce, Science, and Transportation and the House of Representatives Committee on Energy and Commerce on—

(1) the status of the mechanism established by the President under section 7303(c) of the Intelligence Reform and Terrorism Prevention Act of 2004 (6 U.S.C. 194(c)) for coordinating cross border interoperability issues between—

(A) the United States and Canada; and

(B) the United States and Mexico;

(2) the status of treaty negotiations with Canada and Mexico regarding the coordination of the re-banding of 800 megahertz radios, as required under the final rule of the Federal Communication Commission in the ''Private Land Mobile Services; 800 MHz Public Safety Interface Proceeding'' (WT Docket No. 02–55; ET Docket No. 00–258; ET Docket No. 95–18, RM–9498; RM–10024; FCC 04–168,) including the status of any outstanding issues in the negotiations between—

(A) the United States and Canada; and

(B) the United States and Mexico;

(3) communications between the Commission and the Department of State over possible amendments to the bilateral legal agreements and protocols that govern the coordination process for license applications seeking to use channels and frequencies above Line A;

(4) the annual rejection rate for the last 5 years by the United States of applications for new channels and frequencies by Canadian private and public entities; and

(5) any additional procedures and mechanisms that can be taken by the Commission to decrease the rejection rate for applications by United States private and public entities seeking licenses to use channels and frequencies above Line A.

(b) UPDATED REPORTS TO BE FILED ON THE STATUS OF TREATY OF NEGOTIATIONS.—The Federal Communications Commission, in conjunction with the Department of Homeland Security, the Office of Management of Budget, and the Department of State shall continually provide updated reports to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Energy and Commerce of the House of Representatives on the status of treaty negotiations under subsection (a)(2) until the appropriate United States treaty has been revised with each of—

(1) Canada; and

(2) Mexico.

SEC. 1384. EXTENSION OF SHORT QUORUM.

Notwithstanding section 4(d) of the Consumer Product Safety Act (15 U.S.C. 2053(d)), 2 members of the Consumer Product Safety Commission, if they are not affiliated with the same political party, shall constitute a

quorum for the 6-month period beginning on the date of enactment of this Act.

TITLE XIV—PUBLIC TRANSPORTATION TERRORISM PREVENTION

SEC. 1401. SHORT TITLE.

This title may be cited as the ''Public Transportation Terrorism Prevention Act of 2007''.

SEC. 1402. FINDINGS.

Congress finds that—

(1) 182 public transportation systems throughout the world have been primary target of terrorist attacks;

(2) more than 6,000 public transportation agencies operate in the United States;

(3) people use public transportation vehicles 33,000,000 times each day;

(4) the Federal Transit Administration has invested $84,800,000,000 since 1992 for construction and improvements;

(5) the Federal Government appropriately invested nearly $24,000,000,000 in fiscal years 2002 through 2006 to protect our Nation's aviation system;

(6) the Federal Government has allocated $386,000,000 in fiscal years 2003 through 2006 to protect public transportation systems in the United States; and

(7) the Federal Government has invested $7.53 in aviation security improvements per passenger boarding, but only $0.008 in public transportation security improvements per passenger boarding.

SEC. 1403. SECURITY ASSESSMENTS.

(a) PUBLIC TRANSPORTATION SECURITY ASSESSMENTS.—

(1) SUBMISSION.—Not later than 30 days after the date of the enactment of this Act, the Federal Transit Administration of the Department of Transportation shall submit all public transportation security assessments and all other relevant information to the Secretary.

(2) REVIEW.—Not later than July 31, 2007, the Secretary shall review and augment the security assessments received under paragraph (1).

(3) ALLOCATIONS.—The Secretary shall use the security assessments received under paragraph (1) as the basis for allocating grant funds under section 1404, unless the Secretary notifies the Committee on Banking, Housing, and Urban Affairs of the Senate that the Secretary has determined an adjustment is necessary to respond to an urgent threat or other significant factors.

(4) SECURITY IMPROVEMENT PRIORITIES.—Not later than September 30, 2007, the Secretary, after consultation with the management and employee representatives of each public transportation system for which a security assessment has been received under paragraph (1) and with appropriate State and local officials, shall establish security improvement priorities that will be used by public transportation agencies for any funding provided under section 1404.

(5) UPDATES.—Not later than July 31, 2008, and annually thereafter, the Secretary shall—

(A) update the security assessments referred to in this subsection; and

(B) conduct security assessments of all public transportation agencies considered to be at greatest risk of a terrorist attack.

(b) USE OF SECURITY ASSESSMENT INFORMATION.—The Secretary shall use the information collected under subsection (a)—

(1) to establish the process for developing security guidelines for public transportation security; and

(2) to design a security improvement strategy that—

(A) minimizes terrorist threats to public transportation systems; and

(B) maximizes the efforts of public transportation systems to mitigate damage from terrorist attacks.

(c) BUS AND RURAL PUBLIC TRANSPORTATION SYSTEMS.—Not later than July 31, 2007, the Secretary shall conduct security assessments, appropriate to the size and nature of each system, to determine the specific needs of—

(1) local bus-only public transportation systems; and

(2) selected public transportation systems that receive funds under section 5311 of title 49, United States Code.

SEC. 1404. SECURITY ASSISTANCE GRANTS.

(a) CAPITAL SECURITY ASSISTANCE PROGRAM.—

(1) IN GENERAL.—The Secretary shall award grants directly to public transportation agencies for allowable capital security improvements based on the priorities established under section 1403(a)(4).

(2) ALLOWABLE USE OF FUNDS.—Grants awarded under paragraph (1) may be used for—

(A) tunnel protection systems;

(B) perimeter protection systems;

(C) redundant critical operations control systems;

(D) chemical, biological, radiological, or explosive detection systems;

(E) surveillance equipment;

(F) communications equipment;

(G) emergency response equipment;

(H) fire suppression and decontamination equipment;

(I) global positioning or automated vehicle locator type system equipment;

(J) evacuation improvements; and

(K) other capital security improvements.

(b) OPERATIONAL SECURITY ASSISTANCE PROGRAM.—

(1) IN GENERAL.—The Secretary shall award grants directly to public transportation agencies for allowable operational security improvements based on the priorities established under section 1403(a)(4).

(2) ALLOWABLE USE OF FUNDS.—Grants awarded under paragraph (1) may be used for—

(A) security training for public transportation employees, including bus and rail operators, mechanics, customer service, maintenance employees, transit police, and security personnel;

(B) live or simulated drills;

(C) public awareness campaigns for enhanced public transportation security;

(D) canine patrols for chemical, biological, or explosives detection;

(E) overtime reimbursement for enhanced security personnel during significant national and international public events, consistent with the priorities established under section 1403(a)(4); and

(F) other appropriate security improvements identified under section 1403(a)(4), excluding routine, ongoing personnel costs.

(c) COORDINATION WITH STATE HOMELAND SECURITY PLANS.—In establishing security improvement priorities under section 1403(a)(4) and in awarding grants for capital security improvements and operational security improvements under subsections (a) and (b), respectively, the Secretary shall ensure that the actions of the Secretary are consistent with relevant State homeland security plans.

(d) MULTI-STATE TRANSPORTATION SYSTEMS.—In cases where a public transportation system operates in more than 1 State, the Secretary shall give appropriate consideration to the risks of the entire system, including those portions of the States into which the system crosses, in establishing security improvement priorities under section 1403(a)(4), and in awarding grants for capital security improvements and operational security improvements under subsections (a) and (b), respectively.

(e) CONGRESSIONAL NOTIFICATION.—Not later than 3 days before the award of any grant under this section, the Secretary shall notify the Committee on Homeland Security and Governmental Affairs and the Committee on Banking, Housing, and Urban Affairs of the Senate of the intent to award such grant.

(f) PUBLIC TRANSPORTATION AGENCY RESPONSIBILITIES.—Each public transportation agency that receives a grant under this section shall—

(1) identify a security coordinator to coordinate security improvements;

(2) develop a comprehensive plan that demonstrates the agency's capacity for operating and maintaining the equipment purchased under this section; and

(3) report annually to the Secretary on the use of grant funds received under this section.

(g) RETURN OF MISSPENT GRANT FUNDS.—If the Secretary determines that a grantee used any portion of the grant funds received under this section for a purpose other than the allowable uses specified for that grant under this section, the grantee shall return any amount so used to the Treasury of the United States.

SEC. 1405. PUBLIC TRANSPORTATION SECURITY TRAINING PROGRAM.

(a) IN GENERAL.—Not later than 90 days after the date of enactment of this section, the Secretary, in consultation with appropriate law enforcement, security, and terrorism experts, representatives of public transportation owners and operators, and nonprofit employee organizations that represent public transportation workers, shall develop and issue detailed regulations for a public transportation worker security training program to prepare public transportation workers, including front-line transit employees such as bus and rail operators, mechanics, customer service employees, maintenance employees, transit police, and security personnel, for potential threat conditions.

(b) PROGRAM ELEMENTS.—The regulations developed under subsection (a) shall require such a program to include, at a minimum, elements that address the following:

(1) Determination of the seriousness of any occurrence.

(2) Crew and passenger communication and coordination.

(3) Appropriate responses to defend oneself.

(4) Use of protective devices.

(5) Evacuation procedures (including passengers, workers, and those with disabilities).

(6) Psychology of terrorists to cope with hijacker behavior and passenger responses.

(7) Live situational training exercises regarding various threat conditions, including tunnel evacuation procedures.

(8) Any other subject the Secretary considers appropriate.

(c) REQUIRED PROGRAMS.—

(1) IN GENERAL.—Not later than 90 days after the Secretary issues regulations under subsection (a) in final form, each public transportation system that receives a grant under this title shall develop a public transportation worker security training program in accordance with those regulations and submit it to the Secretary for approval.

(2) APPROVAL.—Not later than 30 days after receiving a public transportation system's program under paragraph (1), the Secretary shall review the program and approve it or require the public transportation system to make any revisions the Secretary considers necessary for the program to meet the regulations requirements. A public transit agency shall respond to the Secretary's comments within 30 days after receiving them.

(d) TRAINING.—

(1) IN GENERAL.—Not later than 1 year after the Secretary approves the training program developed by a public transportation system under subsection (c), the public transportation system owner or operator shall complete the training of all public transportation workers in accordance with that program.

(2) REPORT.—The Secretary shall review implementation of the training program of a representative sample of public transportation systems and report to the Senate Committee on Banking, Housing and Urban Affairs, House of Representatives Committee on Transportation and Infrastructure, the Senate Homeland Security and Government Affairs Committee and the House of Representatives Committee on Homeland Security, on the number of reviews conducted and the results. The Secretary may submit the report in both classified and redacted formats as necessary.

(e) UPDATES.—

(1) IN GENERAL.—The Secretary shall update the training regulations issued under subsection (a) from time to time to reflect new or different security threats, and require public transportation systems to revise their programs accordingly and provide additional training to their workers.

(2) PROGRAM REVISIONS.—Each public transit operator shall revise their program in accordance with any regulations under paragraph (1) and provide additional training to their front-line workers within a reasonable time after the regulations are updated.

SEC. 1406. INTELLIGENCE SHARING.

(a) INTELLIGENCE SHARING.—The Secretary shall ensure that the Department of Transportation receives appropriate and timely notification of all credible terrorist threats against public transportation assets in the United States.

(b) INFORMATION SHARING ANALYSIS CENTER.—

(1) ESTABLISHMENT.—The Secretary shall provide sufficient financial assistance for the reasonable costs of the Information Sharing and Analysis Center for Public Transportation (referred to in this subsection as the ''ISAC'') established pursuant to Presidential Directive 63, to protect critical infrastructure.

(2) PUBLIC TRANSPORTATION AGENCY PARTICIPATION.—The Secretary—

(A) shall require those public transportation agencies that the Secretary determines to be at significant risk of terrorist attack to participate in the ISAC;

(B) shall encourage all other public transportation agencies to participate in the ISAC; and

(C) shall not charge a fee to any public transportation agency for participating in the ISAC.

SEC. 1407. RESEARCH, DEVELOPMENT, AND DEMONSTRATION GRANTS AND CONTRACTS.

(a) GRANTS AND CONTRACTS AUTHORIZED.—The Secretary, through the Homeland Security Advanced Research Projects Agency in the Science and Technology Directorate and in consultation with the Federal Transit Administration, shall award grants or contracts to public or private entities to conduct research into, and demonstrate technologies and methods to reduce and deter terrorist threats or mitigate damages resulting from terrorist attacks against public transportation systems.

(b) USE OF FUNDS.—Grants or contracts awarded under subsection (a)—

(1) shall be coordinated with Homeland Security Advanced Research Projects Agency activities; and

(2) may be used to—

(A) research chemical, biological, radiological, or explosive detection systems that do not significantly impede passenger access;

(B) research imaging technologies;

(C) conduct product evaluations and testing; and

(D) research other technologies or methods for reducing or deterring terrorist attacks against public transportation systems, or mitigating damage from such attacks.

(c) REPORTING REQUIREMENT.—Each entity that is awarded a grant or contract under this section shall report annually to the Department on the use of grant or contract funds received under this section.

(d) RETURN OF MISSPENT GRANT OR CONTRACT FUNDS.—If the Secretary determines that a grantee or contractor used any portion of the grant or contract funds received under this section for a purpose other than the allowable uses specified under subsection (b), the grantee or contractor shall return any amount so used to the Treasury of the United States.

SEC. 1408. REPORTING REQUIREMENTS.

(a) SEMI-ANNUAL REPORT TO CONGRESS.—

(1) IN GENERAL.—Not later than March 31 and September 30 each year, the Secretary shall submit a report, containing the information described in paragraph (2), to—

(A) the Committee on Banking, Housing, and Urban Affairs of the Senate;

(B) the Committee on Homeland Security and Governmental Affairs of the Senate; and

(C) the Committee on Appropriations of the Senate.

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

(A) a description of the implementation of the provisions of sections 1403 through 1406;

(B) the amount of funds appropriated to carry out the provisions of each of sections 1403 through 1406 that have not been expended or obligated; and

(C) the state of public transportation security in the United States.

(b) ANNUAL REPORT TO GOVERNORS.—

(1) IN GENERAL.—Not later than March 31 of each year, the Secretary shall submit a report to the Governor of each State with a public transportation agency that has received a grant under this title.

(2) CONTENTS.—The report submitted under paragraph (1) shall specify—

(A) the amount of grant funds distributed to each such public transportation agency; and

(B) the use of such grant funds.

SEC. 1409. AUTHORIZATION OF APPROPRIATIONS.

(a) CAPITAL SECURITY ASSISTANCE PROGRAM.—There are authorized to be appropriated to carry out the provisions of section 1404(a) and remain available until expended—

(1) such sums as are necessary in fiscal year 2007;

(2) $536,000,000 for fiscal year 2008;

(3) $772,000,000 for fiscal year 2009; and

(4) $1,062,000,000 for fiscal year 2010.

(b) OPERATIONAL SECURITY ASSISTANCE PROGRAM.—There are authorized to be appropriated to carry out the provisions of section 1404(b)—

(1) such sums as are necessary in fiscal year 2007;

(2) $534,000,000 for fiscal year 2008;

(3) $333,000,000 for fiscal year 2009; and

(4) $133,000,000 for fiscal year 2010.

(c) INTELLIGENCE.—There are authorized to be appropriated such sums as may be necessary to carry out the provisions of section 1405.

(d) RESEARCH.—There are authorized to be appropriated to carry out the provisions of section 1407 and remain available until expended—

(1) such sums as are necessary in fiscal year 2007;

(2) $30,000,000 for fiscal year 2008;

(3) $45,000,000 for fiscal year 2009; and

(4) $55,000,000 for fiscal year 2010.

SEC. 1410. SUNSET PROVISION.

The authority to make grants under this title shall expire on October 1, 2011.

TITLE XV—MISCELLANEOUS PROVISIONS

SEC. 1501. DEPUTY SECRETARY OF HOMELAND SECURITY FOR MANAGEMENT.

