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## House of Representatives

The House was not in session today. Its next meeting will be held on Tuesday, September 12, 2006, at 12:30 p.m.

## Senate

MONDAY, SEPTEMBER 11, 2006

The Senate met at 2 p.m. and was called to order by the President pro tempore (Mr. STEVENS).

### PRAYER

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

Let us pray.

Eternal God, who maintains our world and directs it toward the future, we thank You for Your promise that justice, righteousness, and truth will be stronger than injustice, evil, and falsehood.

Today, we remember all those who lost their lives on September 11, 2001. Comfort those who still grieve, and teach each of us the wisdom of remembering that life is fragile and precious. May we never think of You as absent from our world or disinterested in it.

Today, bless the Members of this legislative body as they labor for liberty. Strengthen them to work with calm reality, glowing enthusiasm, vibrant faith, and personal integrity.

We pray in Your holy Name. Amen.

### PLEDGE OF ALLEGIANCE

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

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

### RESERVATION OF LEADER TIME

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

### RECOGNITION OF THE MINORITY LEADER

The PRESIDENT pro tempore. The Democratic leader is recognized.

Mr. REID. Thank you, Mr. President.

### FIFTH ANNIVERSARY OF THE ATTACKS ON SEPTEMBER 11, 2001

Mr. REID. Five years and a day ago, we rarely saw flags flying at every door. Five years and a day ago, men in suits rarely wore flag pins. Today, 5 years after September 11, from sea to sea, flags fly proudly in our front yards, on our suit lapels, and in our hearts.

The acts of terrorism that September morn lit for all Americans a lamp blazing through the smoke and pain and tears and flames. Even as our hearts ached, our hopes soared, inspired by the selfless courage and devotion of ordinary people performing extraordinary feats of courage and devotion.

Men and women—good, kind, loving moms and dads, sons and daughters, brothers and sisters—died that day. For that, we can never cease to grieve. But the light that shone on September 11 cannot die. It cannot be dimmed. It cannot fail. It cannot fail because it is the light of their spirit and of ours. It is the light of a great republic, of a free and democratic people.

September 11 will always be our burden. Our minds, our souls, our hearts cannot forget. We must not forget. But we must also always remember that our fallen children in those fallen towers relit a lamp that outshines the evil done to us. In their loss, and in ours,

they remind us, as could nothing else, of that for which we stand—that liberty is our central value, that freedom is our cardinal virtue, that we love our country and our flag and our people for the light we shine, on ourselves, to the world, and for the future of humanity.

### RECOGNITION OF THE ACTING MAJORITY LEADER

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

### SCHEDULE

Mr. McCONNELL. Mr. President, today the Senate will have a period of morning business until 4 p.m. this afternoon. This period was set aside to give Senators an opportunity to give statements on the fifth anniversary of September 11.

At 4 o'clock today, the Senate will continue to debate H.R. 4954, the port security bill. Several Senators were in the Chamber on Friday to offer amendments, and the managers are here again today to make more progress. We hope to finish this bill midweek, and those Senators who have amendments should be talking with the bill managers today. There are no rollcall votes today, and we will announce the voting schedule for tomorrow before we adjourn this evening.

I also wish to remind everyone that this evening Senators should meet in the Chamber at 5:40 p.m. so we can proceed as a group to the east front for an event to mark the anniversary of the September 11 attacks.

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



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# FIFTH ANNIVERSARY OF THE ATTACKS OF SEPTEMBER 11, 2001

Mr. McCONNELL. Mr. President, 5 years ago today, al-Qaida terrorists launched a brutal sneak attack on American soil. It was their deadliest attack ever and a day America will never forget.

Today, we remember and honor the innocent victims of that attack and stand in support of their families and communities.

We honor the heroic police officers, firefighters, and emergency medical personnel who rushed into burning buildings when everyone else was rushing out.

We honor the valiant passengers of United Airlines Flight 93, who gave their lives to save thousands of others—including, quite possibly, many in the building in which we stand.

We honor millions of good-hearted volunteers who lined up to help their fellow Americans and donated time, money, blood, and literally everything they could.

We honor the families who opened their homes, the houses of worship that opened their doors, and the schoolchildren who saw evil for the first time but were not afraid to open their hearts.

We honor the military and law enforcement personnel whose vigilance has kept us from attack since that day. It is because of their service we have not been attacked at home in the 5 years since.

Some have made the ultimate sacrifice, and we honor their families, while realizing the debt can never be repaid.

As the country reflects on what happened that tragic day, we must remember this: Two skyscrapers may be gone, but 5 years after 9/11, America stands taller than ever.

America is on the offense against terrorists, and America is winning the war on terror. And thanks to hard and dangerous work over the last 5 years, today, America is safer. To make us safer still, we continue to wage war against terrorists who would harm America here and around the world. Of the senior terrorist leaders whom our Government has been tracking, many have been apprehended or killed, and we are disrupting the flow of money, supplies, people, and information to the terrorists.

But we must stay on the offensive. This Congress must ensure that the brave men and women fighting under our flag have everything they need to complete their mission. War is horror, and none of us want these heroes torn away from their homes and families. But we must confront the fundamental reality of 9/11. The enemy was at war with us for years prior to that attack. It was only on that day that we began to fight back with the effort necessary to beat this warped and virulent strain of radical Islam. And we will prevail over the toxic death wish that preaches indiscriminate killing of men, women,

and children in the Name of the Almighty.

Most importantly, all of us must do what we can to sustain the faith of our fellow citizens through this long and difficult war. When we began the fight after 9/11, we knew it would not be short, and we knew it would not be easy. In fact, this struggle will last years, perhaps decades. We cannot be sure when we will win, but we can be sure that we will win. We must sustain our faith because as long as we maintain our will to win, we will prevail.

Once before, America was the target of a surprise deadly attack. Two days after that attack, on December 9, 1941, President Franklin Roosevelt addressed the Nation. Here is what he had to say:

When we resort to force, as now we must, we are determined that this force shall be directed toward ultimate good as well as against immediate evil. We Americans are not destroyers, we are builders. . . . We are going to win the war and we are going to win the peace that follows.

What was true then is truer today. We do not fight for death and destruction, as the terrorists do. We fight for liberty. That is America's greatest strength. And no terrorist attack will ever diminish it.

Five years ago today, Members of Congress from both parties and both Chambers stood united on the Capitol steps and sang "God Bless America." In the days that followed, our Nation witnessed a resurgence in unity and in purpose.

Voluntarism soared. American flags sold out of stores overnight. Just as we stood united here, the country stood united against a growing threat.

This evening, Members of Congress will return to the steps and join together to remember that day of resolve. And as we once again "swear allegiances to a land that's free," it is my sincere hope that we will reignite our united purpose.

Mr. President, I yield the floor.

## MORNING BUSINESS

The PRESIDENT pro tempore. Under the previous order, there will be a period for the transaction of morning business until 4 p.m. today.

The Senator from Montana.

## PORT SECURITY IMPROVEMENT ACT

Mr. BAUCUS. Mr. President, I rise to take a moment to recognize that today is the fifth anniversary of the September 11 attacks. That day 5 years ago changed the way we all think about the world. The consequences were profound. We learned that we must be prepared for threats we cannot even imagine.

That is why our work here today on the Port Security Improvement Act is so important. I was pleased to help write the Port Security Improvement Act of 2006, the amendment before the

Senate today. I am proud of our work. Working together, we have crafted legislation to help keep our ports safe and our economy strong. The legislation strikes a balance. It protects Americans, and it preserves the free flow of commerce upon which our prosperity depends.

Last year, nearly 11 million containers came into our country. That is more than 30,000 containers every day. They arrive at more than 300 ports all across our borders. That number of containers is expected to double over the next 3 years. The U.S. Customs and Border Protection Agency is responsible for ensuring that not one of those millions of containers—not one—carries with it anything that could harm us. It is a daunting task. It would be tempting to say we should slow this torrent of containers to a trickle. It would be tempting to say we should allow Customs and Border Protection unlimited time to do its job to protect us from harm, but slowing trade to a trickle would also cause America great harm. It would cripple our economy.

Ensuring security is only half of the work of Customs and Border Protection. The agency is also charged with carrying on the centuries-old responsibility of its predecessor, the U.S. Customs Service, to facilitate the commerce so critical to keeping our economy strong.

Cross-border trade accounts for fully a quarter of the American economy—one-quarter. How, then, do we keep this flow of trade both safe and smooth? I believe this legislation tries to do just that. We have given Customs and Border Protection more tools and resources to accomplish both of its missions.