(a) ESTABLISHMENT AND SUCCESSION.—Section 103 of the Homeland Security Act of 2002 (6 U.S.C. 113) is amended—

(1) in subsection (a)—

(A) in the subsection heading, by striking ''DEPUTY SECRETARY'' and inserting ''DEPUTY SECRETARIES'';

(B) by striking paragraph (6);

(C) by redesignating paragraphs (2) through (5) as paragraphs (3) through (6), respectively; and

(D) by striking paragraph (1) and inserting the following:

''(1) A Deputy Secretary of Homeland Security.

''(2) A Deputy Secretary of Homeland Security for Management.''; and

(2) by adding at the end the following:

''(g) VACANCIES.—

''(1) VACANCY IN OFFICE OF SECRETARY.—

''(A) DEPUTY SECRETARY.—In case of a vacancy in the office of the Secretary, or of the absence or disability of the Secretary, the Deputy Secretary of Homeland Security may exercise all the duties of that office, and for the purpose of section 3345 of title 5, United States Code, the Deputy Secretary of Homeland Security is the first assistant to the Secretary.

''(B) DEPUTY SECRETARY FOR MANAGEMENT.—When by reason of absence, disability, or vacancy in office, neither the Secretary nor the Deputy Secretary of Homeland Security is available to exercise the duties of the office of the Secretary, the Deputy Secretary of Homeland Security for Management shall act as Secretary.

''(2) VACANCY IN OFFICE OF DEPUTY SECRETARY.—In the case of a vacancy in the office of the Deputy Secretary of Homeland Security, or of the absence or disability of the Deputy Secretary of Homeland Security, the Deputy Secretary of Homeland Security for Management may exercise all the duties of that office.

''(3) FURTHER ORDER OF SUCCESSION.—The Secretary may designate such other officers of the Department in further order of succession to act as Secretary.''.

(b) RESPONSIBILITIES.—Section 701 of the Homeland Security Act of 2002 (6 U.S.C. 341) is amended—

(1) in the section heading, by striking ''**UNDER SECRETARY**'' and inserting ''**DEPUTY SECRETARY OF HOMELAND SECURITY**'';

(2) in subsection (a)—

(A) by inserting ''The Deputy Secretary of Homeland Security for Management shall serve as the Chief Management Officer and principal advisor to the Secretary on matters related to the management of the Department, including management integration and transformation in support of homeland security operations and programs.'' before ''The Secretary'';

(B) by striking ''Under Secretary for Management'' and inserting ''Deputy Secretary of Homeland Security for Management'';

(C) by striking paragraph (7) and inserting the following:

''(7) Strategic planning and annual performance planning and identification and tracking of performance measures relating to the responsibilities of the Department.''; and

(D) by striking paragraph (9), and inserting the following:

''(9) The integration and transformation process, to ensure an efficient and orderly

consolidation of functions and personnel to the Department, including the development of a management integration strategy for the Department.''; and

(3) in subsection (b)—

(A) in paragraph (1), by striking ''Under Secretary for Management'' and inserting ''Deputy Secretary of Homeland Security for Management''; and

(B) in paragraph (2), by striking ''Under Secretary for Management'' and inserting ''Deputy Secretary of Homeland Security for Management''.

(c) APPOINTMENT, EVALUATION, AND REAPPOINTMENT.—Section 701 of the Homeland Security Act of 2002 (6 U.S.C. 341) is amended by adding at the end the following:

''(c) APPOINTMENT, EVALUATION, AND REAPPOINTMENT.—The Deputy Secretary of Homeland Security for Management—

''(1) shall be appointed by the President, by and with the advice and consent of the Senate, from among persons who have—

''(A) extensive executive level leadership and management experience in the public or private sector;

''(B) strong leadership skills;

''(C) a demonstrated ability to manage large and complex organizations; and

''(D) a proven record in achieving positive operational results;

''(2) shall—

''(A) serve for a term of 5 years; and

''(B) be subject to removal by the President if the President—

''(i) finds that the performance of the Deputy Secretary of Homeland Security for Management is unsatisfactory; and

''(ii) communicates the reasons for removing the Deputy Secretary of Homeland Security for Management to Congress before such removal;

''(3) may be reappointed in accordance with paragraph (1), if the Secretary has made a satisfactory determination under paragraph (5) for the 3 most recent performance years;

''(4) shall enter into an annual performance agreement with the Secretary that shall set forth measurable individual and organizational goals; and

''(5) shall be subject to an annual performance evaluation by the Secretary, who shall determine as part of each such evaluation whether the Deputy Secretary of Homeland Security for Management has made satisfactory progress toward achieving the goals set out in the performance agreement required under paragraph (4).''.

(d) INCUMBENT.—The individual who serves in the position of Under Secretary for Management of the Department of Homeland Security on the date of enactment of this Act—

(1) may perform all the duties of the Deputy Secretary of Homeland Security for Management at the pleasure of the President, until a Deputy Secretary of Homeland Security for Management is appointed in accordance with subsection (c) of section 701 of the Homeland Security Act of 2002 (6 U.S.C. 341), as added by this Act; and

(2) may be appointed Deputy Secretary of Homeland Security for Management, if such appointment is otherwise in accordance with sections 103 and 701 of the Homeland Security Act of 2002 (6 U.S.C. 113 and 341), as amended by this Act.

(e) REFERENCES.—References in any other Federal law, Executive order, rule, regulation, or delegation of authority, or any document of or relating to the Under Secretary for Management of the Department of Homeland Security shall be deemed to refer to the Deputy Secretary of Homeland Security for Management.

(f) TECHNICAL AND CONFORMING AMENDMENTS.—

(1) OTHER REFERENCE.—Section 702(a) of the Homeland Security Act of 2002 (6 U.S.C. 342(a)) is amended by striking ''Under Secretary for Management'' and inserting ''Deputy Secretary of Homeland Security for Management''.

(2) TABLE OF CONTENTS.—The table of contents in section 1(b) of the Homeland Security Act of 2002 (6 U.S.C. 101(b)) is amended by striking the item relating to section 701 and inserting the following:

''Sec. 701. Deputy Secretary of Homeland Security for Management.''.

(3) EXECUTIVE SCHEDULE.—Section 5313 of title 5, United States Code, is amended by inserting after the item relating to the Deputy Secretary of Homeland Security the following:

''Deputy Secretary of Homeland Security for Management.''.

SEC. 1502. SENSE OF THE SENATE REGARDING COMBATING DOMESTIC RADICALIZATION.

(a) FINDINGS.—The Senate finds the following:

(1) The United States is engaged in a struggle against a transnational terrorist movement of radical extremists seeking to exploit the religion of Islam through violent means to achieve ideological ends.

(2) The radical jihadist movement transcends borders and has been identified as a potential threat within the United States.

(3) Radicalization has been identified as a precursor to terrorism.

(4) Countering the threat of violent extremists domestically, as well as internationally, is a critical element of the plan of the United States for success in the war on terror.

(5) United States law enforcement agencies have identified radicalization as an emerging threat and have in recent years identified cases of ''homegrown'' extremists operating inside the United States with the intent to provide support for, or directly commit, a terrorist attack.

(6) The alienation of Muslim populations in the Western world has been identified as a factor in the spread of radicalization.

(7) Radicalization cannot be prevented solely through law enforcement and intelligence measures.

(b) SENSE OF SENATE.—It is the sense of the Senate that the Secretary, in consultation with other relevant Federal agencies, should make a priority of countering domestic radicalization and extremism by—

(1) using intelligence analysts and other experts to better understand the process of radicalization from sympathizer to activist to terrorist;

(2) recruiting employees with diverse worldviews, skills, languages, and cultural backgrounds and expertise;

(3) consulting with experts to ensure that the lexicon used within public statements is precise and appropriate and does not aid extremists by offending the American Muslim community;

(4) developing and implementing, in concert with the Attorney General and State and local corrections officials, a program to address prisoner radicalization and post-sentence reintegration;

(5) pursuing broader avenues of dialogue with the Muslim community to foster mutual respect, understanding, and trust; and

(6) working directly with State, local, and community leaders to—

(A) educate these leaders on the threat of radicalization and the necessity of taking preventative action at the local level; and

(B) facilitate the sharing of best practices from other countries and communities to encourage outreach to the American Muslim community and develop partnerships between all faiths, including Islam.

SEC. 1503. SENSE OF THE SENATE REGARDING OVERSIGHT OF HOMELAND SECURITY.

(a) FINDINGS.—The Senate finds the following:

(1) The Senate recognizes the importance and need to implement the recommendations offered by the National Commission on Terrorist Attacks Upon the United States (in this section referred to as the ''Commission'').

(2) Congress considered and passed the National Security Intelligence Reform Act of 2004 (Public Law 108-458; 118 Stat. 3643) to implement the recommendations of the Commission.

(3) Representatives of the Department testified at 165 Congressional hearings in calendar year 2004, and 166 Congressional hearings in calendar year 2005.

(4) The Department had 268 representatives testify before 15 committees and 35 subcommittees of the House of Representatives and 9 committees and 12 subcommittees of the Senate at 206 congressional hearings in calendar year 2006.

(5) The Senate has been unwilling to reform itself in accordance with the recommendation of the Commission to provide better and more streamlined oversight of the Department.

(b) SENSE OF SENATE.—It is the sense of the Senate that the Senate should implement the recommendation of the Commission to ''create a single, principal point of oversight and review for homeland security.''.

SEC. 1504. REPORT REGARDING BORDER SECURITY.

(a) IN GENERAL.—Not later than 180 days after the date of enactment of this Act, the Secretary shall submit a report to Congress regarding ongoing initiatives of the Department to improve security along the northern border of the United States.

(b) CONTENTS.—The report submitted under subsection (a) shall—

(1) address the vulnerabilities along the northern border of the United States; and

(2) provide recommendations to address such vulnerabilities, including required resources needed to protect the northern border of the United States.

(c) GOVERNMENT ACCOUNTABILITY OFFICE.—Not later than 270 days after the date of the submission of the report under subsection (a), the Comptroller General of the United States shall submit a report to Congress that—

(1) reviews and comments on the report under subsection (a); and

(2) provides recommendations regarding any additional actions necessary to protect the northern border of the United States.

SA 276. Mrs. FEINSTEIN (for herself, Mr. CORNYN, Mr. LAUTENBERG, Mrs. BOXER, Mrs. HUTCHISON, Mr. SCHUMER, Mrs. CLINTON, Mr. OBAMA, Mr. MENENDEZ, Mr. CASEY, and Mr. KERRY) submitted an amendment intended to be proposed to amendment SA 275 proposed by Mr. REID (for himself, Mr. LIEBERMAN, and Ms. COLLINS) to the bill S. 4, to make the United States more secure by implementing unfinished recommendations of the 9/11 Commission to fight the war on terror more effectively, to improve homeland security, and for other purposes; which was ordered to lie on the table; as follows:

On page 49, line 12, strike all through the matter preceding page 106, line 7, and insert the following:

TITLE II—RISK-BASED FUNDING FOR HOMELAND SECURITY

SEC. 201. RISK-BASED FUNDING FOR HOMELAND SECURITY.

(a) RISK-BASED FUNDING IN GENERAL.—The Homeland Security Act of 2002 (Public Law 107–296; 6 U.S.C. 361 et seq.) is amended by adding at the end the following:

"TITLE XX—RISK-BASED FUNDING FOR HOMELAND SECURITY

"SEC. 2001. RISK-BASED FUNDING FOR HOMELAND SECURITY.

''(a) RISK-BASED FUNDING.—The Secretary shall ensure that homeland security grants are allocated based on an assessment of threat, vulnerability, and consequence to the maximum extent practicable.

''(b) COVERED GRANTS.—This title applies to grants provided by the Department to States, regions, or directly eligible tribes for the primary purpose of improving the ability of first responders to prevent, prepare for, respond to, or mitigate threatened or actual terrorist attacks, especially those involving weapons of mass destruction, and grants provided by the Department for improving homeland security, including the following:

''(1) STATE HOMELAND SECURITY GRANT PROGRAM.—The State Homeland Security Grant Program of the Department, or any successor to such grant program.

''(2) URBAN AREA SECURITY INITIATIVE.—The Urban Area Security Initiative of the Department, or any successor to such grant program.

''(3) LAW ENFORCEMENT TERRORISM PREVENTION PROGRAM.—The Law Enforcement Terrorism Prevention Program of the Department, or any successor to such grant program.

''(4) CITIZEN CORPS PROGRAM.—The Citizen Corps Program of the Department, or any successor to such grant program.

''(c) EXCLUDED PROGRAMS.—This title does not apply to or otherwise affect the following Federal grant programs or any grant under such a program:

''(1) NONDEPARTMENT PROGRAMS.—Any Federal grant program that is not administered by the Department.

''(2) FIRE GRANT PROGRAMS.—The fire grant programs authorized by sections 33 and 34 of the Federal Fire Prevention and Control Act of 1974 (15 U.S.C. 2229 and 2229a).

''(3) EMERGENCY MANAGEMENT PLANNING AND ASSISTANCE ACCOUNT GRANTS.—The Emergency Management Performance Grant program and the Urban Search and Rescue Grants program authorized by title VI of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5195 et seq.), the Departments of Veterans Affairs and Housing and Urban Development, and Independent Agencies Appropriations Act, 2000 (113 Stat. 1047 et seq.), and the Earthquake Hazards Reduction Act of 1977 (42 U.S.C. 7701 et seq.).

''(d) EFFECT ON COVERED GRANTS.—Nothing in this Act shall be construed to require the elimination of a covered grant program.''.

(b) COVERED GRANT ELIGIBILITY AND CRITERIA.—The Homeland Security Act of 2002 (Public Law 107–296; 6 U.S.C. 361 et seq.), as amended by subsection (a), is amended by adding at the end the following:

"SEC. 2002. COVERED GRANT ELIGIBILITY AND CRITERIA.

''(a) GRANT ELIGIBILITY.—

''(1) IN GENERAL.—

''(A) GENERAL ELIGIBILITY.—Except as provided in subparagraphs (B) and (C), any State, region, or directly eligible tribe shall be eligible to apply for a covered grant.

''(B) URBAN AREA SECURITY INITIATIVE.—Only a region shall be eligible to apply for a grant under the Urban Area Security Initiative of the Department, or any successor to such grant program.

''(C) STATE HOMELAND SECURITY GRANT PROGRAM.—Only a State shall be eligible to apply for a grant under the State Homeland Security Grant Program of the Department, or any successor to such grant program.

''(2) OTHER GRANT APPLICANTS.—

''(A) IN GENERAL.—Grants provided by the Department for improving homeland security, including to seaports, airports, and other transportation facilities, shall be allocated as described in section 2001(a).

''(B) CONSIDERATION.—Applications for such grants shall be considered, to the extent determined appropriate by the Secretary, pursuant to the procedures and criteria established in this title, except that the eligibility requirements of paragraph (1) shall not apply.

''(3) CERTIFICATION OF REGIONS.—

''(A) IN GENERAL.—The Secretary shall certify a geographic area as a region if—

''(i) the geographic area meets the criteria under section 2007(10)(B) and (C); and

''(ii) the Secretary determines, based on an assessment of threat, vulnerability, and consequence, that certifying the geographic area as a region under this title is in the interest of national homeland security.

''(B) EXISTING URBAN AREA SECURITY INITIATIVE AREAS.—Notwithstanding section 2007(10)(B) and (C), a geographic area that, on or before the date of enactment of the Improving America's Security Act of 2007, was designated as a high-threat urban area for purposes of the Urban Area Security Initiative, shall be certified by the Secretary as a region unless the Secretary determines, based on an assessment of threat, vulnerability, and consequence, that certifying the geographic area as a region is not in the interest of national homeland security.

''(b) GRANT CRITERIA.—In awarding covered grants, the Secretary shall assist States, local governments, and operators of airports, ports, or similar facilities in achieving, maintaining, and enhancing the essential capabilities established by the Secretary under section 2003.

''(c) STATE HOMELAND SECURITY PLANS.—

''(1) SUBMISSION OF PLANS.—The Secretary shall require that any State applying to the Secretary for a covered grant shall submit to the Secretary a 3-year State homeland security plan that—

''(A) demonstrates the extent to which the State has achieved the essential capabilities that apply to the State;

''(B) demonstrates the needs of the State necessary to achieve, maintain, or enhance the essential capabilities that apply to the State;

''(C) includes a prioritization of such needs based on threat, vulnerability, and consequence assessment factors applicable to the State;

''(D) describes how the State intends—

''(i) to address such needs at the city, county, regional, tribal, State, and interstate level, including a precise description of any regional structure the State has established for the purpose of organizing homeland security preparedness activities funded by covered grants;

''(ii) to use all Federal, State, and local resources available for the purpose of addressing such needs; and

''(iii) to give particular emphasis to regional planning and cooperation, including the activities of multijurisdictional planning agencies governed by local officials, both within its jurisdictional borders and with neighboring States;

''(E) is developed in consultation with and subject to appropriate comment by local governments within the State; and

''(F) with respect to the emergency preparedness of first responders, addresses the unique aspects of terrorism as part of a comprehensive State emergency management plan.

''(2) APPROVAL BY SECRETARY.—The Secretary may not award any covered grant to a State unless the Secretary has approved the applicable State homeland security plan.

''(d) CONSISTENCY WITH STATE PLANS.—The Secretary shall ensure that each covered grant is used to supplement and support, in a consistent and coordinated manner, the applicable State homeland security plan or plans.

''(e) APPLICATION FOR GRANT.—

''(1) IN GENERAL.—Except as otherwise provided in this subsection, any State, region, directly eligible tribe, or operator of an airport, port, or similar facility may apply for a covered grant by submitting to the Secretary an application at such time, in such manner, and containing such information as is required under this subsection, or as the Secretary may reasonably require.

''(2) DEADLINES FOR APPLICATIONS AND AWARDS.—All applications for covered grants shall be submitted at such time as the Secretary may reasonably require for the fiscal year for which they are submitted. The Secretary shall award covered grants for all approved applications for such fiscal year as soon as practicable, but not later than March 1 of such year.

''(3) AVAILABILITY OF FUNDS.—All funds awarded by the Secretary under covered grants in a fiscal year shall be available for obligation through the end of the second subsequent fiscal year.

''(4) MINIMUM CONTENTS OF APPLICATION.—The Secretary shall require that each applicant include in its application, at a minimum—

''(A) the purpose for which the applicant seeks covered grant funds and the reasons why the applicant needs the covered grant to meet the essential capabilities for terrorism preparedness within the State, region, or directly eligible tribe or at the airport, port, or similar facility to which the application pertains;

''(B) a description of how, by reference to the applicable State homeland security plan or plans under subsection (c), the allocation of grant funding proposed in the application, including, where applicable, the amount not passed through under section 2006(g)(1), would assist in fulfilling the essential capabilities specified in such plan or plans;

''(C) a statement of whether a mutual aid agreement applies to the use of all or any portion of the covered grant funds;

''(D) if the applicant is a State, a description of how the State plans to allocate the covered grant funds to regions, local governments, and Indian tribes;

''(E) if the applicant is a region—

''(i) a precise geographical description of the region and a specification of all participating and nonparticipating local governments within the geographical area comprising that region;

''(ii) a specification of what governmental entity within the region will administer the expenditure of funds under the covered grant;

''(iii) a designation of a specific individual to serve as regional liaison; and

''(iv) a description of how the governmental entity administering the expenditure of funds under the covered grant plans to allocate the covered grant funds to States, local governments, and Indian tribes;

''(F) a capital budget showing how the applicant intends to allocate and expend the covered grant funds; and

''(G) if the applicant is a directly eligible tribe, a designation of a specific individual to serve as the tribal liaison.

''(5) REGIONAL APPLICATIONS.—

''(A) RELATIONSHIP TO STATE APPLICATIONS.—A regional application—

''(i) shall be coordinated with an application submitted by the State or States of which such region is a part;

''(ii) shall supplement and avoid duplication with such State application; and

''(iii) shall address the unique regional aspects of such region's terrorism preparedness needs beyond those provided for in the application of such State or States.

''(B) STATE REVIEW AND SUBMISSION.—To ensure the consistency required under subsection (d) and the coordination required under subparagraph (A) of this paragraph, an applicant that is a region shall submit its application to each State of which any part is included in the region for review and concurrence before the submission of such application to the Secretary. The regional application shall be transmitted to the Secretary through each such State within 30 days after receipt of the application by that State, unless the Governor of such a State notifies the Secretary, in writing, that such regional application is inconsistent with the State's homeland security plan and provides an explanation of the reasons therefor.

''(C) DISTRIBUTION OF REGIONAL AWARDS.—If the Secretary approves a regional application, then the Secretary shall distribute a regional award to the State or States submitting the applicable regional application under subparagraph (B), and each such State shall, not later than the end of the 45-day period beginning on the date after receiving a regional award, pass through to the region all covered grant funds or resources purchased with such funds, except those funds necessary for the State to carry out its responsibilities with respect to such regional application. In no such case shall the State or States pass through to the region less than 80 percent of the regional award.

''(D) CERTIFICATIONS REGARDING DISTRIBUTION OF GRANT FUNDS TO REGIONS.—Any State that receives a regional award under subparagraph (C) shall certify to the Secretary, by not later than 30 days after the expiration of the period described in subparagraph (C) with respect to the grant, that the State has made available to the region the required funds and resources in accordance with subparagraph (C).

''(E) DIRECT PAYMENTS TO REGIONS.—If any State fails to pass through a regional award to a region as required by subparagraph (C) within 45 days after receiving such award and does not request or receive an extension of such period under section 2006(h)(2), the region may petition the Secretary to receive directly the portion of the regional award that is required to be passed through to such region under subparagraph (C).

''(F) REGIONAL LIAISONS.—A regional liaison designated under paragraph (4)(E)(iii) shall—

''(i) coordinate with Federal, State, local, regional, and private officials within the region concerning terrorism preparedness;

''(ii) develop a process for receiving input from Federal, State, local, regional, and private sector officials within the region to assist in the development of the regional application and to improve the region's access to covered grants; and

''(iii) administer, in consultation with State, local, regional, and private officials within the region, covered grants awarded to the region.

''(6) TRIBAL APPLICATIONS.—

''(A) SUBMISSION TO THE STATE OR STATES.—To ensure the consistency required under subsection (d), an applicant that is a directly eligible tribe shall submit its application to each State within the boundaries of which any part of such tribe is located for direct submission to the Department along with the application of such State or States.

''(B) OPPORTUNITY FOR STATE COMMENT.—Before awarding any covered grant to a directly eligible tribe, the Secretary shall provide an opportunity to each State within the boundaries of which any part of such tribe is located to comment to the Secretary on the consistency of the tribe's application with the State's homeland security plan. Any such comments shall be submitted to the Secretary concurrently with the submission of the State and tribal applications.

''(C) FINAL AUTHORITY.—The Secretary shall have final authority to determine the consistency of any application of a directly eligible tribe with the applicable State homeland security plan or plans, and to approve any application of such tribe. The Secretary shall notify each State within the boundaries of which any part of such tribe is located of the approval of an application by such tribe.

''(D) TRIBAL LIAISON.—A tribal liaison designated under paragraph (4)(G) shall—

''(i) coordinate with Federal, State, and private sector officials to assist in the development of the application of such tribe and to improve the tribe's access to covered grants; and

''(ii) administer, in consultation with State, local, regional, and private officials, covered grants awarded to such tribe.

''(E) LIMITATION ON THE NUMBER OF DIRECT GRANTS.—The Secretary may make covered grants directly to not more than 20 directly eligible tribes per fiscal year.

''(F) TRIBES NOT RECEIVING DIRECT GRANTS.—An Indian tribe that does not receive a grant directly under this section is eligible to receive funds under a covered grant from the State or States within the boundaries of which any part of such tribe is located, consistent with the homeland security plan of the State as described in subsection (c). If a State fails to comply with section 2006(g)(1), the tribe may request payment under section 2006(h)(3) in the same manner as a local government.

''(7) EQUIPMENT STANDARDS.—If an applicant for a covered grant proposes to upgrade or purchase, with assistance provided under the grant, new equipment or systems that do not meet or exceed any applicable national voluntary consensus standards established by the Secretary under section 2005(a), the applicant shall include in the application an explanation of why such equipment or systems will serve the needs of the applicant better than equipment or systems that meet or exceed such standards.

''(f) HOMELAND SECURITY GRANTS BOARD.—

''(1) ESTABLISHMENT OF BOARD.—The Secretary shall establish a Homeland Security Grants Board, consisting of—

''(A) the Secretary;

''(B) the Deputy Secretary of Homeland Security;

''(C) the Under Secretary for Emergency Preparedness and Response;

''(D) the Under Secretary for Border and Transportation Security;

''(E) the Under Secretary for Information Analysis and Infrastructure Protection;

''(F) the Under Secretary for Science and Technology; and

''(G) the Director of the Office of State and Local Government Coordination.

''(2) CHAIRMAN.—

''(A) IN GENERAL.—The Secretary shall be the Chairman of the Board.

''(B) EXERCISE OF AUTHORITIES BY DEPUTY SECRETARY.—The Deputy Secretary of Homeland Security may exercise the authorities of the Chairman, if the Secretary so directs.

''(3) RISK-BASED RANKING OF GRANT APPLICATIONS.—

''(A) PRIORITIZATION OF GRANTS.—The Board—

''(i) shall evaluate and annually prioritize all pending applications for covered grants based upon the degree to which they would, by achieving, maintaining, or enhancing the essential capabilities of the applicants on a nationwide basis, lessen the threat to, vulnerability of, and consequences for persons and critical infrastructure; and

''(ii) in evaluating the threat to persons and critical infrastructure for purposes of prioritizing covered grants, shall give greater weight to threats of terrorism based on their specificity and credibility, including any pattern of repetition.

''(B) MINIMUM AMOUNTS.—

''(i) IN GENERAL.—After evaluating and prioritizing grant applications under subparagraph (A), the Board shall ensure that, for each fiscal year, each State that has an approved State homeland security plan receives no less than 0.25 percent of the funds available for the State Homeland Security Grant Program, as described in section 2001(b)(1), for that fiscal year for purposes of implementing its homeland security plan in accordance with the prioritization of additional needs under subsection (c)(1)(C).

''(ii) OTHER ENTITIES.—Notwithstanding clause (i), the Board shall ensure that, for each fiscal year, American Samoa, the Commonwealth of the Northern Mariana Islands, Guam, and the Virgin Islands each receive 0.08 percent of the funds available for the State Homeland Security Grant Program, as described in section 2001(b)(1), for that fiscal year for purposes of implementing its homeland security plan in accordance with the prioritization of additional needs under subsection (c)(1)(C).

''(4) FUNCTIONS OF UNDER SECRETARIES.—The Under Secretaries referred to in paragraph (1) shall seek to ensure that the relevant expertise and input of the staff of their directorates are available to and considered by the Board.''.

SEC. 202. ESSENTIAL CAPABILITIES, TASK FORCES, AND STANDARDS.

The Homeland Security Act of 2002 (Public Law 107–296; 6 U.S.C. 361 et seq.), as amended by section 201, is amended by adding at the end the following:

''SEC. 2003. ESSENTIAL CAPABILITIES FOR HOMELAND SECURITY.

''(a) ESTABLISHMENT OF ESSENTIAL CAPABILITIES.—

''(1) IN GENERAL.—For purposes of making covered grants, the Secretary shall establish clearly defined essential capabilities for State and local government preparedness for terrorism, in consultation with—

''(A) the Task Force on Essential Capabilities established under section 2004;

''(B) the Under Secretaries for Emergency Preparedness and Response, Border and Transportation Security, Information Analysis and Infrastructure Protection, and Science and Technology, and the Director of the Office of State and Local Government Coordination;

''(C) the Secretary of Health and Human Services;

''(D) other appropriate Federal agencies;

''(E) State and local first responder agencies and officials; and

''(F) consensus-based standard making organizations responsible for setting standards relevant to the first responder community.

''(2) DEADLINES.—The Secretary shall—

''(A) establish essential capabilities under paragraph (1) within 30 days after receipt of the report under section 2004(b); and

''(B) regularly update such essential capabilities as necessary, but not less than every 3 years.

''(3) PROVISION OF ESSENTIAL CAPABILITIES.—The Secretary shall ensure that a detailed description of the essential capabilities established under paragraph (1) is provided promptly to the States and to Congress. The States shall make the essential capabilities available as necessary and appropriate to local governments and operators of airports, ports, and other similar facilities within their jurisdictions.

''(b) OBJECTIVES.—The Secretary shall ensure that essential capabilities established under subsection (a)(1) meet the following objectives:

''(1) SPECIFICITY.—The determination of essential capabilities specifically shall describe the training, planning, personnel, and equipment that different types of communities in the Nation should possess, or to which they should have access, in order to meet the Department's goals for terrorism preparedness based upon—

''(A) the most current risk assessment available by the Directorate for Information Analysis and Infrastructure Protection of the threats of terrorism against the United States;

''(B) the types of threats, vulnerabilities, geography, size, and other factors that the Secretary has determined to be applicable to each different type of community; and

''(C) the principles of regional coordination and mutual aid among State and local governments.

''(2) FLEXIBILITY.—The establishment of essential capabilities shall be sufficiently flexible to allow State and local government officials to set priorities based on particular needs, while reaching nationally determined terrorism preparedness levels within a specified time period.

''(3) MEASURABILITY.—The establishment of essential capabilities shall be designed to enable measurement of progress toward specific terrorism preparedness goals.

''(4) COMPREHENSIVENESS.—The determination of essential capabilities for terrorism preparedness shall be made within the context of a comprehensive State emergency management system.

''(c) FACTORS TO BE CONSIDERED.—

''(1) IN GENERAL.—In establishing essential capabilities under subsection (a)(1), the Secretary specifically shall consider the variables of threat, vulnerability, and consequences with respect to the Nation's population (including transient commuting and tourist populations) and critical infrastructure. Such consideration shall be based upon the most current risk assessment available by the Directorate for Information Analysis and Infrastructure Protection of the threats of terrorism against the United States.

''(2) CRITICAL INFRASTRUCTURE SECTORS.—The Secretary specifically shall consider threats of terrorism against the following critical infrastructure sectors in all areas of the Nation, urban and rural:

''(A) Agriculture.

''(B) Banking and finance.

''(C) Chemical industries.

''(D) The defense industrial base.

''(E) Emergency services.

''(F) Energy.

''(G) Food.

''(H) Government.

''(I) Postal and shipping.

''(J) Public health.

''(K) Information and telecommunications networks.

''(L) Transportation.

''(M) Water.

The order in which the critical infrastructure sectors are listed in this paragraph shall not be construed as an order of priority for consideration of the importance of such sectors.

''(3) TYPES OF THREAT.—The Secretary specifically shall consider the following types of threat to the critical infrastructure sectors described in paragraph (2), and to populations in all areas of the Nation, urban and rural:

''(A) Biological threats.

''(B) Nuclear threats.

''(C) Radiological threats.

''(D) Incendiary threats.

''(E) Chemical threats.

''(F) Explosives.

''(G) Suicide bombers.

''(H) Cyber threats.

''(I) Any other threats based on proximity to specific past acts of terrorism or the known activity of any terrorist group.

The order in which the types of threat are listed in this paragraph shall not be construed as an order of priority for consideration of the importance of such threats.

''(4) CONSIDERATION OF ADDITIONAL FACTORS.—In establishing essential capabilities under subsection (a)(1), the Secretary shall take into account any other specific threat to a population (including a transient commuting or tourist population) or critical infrastructure sector that the Secretary has determined to exist.

''SEC. 2004. TASK FORCE ON ESSENTIAL CAPABILITIES.

''(a) ESTABLISHMENT.—To assist the Secretary in establishing essential capabilities under section 2003(a)(1), the Secretary shall establish an advisory body pursuant to section 871(a) not later than 60 days after the date of the enactment of this section, which shall be known as the Task Force on Essential Capabilities.

''(b) REPORT.—

''(1) IN GENERAL.—The Task Force shall submit to the Secretary, not later than 9 months after its establishment by the Secretary under subsection (a) and every 3 years thereafter, a report on its recommendations for essential capabilities for preparedness for terrorism.