We authorize \$1.2 billion in port security grant assistance, and we authorize another \$750 million for key programs such as the Container Security Initiative and the automated targeting system.

We also authorize funds to fulfill the promise of the Customs Trade Partnership Against Terrorism. We provide the personnel to validate supply chain security for the thousands of American importers eager to participate in the program and keep their cargo moving.

I also strongly support testing and deployment of fully integrated container scanning systems capable of increasing the security of containers in foreign ports while maintaining or improving the processing time of just-in-time cargoes. The more we can know about a container before it gets to America, the safer we all will be.

But technology is not a panacea. We need people at our land and seaports to detect and deter contraband or unlawful persons from entering our country. My State of Montana is a border State. In Montana, we have new cargo examination equipment, but we don't have new personnel to run it.

We need people to ensure the robust enforcement of our trade laws and trade agreements upon which American companies and workers rely. That

is why, in the 2002 Homeland Security Act, Congress prohibited any diminution in Customs trade facilitation and enforcement functions. And we prohibited any reduction or consolidation of the personnel performing those functions.

In violation of that act, personnel dedicated to revenue collection and trade enforcement are increasingly being asked to assist with port security-related functions for which they are neither trained nor equipped. Since 2003, trade personnel numbers decreased by as much as 15 percent.

This legislation reverses this damaging trend by requiring Customs and Border Protection to restore personnel vital to its commercial mission. At the same time, we ensure sufficient numbers of security-focused personnel by adding uniformed officers at every one of our Nation's ports. We can do both, and we need to do both.

The legislation also creates an Office of International Trade within Customs and Border Protection. The new office would be headed by an Assistant Commissioner for International Trade, reporting directly to the Commissioner.

This office is responsible for supervising and giving policy direction to employees before the agency's commercial and revenue functions. This structural change is designed to give voice to the concerns of commerce. It will guarantee that the concerns of commerce receive due consideration.

And an International Trade Policy Committee within Customs and Border Protection will assist the Commissioner in coordinating with the Assistant Secretary for Policy. The committee will help them implement policies related to the commercial customs and trade facilitation functions within the Agency.

Mr. President, if security at our ports is compromised, then the international trade that drives our Nation's economy could grind to a halt. But if security at our ports does not protect the overall health of the international commerce system, then that would not provide Americans real security. We need to do both.

I am very pleased with the legislation before us. We still need to address other critical transportation security issues, such as rail and transit security, which this legislation doesn't do. But the pending amendment is a critical component of a national strategy on homeland and economic security.

This legislation would not have been completed without the tireless efforts of my colleagues. I thank and commend Senator INOUE, Senator STEVENS especially for his very helpful work, MURRAY, COLLINS, LIEBERMAN, COLEMAN, and my dear friend, the chairman of the Finance Committee, Senator GRASSLEY.

Too many staff to name have worked countless hours to get this legislation ready, and I thank them.

Working together, I believe we have created something that both safe-

guards our Nation's ports and protects American prosperity. America needs us to do both. That is why America needs us to pass this important legislation.

Mr. President, I yield the floor.

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

#### REMEMBERING SEPTEMBER 11 ATTACKS

Ms. COLLINS. Mr. President, 5 years ago, our Nation experienced one of its darkest days and finest hours. With shocking suddenness, an act of unparalleled cruelty transformed the late-summer morning of uncommon brilliance into one of unfathomable horror. On that awful morning, September 11 was transformed from a mere point on the calendar into an eternal monument to the deepest human emotions of loss, of sacrifice, and of resolve.

We pause today to remember those whose lives were taken that terrible morning—2,996 innocent men, women, and children, workers doing their jobs, travelers embarking on trips. Men and women like Robert and Jacqueline Norton of Lubec, ME boarded Flight 11 to celebrate a son's wedding in California. In the days just before the trip, the Nortons planted new raspberry bushes in their garden and Robert, at age 85, helped repair the concrete steps at their church.

At age 85, Robert Norton was the oldest to perish that day. At age 2, Christine Hanson of Groton, MA, was the youngest. She was traveling with her parents to that place of childhood dreams, Disneyland. The aircraft that was to take the Hanson family on their dream vacation instead was driven into the North Tower. There, on the 92nd floor, were John and Sylvia Resta of Queens, NY. They worked together and on September 11th they died together. Resta was seven months pregnant.

The Pentagon that morning was filled with men and women who had dedicated their lives to serving their country. Among them was Commander Robert Schlegel. After his 1981 graduation from Gray-New Gloucester High School in Maine, he went to college, married his high-school sweetheart, Dawn, and followed a tradition set by his father and two brothers by joining the United States Navy. His 15-year Naval career was one of achievement and courage. Among his many commendations were the Meritorious Service Medal, four Navy and Marine Corps Commendation Medals, and the Purple Heart. Shortly before September 11, he had been promoted to the rank of Commander. His new office, on the second floor of the Pentagon, believed to be the point of impact of Flight 77.

Each of these names, and the names of so many more, represent lives of accomplishment, contribution, and promise. Each loss leaves a wound in the hearts of families and friends that can never be fully healed.

But September 11 was not just a day of personal tragedy. It was an attack

on the United States, an attack on freedom, an attack on civilization. We must never forget what was lost, and what remains at stake.

We also pause today to remember the heroes whose courage saved countless lives then, and who continue to inspire us. Yamel Merino, of Yonkers, NY, was described by colleagues as the perfect EMT. She gave her life while helping the injured near the World Trade Center when the first tower collapsed.

After an outstanding career with the FBI, John O'Neill became head of security for the World Trade Center. He exited the building safely after the first of the two hijacked planes hit, but re-entered when he saw the extent of the damage and the danger to others. He saved lives, but could not save himself.

After his safe exit from the Pentagon, Staff Sergeant Christopher Braman rushed back into the burning building, returning again and again to find survivors and to carry them to safety. He stayed on the scene for the next 3 days, working past exhaustion, saving lives with the search and rescue skills the U.S. Army had taught him.

In the days and weeks immediately following the attacks, we were moved by the selfless courage of the men and women—passengers and crew—aboard Flight 93. By wresting control of that aircraft from the terrorists, they knowingly gave their lives so that others might live. Todd Beamer's Let's Roll! became our Nation's rallying cry.

Last month, additional recordings of emergency calls made that terrible morning were released. One contains a statement that describes with eloquent simplicity the spirit of September 11. Amid the suffocating smoke, searing flames, and falling debris of the South Tower, the last words Fire Captain Patrick Brown spoke from the 35th floor to the outside world were these: "We're still heading up."

We may never know where the courage to keep heading up into such danger comes from. We must always honor it. We must never forget.

As we pledge to never forget what was lost and what was given on September 11, we must in the same breath pledge to do all that we can to prevent future attacks. We can offer no guarantee, but that must be our goal.

The fundamental obligation of Government is to protect its people. Since September 11, we have done much to meet that obligation. Immediately after the attacks, we passed legislation to close the gap between law enforcement and intelligence that the terrorists exploited. The reauthorization signed into law earlier this year makes permanent many provisions from the original law that are important to protect Americans from terrorists. Equally important, it contains significant new safeguards that protect the civil liberties we cherish but that the terrorists despise.

We created the Department of Homeland Security to provide a unifying

core to the vast effort of detecting and preventing terrorist attacks, assessing and protecting our vulnerabilities, and improving our response to disasters of all types. We have made great investments in training and equipping first responders throughout the nation. We have strengthened our borders with additional personnel, better coordination with State and local authorities, and cutting-edge technology so that they remain open to our friends but increasingly closed to our enemies.

We passed the Intelligence Reform and Terrorism Prevention Act of 2004, which Senator LIEBERMAN and I authored. This legislation, based on the recommendations of the 9/11 Commission, brought about the most comprehensive reforms of our intelligence community in more than a half century so that the trail of dots terrorists leave behind as they plan, train, and organize will never again be left unconnected. This newly restructured intelligence community has uncovered terrorist plots, cells, and financing operations, and it played an important role in thwarting the scheme to blow up transatlantic airliners that was exposed in Britain last month.

Today we are on the brink of passing the GreenLane Maritime Security Act. America's seaports are vital to our economy, but at the same time they offer a port of entry for those who would do us harm, or for devastating weapons. This bipartisan legislation will help build a coordinated approach to maritime and port security across all levels of government with our overseas trading partners. I urge my colleagues to take this major step toward protecting these valuable and vulnerable facilities.

We have taken many such steps. None was easily taken. All were accompanied by controversy, conflict, and reasonable differences of opinion. Yet, working together, we found a way.

Each, however, remains a work in progress. DHS has yet to develop the cohesion, the common culture, that is needed for its complex mission. First responder grants to the States still lack the accountability and effective measures of progress needed to prevent the waste of taxpayer dollars. Ongoing shortages of detention space and personnel still leave our borders at risk, despite the many improvements that have been made.

Other gaps remain. Ten million Americans live and work in proximity to plants that produce, use, or store large quantities of hazardous chemicals and, indeed, if one talks to the experts, over and over again you will hear them identify the security of our ports and our chemical facilities as major vulnerabilities. We are about to complete action this week on port security legislation. I hope we will turn to chemical security legislation as well. There is no question that attacking these facilities fits squarely within the terrorist strategy of causing maximum harm to our people and to our prosperity.

Yet 5 years after 9/11, America is left vulnerable by an incomplete and inadequate patchwork of laws and voluntary industry standards that too many facilities fail to observe. The Homeland Security Committee approved our bipartisan Chemical Facility Anti-Terrorism Act more than 3 months ago by a unanimous vote. For the first time, our legislation would ensure that high-risk chemical facilities are covered by Federal standards that would not only help to deter terrorist attacks but also to mitigate the consequences of an attack.

Our legislation would give the Department of Homeland Security the strongest possible remedy to ensure compliance: the authority to shut down any chemical facility that does not adequately address the risks of a terrorist attack. Unless this legislation moves forward, these highly attractive terrorist communities, large and small, will remain without the protection they require.

The heroes of 9/11 faced grave danger and made great sacrifices in order to save others. They performed magnificently despite being hampered by obsolete and incompatible communications equipment that placed them in needless peril and resulted in needless loss of life. That should be a major national priority for our country to solve once and for all the issue of first responders being able to communicate with one another in the midst of a disaster, whether it is a terrorist attack or another hurricane, such as Hurricane Katrina.

The Post-Katrina Emergency Reform Act, which Senator LIEBERMAN and I introduced, contains strong provisions to establish a comprehensive national emergency communications strategy and provide State grants for interoperable communications. It is time to act on this legislation—we must never again send our first responders into harm's way with a deficiency that has been so thoroughly revealed.

Perhaps our greatest challenge, however, is to recognize that terrorism continually evolves. As the devastating attacks in Madrid, Bali, Istanbul, Beslan, London, and Israel prove, terrorists will strike wherever opportunity allows and wherever innocent people are the most vulnerable. The terrorists' resourcefulness, cunning, and patience are exceeded only by their cruelty.

Indeed, one of the most striking findings of the 9/11 Commission was that the September 11 attacks were made possible by a failure of imagination. Commercial airliners had long been a target of terrorists. The conventional wisdom was that they would be targeted in two ways: to hijack for the purpose of taking hostages or to blow up in midair. To envision airliners being hijacked to use as missiles would have taken some imagination, but it was not unimaginable.

We all remember one of the striking findings of the 9/11 Commission that

the September 11 attacks represented a failure of imagination. How different things might be today if 5 years prior to September 11, 2001, our imagination had been fully engaged.

Mr. President, 1996 was the year that Ramzi Yousef, while awaiting trial for the 1993 World Trade Center bombing, was convicted of a conspiracy to plant bombs on a number of U.S. airliners operating in East Asia, and of placing the bomb that exploded on a Philippine airliner the previous year.

Mr. President, 1996 was the year of the truck bomb attack on Khobar Towers that specifically targeted U.S. military personnel.

And 1996 was the year that Osama bin Laden relocated from the Sudan to Afghanistan, established a new base of operations under the protection of the Taliban, and declared war on the United States.

The terrorist strategy was evolving 5 years prior to 2001 to direct massive attacks on high-profile American targets, but we failed to see that these seemingly isolated events were, in fact, tied together.

In the aftermath of 9/11, we learned that although the terrorists targeted high-profile targets in major cities, they did much of their planning, training, and transiting in smaller communities—communities such as Stone Mountain, GA, Norman, OK, and Portland, ME. It may be that they believed these locations shielded their activities from the scrutiny they would have been subjected to in their larger, more terrorism-savvy target locations.

Today there is no question that the tactics of terrorists have evolved. As the recent arrests in Canada and Miami, the attacks on the London subway of a year ago, and the thwarted airliner plot in Britain have made clear, terrorist masterminds no longer have to rely on operatives imported from abroad to infiltrate target nations and carry out attacks. The emerging threat is from home-grown terrorists. They are far harder to detect, and increased border security will not protect us from them.

Whether the target we seek to protect is a cargo port, a chemical plant, a public water supply, the electric grid, or the information technology networks critical to our economy, it does not take a stretch of imagination to see that an attack can come from within just as easily, perhaps more easily, than from overseas.

From John Walker Lindh, we already know the most extreme ideology can take root even among those who enjoy the most privileged circumstances our society can offer. As the details of the British airliner plot emerge, it becomes evident that home-grown terrorists, working in conjunction with masterminds overseas, can be every bit as sophisticated as the imported terrorists who attacked us on 9/11.

What is particularly alarming is the evidence that this infection is being spread within our State and Federal

prisons, and this is an area that the Homeland Security Committee will hold a hearing on next week.

Richard Reid—the infamous shoe bomber—and Jose Padilla both were indoctrinated into Islamic extremism while in prison. Less well known, but equally lethal, is Kevin James, a self-styled Imam who, while a California State prison inmate, founded an organization based upon his radical interpretation of Islam. James recruited among his fellow inmates, allegedly instructing them that it was their duty to kill his perceived enemies of Islam—in particular U.S. military personnel and supporters of Israel. Upon their release, his followers reportedly conducted surveillance on military installations, the Israeli Consulate, and synagogues. It is alleged that they sought firearms with silencers and also explosives and that they financed their operations through a string of armed robberies in the Los Angeles area. These operatives have been arrested and they face trial next month.

The new face of terrorism—born and raised in America, in Great Britain—has been exposed. This new face of terrorism will challenge us, perhaps as much or even more as Osama bin Laden has challenged us. But this is the reality that we must confront. We must not allow our imagination to fail us again.

Five years ago, in what seemed like a moment, September 11 was transformed from a day like any other day into one that for as long as our Nation stands will stand alone. The loss that we relive this day reminds us of the value of all that we must protect. The heroism reminds us of the unconquerable spirit of the American people. Our accomplishments remind us that we can meet any challenge with decisive action and a sense of unity. As long as we keep the meaning of this day of remembrance in our hearts, I am confident that we can meet any challenge that lies ahead.

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

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

The assistant legislative clerk proceeded to call the roll.

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

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

Mr. INOUE. Mr. President, what is the pending business?

#### SECURITY AND ACCOUNTABILITY FOR EVERY PORT ACT

The PRESIDING OFFICER. Under the previous order, the hour of 4 p.m. having arrived, the Senate will resume consideration of H.R. 4954, which the clerk will report.

The legislative clerk read as follows:

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

Pending:

Stevens (for DeMint) amendment No. 4921, to establish a unified national hazard alert system.

McCain modified amendment No. 4922, to provide increased rail transportation security.

Mr. INOUE. Mr. President, we are ready to proceed, but other Members are not here. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

AMENDMENT NO. 4926 TO AMENDMENT NO. 4922  
(Purpose: To provide improved rail security)

Mr. STEVENS. Mr. President, I send an amendment to the desk and ask that it be considered to the pending bill.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Alaska [Mr. STEVENS], for himself, Mr. INOUE, Mr. MCCAIN, and Mr. LAUTENBERG, proposes an amendment numbered 4926 to amendment No. 4922.

Mr. STEVENS. 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. STEVENS. Mr. President, this second-degree amendment offered by Senator INOUE and myself, with Senators MCCAIN and LAUTENBERG as cosponsors, simply adds the additional rail security provisions of S. 1052, the Commerce Committee's Transportation Security Improvement Act of 2005, to the McCain amendment. The provisions in the second-degree amendment address rail worker security training, rail security public awareness, hazardous materials threat mitigation, railcar tracking, and update a few of the provisions that are in Senator MCCAIN's provisions.

Taken together with Senator MCCAIN's Rail Security Act of 2005, which Senator MCCAIN offered to this bill, this amendment and Senator MCCAIN's bill will form the rail security title of S. 1052 that was unanimously supported by the Commerce Committee. It is supported by both the railroads and the rail workers, and I urge its adoption.

I again say it is an amendment cosponsored by Senator INOUE, myself, Senator MCCAIN, and Senator LAUTENBERG.

Mr. INOUE. Mr. President, I associate myself with the remarks of the Senator from Alaska, our chairman.

Mr. STEVENS. I urge the adoption of the second-degree amendment.

The PRESIDING OFFICER. The question is on agreeing to amendment No. 4926.