''(2) CONTENTS.—The report shall—

''(A) include a priority ranking of essential capabilities in order to provide guidance to the Secretary and to Congress on determining the appropriate allocation of, and funding levels for, first responder needs;

''(B) set forth a methodology by which any State or local government will be able to determine the extent to which it possesses or has access to the essential capabilities that States and local governments having similar risks should obtain;

''(C) describe the availability of national voluntary consensus standards, and whether there is a need for new national voluntary consensus standards, with respect to first responder training and equipment;

''(D) include such additional matters as the Secretary may specify in order to further the terrorism preparedness capabilities of first responders; and

''(E) include such revisions to the contents of past reports as are necessary to take into account changes in the most current risk assessment available by the Directorate for Information Analysis and Infrastructure Protection or other relevant information as determined by the Secretary.

''(3) CONSISTENCY WITH FEDERAL WORKING GROUP.—The Task Force shall ensure that its recommendations for essential capabilities are, to the extent feasible, consistent with any preparedness goals or recommendations of the Federal working group established under section 319F(a) of the Public Health Service Act (42 U.S.C. 247d–6(a)).

''(4) COMPREHENSIVENESS.—The Task Force shall ensure that its recommendations regarding essential capabilities for terrorism preparedness are made within the context of a comprehensive State emergency management system.

''(5) PRIOR MEASURES.—The Task Force shall ensure that its recommendations regarding essential capabilities for terrorism preparedness take into account any capabilities that State or local officials have determined to be essential and have undertaken since September 11, 2001, to prevent or prepare for terrorist attacks.

''(c) MEMBERSHIP.—

''(1) IN GENERAL.—The Task Force shall consist of 35 members appointed by the Secretary, and shall, to the extent practicable, represent a geographic and substantive cross section of governmental and nongovernmental first responder disciplines from the State and local levels, including as appropriate—

''(A) members selected from the emergency response field, including fire service and law enforcement, hazardous materials response, emergency medical services, and emergency management personnel (including public works personnel routinely engaged in emergency response);

''(B) health scientists, emergency and inpatient medical providers, and public health professionals, including experts in emergency health care response to chemical, biological, radiological, and nuclear terrorism, and experts in providing mental health care during emergency response operations;

''(C) experts from Federal, State, and local governments, and the private sector, representing standards-setting organizations, including representation from the voluntary consensus codes and standards development community, particularly those with expertise in first responder disciplines; and

''(D) State and local officials with expertise in terrorism preparedness, subject to the condition that if any such official is an elected official representing 1 of the 2 major political parties, an equal number of elected officials shall be selected from each such party.

''(2) COORDINATION WITH THE DEPARTMENT OF HEALTH AND HUMAN SERVICES.—In the selection of members of the Task Force who are health professionals, including emergency medical professionals, the Secretary shall coordinate the selection with the Secretary of Health and Human Services.

''(3) EX OFFICIO MEMBERS.—The Secretary and the Secretary of Health and Human Services shall each designate 1 or more officers of their respective Departments to serve as ex officio members of the Task Force. One of the ex officio members from the Department of Homeland Security shall be the designated officer of the Federal Government for purposes of subsection (e) of section 10 of the Federal Advisory Committee Act (5 App. U.S.C.).

''(d) APPLICABILITY OF FEDERAL ADVISORY COMMITTEE ACT.—Notwithstanding section 871(a), the Federal Advisory Committee Act (5 U.S.C. App.), including subsections (a), (b), and (d) of section 10 of such Act, and section 552b(c) of title 5, United States Code, shall apply to the Task Force.

''SEC. 2005. NATIONAL STANDARDS FOR FIRST RESPONDER EQUIPMENT AND TRAINING.

''(a) EQUIPMENT STANDARDS.—

''(1) IN GENERAL.—The Secretary, in consultation with the Under Secretaries for Emergency Preparedness and Response and Science and Technology and the Director of the Office of State and Local Government Coordination, shall, not later than 6 months after the date of enactment of this section, support the development of, promulgate, and update as necessary national voluntary consensus standards for the performance, use, and validation of first responder equipment

for purposes of section 2002(e)(7). Such standards—

''(A) shall be, to the maximum extent practicable, consistent with any existing voluntary consensus standards;

''(B) shall take into account, as appropriate, new types of terrorism threats that may not have been contemplated when such existing standards were developed;

''(C) shall be focused on maximizing interoperability, interchangeability, durability, flexibility, efficiency, efficacy, portability, sustainability, and safety; and

''(D) shall cover all appropriate uses of the equipment.

''(2) REQUIRED CATEGORIES.—In carrying out paragraph (1), the Secretary shall specifically consider the following categories of first responder equipment:

''(A) Thermal imaging equipment.

''(B) Radiation detection and analysis equipment.

''(C) Biological detection and analysis equipment.

''(D) Chemical detection and analysis equipment.

''(E) Decontamination and sterilization equipment.

''(F) Personal protective equipment, including garments, boots, gloves, and hoods, and other protective clothing.

''(G) Respiratory protection equipment.

''(H) Interoperable communications, including wireless and wireline voice, video, and data networks.

''(I) Explosive mitigation devices and explosive detection and analysis equipment.

''(J) Containment vessels.

''(K) Contaminant-resistant vehicles.

''(L) Such other equipment for which the Secretary determines that national voluntary consensus standards would be appropriate.

''(b) TRAINING STANDARDS.—

''(1) IN GENERAL.—The Secretary, in consultation with the Under Secretaries for Emergency Preparedness and Response and Science and Technology and the Director of the Office of State and Local Government Coordination, shall support the development of, promulgate, and regularly update as necessary national voluntary consensus standards for first responder training carried out with amounts provided under covered grant programs, that will enable State and local government first responders to achieve optimal levels of terrorism preparedness as quickly as practicable. Such standards shall give priority to providing training to—

''(A) enable first responders to prevent, prepare for, respond to, and mitigate terrorist threats, including threats from chemical, biological, nuclear, and radiological weapons and explosive devices capable of inflicting significant human casualties; and

''(B) familiarize first responders with the proper use of equipment, including software, developed pursuant to the standards established under subsection (a).

''(2) REQUIRED CATEGORIES.—In carrying out paragraph (1), the Secretary specifically shall include the following categories of first responder activities:

''(A) Regional planning.

''(B) Joint exercises.

''(C) Intelligence collection, analysis, and sharing.

''(D) Emergency notification of affected populations.

''(E) Detection of biological, nuclear, radiological, and chemical weapons of mass destruction.

''(F) Such other activities for which the Secretary determines that national voluntary consensus training standards would be appropriate.

''(3) CONSISTENCY.—In carrying out this subsection, the Secretary shall ensure that such training standards are consistent with the principles of emergency preparedness for all hazards.

''(c) CONSULTATION WITH STANDARDS ORGANIZATIONS.—In establishing national voluntary consensus standards for first responder equipment and training under this section, the Secretary shall consult with relevant public and private sector groups, including—

''(1) the National Institute of Standards and Technology;

''(2) the National Fire Protection Association;

''(3) the National Association of County and City Health Officials;

''(4) the Association of State and Territorial Health Officials;

''(5) the American National Standards Institute;

''(6) the National Institute of Justice;

''(7) the Inter-Agency Board for Equipment Standardization and Interoperability;

''(8) the National Public Health Performance Standards Program;

''(9) the National Institute for Occupational Safety and Health;

''(10) ASTM International;

''(11) the International Safety Equipment Association;

''(12) the Emergency Management Accreditation Program;

''(13) the National Domestic Preparedness Consortium; and

''(14) to the extent the Secretary considers appropriate, other national voluntary consensus standards development organizations, other interested Federal, State, and local agencies, and other interested persons.

''(d) COORDINATION WITH SECRETARY OF HHS.—In establishing any national voluntary consensus standards under this section for first responder equipment or training that involve or relate to health professionals, including emergency medical professionals, the Secretary shall coordinate activities under this section with the Secretary of Health and Human Services.''.

SEC. 203. EFFECTIVE ADMINISTRATION OF HOMELAND SECURITY GRANTS.

(a) USE OF GRANT FUNDS AND ACCOUNTABILITY.—The Homeland Security Act of 2002 (Public Law 107–296; 6 U.S.C. 361 et seq.), as amended by sections 201 and 202, is amended by adding at the end the following:

''SEC. 2006. USE OF FUNDS AND ACCOUNTABILITY REQUIREMENTS.

''(a) IN GENERAL.—A covered grant may be used for—

''(1) purchasing, upgrading, or maintaining equipment, including computer software, to enhance terrorism preparedness and response;

''(2) exercises to strengthen terrorism preparedness and response;

''(3) training for prevention (including detection) of, preparedness for, or response to attacks involving weapons of mass destruction, including training in the use of equipment and computer software;

''(4) developing or updating response plans;

''(5) establishing or enhancing mechanisms for sharing terrorism threat information;

''(6) systems architecture and engineering, program planning and management, strategy formulation and strategic planning, life-cycle systems design, product and technology evaluation, and prototype development for terrorism preparedness and response purposes;

''(7) additional personnel costs resulting from—

''(A) elevations in the threat alert level of the Homeland Security Advisory System by the Secretary, or a similar elevation in threat alert level issued by a State, region, or local government with the approval of the Secretary;

''(B) travel to and participation in exercises and training in the use of equipment and on prevention activities;

''(C) the temporary replacement of personnel during any period of travel to and participation in exercises and training in the use of equipment and on prevention activities; and

''(D) participation in information, investigative, and intelligence-sharing activities specifically related to terrorism prevention;

''(8) the costs of equipment (including software) required to receive, transmit, handle, and store classified information;

''(9) target hardening to reduce the vulnerability of high-value targets, as determined by the Secretary;

''(10) protecting critical infrastructure against potential attack by the addition of barriers, fences, gates, and other such devices, except that the cost of such measures may not exceed the greater of—

''(A) $1,000,000 per project; or

''(B) such greater amount as may be approved by the Secretary, which may not exceed 10 percent of the total amount of the covered grant;

''(11) the costs of commercially available interoperable communications equipment (which, where applicable, is based on national, voluntary consensus standards) that the Secretary, in consultation with the Chairman of the Federal Communications Commission, determines best suited to facilitate interoperability, coordination, and integration between and among emergency communications systems, and that complies with prevailing grant guidance of the Department for interoperable communications;

''(12) educational curricula development for first responders to ensure that they are prepared for terrorist attacks;

''(13) training and exercises to assist public elementary and secondary schools in developing and implementing programs to instruct students regarding age-appropriate skills to prepare for and respond to an act of terrorism;

''(14) paying of administrative expenses directly related to administration of the grant, except that such expenses may not exceed 3 percent of the amount of the grant; and

''(15) other appropriate activities as determined by the Secretary.

''(b) PROHIBITED USES.—Funds provided as a covered grant may not be used—

''(1) to supplant State or local funds that have been obligated for a homeland security or other first responder-related project;

''(2) to construct buildings or other physical facilities, except for—

''(A) activities under section 611 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5196); and

''(B) upgrading facilities to protect against, test for, and treat the effects of biological agents, which shall be included in the homeland security plan approved by the Secretary under section 2002(c);

''(3) to acquire land; or

''(4) for any State or local government cost-sharing contribution.

''(c) MULTIPLE-PURPOSE FUNDS.—Nothing in this section shall be construed to preclude State and local governments from using covered grant funds in a manner that also enhances first responder preparedness for emergencies and disasters unrelated to acts of terrorism, if such use assists such governments in achieving essential capabilities for terrorism preparedness established by the Secretary under section 2003.

''(d) REIMBURSEMENT OF COSTS.—In addition to the activities described in subsection (a), a covered grant may be used to provide a reasonable stipend to paid-on-call or volunteer first responders who are not otherwise compensated for travel to or participation in

training covered by this section. Any such reimbursement shall not be considered compensation for purposes of rendering such a first responder an employee under the Fair Labor Standards Act of 1938 (29 U.S.C. 201 et seq.).

''(e) ASSISTANCE REQUIREMENT.—The Secretary may not request that equipment paid for, wholly or in part, with funds provided as a covered grant be made available for responding to emergencies in surrounding States, regions, and localities, unless the Secretary pays the costs directly attributable to transporting and operating such equipment during such response.

''(f) FLEXIBILITY IN UNSPENT HOMELAND SECURITY GRANT FUNDS.—Upon request by the recipient of a covered grant, the Secretary may authorize the grantee to transfer all or part of funds provided as the covered grant from uses specified in the grant agreement to other uses authorized under this section, if the Secretary determines that such transfer is in the interests of homeland security.

''(g) STATE, REGIONAL, AND TRIBAL RESPONSIBILITIES.—

''(1) PASS-THROUGH.—The Secretary shall require a recipient of a covered grant that is a State to obligate or otherwise make available to local governments, first responders, and other local groups, to the extent required under the State homeland security plan or plans specified in the application for the grant, not less than 80 percent of the grant funds, resources purchased with the grant funds having a value equal to at least 80 percent of the amount of the grant, or a combination of funds and resources having value equal to at least 80 percent of the amount of the grant, by not later than the end of the 45-day period beginning on the date the grant recipient receives the grant funds.

''(2) CERTIFICATIONS REGARDING DISTRIBUTION OF GRANT FUNDS TO LOCAL GOVERNMENTS.—Any State that receives a covered grant shall certify to the Secretary, by not later than 30 days after the expiration of the period described in paragraph (1) with respect to the grant, that the State has made available for expenditure by local governments, first responders, and other local groups the required amount of grant funds under paragraph (1).

''(3) QUARTERLY REPORT ON HOMELAND SECURITY SPENDING.—Each recipient of a covered grant shall submit a quarterly report to the Secretary not later than 30 days after the end of each fiscal quarter. Each report shall include, for each recipient of a covered grant or a pass-through under paragraph (1)—

''(A) the amount obligated to that recipient in that quarter;

''(B) the amount expended by that recipient in that quarter; and

''(C) a summary description of the items purchased by such recipient with such amount.

''(4) ANNUAL REPORT ON HOMELAND SECURITY SPENDING.—Each recipient of a covered grant shall submit an annual report to the Secretary not later than 60 days after the end of each fiscal year. Each recipient of a covered grant that is a region shall simultaneously submit its report to each State of which any part is included in the region. Each recipient of a covered grant that is a directly eligible tribe shall simultaneously submit its report to each State within the boundaries of which any part of such tribe is located. Each report shall include the following:

''(A) The amount, ultimate recipients, and dates of receipt of all funds received under the grant during the previous fiscal year.

''(B) The amount and the dates of disbursements of all such funds expended in compliance with paragraph (1) or pursuant to mutual aid agreements or other sharing arrangements that apply within the State, region, or directly eligible tribe, as applicable, during the previous fiscal year.

''(C) How the funds were utilized by each ultimate recipient or beneficiary during the preceding fiscal year.

''(D) The extent to which essential capabilities identified in the applicable State homeland security plan or plans were achieved, maintained, or enhanced as the result of the expenditure of grant funds during the preceding fiscal year.

''(E) The extent to which essential capabilities identified in the applicable State homeland security plan or plans remain unmet.

''(5) INCLUSION OF RESTRICTED ANNEXES.—A recipient of a covered grant may submit to the Secretary an annex to the annual report under paragraph (4) that is subject to appropriate handling restrictions, if the recipient believes that discussion in the report of unmet needs would reveal sensitive but unclassified information.

''(6) PROVISION OF REPORTS.—The Secretary shall ensure that each annual report under paragraph (4) is provided to the Under Secretary for Emergency Preparedness and Response and the Director of the Office of State and Local Government Coordination.

''(h) INCENTIVES TO EFFICIENT ADMINISTRATION OF HOMELAND SECURITY GRANTS.—

''(1) PENALTIES FOR DELAY IN PASSING THROUGH LOCAL SHARE.—If a recipient of a covered grant that is a State fails to pass through to local governments, first responders, and other local groups funds or resources required by subsection (g)(1) within 45 days after receiving funds under the grant, the Secretary may—

''(A) reduce grant payments to the grant recipient from the portion of grant funds that is not required to be passed through under subsection (g)(1);

''(B) terminate payment of funds under the grant to the recipient, and transfer the appropriate portion of those funds directly to local first responders that were intended to receive funding under that grant; or

''(C) impose additional restrictions or burdens on the recipient's use of funds under the grant, which may include—

''(i) prohibiting use of such funds to pay the grant recipient's grant-related overtime or other expenses;

''(ii) requiring the grant recipient to distribute to local government beneficiaries all or a portion of grant funds that are not required to be passed through under subsection (g)(1); or

''(iii) for each day that the grant recipient fails to pass through funds or resources in accordance with subsection (g)(1), reducing grant payments to the grant recipient from the portion of grant funds that is not required to be passed through under subsection (g)(1), except that the total amount of such reduction may not exceed 20 percent of the total amount of the grant.