The amendment (No. 4926) was agreed to.

Mr. STEVENS. I now ask for approval of Senator MCCAIN's amendment, as amended.

The PRESIDING OFFICER. The question is on agreeing to amendment No. 4922, as amended.

The amendment (No. 4922), as amended, was agreed to.

Mr. STEVENS. I ask unanimous consent to reconsider both those actions at the same time. I ask that they be reconsidered and the motions be laid on the table.

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

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

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

Mr. STEVENS. Mr. President, I ask unanimous consent Senator CLINTON be added as a cosponsor to the Stevens second-degree amendment to Senator MCCAIN's amendment No. 4922.

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

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

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. STEVENS. 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. 4927 TO AMENDMENT NO. 4921

Mr. STEVENS. Mr. President, I send to the desk an amendment proposed by Senator DEMINT for Senator INOUE and myself, to the amendment numbered 4921, proposed by Senator DEMINT. I ask it be considered.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Alaska [Mr. STEVENS], for Mr. DEMINT, for himself, Mr. STEVENS, and Mr. INOUE, proposes an amendment numbered 4927 to amendment No. 4921.

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

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

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

Mr. STEVENS. I ask unanimous consent this be considered a complete substitute for the DeMint amendment.

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

Mr. STEVENS. I am pleased to offer this amendment on behalf of Senator DEMINT. The second-degree amendment clarifies some issues in the legislation

and improves this important legislation. It has been agreed to now by Senator INOUE and myself and by Senator DEMINT. I think we are closer to passing the WARN Act. We have been working for 3 years through the Homeland Security and appropriations bill to move DHS to improve the national alerting system. This amendment is a large step forward.

If the worst happens and there is a successful attack on one of our ports, we need a tool to effectively alert communities surrounding the port. The purpose of this amendment is to do just that: to move the emergency alert system out of the area of broadcast radio and television into the wireless era. We need to give the Nation an alerting system that harnesses all the capabilities of the digital age.

When disaster strikes, we know not everyone will be listening to the radio or television, but almost all Americans will be carrying a mobile phone, a BlackBerry, or a PDA. There are over 200 million wireless subscribers in the United States.

This is crucial because regardless of when or where disaster strikes, be it American seaports, a rail terminal, or an airport, minutes save lives.

This amendment will provide a tool for emergency managers at all levels of Government—Federal, State, or local—so they can quickly and effectively reach all affected individuals with specific lifesaving instructions. In addition to the threat posed by terrorist attacks, this system, the system created by this amendment, will give our managers the ability to alert communities of other hazards such as natural disasters or manmade accidents.

It is already funded. I worked during last year's budget reconciliation bill to provide \$106 million for this program.

I urge our colleagues to vote for the amendment and move the Nation one step forward to having a modern public safety alerting system.

I urge the adoption of this second-degree amendment.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The amendment (No. 4927) was agreed to.

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

The motion to lay on the table was agreed to.

Mr. STEVENS. Mr. President, we will shortly have a request for a vote on this amendment, as amended. Hopefully, it will take place around noon tomorrow.

I know of no other business we have to come before us tonight. We will await the wrapup statement to be sent to us by the leader's office.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

Ms. COLLINS. Mr. President, it is my understanding that either shortly this evening or tomorrow the Senator from South Carolina will be coming to the floor to speak on the agreement that has been worked out among all the players, which is based on legislation he introduced, S. 1753, the Warning Alert and Response Network Act, the so-called WARN Act. This amendment would create the national alert system which will contribute to a strengthened emergency management system for our country. The amendment will create a national alert office within the Department of Homeland Security and will ensure that the office will work closely with the National Oceanic and Atmospheric Administration, NOAA, to bring together the wealth of expertise in both of these agencies to create an alert system that will transmit alerts in response to all threats to public safety, whether they are a terrorist attack, a natural disaster or a manmade accident.

The amendment directs this new office to develop a 21st century alert system that takes advantage of new technologies, including technologies to better alert underserved communities.

Five years ago, all of us remember the frustration of trying to get accurate information. Most of us found that our cell phones were no longer functioning. At that point, we did not have Blackberries, and we had a very difficult time communicating.

The legislation that Senator DEMINT has authored helps to respond to that need to disseminate information quickly and accurately to the public using a variety of tools. The new system would use multiple modes of communication, providing alerts not only by television and radio but also cell phones, Blackberries, and other wireless devices such as the Internet, satellite television, and other means of communication.

The DeMint proposal builds on the recommendations of the White House Katrina Report to employ all available 21st century technologies both to update and utilize the National Emergency Alert System in order to provide the general public with advanced notification of, as well as instructions during, a disaster or other emergencies.

We need a warning and alert system in this country that keeps pace with new technologies and an increasingly mobile society. No longer is it adequate to depend on television and radios to disseminate absolutely critical public safety information.

I believe that the approach in this amendment will save lives by creating a system with the capability to alert individuals to dangers, whether they are watching television, driving in their cars or sitting on the beach with a cell phone and a BlackBerry. Yes, some of us take the BlackBerry and the cell phone even when we are on the beach.

I thank Senator DEMINT for his work on this important amendment. I thank the Commerce Committee, which has worked very closely with the Homeland Security Committee to work out some issues, and I am pleased to support its passage as amended by the amendment of Senator INOUE and Senator STEVENS.

Thank you, 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. 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. 4921

Mr. DEMINT. Mr. President, I will speak on my amendment, which is based on legislation I introduced last year called the WARN Act.

First, I thank the managers of this legislation for their tireless work, particularly Senator COLLINS and Senator STEVENS, who have helped bring this amendment up for consideration.

America needs the world's best port security. This legislation we are debating will help America get it.

While our Nation has come a long way in preparing for the threat posed by natural disasters and terrorist attack since the creation of the Department of Homeland Security, there are still areas where we can and must do better.

If, God forbid, there is a successful attack at one of our ports, minutes will make the difference between life and death for many citizens in the surrounding communities. To save lives, our first responders will need the tools to immediately communicate with people in harm's way.

For decades, the emergency broadcast system has largely been the only available tool. As people are increasingly on the move, getting word out via television and radio alone is not effective. We need to do more.

This amendment does that by building on the foundation of the emergency broadcast system and bringing it into the 21st century. Over 200 million Americans subscribe to wireless services, Blackberries, cell phones or other PDAs. This amendment leverages these new mobile capabilities, in addition to television and radio, to provide alerts that will save lives during disasters.

Wireless networks have enthusiastically endorsed the WARN Act and look forward to competing with each other to create the best system.

The need for this system is obvious. Whether it is the foiled London airline bombing plots or the train attacks in India, we are constantly reminded we must be vigilant in our efforts to secure America's homeland. One year ago, terrorists brutally attacked the London subway system, killing dozens. We have since discovered that terrorists were targeting commuter lines

running under the New York Harbor. In July, we saw terrorists in India kill 300 innocent men, women and children and injure over 700.

If the unthinkable happens and we are attacked with a chemical, biological or radiological weapon, we must be prepared to respond. The WARN Act does this, establishing a system that represents a major advance in emergency management. One of the most effective ways to save lives is to keep people out of the impacted areas and efficiently evacuate those who are already affected. Under this new system, we will be able to tell some people to stay where they are if it is safe; others can be given instructions to evacuate in certain directions depending on their location and the direction of the wind or they could be told how to avoid the impacted area all together, preventing first responders from being forced to manage new victims.

While the system would be a crucial tool in saving lives in the event that there was an attack at one of our ports, the uses of this new national alerting system extend well beyond terrorists attacks, to manmade or natural disasters. A year and a half ago, a town in my State of South Carolina was exposed to a massive chlorine gas release. The train crash that caused the release occurred at 2:39 in the morning. Beeping television or radio is not much help when the owner is sleeping and the TV and radio are silent. What could have been helpful would have been if emergency managers in the area could have run the cell phones that were designed to turn on in emergencies so the individuals in the affected area could have been instructed to evacuate away from the path of the chlorine cloud and get to safer ground.

Finally, the new system set up by the WARN Act will have significant impact for the response to natural disasters. For example, in the Midwest, tornadoes pose a grave threat. Tornado sirens have a limited reach and can save some, but by leveraging the capabilities of cell phones, we can effectively direct individuals who are in the path of a tornado to take cover or get out of the way.

The applications are promising, as well, along the gulf and Atlantic coasts, where hurricanes often make landfall. This year could still be a strong hurricane season, with predictions of three or four major hurricanes category 3 or above. If one of these makes landfall, it will trigger a massive evacuation.

The system created by the WARN Act will provide crucial information to aid in evacuation and recovery. It will alert evacuees to the closest shelter with beds and where water and food is being distributed after the storm and what roads are not usable as evacuation routes.

We all hope and pray disasters—natural, manmade or terrorist—never happen, but we must be prepared. Today, I ask my colleagues to join in supporting this amendment.

Again, I thank Senator COLLINS and all those who have worked to bring up this amendment. This way we give first responders one of the more crucial tools they need to save lives and secure our homeland.

I yield the floor.

The PRESIDING OFFICER. The Senator from Maine.

Ms. COLLINS. Mr. President, I spoke earlier in favor of the amendment of the Senator from South Carolina. While he is here, I again commend him for his effort, his leadership in this area, and for working with both the Homeland Security and the Commerce Committees to work out some technical issues. His amendment is going to make a big difference. All of us remember 5 years ago on this day how difficult it was to get information—our cell phones were not working; we did not have Blackberrys then. The Senator's approach will ensure that we use every possible means to inform the public when there is an incident that is a threat to public safety.

I salute the Senator for his leadership. This is an excellent proposal. I am pleased to support it.

#### PUBLIC SAFETY PROMOTION

Mr. INOUE. I appreciate the efforts of my colleagues, Senator STEVENS, Senator DEMINT, and Senator BEN NELSON, in working to build consensus on the pending amendment, which will improve our Nation's ability to transmit critical emergency information to the public in times of crisis. As we consider this amendment, however, I believe it is important for us to clarify that provisions in this act do not affect or in any way limit or impair the Federal Communications Commission's existing authority under the Communications Act to promote public safety. As my colleagues well know, one of the most fundamental and significant statutory mandates of the FCC is the promotion of safety of life and property through the use of wire and radio communication.

As a result, while section 103(f) of the amendment makes clear that no new regulatory authority is granted to the FCC, other than to regulate compliance with its provisions and as specified in subsection 103(d) and (e), I would ask my colleague, Senator DEMINT, to confirm my understanding that the amendment will have no impact on the FCC's existing regulatory authority under the Communications Act to promote public safety through the use of communications technologies.

Mr. DEMINT. Mr. President, I agree with the interpretation and understanding of my colleague, Senator INOUE, and thank him for his assistance and support in working on this amendment.

Mr. STEVENS. I concur with Senator INOUE and Senator DEMINT.

The PRESIDING OFFICER. The Senate majority leader.

Mr. FRIST. Mr. President, I ask consent at 12 noon tomorrow the Senate proceed to a vote in relation to the

DeMint amendment No. 4921, as amended; further, that notwithstanding the adoption of the amendment 4927, the second-degree amendment be modified to reflect a perfecting amendment.

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

#### MORNING BUSINESS

Mr. FRIST. Mr. President, I unanimous consent that the Senate now proceed to a period of morning business, with Senators permitted to speak for up to 10 minutes each.

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

#### REMEMBERING SEPTEMBER 11, 2001

Mr. STEVENS. Mr. President, there are moments in every lifetime which defy words. For me, those moments are the attack on Pearl Harbor, the day President Kennedy was assassinated, the Good Friday earthquake in Alaska, my own airplane crash in 1978, and the day I viewed the Exxon Valdez oilspill. My most recent and most vivid memory is the helicopter trip I took over Ground Zero with my good friend, Senator INOUE, on September 13, 2001.

The total impact of what Senator INOUE and I saw just shocked the two of us. We both went through World War II and saw a lot of trauma, a lot of destruction. But nothing was more stark in terms of our memories, particularly mine, than what I saw that day in New York. Embedded in my mind then were the questions: Who would do something like this? And why? We would soon learn the answers, and those answers changed our Nation forever.

September 11, 2001, was one of our country's darkest days, but the worst in our enemies brought out the best in our citizens. Their efforts reflected the words of the author Henry James:

We work in the dark, we do what we can, we give what we have.

Following those attacks, Americans did everything they could to help those directly affected. Those of us in Congress almost immediately made \$40 billion available to initiate recovery.

Since then, our country has been fortunate. We have met the terrorists abroad rather than here on our soil, and we have accomplished this in a way consistent with our ideals.

Democracy is harder to move than a dictatorship. It moves slowly, but it moves surely. There is much more work left to do, but so far, we have been able to prevent another massive terrorist attack on our country.

The terrorists who attacked us 5 years ago thought they could defeat us. They questioned our resolve and our dedication to our principles. They were wrong. Our resolve is strong, and it has brought about a different response than the terrorists anticipated. The past 5 years have been a proving ground for our country's courage and commitment.



Today I am reminded of the words once spoken by President Reagan. He said this:

Perhaps you and I have lived with this miracle too long to be properly appreciative. Freedom is a fragile thing and is never more than one generation from extinction. It is not ours by inheritance; it must be fought for and defended constantly by each generation, for it comes only once to a people. Those who have known freedom, and then lost it, have never known it again.

Today we pause to remember those we have lost over the past 5 years, men and women who sacrificed everything so that this miracle, the great American experiment, could continue. Our thoughts and prayers are with them and with their families. And we will remember forever September 11.

Mr. FEINGOLD. Mr. President, today, our Nation honors the memory of those who were killed in the terrorist attacks of September 11, 2001. We also pay tribute to the heroism of the first responders who selflessly risked, and even gave, their lives in the rescue and recovery missions that followed those horrific attacks. Five years after that tragic day, we still remember their tremendous bravery, and we remember the simple acts of kindness that Americans all over the country displayed as they donated equipment for the first responders, observed moments of silence, or flew the flag in a show of patriotism and unity. Each of these acts, however large or small, contributed to our Nation's recovery. Let us not forget the great strength of spirit that guided Americans through that difficult time as we move forward, bound together by our faith in this great and free Nation.

As we mark this solemn day, let us also rededicate ourselves to defeating the terrorists who continue to threaten us. This should not be a partisan issue every Senator wants to protect our country and every American wants to defeat the terrorists who attacked us. This must be our top priority, and we must strive to regain the unity and resolve that bound us together after 9/11 as we show the terrorists how badly they have underestimated the strength and resilience of the American people.

Mr. ALLARD. Mr. President, I rise today to speak on the approaching fifth anniversary of the terrorist attacks against our Nation.

I still vividly remember that morning. When my chief of staff came to tell me about the attacks on the World Trade Center, I was in a meeting on how to improve our 911 emergency response system to better suit the needs of our first responders in rural areas. Even then we knew right away that our country would be forever changed.

The events of September 11 undoubtedly remain etched into the memory of every American. Five years later we are reminded daily of the profound impact that fateful morning had on our great Nation. Although deliberation and debate continues all across the county and in this body to determine the best way to keep our Nation safe,

as we approach the anniversary of 9/11 we must commemorate and pray for those who lost their lives, for their surviving loved ones, and for the brave men and women serving in our Armed Forces around the world protecting our freedoms.

I said it the day after the tragedy here on the floor of the Senate, and I still believe it: America is strong. No terrorist strike will undermine our country to a point that would make us lose our fundamental purpose as a nation and a people.

We as a nation have adjusted to a new way of life since that day. We understand that these measures have changed our lives slightly but not our way of life. Increased security at airports, a transformed homeland security position, and a new national intelligence apparatus are but a few of the changes we have made in combating the new war of the 21st century.

After that day in 2001, many of us in elected service had to answer "what happens next?" We knew then that the phrase "war on terror" had been used lightly before and that this war had been ongoing before September 11. But our eyes were opened that day, and our strategic outlook was dramatically altered. President Bush has called it the long war, and I agree with him. We are in a struggle for survival against a faceless enemy who uses terror as a weapon against civilians anywhere, anytime.

It is this reality that has driven our foreign policy for the last 5 years and will continue to define how we fight against terror abroad. This is a different kind of war than what we have confronted before. Not only will we have to fight terrorists on the battlefield but also in urban areas, cyberspace, and over the airwaves. Not only are we fighting with bullets but also with ideas. Our greatest export continues to be freedom and democracy, and it will be these tools, not force, that will eventually lead us to victory.

But any victory we have will be hard fought. Our enemy is a radical network of terrorists that can flourish anywhere in the world. The terrorists' directive commands them to kill Christians and Jews, to kill all Americans, and make no distinction among military and civilians, including women and children.

It is with this knowledge that we approach the global war on terror. After September 11, we could not sit back and wait for the terrorists to strike again. On the contrary, our President, with congressional backing, ordered our Government to go on the offensive. We have shut down sanctuaries of terror in Iraq and Afghanistan. We have cut off the terror financing, and we have worked with our friends and allies to track down and apprehend terror operatives wherever they may be. We have had many such successes against terrorism since 9/11.