''(2) EXTENSION OF PERIOD.—The Governor of a State may request in writing that the Secretary extend the 45-day period under section 2002(e)(5)(E) or paragraph (1) of this subsection for an additional 15-day period. The Secretary may approve such a request, and may extend such period for additional 15-day periods, if the Secretary determines that the resulting delay in providing grant funding to the local government entities that will receive funding under the grant will not have a significant detrimental impact on such entities' terrorism preparedness efforts.

''(3) PROVISION OF NON-LOCAL SHARE TO LOCAL GOVERNMENT.—

''(A) IN GENERAL.—The Secretary may upon request by a local government pay to the local government a portion of the amount of a covered grant awarded to a State in which the local government is located, if—

''(i) the local government will use the amount paid to expedite planned enhancements to its terrorism preparedness as described in any applicable State homeland security plan or plans;

''(ii) the State has failed to pass through funds or resources in accordance with subsection (g)(1); and

''(iii) the local government complies with subparagraph (B).

''(B) SHOWING REQUIRED.—To receive a payment under this paragraph, a local government must demonstrate that—

''(i) it is identified explicitly as an ultimate recipient or intended beneficiary in the approved grant application;

''(ii) it was intended by the grantee to receive a severable portion of the overall grant for a specific purpose that is identified in the grant application;

''(iii) it petitioned the grantee for the funds or resources after expiration of the period within which the funds or resources were required to be passed through under subsection (g)(1); and

''(iv) it did not receive the portion of the overall grant that was earmarked or designated for its use or benefit.

''(C) EFFECT OF PAYMENT.—Payment of grant funds to a local government under this paragraph—

''(i) shall not affect any payment to another local government under this paragraph; and

''(ii) shall not prejudice consideration of a request for payment under this paragraph that is submitted by another local government.

''(D) DEADLINE FOR ACTION BY SECRETARY.—The Secretary shall approve or disapprove each request for payment under this paragraph by not later than 15 days after the date the request is received by the Department.

''(i) REPORTS TO CONGRESS.—The Secretary shall submit an annual report to Congress by December 31 of each year—

''(1) describing in detail the amount of Federal funds provided as covered grants that were directed to each State, region, and directly eligible tribe in the preceding fiscal year;

''(2) containing information on the use of such grant funds by grantees; and

''(3) describing—

''(A) the Nation's progress in achieving, maintaining, and enhancing the essential capabilities established under section 2003(a) as a result of the expenditure of covered grant funds during the preceding fiscal year; and

''(B) an estimate of the amount of expenditures required to attain across the United States the essential capabilities established under section 2003(a).''.

(b) SENSE OF CONGRESS REGARDING CITIZEN CORPS COUNCILS.—

(1) FINDING.—Congress finds that Citizen Corps councils help to enhance local citizen participation in terrorism preparedness by coordinating multiple Citizen Corps programs, developing community action plans, assessing possible threats, and identifying local resources.

(2) SENSE OF CONGRESS.—It is the sense of Congress that individual Citizen Corps councils should seek to enhance the preparedness and response capabilities of all organizations participating in the councils, including by providing funding to as many of their participating organizations as practicable to promote local terrorism preparedness programs.

(c) REQUIRED COORDINATION.—The Secretary shall ensure that there is effective and ongoing coordination of Federal efforts to prevent, prepare for, and respond to acts

of terrorism and other major disasters and emergencies among the divisions of the Department, including the Directorate of Emergency Preparedness and Response and the Office for State and Local Government Coordination and Preparedness.

(d) COORDINATION OF INDUSTRY EFFORTS.—Section 102(f) of the Homeland Security Act of 2002 (6 U.S.C. 112(f)) is amended—

(1) in paragraph (9), by striking ''and'' after the semicolon;

(2) in paragraph (10), by striking the period and inserting ''; and''; and

(3) by adding at the end the following:

''(11) coordinating industry efforts, with respect to functions of the Department, to identify private sector resources and capabilities that could be effective in supplementing Federal, State, and local government agency efforts to prevent or respond to a terrorist attack.''.

(e) STUDY REGARDING NATIONWIDE EMERGENCY NOTIFICATION SYSTEM.—

(1) STUDY.—The Secretary, in consultation with the heads of other appropriate Federal agencies and representatives of providers and participants in the telecommunications industry, shall conduct a study to determine whether it is cost effective, efficient, and feasible to establish and implement an emergency telephonic alert notification system that will—

(A) alert persons in the United States of imminent or current hazardous events caused by acts of terrorism; and

(B) provide information to individuals regarding appropriate measures that may be undertaken to alleviate or minimize threats to their safety and welfare posed by such events.

(2) TECHNOLOGIES TO CONSIDER.—In conducting the study under paragraph (1), the Secretary shall consider the use of the telephone, wireless communications, and other existing communications networks to provide such notification.

(3) REPORT.—Not later than 9 months after the date of enactment of this Act, the Secretary shall submit to Congress a report regarding the conclusions of the study conducted under paragraph (1).

(f) STUDY OF EXPANSION OF AREA OF JURISDICTION OF OFFICE OF NATIONAL CAPITAL REGION COORDINATION.—

(1) STUDY.—The Secretary, acting through the Director of the Office of National Capital Region Coordination, shall conduct a study of the feasibility and desirability of modifying the definition of ''National Capital Region'' applicable under section 882 of the Homeland Security Act of 2002 (6 U.S.C. 462) to expand the geographic area under the jurisdiction of the Office of National Capital Region Coordination.

(2) FACTORS.—In conducting the study under paragraph (1), the Secretary shall analyze whether expanding the geographic area under the jurisdiction of the Office of National Region Coordination will—

(A) promote coordination among State and local governments within the Region, including regional governing bodies, and coordination of the efforts of first responders; and

(B) enhance the ability of such State and local governments and the Federal Government to prevent and respond to a terrorist attack within the Region.

(3) REPORT.—Not later than 6 months after the date of the enactment of this Act, the Secretary shall submit a report to Congress on the study conducted under paragraph (1), and shall include in the report such recommendations (including recommendations for legislation to amend section 882 of the Homeland Security Act of 2002 (6 U.S.C. 462)) as the Secretary considers appropriate.

(g) STUDY OF RISK ALLOCATION FOR PORT SECURITY GRANTS.—

(1) STUDY.—The Secretary shall conduct a study of the factors to be used for the allocation of funds based on risk for port security grants made under section 70107 of title 46, United States Code.

(2) FACTORS.—In conducting the study, the Secretary shall analyze the volume of international trade and economic significance of each port.

(3) REPORT.—Not later than 90 days after the enactment of the Act, the Secretary shall submit a report to Congress on the study and shall include recommendations for using such factors in allocating grant funds to ports.

(h) STUDY OF ALLOCATION OF ASSISTANCE TO FIREFIGHTER GRANTS.—

(1) STUDY.—The Secretary shall conduct a study of the allocation of grant fund awards made under the Assistance to Firefighter Grants program and shall analyze the distribution of awards by State.

(2) FACTORS.—In conducting the study, the Secretary shall analyze the number of awards and the per capita amount of grant funds awarded to each State and the level of unmet firefighting equipment needs in each State. The study shall also analyze whether allowing local departments to submit more than 1 annual application and expanding the list of eligible applicants for such grants to include States will enhance the ability of State and local governments to respond to fires.

(3) REPORT.—Not later than 90 days after the date of enactment of the Act, the Secretary shall submit a report to Congress on the study and shall include recommendations for legislation amending the factors used in allocating grant funds to insure that critical firefighting needs are addressed by the program in all areas of the Nation.

SEC. 204. IMPLEMENTATION; DEFINITIONS; TABLE OF CONTENTS.

(a) TECHNICAL AND CONFORMING AMENDMENT.—Section 1014 of the USA PATRIOT ACT (42 U.S.C. 3714) is amended—

(1) by striking subsection (c)(3);

(2) by redesignating subsection (c) as subsection (d); and

(3) by inserting after subsection (b) the following:

''(c) ADMINISTRATION.—Grants under this section shall be administered in accordance with title XX of the Homeland Security Act of 2002.''.

(b) TEMPORARY LIMITATIONS ON APPLICATION.—

(1) 1-YEAR DELAY IN APPLICATION.—The following provisions of title XX of the Homeland Security Act of 2002, as added by this Act, shall not apply during the 1-year period beginning on the date of enactment of this Act—

(A) Subsections (b), (c), and (e)(4) (A) and (B) of section 2002; and

(B) In section 2002(f)(3)(A)(i), the phrase ''by achieving, maintaining, or enhancing the essential capabilities of the applicants on a nationwide basis,''.

(2) 2-YEAR DELAY IN APPLICATION.—The following provisions of title XX of the Homeland Security Act of 2002, as added by this Act, shall not apply during the 2-year period beginning on the date of enactment of this Act—

(A) Subparagraphs (D) and (E) of section 2006(g)(4); and

(B) Section 2006(i)(3).

(c) DEFINITIONS.—

(1) TITLE XX.—Title XX of the Homeland Security Act of 2002, as amended by sections 201, 202, and 203 is amended by adding at the end the following:

''SEC. 2007. DEFINITIONS.

''In this title:

''(1) BOARD.—The term 'Board' means the Homeland Security Grants Board established under section 2002(f).

''(2) CONSEQUENCE.—The term 'consequence' means the assessment of the effect of a completed attack.

''(3) COVERED GRANT.—The term 'covered grant' means any grant to which this title applies under section 2001(b).

''(4) DIRECTLY ELIGIBLE TRIBE.—The term 'directly eligible tribe' means any Indian tribe or consortium of Indian tribes that—

''(A) meets the criteria for inclusion in the qualified applicant pool for self-governance that are set forth in section 402(c) of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 458bb(c));

''(B) employs at least 10 full-time personnel in a law enforcement or emergency response agency with the capacity to respond to calls for law enforcement or emergency services; and

''(C)(i) is located on, or within 5 miles of, an international border or waterway;

''(ii) is located within 5 miles of a facility designated as high-risk critical infrastructure by the Secretary;

''(iii) is located within or contiguous to 1 of the 50 largest metropolitan statistical areas in the United States; or

''(iv) has more than 1,000 square miles of Indian country, as that term is defined in section 1151 of title 18, United States Code.

''(5) ELEVATIONS IN THE THREAT ALERT LEVEL.—The term 'elevations in the threat alert level' means any designation (including those that are less than national in scope) that raises the homeland security threat level to either the highest or second-highest threat level under the Homeland Security Advisory System referred to in section 201(d)(7).

''(6) EMERGENCY PREPAREDNESS.—The term 'emergency preparedness' shall have the same meaning that term has under section 602 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5195a).

''(7) ESSENTIAL CAPABILITIES.—The term 'essential capabilities' means the levels, availability, and competence of emergency personnel, planning, training, and equipment across a variety of disciplines needed to effectively and efficiently prevent, prepare for, and respond to acts of terrorism consistent with established practices.

''(8) FIRST RESPONDER.—The term 'first responder' shall have the same meaning as the term 'emergency response provider' under section 2.

''(9) INDIAN TRIBE.—The term 'Indian tribe' means any Indian tribe, band, nation, or other organized group or community, including any Alaskan Native village or regional or village corporation as defined in or established pursuant to the Alaskan Native Claims Settlement Act (43 U.S.C. 1601 et seq.), which is recognized as eligible for the special programs and services provided by the United States to Indians because of their status as Indians.

''(10) REGION.—The term 'region' means any geographic area—

''(A) certified by the Secretary under section 2002(a)(3);

''(B) consisting of all or parts of 2 or more counties, municipalities, or other local governments and including a city with a core population exceeding 500,000 according to the most recent estimate available from the United States Census; and

''(C) that, for purposes of an application for a covered grant—

''(i) is represented by 1 or more local governments or governmental agencies within such geographic area; and

''(ii) is established by law or by agreement of 2 or more such local governments or governmental agencies, such as through a mutual aid agreement.

''(11) RISK-BASED FUNDING.—The term 'risk-based funding' means the allocation of funds based on an assessment of threat, vulnerability, and consequence.

''(12) TASK FORCE.—The term 'Task Force' means the Task Force on Essential Capabilities established under section 2004.

''(13) THREAT.—The term 'threat' means the assessment of the plans, intentions, and capability of an adversary to implement an identified attack scenario.

''(14) VULNERABILITY.—The term 'vulnerability' means the degree to which a facility is available or accessible to an attack, including the degree to which the facility is inherently secure or has been hardened against such an attack.''.

(2) DEFINITION OF EMERGENCY RESPONSE PROVIDERS.—Paragraph (6) of section 2 of the Homeland Security Act of 2002 (6 U.S.C. 101(6)) is amended by striking ''includes'' and all that follows and inserting ''includes Federal, State, and local governmental and nongovernmental emergency public safety, law enforcement, fire, emergency response, emergency medical (including hospital emergency facilities), and related personnel, organizations, agencies, and authorities.''.

(d) TABLE OF CONTENTS.—Section 1(b) of the Homeland Security Act of 2002 (6 U.S.C. 101 note) is amended in the table of contents by adding at the end the following:

''TITLE XX—RISK-BASED FUNDING FOR HOMELAND SECURITY

''Sec. 2001. Risk-Based funding for homeland security.
''Sec. 2002. Covered grant eligibility and criteria.
''Sec. 2003. Essential capabilities for homeland security.
''Sec. 2004. Task Force on Essential Capabilities.
''Sec. 2005. National standards for first responder equipment and training.
''Sec. 2006. Use of funds and accountability requirements.
''Sec. 2007. Definitions.''.

On page 116, line 8, strike ''0.75 percent'' and insert ''0.25 percent''.

On page 116, line 13, strike ''0.25 percent'' and insert ''0.08 percent''.

On page 347, strike lines 19 through 22, and insert the following:

''(1) result in distributions to public safety entities among the several States that ensure that for each fiscal year—

''(A) no State receives less than an amount equal to 0.25 percent of the total funds appropriated for such grants; and

''(B) American Samoa, the Commonwealth of the Northern Mariana Islands, Guam, and the Virgin Islands each receive no less than 0.08 percent of the amounts appropriated for such grants; and

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SA 277. Ms. COLLINS (for herself, Mr. ALEXANDER, Mr. CARPER, Ms. SNOWE, Ms. CANTWELL, Ms. MIKULSKI, Mr. CHAMBLISS, and Ms. MURKOWSKI) proposed an amendment to amendment SA 275 proposed by Mr. REID (for himself, Mr. LIEBERMAN, and Ms. COLLINS) to the bill S. 4, to make the United States more secure by implementing unfinished recommendations of the 9/11 Commission to fight the war on terror more effectively, to improve homeland security, and for other purposes; as follows:

On page 145, strike line 21 and insert the following:

SEC. 404. IDENTIFICATION DOCUMENTS.

(a) MINIMUM DOCUMENT REQUIREMENTS.—Section 202(a)(1) of the REAL ID Act of 2005 (49 U.S.C. 30301 note) is amended by striking ''3 years after the date of the enactment of this division'' and inserting ''2 years after the promulgation of final regulations to implement this section''.

(b) AUTHORITY TO EXTEND COMPLIANCE DEADLINES.—Section 205(b) of the REAL ID Act of 2005 (49 U.S.C. 30301 note) is amended—

(1) by striking ''The Secretary'' and inserting the following:

''(1) IN GENERAL.—The Secretary''; and

(2) by adding at the end the following:

''(2) LACK OF VALIDATION SYSTEMS.—If the Secretary determines that the Federal or State electronic systems required to verify the validity and completeness of documents under section 202(c)(3) are not available to any State on the date described in section 202(a)(1), the requirements under section 202(c)(1) shall not apply to any State until adequate electronic validation systems are available to all States.''.

(c) NEGOTIATED RULEMAKING.—

(1) NEGOTIATED RULEMAKING COMMITTEE.—Not later than 30 days after the date of the enactment of this Act, the Secretary shall reconvene the committee originally established pursuant to section 7212(b)(4) of the 9/11 Commission Implementation Act of 2004 (49 U.S.C. 30301 note), with the addition of any new interested parties, including experts in privacy protection, experts in civil liberties and protection of constitutional rights, and experts in immigration law, to—

(A) review the regulations proposed by the Secretary to implement section 202 of the REAL ID Act of 2005 (49 U.S.C. 30301 note);

(B) review the provisions of the REAL ID Act of 2005;

(C) submit recommendations to the Secretary regarding appropriate modifications to such regulations; and

(D) submit recommendations to the Secretary and Congress regarding appropriate modifications to the REAL ID Act of 2005.

(2) CRITERIA.—In conducting the review under paragraph (1)(A), the committee shall consider, in addition to other factors at the discretion of the committee, modifications to the regulations to—

(A) minimize conflicts between State laws regarding driver's license eligibility;

(B) include procedures and requirements to protect the Federal and State constitutional rights, civil liberties, and privacy rights of individuals who apply for and hold driver's licenses and personal identification cards;

(C) protect the security of all personal information maintained in electronic form;

(D) provide individuals with procedural and substantive due process, including rules and right of appeal, to challenge errors in data records contained within the databases created to implement section 202 of the REAL ID Act of 2005;

(E) ensure that private entities are not permitted to scan the information contained on the face of a license, or in the machine readable component of the license, and resell, share, or trade such information with third parties;

(F) provide a fair system of funding to limit the costs of meeting the requirements of section 202 of the REAL ID Act of 2005;

(G) facilitate the management of vital identity-proving records; and

(H) improve the effectiveness and security of Federal documents used to validate identification.

(3) RULEMAKING.—To the extent that the final regulations to implement section 202 of the REAL ID Act of 2005 do not reflect the modifications recommended by the committee pursuant to paragraph (1)(C), the Secretary shall include, with such regulations in the Federal Register, the reasons for rejecting such modifications.

(4) REPORTS.—Not later than 120 days after reconvening under paragraph (1), the committee shall submit a report to the Committee on Homeland Security and Governmental Affairs of the Senate and the Committee on Homeland Security of the House of Representatives that includes—

(A) the list of recommended modifications to the regulations that were submitted to the Secretary under paragraph (1)(C); and

(B) a list of recommended amendments to the Real ID Act of 2005 that would address any concerns that could not be resolved by regulation.

(d) ENHANCED DRIVER'S LICENSE.—

SA 278. Mrs. CLINTON (for herself and Mr. SCHUMER) submitted an amendment intended to be proposed to amendment SA 275 proposed by Mr. REID (for himself, Mr. LIEBERMAN, and Ms. COLLINS) to the bill S. 4, to make the United States more secure by implementing unfinished recommendations of the 9/11 Commission to fight the war on terror more effectively, to improve homeland security, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. _____. HEALTH CARE SCREENING, MONITORING, AND TREATMENT FOR EMERGENCY SERVICES PERSONNEL.

Of the unexpended balances made available for the ''Department of Labor, Employment Training Administration Training and Employment Services'' by the President on September 21, 2001, under the authority of the 2001 Emergency Supplemental Appropriations Act for Recovery from and Response to Terrorist Attacks on the United States (Public Law 107-38; 115 Stat. 220), $3,600,000 shall be transferred to the Centers for Disease Control and Prevention and made available to provide health care screening, monitoring, and treatment for emergency services, rescue and recovery personnel responding to the attacks of September 11, 2001, under section 5011(b) of the Emergency Supplemental Appropriations Act to Address Hurricanes in the Gulf of Mexico and Pandemic Influenza, 2006 (Public Law 109-148; 119 Stat. 2814).

SA 279. Mr. DEMINT proposed an amendment to amendment SA 275 proposed by Mr. REID (for himself, Mr. LIEBERMAN, and Ms. COLLINS) to the bill S. 4, to make the United States more secure by implementing unfinished recommendations of the 9/11 Commission to fight the war on terror more effectively, to improve homeland security, and for other purposes; as follows:

At the appropriate place, insert the following:

SEC. ___. PROHIBITION OF ISSUANCE OF TRANSPORTATION SECURITY CARDS TO CONVICTED FELONS.

(a) IN GENERAL.—Section 70105 of title 46, United States Code, is amended—

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

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

''(1) DISQUALIFICATIONS.—

''(A) PERMANENT DISQUALIFYING CRIMINAL OFFENSES.—Except as provided under paragraph (2), an individual is permanently disqualified from being issued a biometric

transportation security card under subsection (b) if the individual has been convicted, or found not guilty by reason of insanity, in a civilian or military jurisdiction of any of the following felonies:

''(i) Espionage or conspiracy to commit espionage.

''(ii) Sedition or conspiracy to commit sedition.

''(iii) Treason or conspiracy to commit treason.

''(iv) A Federal crime of terrorism (as defined in section 2332b(g) of title 18), a comparable State law, or conspiracy to commit such crime.

''(v) A crime involving a transportation security incident.

''(vi) Improper transportation of a hazardous material under section 5124 of title 49, or a comparable State law.

''(vii) Unlawful possession, use, sale, distribution, manufacture, purchase, receipt, transfer, shipping, transporting, import, export, storage of, or dealing in an explosive or explosive device. In this clause, an explosive or explosive device includes—

''(I) an explosive (as defined in sections 232(5) and 844(j) of title 18);

''(II) explosive materials (as defined in subsections (c) through (f) of section 841 of title 18); and

''(III) a destructive device (as defined in 921(a)(4) of title 18 and section 5845(f) of the Internal Revenue Code of 1986).

''(viii) Murder.

''(ix) Making any threat, or maliciously conveying false information knowing the same to be false, concerning the deliverance, placement, or detonation of an explosive or other lethal device in or against a place of public use, a State or other government facility, a public transportation system, or an infrastructure facility.

''(x) A violation of the Racketeer Influenced and Corrupt Organizations Act (18 U.S.C. 1961 et seq.), or a comparable State law, if 1 of the predicate acts found by a jury or admitted by the defendant consists of 1 of the crimes listed in this subparagraph.

''(xi) Attempt to commit any of the crimes listed in clauses (i) through (iv).

''(xii) Conspiracy or attempt to commit any of the crimes described in clauses (v) through (x).

''(B) INTERIM DISQUALIFYING CRIMINAL OFFENSES.—Except as provided under paragraph (2), an individual is disqualified from being issued a biometric transportation security card under subsection (b) if the individual has been convicted, or found not guilty by reason of insanity, during the 7-year period ending on the date on which the individual applies for such card, or was released from incarceration during the 5-year period ending on the date on which the individual applies for such card, of any of the following felonies:

''(i) Unlawful possession, use, sale, manufacture, purchase, distribution, receipt, transfer, shipping, transporting, delivery, import, export of, or dealing in a firearm or other weapon. In this clause, a firearm or other weapon includes—

''(I) firearms (as defined in section 921(a)(3) of title 18 and section 5845(a) of the Internal Revenue Code of 1986); and

''(II) items contained on the United States Munitions Import List under section 447.21 of title 27, Code of Federal Regulations.

''(ii) Extortion.

''(iii) Dishonesty, fraud, or misrepresentation, including identity fraud and money laundering if the money laundering is related to a crime described in this subparagraph or subparagraph (A). In this clause, welfare fraud and passing bad checks do not constitute dishonesty, fraud, or misrepresentation.

''(iv) Bribery.

''(v) Smuggling.

''(vi) Immigration violations.

''(vii) Distribution of, possession with intent to distribute, or importation of a controlled substance.

''(viii) Arson.

''(ix) Kidnapping or hostage taking.

''(x) Rape or aggravated sexual abuse.

''(xi) Assault with intent to kill.

''(xii) Robbery.

''(xiii) Conspiracy or attempt to commit any of the crimes listed in this subparagraph.

''(xiv) Fraudulent entry into a seaport under section 1036 of title 18, or a comparable State law.

''(xv) A violation of the Racketeer Influenced and Corrupt Organizations Act (18 U.S.C. 1961 et seq.) or a comparable State law, other than any of the violations listed in subparagraph (A)(x).

''(C) UNDER WANT WARRANT, OR INDICTMENT.—An applicant who is wanted, or under indictment, in any civilian or military jurisdiction for a felony listed in this paragraph, is disqualified from being issued a biometric transportation security card under subsection (b) until the want or warrant is released or the indictment is dismissed.

''(D) DETERMINATION OF ARREST STATUS.—

''(i) IN GENERAL.—If a fingerprint-based check discloses an arrest for a disqualifying crime listed in this section without indicating a disposition, the Transportation Security Administration shall notify the applicant of such disclosure and provide the applicant with instructions on how the applicant can clear the disposition, in accordance with clause (ii).

''(ii) BURDEN OF PROOF.—In order to clear a disposition under this subparagraph, an applicant shall submit written proof to the Transportation Security Administration, not later than 60 days after receiving notification under clause (i), that the arrest did not result in conviction for the disqualifying criminal offense.

''(iii) NOTIFICATION OF DISQUALIFICATION.—If the Transportation Security Administration does not receive proof in accordance with the Transportation Security Administration's procedures for waiver of criminal offenses and appeals, the Transportation Security Administration shall notify—

''(I) the applicant that he or she is disqualified from being issued a biometric transportation security card under subsection (b);

''(II) the State that the applicant is disqualified, in the case of a hazardous materials endorsement; and

''(III) the Coast Guard that the applicant is disqualified, if the applicant is a mariner.

''(E) OTHER POTENTIAL DISQUALIFICATIONS.—Except as provided under subparagraphs (A) through (C), an individual may not be denied a transportation security card under subsection (b) unless the Secretary determines that individual—

''(i) has been convicted within the preceding 7-year period of a felony or found not guilty by reason of insanity of a felony—

''(I) that the Secretary believes could cause the individual to be a terrorism security risk to the United States; or

''(II) for causing a severe transportation security incident;

''(ii) has been released from incarceration within the preceding 5-year period for committing a felony described in clause (i);

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

''(iv) otherwise poses a terrorism security risk to the United States.''.

(b) CONFORMING AMENDMENT.—Section 70101 of title 49, United States Code, is amended—

(1) by redesignating paragraphs (2) through (6) as paragraphs (3) through (7); and

(2) by inserting after paragraph (1) the following:

''(2) The term 'economic disruption' does not include a work stoppage or other employee-related action not related to terrorism and resulting from an employer-employee dispute.''.

SA 280. Mr. SALAZAR (for himself, Mr. CHAMBLISS, Mr. ISAKSON, and Mr. PRYOR) submitted an amendment intended to be proposed to amendment SA 275 proposed by Mr. REID (for himself, Mr. LIEBERMAN, and Ms. COLLINS) to the bill S. 4, to make the United States more secure by implementing unfinished recommendations of the 9/11 Commission to fight the war on terror more effectively, to improve homeland security, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ___. RURAL POLICING INSTITUTE.

(a) IN GENERAL.—There is established a Rural Policing Institute, which shall be administered by the Office of State and Local Training of the Federal Law Enforcement Training Center (based in Glynco, Georgia), to—

(1) evaluate the needs of law enforcement agencies of units of local government and tribal governments located in rural areas;

(2) develop expert training programs designed to address the needs of rural law enforcement agencies regarding combating methamphetamine addiction and distribution, domestic violence, law enforcement response related to school shootings, and other topics identified in the evaluation conducted under paragraph (1);

(3) provide the training programs described in paragraph (2) to law enforcement agencies of units of local government and tribal governments located in rural areas; and

(4) conduct outreach efforts to ensure that training programs under the Rural Policing Institute reach law enforcement officers of units of local government and tribal governments located in rural areas.

(b) CURRICULA.—The training at the Rural Policing Institute established under subsection (a) shall be configured in a manner so as to not duplicate or displace any law enforcement program of the Federal Law Enforcement Training Center in existence on the date of enactment of this Act.

(c) DEFINITION.—In this section, the term ''rural'' means area that is not located in a metropolitan statistical area, as defined by the Office of Management and Budget.

(d) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section (including for contracts, staff, and equipment)—

(1) $10,000,000 for fiscal year 2008; and

(2) $5,000,000 for each of fiscal years 2009 through 2013.

SA 281. Mr. BINGAMAN (for himself and Mr. DOMENICI) submitted an amendment intended to be proposed to amendment SA 275 proposed by Mr. REID (for himself, Mr. LIEBERMAN, and Ms. COLLINS) to the bill S. 4, to make the United States more secure by implementing unfinished recommendations of the 9/11 Commission to fight the war on terror more effectively, to

improve homeland security, and for other purposes; as follows:

At the appropriate place, insert the following:

TITLE ____—BORDER LAW ENFORCEMENT RELIEF ACT

SEC. ____01. SHORT TITLE.

This title may be cited as the ''Border Law Enforcement Relief Act of 2007''.

SEC. ____02. FINDINGS.

Congress finds the following:

(1) It is the obligation of the Federal Government of the United States to adequately secure the Nation's borders and prevent the flow of undocumented persons and illegal drugs into the United States.

(2) Despite the fact that the United States Border Patrol apprehends over 1,000,000 people each year trying to illegally enter the United States, according to the Congressional Research Service, the net growth in the number of unauthorized aliens has increased by approximately 500,000 each year. The Southwest border accounts for approximately 94 percent of all migrant apprehensions each year. Currently, there are an estimated 11,000,000 unauthorized aliens in the United States.

(3) The border region is also a major corridor for the shipment of drugs. According to the El Paso Intelligence Center, 65 percent of the narcotics that are sold in the markets of the United States enter the country through the Southwest Border.

(4) Border communities continue to incur significant costs due to the lack of adequate border security. A 2001 study by the United States-Mexico Border Counties Coalition found that law enforcement and criminal justice expenses associated with illegal immigration exceed $89,000,000 annually for the Southwest border counties.

(5) In August 2005, the States of New Mexico and Arizona declared states of emergency in order to provide local law enforcement immediate assistance in addressing criminal activity along the Southwest border.

(6) While the Federal Government provides States and localities assistance in covering costs related to the detention of certain criminal aliens and the prosecution of Federal drug cases, local law enforcement along the border are provided no assistance in covering such expenses and must use their limited resources to combat drug trafficking, human smuggling, kidnappings, the destruction of private property, and other border-related crimes.

(7) The United States shares 5,525 miles of border with Canada and 1,989 miles with Mexico. Many of the local law enforcement agencies located along the border are small, rural departments charged with patrolling large areas of land. Counties along the Southwest United States-Mexico border are some of the poorest in the country and lack the financial resources to cover the additional costs associated with illegal immigration, drug trafficking, and other border-related crimes.

(8) Federal assistance is required to help local law enforcement operating along the border address the unique challenges that arise as a result of their proximity to an international border and the lack of overall border security in the region

SEC. ____03. BORDER RELIEF GRANT PROGRAM.

(a) GRANTS AUTHORIZED.—

(1) IN GENERAL.—The Secretary is authorized to award grants, subject to the availability of appropriations, to an eligible law enforcement agency to provide assistance to such agency to address—

(A) criminal activity that occurs in the jurisdiction of such agency by virtue of such agency's proximity to the United States border; and

(B) the impact of any lack of security along the United States border.

(2) DURATION.—Grants may be awarded under this subsection during fiscal years 2007 through 2011.

(3) COMPETITIVE BASIS.—The Secretary shall award grants under this subsection on a competitive basis, except that the Secretary shall give priority to applications from any eligible law enforcement agency serving a community—

(A) with a population of less than 50,000; and

(B) located no more than 100 miles from a United States border with—

(i) Canada; or

(ii) Mexico.

(b) USE OF FUNDS.—Grants awarded pursuant to subsection (a) may only be used to provide additional resources for an eligible law enforcement agency to address criminal activity occurring along any such border, including—

(1) to obtain equipment;

(2) to hire additional personnel;

(3) to upgrade and maintain law enforcement technology;

(4) to cover operational costs, including overtime and transportation costs; and

(5) such other resources as are available to assist that agency.