In the past, we would combat terrorism mostly using law enforcement

mechanisms. We now combat these terrorists by taking the fight to them with our international partners using every available resource.

Some of these resources come from our intelligence community. Prior to September 11, our intelligence and law enforcement communities were restricted from sharing certain information with one another. Thankfully, today our counterterrorism efforts are more comprehensive, and these barriers no longer exist.

Al-Qaida used to train thousands of terrorists in Afghanistan under the nose of the international community without any repercussions to the organization or the Taliban. Thankfully, no longer is Afghanistan a safe haven for those brewing plots against our Nation. The Afghan people have been freed from the oppressive Taliban and fight with us side-by-side in the war on terror.

Additionally, Iraq was governed by a mass-murderer and a state sponsor of terror and now boasts for the first time a democratically elected government.

Of course, none of this could have been attained without the men and women of the armed services. Many of these servicemen have sacrificed everything to protect our freedoms abroad. Yet while the cost has been high, the cost of doing nothing would be even greater. Our country continues to mourn for the men and women who have lost their lives while on duty in Iraq, Afghanistan, and other parts of the globe.

Despite the many difficulties in this war, our Armed Forces have not retreated nor walked away in the face of adversity. They continue to seek out terrorists to disrupt their plans of horror both in the Middle East and elsewhere. They also continue to provide support and guidance to the Iraqi and Afghani people in their newborn democracies. Our citizens in uniform have taken the battle to the enemy and achieved success.

As we mourn the victims lost on September 11 and the Americans who have lost their lives since that day protecting us, let us remember that we are all Americans and must continue to remain committed to protecting what we hold dear. We will never forget the events of September 11. It will forever be a harsh reminder of the intentions of our enemies who detest freedom and democracy.

That said, we must also never forget what we witnessed in the days following this tragedy as America came together for the greater good. From that experience we learned that we as Americans are much more united than not. Much has changed since that fateful day of September 11, but our country has emerged prepared for the new challengers of the 21st century. Let us remember those who lost their lives that day and never forget why we fight abroad today.

Mr. SALAZAR. Mr. President, I wish to take a few minutes to reflect upon



one of our Nation's most trying hours. Five years ago, our Nation embarked on the greatest test of its courage and mettle since the "greatest generation" rose to the challenge of defending freedom in World War II from the forces of hatred and fascism.

As the 9/11 Commission observed, the morning of Tuesday, September 11, 2001, was a beautiful morning in New York and here in Washington, DC, before the peace was shattered. None of us will forget those hours that morning, hours which saw our Nation face unimaginable tragedy. This defining moment awoke within every American the grim knowledge that we are a nation at war with hatred and fear and that we must rise to the challenge. Each of us will remember where we were, what we were doing, when America turned to face this new challenge with sorrow and resolve.

In the morning hours of September 11, starting at 8:46 a.m., we experienced the 21st century's "Pearl Harbor" moment. Americans stood transfixed by the images we saw unfolding before us: the brutal violence of intolerance and the unimaginable courage of our heroes on the ground and in the air striving valiantly to prevent it. By 10:38 a.m., America began to truly understand the scope of what had happened: the thousands of innocent Americans lost, the destruction of the Twin Towers and damage to the Pentagon, the dawning of a new age in our Nation's proud history.

Each American grappled to understand this moment in history as it unfolded before us, trying to make sense of senselessness. As a nation, we continue to struggle with it each day. Like all Americans, I have spent many hours seeking meaning from and understanding of the events of September 11, 2001. It has not been an easy task, nor will it ever be completed.

But we know the importance of remembering those who are not here with us now—the innocent passengers aboard those four planes and in the Towers and the Pentagon; the courageous first responders who charged into the chaos to try to save their fellow man; the brave servicemembers who have given their lives around the world to protect the freedoms we continue to enjoy, to engage our enemies wherever they may run and hide.

The people who perished during the September 11 attacks were not simply victims: they were mothers and fathers, brothers and sisters, sons and daughters, husbands and wives, and friends and neighbors. We remember them for the shared jokes and laughter, the debates and challenges, the quarrels and sometimes heart-wrenching disagreements, the fellowship and love of family that bind us together.

Mr. President, 9/11 represented a crossroads for our Nation: we had the choice between fear and hope, between appealing to our higher angels and succumbing to our darkest demons. A year from now, children starting kinder-

garten will never have known a world before 9/11. It is my greatest hope that a century from now, when schoolchildren look back on 9/11, it will be viewed not as the beginning of a time of darkness over our democracy but as the clarion call for us to protect and defend the fundamental rights and liberties we enjoy, a rallying to the fundamental beliefs that we as Americans hold so dear. It is the least we can do, out of respect for those who left us that day.

Those lost to us on September 11 and the struggles afterwards shall never be forgotten. They remain in our hearts, the source of our resolve. As we have in the past, America shall meet this challenge with honor, wisdom, and an unbreakable spirit. As a nation, we recommit ourselves to never giving in to those who would misrepresent faith to spread hate, fear, and violence. We know that the gifts bestowed upon us are the gifts of faith, hope, and love. We shall eschew the politicking of fear and instead choose the unity of purpose that our times require.

Five years after that day, our Nation recommit itself to remembering the tremendous loss we suffered as a country. We seek to honor the sacrifices made on September 11 by renewing our faith in America itself. I stand here as sure today as I was when I went to sleep on the night of September 10, 2001, that it is the promise of our common goals of hope and progress, not fear and violence, that deliver freedom and security both at home and across the globe, for all people.

Ms. SNOWE. Mr. President, today, across my great State of Maine and throughout America, in countless ceremonies—public and private, in testaments—planned and spontaneous, and in towns of every size and stripe, we commemorate with mutual solemnity the fifth anniversary of a day born out of inconsolable and unimaginable loss as well as unconquerable spirit and ennobling service September 11, 2001.

As we pause to mourn those who have passed from us and as we confront once again unspeakable acts of barbarism and horror, we cannot help but find abundant comfort, solace, inspiration, and pride in the eternal images and remembrances of heroism and sacrifice on that terrible day.

Through what President Lincoln once eloquently phrased as the "mystic chords of memory," we share in reverent and heart-wrenching moments of silence and find a unifying kinship with those who convene at Ground Zero in lower Manhattan, at the Pentagon, and in Shanksville, PA. And regardless of our circumstance, location, and occupation, we cast aside our differences, agendas, and personal and individual pursuits, to place into action and live out the immortal words of our Founding Fathers that reverberate throughout the halls of Congress as well as the annals of our history: *E Pluribus Unum*, or "Out of Many, One." Out of the ashes of destruction, we become one Nation, indivisible.

At the same time, we are not immune to feeling a panoply of emotions—patriotism, pride, anger—as well as a persistent, gnawing disbelief that such calculated savagery could exist in the world and could be perpetrated so brutally and ruthlessly against innocent people. And those feelings intensify when we put faces and names with the long line of those who perished. It becomes especially personal when we reflect upon the Mainers whom we have lost. We grieved then—and we feel a deep, inescapable sorrow now for the tragedy that befell Anna Allison, Carol Flyzik, Robert Jalbert, Jacqueline Norton, Robert Norton, James Roux, Robert Schlegel, and Stephen Ward. Our thoughts and prayers remain—as they have for the last 5 years and as they will always—with their families and loved ones.

While we forever honor their memory, we also understand that the greatest memorial is to embrace all that we have retained as a nation—our strength, our sense of purpose, and our veneration of the principles of liberty and justice—even and especially in tumultuous times.

Let us remember how that one day in September not only changed America and the world but also reminded us of what really matters—of the tenets and people we should value and what true heroes really look like. I recall those passengers who, when faced with the horrible certainty of their circumstances, brought down United Airlines flight 93 to save the lives of others—not to mention the very symbols of our democracy, the Capitol and the White House.

On this poignant occasion, we celebrate those heroes who walk among us today while the legacy of those who perished on 9/11 echoes throughout New York, Washington DC, Pennsylvania, and every town and city in this land. And we revere the indelible and exemplary contributions of all first responders on 9/11 and those made daily throughout our Nation by firefighters, police officers, rescue workers, and Americans who are ever-capable of performing extraordinary deeds.

We are also mindful of our military men and women who protect and defend our way of life. Whether on American shores and soil or around the globe, their steadfast sense of duty is an inspiration to us all. As we herald the supreme actions of the past, we must remain unrelenting in our focus on the trials and tribulations of the present and the future. The plot foiled by British authorities this past summer was a chilling reminder that underscores the lurking and merciless threat we face—and that we cannot afford to yield to the call of complacency. Just as our enemies have proved they are ever-patient, so must we prove we are ever-vigilant.