(c) APPLICATION.—

(1) IN GENERAL.—Each eligible law enforcement agency seeking a grant under this section shall submit an application to the Secretary at such time, in such manner, and accompanied by such information as the Secretary may reasonably require.

(2) CONTENTS.—Each application submitted pursuant to paragraph (1) shall—

(A) describe the activities for which assistance under this section is sought; and

(B) provide such additional assurances as the Secretary determines to be essential to ensure compliance with the requirements of this section.

(d) DEFINITIONS.—For the purposes of this section:

(1) ELIGIBLE LAW ENFORCEMENT AGENCY.—The term ''eligible law enforcement agency'' means a tribal, State, or local law enforcement agency—

(A) located in a county no more than 100 miles from a United States border with—

(i) Canada; or

(ii) Mexico; or

(B) located in a county more than 100 miles from any such border, but where such county has been certified by the Secretary as a High Impact Area.

(2) HIGH IMPACT AREA.—The term ''High Impact Area'' means any county designated by the Secretary as such, taking into consideration—

(A) whether local law enforcement agencies in that county have the resources to protect the lives, property, safety, or welfare of the residents of that county;

(B) the relationship between any lack of security along the United States border and the rise, if any, of criminal activity in that county; and

(C) any other unique challenges that local law enforcement face due to a lack of security along the United States border.

(3) SECRETARY.—The term ''Secretary'' means the Secretary of the Department of Homeland Security.

(e) AUTHORIZATION OF APPROPRIATIONS.—

(1) IN GENERAL.—There are authorized to be appropriated $50,000,000 for each of fiscal years 2007 through 2011 to carry out the provisions of this section.

(2) DIVISION OF AUTHORIZED FUNDS.—Of the amounts authorized under paragraph (1)—

(A) ⅔ shall be set aside for eligible law enforcement agencies located in the 6 States with the largest number of undocumented alien apprehensions; and

(B) ⅓ shall be set aside for areas designated as a High Impact Area under subsection (d).

(f) SUPPLEMENT NOT SUPPLANT.—Amounts appropriated for grants under this section shall be used to supplement and not supplant other State and local public funds obligated for the purposes provided under this title.

SEC. ____04. ENFORCEMENT OF FEDERAL IMMIGRATION LAW.

Nothing in this title shall be construed to authorize State or local law enforcement agencies or their officers to exercise Federal immigration law enforcement authority.

SA 282. Mr. BINGAMAN submitted an amendment intended to be proposed to amendment SA 275 proposed by Mr. REID (for himself, Mr. LIEBERMAN, and Ms. COLLINS) to the bill S. 4, to make the United States more secure by implementing unfinished recommendations of the 9/11 Commission to fight the war on terror more effectively, to improve homeland security, and for other purposes; which was ordered to lie on the table; as follows:

On page 68, strike lines 22 through 25 and insert the following:

''(I) the extent to which the State has unmet target capabilities;

''(J) the presence or transportation in the State of special nuclear material or transuranic waste (as those terms are defined in section 11 of the Atomic Energy Act of 1954 (42 U.S.C. 2014)) or waste derived from special nuclear material or transuranic waste; and

''(K) such other factors as are specified in writing by the Administrator;

SA 283. Mr. BINGAMAN submitted an amendment intended to be proposed to amendment SA 275 proposed by Mr. REID (for himself, Mr. LIEBERMAN, and Ms. COLLINS) to the bill S. 4, to make the United States more secure by implementing unfinished recommendations of the 9/11 Commission to fight the war on terror more effectively, to improve homeland security, and for other purposes; which was ordered to lie on the table; as follows:

On page 151, line 16, strike ''information'' and insert ''information use, collection, storage, disclosure, and''.

SA 284. Mr. REID (for Mr. BIDEN) submitted an amendment intended to be proposed to amendment SA 275 proposed by Mr. REID (for himself, Mr. LIEBERMAN, and Ms. COLLINS) to the bill S. 4, to make the United States more secure by implementing unfinished recommendations of the 9/11 Commission to fight the war on terror more effectively, to improve homeland security, and for other purposes; which was ordered to lie on the table; as follows:

At the end, add the following:

SEC. 1505. HOMELAND SECURITY TRUST FUND.

(a) DEFINITIONS.—In this section:

(1) TRUST FUND.—The term ''Trust Fund'' means the Homeland Security and Neighborhood Safety Trust Fund established under subsection (b).

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

(b) HOMELAND SECURITY AND NEIGHBORHOOD SAFETY TRUST FUND.—

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

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

(3) DISTRIBUTION OF AMOUNTS IN TRUST FUND.—Amounts in the Trust Fund shall be available, as provided by appropriation Acts, for making expenditures for fiscal years 2008 through 2012 to meet those obligations of the United States incurred which are authorized under subsection (d) for such fiscal years.

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

(A) increases revenues to the Treasury in the amount of $53,300,000,000 during taxable years 2008 through 2012 by reducing scheduled and existing income tax reductions enacted since taxable year 2001 with respect to the taxable incomes of taxpayers in excess of $1,000,000, and

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

(c) PREVENTING TERROR ATTACKS ON THE HOMELAND.—

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

(A) $1,150,000,000 for each of the fiscal years 2008 through 2012 for the Office of Community Oriented Policing Services for grants to State, local, and tribal law enforcement to hire officers, purchase technology, conduct training, and to develop local counterterrorism units;

(B) $900,000,000 for each of the fiscal years 2008 through 2012 for the Justice Assistance Grant; and

(C) $500,000,000 for each of the fiscal years 2008 through 2012 for the Law Enforcement Terrorism Prevention Grant Program.

(2) AUTHORIZATION OF APPROPRIATIONS FOR RESPONDING TO TERRORIST ATTACKS AND NATURAL DISASTERS.—There are authorized to be appropriated from the Trust Fund—

(A) $500,000,000 for each of fiscal years 2008 through 2012 for the Federal Emergency Management Agency for Fire Act Grants; and

(B) $500,000,000 for each of fiscal years 2008 through 2012 for the Federal Emergency Management Agency for SAFER Grants.

(d) AUTHORIZATION OF APPROPRIATIONS FOR ADDITIONAL ACTIVITIES FOR HOMELAND SECURITY.—There are authorized to be appropriated from the Trust Fund such sums as necessary for—

(1) the implementation of all the recommendations of the Commission, including the provisions of this section;

(2) fully funding the grant programs authorized under this section and any grant program administered by the Department;

(3) improving airline passenger screening and cargo scanning;

(4) improving information sharing and communications interoperability;

(5) supporting State and local government law enforcement and first responders, including enhancing communications interoperability and information sharing;

(6) ensuring the inspection and scanning of 100 percent of cargo containers destined for ports in the United States and to ensure scanning of domestic air cargo;

(7) protecting critical infrastructure and other high threat targets such as passenger rail, freight rail, and transit systems, chemical and nuclear plants;

(8) enhancing the preparedness of the public health sector to prevent and respond to acts of biological and nuclear terrorism;

(9) the development of scanning technologies to detect dangerous substances at United States ports of entry; and

(10) other high risk targets of interest, including nonprofit organizations and in the private sector.

SA 285. Mr. INOUYE (for himself, Mr. STEVENS, Mr. LIEBERMAN, and Mrs. MURRAY) proposed an amendment to amendment SA 275 proposed by Mr. REID (for himself, Mr. LIEBERMAN, and Ms. COLLINS) to the bill S. 4, to make the United States more secure by implementing unfinished recommendations of the 9/11 Commission to fight the war on terror more effectively, to improve homeland security, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ___. PROHIBITION OF ISSUANCE OF TRANSPORTATION SECURITY CARDS TO CONVICTED FELONS.

(a) IN GENERAL.—Section 70105 of title 46, United States Code, is amended—

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

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

''(1) DISQUALIFICATIONS.—

''(A) PERMANENT DISQUALIFYING CRIMINAL OFFENSES.—Except as provided under paragraph (2), an individual is permanently disqualified from being issued a biometric transportation security card under subsection (b) if the individual has been convicted, or found not guilty by reason of insanity, in a civilian or military jurisdiction of any of the following felonies:

''(i) Espionage or conspiracy to commit espionage.

''(ii) Sedition or conspiracy to commit sedition.

''(iii) Treason or conspiracy to commit treason.

''(iv) A Federal crime of terrorism (as defined in section 2332b(g) of title 18), a comparable State law, or conspiracy to commit such crime.

''(v) A crime involving a transportation security incident.

''(vi) Improper transportation of a hazardous material under section 5124 of title 49, or a comparable State law.

''(vii) Unlawful possession, use, sale, distribution, manufacture, purchase, receipt, transfer, shipping, transporting, import, export, storage of, or dealing in an explosive or explosive device. In this clause, an explosive or explosive device includes—

''(I) an explosive (as defined in sections 232(5) and 844(j) of title 18);

''(II) explosive materials (as defined in subsections (c) through (f) of section 841 of title 18); and

''(III) a destructive device (as defined in 921(a)(4) of title 18 and section 5845(f) of the Internal Revenue Code of 1986).

''(viii) Murder.

''(ix) Making any threat, or maliciously conveying false information knowing the same to be false, concerning the deliverance, placement, or detonation of an explosive or other lethal device in or against a place of public use, a State or other government facility, a public transportation system, or an infrastructure facility.

''(x) A violation of the Racketeer Influenced and Corrupt Organizations Act (18 U.S.C. 1961 et seq.), or a comparable State law, if 1 of the predicate acts found by a jury or admitted by the defendant consists of 1 of the crimes listed in this subparagraph.

''(xi) Attempt to commit any of the crimes listed in clauses (i) through (iv).

''(xii) Conspiracy or attempt to commit any of the crimes described in clauses (v) through (x).

''(B) INTERIM DISQUALIFYING CRIMINAL OFFENSES.—Except as provided under paragraph (2), an individual is disqualified from being issued a biometric transportation security card under subsection (b) if the individual has been convicted, or found not guilty by reason of insanity, during the 7-year period ending on the date on which the individual applies for such card, or was released from incarceration during the 5-year period ending on the date on which the individual applies for such card, of any of the following felonies:

''(i) Unlawful possession, use, sale, manufacture, purchase, distribution, receipt, transfer, shipping, transporting, delivery, import, export of, or dealing in a firearm or other weapon. In this clause, a firearm or other weapon includes—

''(I) firearms (as defined in section 921(a)(3) of title 18 and section 5845(a) of the Internal Revenue Code of 1986); and

''(II) items contained on the United States Munitions Import List under section 447.21 of title 27, Code of Federal Regulations.

''(ii) Extortion.

''(iii) Dishonesty, fraud, or misrepresentation, including identity fraud and money laundering if the money laundering is related to a crime described in this subparagraph or subparagraph (A). In this clause, welfare fraud and passing bad checks do not constitute dishonesty, fraud, or misrepresentation.

''(iv) Bribery.

''(v) Smuggling.

''(vi) Immigration violations.

''(vii) Distribution of, possession with intent to distribute, or importation of a controlled substance.

''(viii) Arson.

''(ix) Kidnapping or hostage taking.

''(x) Rape or aggravated sexual abuse.

''(xi) Assault with intent to kill.

''(xii) Robbery.

''(xiii) Conspiracy or attempt to commit any of the crimes listed in this subparagraph.

''(xiv) Fraudulent entry into a seaport under section 1036 of title 18, or a comparable State law.

''(xv) A violation of the Racketeer Influenced and Corrupt Organizations Act (18 U.S.C. 1961 et seq.) or a comparable State law, other than any of the violations listed in subparagraph (A)(x).

''(C) UNDER WANT WARRANT, OR INDICTMENT.—An applicant who is wanted, or under indictment, in any civilian or military jurisdiction for a felony listed in this paragraph, is disqualified from being issued a biometric transportation security card under subsection (b) until the want or warrant is released or the indictment is dismissed.

''(D) DETERMINATION OF ARREST STATUS.—

''(i) IN GENERAL.—If a fingerprint-based check discloses an arrest for a disqualifying

crime listed in this section without indicating a disposition, the Transportation Security Administration shall notify the applicant of such disclosure and provide the applicant with instructions on how the applicant can clear the disposition, in accordance with clause (ii).

''(ii) BURDEN OF PROOF.—In order to clear a disposition under this subparagraph, an applicant shall submit written proof to the Transportation Security Administration, not later than 60 days after receiving notification under clause (i), that the arrest did not result in conviction for the disqualifying criminal offense.

''(iii) NOTIFICATION OF DISQUALIFICATION.—If the Transportation Security Administration does not receive proof in accordance with the Transportation Security Administration's procedures for waiver of criminal offenses and appeals, the Transportation Security Administration shall notify—

''(I) the applicant that he or she is disqualified from being issued a biometric transportation security card under subsection (b);

''(II) the State that the applicant is disqualified, in the case of a hazardous materials endorsement; and

''(III) the Coast Guard that the applicant is disqualified, if the applicant is a mariner.

''(E) OTHER POTENTIAL DISQUALIFICATIONS.—Except as provided under subparagraphs (A) through (C), an individual may not be denied a transportation security card under subsection (b) unless the Secretary determines that individual—

''(i) has been convicted within the preceding 7-year period of a felony or found not guilty by reason of insanity of a felony—

''(I) that the Secretary believes could cause the individual to be a terrorism security risk to the United States; or

''(II) for causing a severe transportation security incident;

''(ii) has been released from incarceration within the preceding 5-year period for committing a felony described in clause (i);

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

''(iv) otherwise poses a terrorism security risk to the United States.''.

''(F) MODIFICATION OF LISTED OFFENSES.—The Secretary may by rulemaking, add or modify the offenses described in paragraph (1)(A) or (B).''.

(b) CONFORMING AMENDMENT.—Section 70101 of title 49, United States Code, is amended—

(1) by redesignating paragraphs (2) through (6) as paragraphs (3) through (7); and

(2) by inserting after paragraph (1) the following:

''(2) The term 'economic disruption' does not include a work stoppage or other employee-related action not related to terrorism and resulting from an employer-employee dispute.''.

SA 286. Mr. SPECTER (for himself, Mr. LEAHY, and Mr. DODD) submitted an amendment intended to be proposed by him to the bill S. 4, to make the United States more secure by implementing unfinished recommendations of the 9/11 Commission to fight the war on terror more effectively, to improve homeland security, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ___. RESTORATION OF HABEAS CORPUS FOR THOSE DETAINED BY THE UNITED STATES.

(a) IN GENERAL.—Section 2241 of title 28, United States Code, is amended by striking subsection (e).

(b) TITLE 10.—Section 950j of title 10, United States Code, is amended by striking subsection (b) and inserting the following:

''(b) LIMITED REVIEW OF MILITARY COMMISSION PROCEDURES AND ACTIONS.—Except as otherwise provided in this chapter or in section 2241 of title 28 or any other habeas corpus provision, and notwithstanding any other provision of law, no court, justice, or judge shall have jurisdiction to hear or consider any claim or cause of action whatsoever, including any action pending on or filed after the date of the enactment of the Military Commissions Act of 2006, relating to the prosecution, trial, or judgment of a military commission under this chapter, including challenges to the lawfulness of procedures of military commissions under this chapter.''.

(c) EFFECTIVE DATE AND APPLICABILITY.—The amendments made by this section shall—

(1) take effect on the date of the enactment of this Act; and

(2) apply to any case that is pending on or after the date of enactment of this Act.

SA 287. Mr. ALLARD submitted an amendment intended to be proposed by him to the bill S. 4, to make the United States more secure by implementing unfinished recommendations of the 9/11 Commission to fight the war on terror more effectively, to improve homeland security, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ___. CABLE CARRIAGE OF TELEVISON BROADCAST SIGNALS.

Part I of title III of the Communications Act of 1934 (47 U.S.C. 301 et seq.) is amended by adding at the end the following:

''SEC. 342. CARRIAGE OF SIGNALS TO CERTAIN TELEVISION MARKET AREAS.

''(a) IN GENERAL.—Notwithstanding any other provision of law, each cable operator providing service in an eligible area may elect to carry the primary signal of any network station located in the capital of the State in which such area is located.