We come together on days of remembrance such as 9/11 to draw strength from those who are with us and from the memories of those who are not. We

recognize the remarkable and munificent valor of fallen friends, family, and fellow countrymen whose valiant example binds us to them and their noble heritage—and binds us to each other today—and into a future more illumined by their selfless deeds on our behalf.

That sentiment brings to mind a great son of Maine, GEN Joshua Chamberlain, who, in 1889, said the following upon dedicating the Monument to the 20th Maine that he so nobly commanded at the Battle of Gettysburg:

In great deeds something abides. On great fields something stays. Forms change and pass. Bodies disappear. But spirits linger to consecrate ground for the vision-place of souls. And reverent men and women from afar, and generations that know us not and that we know not of, heart-drawn to see where and by whom great things were suffered and done for them . . . And lo! the shadow of a mighty presence shall wrap them in its bosom, and the power of the vision pass into their souls.

It is that power of vision that we have in common that draws us together today. From that it surely follows the outpouring of respect and admiration that testifies to a solitary and solemn truth—that time will never, ever, dim the glorious deeds that were done in the face of heinous evil.

The morning of September 11, 2001, began with such beautiful blue skies but ended with a nation in grief-stricken desolation and stunned shock. In Washington, DC, I watched the images along with the rest of the world.

Later, as the sun set over the National Mall—still capped by smoke billowing from the wound in the side of the Pentagon—I will never forget joining with my colleagues in the House and Senate on the Capitol steps to sing “God Bless America.” We sang to send a message to the country and to the world that we would never be deterred—that freedom is forged by something much more resolute than any act of terror.

Recalling all that September 11 represents—the tragedies and the triumphs—how it revealed the better angels of our nature for the world to see in our hour of calamitous attack, despair, and fear, we must unequivocally resolve on this day—and every day—that we will bring the fight to the enemy, will not falter in our unwavering commitment, we will persevere, and most of all, we will and must prevail.

Mr. MARTINEZ. Mr. President, today is a day of remembrance, a day of remembrance here in America and around the globe. Five years ago today, on a clear September morning, serenity was broken by death and destruction.

What happened in New York, in Washington, and in Pennsylvania that day we will never forget.

We will never forget the nearly 3,000 people whose lives were lost on that day; we will never forget their families; and we will continue to honor their lives by defending our freedom and fighting against all those who wish our Nation harm.

Much has happened in the last 5 years since September 11, 2001. Our Government has responded in a variety of ways.

So that we could better “connect the dots” in the future, the Department of Homeland Security was established, and later, a Director of National Intelligence was put into place so that our intelligence community could work together more seamlessly.

Numerous security upgrades have been put into place across our country, new technologies have been developed and implemented to curb the advances of terrorists, and we are safer now than we were then.

Over the last 5 years, we have waged an unprecedented and global campaign against terrorism. America is safer because we have had the PATRIOT Act. Our families are safer because we have had the surveillance necessary to make sure that those who are speaking on telephones with al-Qaida operatives overseas are being monitored.

Our Nation is safer because we have pursued, captured, and interrogated terrorists and used that information to capture other, high-ranking al-Qaida leaders. We are safer because we have had the leadership, tenacity, and the opportunity to pursue terrorists wherever they may go.

Our campaign against terrorism has been done in a comprehensive way with cooperation from other countries and it has been done utilizing all the power that the State has, not only militarily but through the surveillance of terrorist training camps, a strong diplomatic front working with our allies, and through financial means watching and seizing the bank accounts from where terrorists draw their resources.

Our comprehensive efforts are about keeping America safe. As we remember those who died on 9/11, we also must remember that we are not safe yet.

We are safer. We have been kept safe, but we must continue the vigilance, we must continue the determined campaign against terrorists and the states that sponsor terrorism.

Thanks to the faithful leadership and resolve of all those that serve to protect us, especially our Armed Forces who give so much, no other attacks have occurred on American soil to date. We must continue to defend freedom here at home and abroad. As a Member of the Senate, I will continue to work with my colleagues on both sides of the aisle and in both Houses of Congress to make sure that we continue to devote the necessary resources to this continuing mission.

As our President said on that mournful day 5 years ago, “A great people has been moved to defend a great nation. Terrorist attacks can shake the foundations of our biggest buildings, but they cannot touch the foundation of America. These acts shattered steel, but they cannot dent the steel of American resolve.”

Our Nation will never forget those lost on September 11, 2001, and we can

demonstrate our continued commitment to their lives and memories through our unending defense of Democracy and our blessed and beloved United States of America.

Mr. ENZI. Mr. President, 5 years ago we saw the face of evil cross our shores as a band of terrorists took control of four planes and used our own technology against us to kill thousands of our fellow citizens. Plotting in secrecy and under the cover of darkness, in caves in the remote hills of Afghanistan, these terrorists planned to kill as many Americans as they could, destroying some carefully selected buildings that, to them, symbolized our Nation and our unique way of life.

We all remember that day with great clarity and we will never forget where we were and what we were doing when we heard the news—a plane had crashed into one of the Trade Towers in what appeared to be a tragic accident. Then, a second plane struck the other tower. It was then clear that this was no accident. We were under attack.

In the moments that followed a nation looked on in horror as we saw the face of bravery and courage under fire as the men and women of New York’s police and fire departments responded to the attack in New York. They battled long and hard, against the odds, to come to the aid of those who were trapped in the towers. Sadly, in the effort to save those who were in desperate trouble, many of those first responders were also trapped in the towers as they weakened, and ultimately collapsed.

As we watched events continue to unfold in New York, we heard reports that another plane had hit the Pentagon and caused a considerable amount of damage to the building and claimed the lives of many of those who were working there. Then came the news that a fourth plane had crashed in a lonely field in Pennsylvania. Suddenly the attack took on massive proportions as we looked with fear and trepidation to the skies and wondered if there were more planes headed for additional targets throughout the country.

In the days that followed, the story behind the events became clear. The attack was orchestrated by a terrorist group that was led by Osama bin Laden. Three planes had hit their targets. The passengers on the fourth, made aware of the fate of the other three planes by friends and loved ones on their cell phones, had launched their own attack on the hijackers and they were able to take control of the plane and stop the hijackers from using it to destroy another landmark and kill more Americans in a crowded city. The brave men and women on that flight had sacrificed their own lives so that others might be spared.

Those are the bare details, a brief outline of some of what happened that day. It was a day that had a great impact on every American—and it hit us all on a deeply personal level. Ask anyone and you will see that we all have

our own story, our own recollection of what happened on September 11 and what it meant to us. We aren't unique in that. The Trade Center was a global marketplace, so people from all over the world also have their own story to tell about that day, especially those who lost friends and loved ones in the attacks on the Trade Center and the Pentagon.

When it is written, history will make it clear that September 11 was more than an American tragedy. It was the beginning of a global nightmare.

It has now been 5 years since the day the towers fell and with the passage of time has come study after study, investigations, and other attempts to make some sense of everything that happened that day. There were failures of some systems to work at their peak efficiency, and there were warnings that, with hindsight, should have been handled differently. The important thing now is not to place blame and point fingers, but to ensure we are fully and adequately protected so we don't have to experience another September 11.

As I prepared my remarks for this day, I thought about my young grandson, now 3 years old. He is a wonderful addition to my life and he continues to give me an added perspective to the events I see on the news every night. I know someday he will ask me about that day. When he does, I hope I am able to find the right words to explain to him about the courage and the bravery of all those who worked so hard to try to save the lives of those who were in danger that day. I hope I can help him understand the reasons why our brave service men and women are fighting on the front lines of the war on terror to keep him safe. It won't be easy for his is a world of peace and innocence and far removed from the hatred that drove the events of that day.

Still, no matter what I tell him, I know he will ask me why these things happen. His grampa will tell him that this is a world full of so many good things—like his parents who love him so very dearly, and the things he loves to do, like go fishing with his grampa. Unfortunately, it is also a world where people preach anger and hatred and try to harm people they don't even know.

If it is a hard lesson for us to learn, you can imagine how difficult it will be for a small child. How to talk to our children about September 11 was a problem when it happened, and it will continue to be so as we work to put an end to terrorism around the globe, wherever it exists.

Ultimately, that will be the legacy of September 11. We were cruelly attacked on that day, by a group that underestimated our resolve as a nation and our will as individuals to right the great wrong that had been done to us. Today, 5 years later, we stand united, still strongly committed to putting an end to the threat of terrorism, wherever it appears. We didn't start this battle, but our Armed Forces will, once again, put an end to it.