''(b) DEFINITIONS.—As used in this section:

''(1) ELIGIBLE AREA.—The term 'eligible area' means 1 of 2 counties that—

''(A) are all in a single State;

''(B) on the date of enactment of this section, were each located in—

''(i) the 46th largest designated market area for the year 2005 according to Nielsen Media Research; and

''(ii) a designated market area comprised principally of counties located in another State; and

''(C) as a group had a total number of television households that when combined did not exceed 30,000 for the year 2005 according to Nielsen Media Research.

''(2) NETWORK STATION.—The term 'network station' has the same meaning as in section 119(d) of title 17, United States Code.''.

SEC. ___. SATELLITE CARRIAGE OF TELEVISION BROADCAST SIGNALS.

Section 119(a)(2)(C) of title 17, United States Code, is amended—

(1) by redesignating clause (v) as clause (vi);

(2) by inserting after clause (v) the following:

''(v) FURTHER ADDITIONAL STATIONS.—If 2 adjacent counties in a single State are in a local market comprised principally of counties located in another State, the statutory license provided for in subparagraph (A) shall apply to the secondary transmission by a satellite carrier to subscribers in those 2 counties of the primary transmissions of any network station located in the capital of the State in which such 2 counties are located, if—

''(I) the 2 counties are located in the 46th largest designated market area for the year 2005 according to Nielsen Media Research; and

''(II) the total number of television households in the 2 counties combined did not exceed 30,000 for the year 2005 according to Nielsen Media Research.''; and

(3) in clause (vi) as redesignated, by striking ''and (iv)'' and inserting ''(iv), and (v)''.

NOTICES OF HEARINGS/MEETINGS

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. BINGAMAN. Mr. President, I would like to announce for the information of the Senate and the public that an oversight hearing has been scheduled before the Committee on Energy and Natural Resources.

The hearing will be held on Wednesday, March 7, 2007, at 9:30 a.m., in room SD–366 of the Dirksen Senate Office Building.

The purpose of the hearing is to investigate market constraints on large investments in advanced energy technologies and investigate ways to stimulate additional private-sector investment in the deployment of these technologies.

Because of the limited time available for the hearing, witnesses may testify by invitation only. However, those wishing to submit written testimony for the hearing record should send two copies of their testimony to the Committee on Energy and Natural Resources, United States Senate, Washington, DC 20510–6150.

For further information, please contact Michael Carr at 202–224–8164 or Rachel Pasternack at 202–224–0883.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON BANKING, HOUSING, AND URBAN AFFAIRS

Mr. LIEBERMAN. Mr. President, I ask unanimous consent that the Committee on Banking, Housing, and Urban Affairs be authorized to meet during the session of the Senate on Wednesday, February 28, 2007, at 10:30 a.m. to conduct a hearing on ''Examining the Terrorism Risk Insurance Program.''

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

COMMITTEE ON COMMERCE, SCIENCE, AND TRANSPORTATION

Mr. LIEBERMAN. Mr. President, I ask unanimous consent that the Committee on Commerce, Science, and Transportation be authorized to hold a hearing during the sessions of the Senate on Wednesday, February 28, 2007, at 10 a.m., in room 253 of the Russell Senate Office Building. The purpose of the

hearing is to evaluate vehicle safety for children.

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

COMMITTEE ON COMMERCE, SCIENCE, AND TRANSPORTATION

Mr. LIEBERMAN. Mr. President, I ask unanimous consent that the Committee on Commerce, Science and Transportation be authorized to hold a hearing during the sessions of the Senate on Wednesday, February 28, 2007, at 2:30 p.m., in room 253 of the Russell Senate Office Building. The purpose of the hearing is to discuss and evaluate the Fiscal Year 2008 budget for the National Aeronautics and Space Administration.

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

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. LIEBERMAN. Mr. President, I ask unanimous consent that the Committee on Energy and Natural Resources be authorized to hold a hearing during the session of the Senate on Wednesday, February 28, 2007, at 9:45 a.m. in room SD–366 of the Dirksen Senate Office Building. The purpose of the hearing is to consider the President's fiscal year 2008 budget request for the USDA Forest Service.

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

COMMITTEE ON THE JUDICIARY

Mr. LIEBERMAN. Mr. President, I ask unanimous consent that the Committee on the Judiciary be authorized to conduct a hearing on ''Comprehensive Immigration Reform'' on Wednesday, February 28, 2007 at 10 a.m. in Hart Senate Office Building Room 216.

Witness List: The Honorable Carlos M. Gutierrez, Secretary, U.S. Department of Commerce, Washington, DC; The Honorable Michael Chertoff, Secretary, U.S. Department of Homeland Security, Washington, DC.

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

COMMITTEE ON RULES AND ADMINISTRATION

Mr. LIEBERMAN. Mr. President, I ask unanimous consent that the Committee on Rules and Administration be authorized to meet during the session of the Senate on Wednesday, February 28, 2007, at 9:30 a.m., to conduct a markup on the Omnibus Budget for Senate Committees.

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

COMMITTEE ON SMALL BUSINESS AND ENTREPRENEURSHIP

Mr. LIEBERMAN. Mr. President, I ask unanimous consent that the Committee on Small Business and Entrepreneurship be authorized to meet during the session of the Senate for a hearing entitled ''The President's Fiscal Year 2008 Budget Request for the Small Business Administration,'' on Wednesday, February 28, 2007, beginning at 10 a.m. in Room 428A of the Russell Senate Office Building.

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

JOINT ECONOMIC COMMITTEE

Mr. LIEBERMAN. Mr President, I ask unanimous consent that the Joint Economic Committee be authorized to conduct a hearing in Room 562 of the Dirksen Senate Office Building, Wednesday, February 28, 2007, from 9:30 a.m. to 12:30 p.m.

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

SPECIAL COMMITTEE ON AGING

Mr. LIEBERMAN. Mr. President, I ask unanimous consent that the Special Committee on Aging be authorized to meet Wednesday, February 28, 2007, from 10:30 a.m.–12:30 p.m. in Dirksen 628 for the purpose of conducting a hearing. Re: The Aging Workforce: What Does It Mean for Businesses and the Economy.

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

PRIVILEGES OF THE FLOOR

Mr. ALEXANDER. Madam President, I ask unanimous consent that Stanford Swinton of Senator GRASSLEY's Finance Committee staff be given floor privileges for the remainder of the day.

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

Mr. INOUYE. Madam President, I ask unanimous consent that the privilege of the floor be provided to Melissa Porter and Rich Swazey, two detailees assigned to the Commerce Committee, during consideration of S. 184 and S. 4.

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

Ms. COLLINS. Mr. President, on behalf of Senator STEVENS, I ask unanimous consent that Pamela Friedmann and John Hennigan, both detailees to the Commerce Committee, be granted floor privileges for the duration of the 110th Congress.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

EXECUTIVE SESSION

EXECUTIVE CALENDAR

Mr. REID. Mr. President, I ask unanimous consent that the Senate proceed to executive session to consider Executive Calendar Nos. 30 and 31; that the nominations be confirmed; that the motions to reconsider be laid upon the table; that any statements relating to the nominations be printed in the Record; that the President be immediately notified of the Senate's action; and that the Senate then return to legislative session.

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

The nominations considered and confirmed are as follows:

UNITED STATE SENTENCING COMMISSION

Dabney Langhorne Friedrich, of Virginia, to be a member of the United States Sentencing Commission for the remainder of the term expiring October 31, 2009.

Beryl A. Howell, of the District of Columbia, to be a member of the United States Sentencing Commission for a term expiring October 31, 2011 (Reappointment), to which position she was appointed during the last recess of the Senate.

LEGISLATIVE SESSION

The PRESIDING OFFICER. Under the previous order, the Senate will now return to legislative session.

APPOINTMENTS

The PRESIDING OFFICER. The Chair, on behalf of the Vice President, pursuant to 22 U.S.C. 276d–276g, as amended, appoints the following Senator as Vice Chairman of the Senate Delegation to the Canada-U.S. Interparliamentary Group conference during the 110th Congress: the Honorable MICHAEL D. CRAPO of Idaho.

The Chair, on behalf of the Vice President, pursuant to 22 U.S.C. 276h–276k, as amended, appoints the following Senator as Vice Chairman of the Senate Delegation to the Mexico-U.S. Interparliamentary Group conference during the 110th Congress: the Honorable JOHN CORNYN of Texas.

The Chair, on behalf of the Vice President, in accordance with 22 U.S.C. 1928a–1928d, as amended, appoints the following Senator as Vice Chairman of the Senate Delegation to the NATO Parliamentary Assembly during the 110th Congress: the Honorable GORDON H. SMITH of Oregon.

The Chair, on behalf of the President pro tempore, pursuant to 22 U.S.C. 2761, as amended, appoints the following Senator as Vice Chairman of the Senate Delegation to the British-American Interparliamentary Group conference during the 110th Congress: the Honorable THAD COCHRAN of Mississippi.

SIBLINGS CONNECTION DAY

Mr. REID. Mr. President, I ask unanimous consent that the Judiciary Committee be discharged from further consideration of S. Res. 86, and that the Senate proceed to its consideration.

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

The clerk will report the resolution by title.

The legislative clerk read as follows:

The resolution (S. Res. 86) designating March 1, 2007, as ''Siblings Connection Day.''

There being no objection, the Senate proceeded to consider the resolution.

Mr. REID. Mr. President, I ask unanimous consent that the resolution be agreed to, the preamble be agreed to, the motion to reconsider be laid upon the table, and that any statements relating to the resolution be printed in the RECORD, with no intervening action or debate.

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

The resolution (S. Res. 86) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 86

Whereas sibling relationships are among the longest-lasting and most significant relationships in life;

Whereas brothers and sisters share history, memories, and traditions that bind them together as family;

Whereas it is estimated that over 65 percent of children in foster care have siblings, many of whom are separated when placed in the foster care system, adopted, or confronted with different kinship placements;

Whereas children in foster care are at greater risk than their peers of having emotional disturbances, problems in school, and difficulties with relationships later in life;

Whereas the separation of siblings while children causes additional grief and loss;

Whereas organizations and private volunteer efforts exist that advocate for preserving sibling relationships in foster care settings and that give siblings in foster care the opportunity to reunite;

Whereas Camp to Belong, a nonprofit organization founded in 1995 by Lynn Price, heightens public awareness of the need to preserve sibling relationships in foster care settings and gives siblings in foster care the opportunity to be reunited; and

Whereas Camp to Belong has reunited over 2,000 separated siblings across the United States, the United States Virgin Islands, and Canada: Now, therefore, be it

Resolved, That the Senate—

(1) designates March 1, 2007, as ''Siblings Connection Day'';

(2) encourages the people of the United States to celebrate sibling relationships on Siblings Connection Day; and

(3) supports efforts to respect and preserve sibling relationships that are at risk of being disrupted by the placement of children in the foster care system.

COMMENDING PARTICIPANTS IN THE SENATE YOUTH PROGRAM

Mr. REID. Mr. President, I ask unanimous consent that the Senate now proceed to the consideration of S. Res. 90.

The PRESIDING OFFICER. The clerk will report the resolution by title.

The resolution (S. Res. 90) commending students who participated in the United States Senate Youth Program between 1962 and 2007.

There being no objection, the Senate proceeded to consider the resolution.

Mr. REID. 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. 90) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 90

Whereas the students who have participated in the United States Senate Youth Program (referred to in this preamble as the ''Senate Youth Program'') over the past 45 years were chosen for their exceptional merit and interest in the political process;

Whereas the students demonstrated outstanding leadership abilities and a strong commitment to community service and have ranked academically in the top 1 percent of their States;

Whereas the Senate Youth Program alumni have continued to achieve unparalleled educational and professional success and have demonstrated a strong commitment to public service on the local, State, national, and global levels;

Whereas the Senate Youth Program alumni have demonstrated excellent qualities of citizenship and have contributed to the Nation's constitutional democracy, both professionally and in volunteer capacities, and have made an indelible impression on their communities;

Whereas each State department of education has selected outstanding participants for the Senate Youth Program;

Whereas the Department of Defense, Department of State, and other Federal departments, as well as Congress, have offered support and provided top level speakers who have inspired and educated the students in the Senate Youth Program; and

Whereas the directors of the William Randolph Hearst Foundation have continually made the Senate Youth Program available for outstanding young students and exposed them to the varied aspects of public service: Now, therefore, be it

Resolved, That the Senate congratulates, honors, and pays tribute to the more than 4,500 exemplary students who have been selected, on their merit, to participate in the United States Senate Youth Program between 1962 and 2007.

READ ACROSS AMERICA DAY

Mr. REID. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of S. Res. 91.

The PRESIDING OFFICER. The clerk will report the resolution by title.

The legislative clerk read as follows:

The resolution (S. Res. 91) designating March 2, 2007, as ''Read Across America Day.''

There being no objection, the Senate proceeded to consider the resolution.

Mr. REID. Mr. President, I ask unanimous consent that the resolution be agreed to, the preamble be agreed to, the motion to reconsider be laid upon the table, and that any statements relating to the resolution be printed in the RECORD, with no intervening action or debate.

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

The resolution (S. Res. 91) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 91

Whereas reading is a basic requirement for quality education and professional success, and is a source of pleasure throughout life;

Whereas the people of the United States must be able to read if the United States is to remain competitive in the global economy;

Whereas Congress, through the No Child Left Behind Act of 2001 (Public Law 107–110) and the Reading First, Early Reading First, and Improving Literacy Through School Libraries programs, has placed great emphasis on reading intervention and providing additional resources for reading assistance; and

Whereas more than 50 national organizations concerned about reading and education have joined with the National Education Association to use March 2, the anniversary of the birth of Theodor Geisel, also known as Dr. Seuss, to celebrate reading: Now, therefore, be it

Resolved, That the Senate—

(1) designates March 2, 2007, as ''Read Across America Day'';

(2) honors Theodor Geisel, also known as Dr. Seuss, for his success in encouraging children to discover the joy of reading;

(3) honors the 10th anniversary of Read Across America Day;

(4) encourages parents to read with their children for at least 30 minutes on Read Across America Day in honor of the commitment of the Senate to building a nation of readers; and

(5) encourages the people of the United States to observe the day with appropriate ceremonies and activities.

ORDERS FOR THURSDAY, MARCH 1, 2007

Mr. REID. Mr. President, I ask unanimous consent that when the Senate completes its business today it stand adjourned until 9:30 a.m. tomorrow morning, Thursday, March 1; that on Thursday, following the prayer and the Pledge, the Journal of proceedings be approved to date, the morning hour be deemed expired, and the time for the two leaders be reserved for their use later in the day; finally, that there be a period for morning business for 60 minutes with Senators permitted to speak therein for up to 10 minutes each, with the first 30 minutes under the control of the Republicans and the second 30 minutes under the control of the majority; that following morning business, the Senate then resume consideration of S. 4.

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

Mr. REID. Mr. President, I made a plea earlier today for Members to come to the floor and offer amendments so we can complete action on this important legislation in timely fashion. I would further editorialize, we are going to finish the bill, and I hope it is not necessary to file cloture. The Republican leader and I do not want to have to file cloture on this bill. We want people to come forward and offer amendments.

When we resume consideration of the bill tomorrow, we will have a Democratic amendment ready to offer at that time.

ADJOURNMENT UNTIL 9:30 A.M. TOMORROW

Mr. REID. If there is no further business to come before this body today, and if the Republican leader has no comments, I now ask unanimous consent that the Senate stand adjourned under the previous order.

There being no objection, the Senate, at 7:37 p.m., adjourned until Thursday, March 1, 2007, at 9:30 a.m.

CONFIRMATIONS

Executive nominations confirmed by the Senate Wednesday, February 28, 2007:

UNITED STATES SENTENCING COMMISSION

DABNEY LANGHORNE FRIEDRICH, OF VIRGINIA, TO BE A MEMBER OF THE UNITED STATES SENTENCING COMMISSION FOR THE REMAINDER OF THE TERM EXPIRING OCTOBER 31, 2009, TO WHICH POSITION SHE WAS APPOINTED DURING THE LAST RECESS OF THE SENATE.

BERYL A. HOWELL, OF THE DISTRICT OF COLUMBIA, TO BE A MEMBER OF THEUNITED STATES SENTENCING COMMISSION FOR A TERM EXPIRING OCTOBER 31, 2011, TO WHICH POSITION SHE WAS APPOINTED DURING THE LAST RECESS OF THESENATE.