Five years ago the world stood still, and it was changed forever. The ripples begun on September 11 continue to have repercussions that draw us back to that day almost constantly. As we remember the events of that dark, sad day, we pause to remember all those who lost their lives, especially their families and their loved ones. Our thoughts and prayers are constantly with you. We remember the fireman, police and rescue squads who responded to the sites of the attacks and performed with great bravery. The concern they showed for others and the sacrifices they made to try to save anyone they could will never be forgotten. And, we remember our servicemen and women who stand guard around the world, defending our precious freedoms and our way of life. We owe them all a debt we will never be able to repay for the sacrifices they continue to make on our behalf.

Today we rededicate ourselves to the work that must be done to make our Nation stronger, safer and more secure so that our world will be a better place for us all to live. It will be difficult and it will require us all to play a part in the effort to rid the world of the threat of terror. It will ultimately be the legacy we will leave to those who will follow us—a world in which everyone is able to live in peace and freedom and without fear.

Ms. CANTWELL. Mr. President, five years after the terrorist attacks of September 11, we still feel the pain and loss of that terrible day. We will always honor the memory and spirit of those who lost their lives and those who gave their lives for others.

Our Nation's most enduring values were attacked on that day. We have a responsibility to those who died, to their families, and to the first responders who answered the call of duty without hesitation, to never forget and to never let this tragedy be repeated. Together we have a responsibility to all Americans to keep our Nation secure and our citizens safe.

Yet, 5 years after our cities were attacked, America is still not as secure as it should be. We must take the hard lessons from that devastating attack and confront the new challenges of a changing world. We must continue fighting for the tough, smart policies that will make our communities safer.

We have a lot of work ahead of us. Our vast transportation systems remain vulnerable. Our borders are porous.

To protect America, we must secure our ports, improve intelligence oversight, share information effectively, and allocate resources based on risk. We must fully implement the 9/11 Commission recommendations, improve nuclear material tracking, and strengthen our diplomacy around the world. We must deliver better support to our first responders to help them do their jobs.

In the aftermath of September 11, our Nation came together. Five years later, we must remember those we have lost,

their courage and brave spirits, and once again, move forward together to better protect our communities and defend the freedom we cherish.

Mr. DOMENICI. Mr. President, I rise today to pay tribute to the innocent Americans who were killed in the terrorist attacks of September 11, 2001. I ask that we commemorate the emergency responders who provided relief in the aftermath of the attacks. I finally ask that we salute our brave men and women in uniform who have volunteered to serve their country in this time of need.

I offer my condolences to the family of Al Marchand from Alamogordo, NM, a flight attendant on United Airlines flight 175 and one of the first casualties on this horrific day. Since that day, many New Mexicans have volunteered to serve their country by entering the ranks of our Armed Forces. Some lost their lives in this war to protect our way of life. I will ask that the attached Associated Press article containing the names of these proud soldiers be printed into the CONGRESSIONAL RECORD. I also will pay tribute to LTC Marshall A. Gutierrez and LCpl Shane P. Harris, the two most recent casualties from New Mexico in the ongoing global war on terror.

Five years have passed since al-Qaida terrorists struck our homeland. The images and shock of that day are still with me. To this day, I am saddened by our losses, but I am also heartened by all the heroic acts of our citizens in what was the most shocking attack on our homeland. In the months following the attacks, our brave soldiers toppled the regime in Afghanistan that provided a base of operations for the terrorists who carried out the 2001 attacks. We helped that country establish a democratic government and are working with allies in NATO to bring peace and stability to a country that has spent much of its recent history in the strife of civil war.

One of the important lessons political and military leaders learned from the 2001 terrorist attacks was that America cannot stand by idly as threats to its security develop far from our shores. This required our intelligence and law enforcement agencies to work with friends and allies around the world and with each other to gather actionable intelligence that would help us disrupt terrorist plots at home and abroad. To help consolidate our domestic defense system, the Congress created the Department of Homeland Security. The Department of Homeland Security was organized to prevent attacks within the United States, reduce America's vulnerability to terrorism, and to minimize the damage and assist in the recovery from terrorists attacks in America. The Congress also followed the recommendations of the National Commission on Terrorist Attacks Upon the United States, the 9/11 Commission, and passed historic legislation that reformed the agencies that make up our intelligence community. While these

reforms were important and necessary, the disruption of a recent plot to hijack planes flying from London to the United States shows us that our enemies are still bent on bringing terror into our cities.

Many of my fellow citizens from the State of New Mexico have contributed to strengthening our defenses in the global war on terror. An urban rescue team traveled from New Mexico to Virginia to help recover survivors from the ruins at the Pentagon. Sandia and Los Alamos National Laboratories helped identify the strains of anthrax that were found in Government office buildings shortly after the terrorist attacks. They helped develop a biological threat detection system that was deployed at the 2002 Winter Olympics, the 2004 Summer Olympics, and in locations around our Nation's Capital. The national labs have also been at the forefront in developing tools to detect and dispose of materials that can be used as a "dirty bomb" or other weapon of mass destruction. Finally, the National Infrastructure and Analysis Center—NISAC—is being used to develop response strategies for government officials and first responders for large and complex crises.

Over the past 5 years, we have learned a good deal more about how the attack was planned and executed, and we have spent countless man hours and resources to make our Nation safer. We can be proud of the fact that we have worked to implement most of the 9/11 Commission recommendations. We are more prepared as a Nation for these types of dangers than we were prior to September 11, 2001. But this is a struggle that will not end with the same clarity and decisiveness of battles past. So as we continue to adjust to the new sense of normal, I hope all Americans take time to reflect on the events of September 11, 2001, honor those who have fallen, and rededicate themselves for the struggle ahead.

Mr. President, I ask unanimous consent that the article to which I referred be printed in the RECORD.

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

[From the Associated Press State & Local Wire, August 8, 2006]

NEW MEXICANS KILLED IN IRAQ AND AFGHANISTAN

(By the Associated Press)

A list of New Mexico soldiers and Marines killed in Iraq and Afghanistan:

Killed in Iraq:

Army Spc. Jose Zamora, 24, of Sunland Park, killed Aug. 6, 2006 when a roadside bomb exploded near the Humvee he was riding in during combat operations in Baghdad. Zamora was a combat engineer assigned to the 2nd Brigade Troop Battalion, 2nd Brigade Combat Team, 101st Airborne Division from Fort Campbell, Ky.

Army Sgt. Leroy Segura Jr., 23, of Clovis, killed Aug. 4, 2006 from injuries suffered in a Humvee accident in Habbaniyah, Iraq. Segura, a 2001 graduate of Clovis High School, was assigned to the 362nd Engineer Company, 54th Engineer Battalion.

Army Pfc. Rick Salas Jr., 21, of Roswell, killed March 7, 2006 when the vehicle he was in was hit by an improvised explosive device and overturned in Mosul, Iraq. He was assigned to the Army's 37th Armored Regiment, C Company.

Army Cpl. Jesse Zamora, 22, of Las Cruces, killed Feb. 3, 2006 during his second tour of duty when he was hit by a piece of shrapnel from a roadside bomb near his Humvee in Beiji, Iraq. Zamora, a 2002 graduate of Mayfield High School, was assigned to Company B, 1st Battalion, 187th Infantry Regiment, 3rd Brigade Combat Team, stationed at Fort Campbell, Ky.

Army Sgt. Clifton Yazzie, 23, of Fruitland, killed Jan. 20, 2006 during his second tour of duty when a roadside bomb exploded near his Humvee in Al Huwajah. Yazzie, a 2001 graduate of Kirtland Central High School, was a member of the 101st Airborne Division.

Army Spc. Vernon R. Widner, 34, of Truth or Consequences, killed Nov. 17, 2005, near Beiji, Iraq, when the Humvee he was in was struck by an Iraqi-driven vehicle. Widner, on his second tour of Iraq, was a member of the 101st Airborne Division, 3rd Special Troop Battalion 3rd Brigade Combat Team, stationed at Fort Campbell, Ky.

Army Pfc. Mario A. Reyes, 19, of Las Cruces, killed Nov. 7, 2005, near Baghdad when a car bomb blew up while he was on patrol. He was assigned to the 3rd Squadron, 3rd Armored Cavalry Regiment from Fort Carson, Colo.

Marine Lance Cpl. Chad Robert Hildebrandt, 22, of Springer, a 2003 graduate of Maxwell High School, killed Oct. 17, 2005, in Rutba, Iraq, after being shot in the head during his second tour in Iraq.

New Mexico National Guard Sgt. Marshall A. Westbrook, 43, of Farmington, a member of the Albuquerque-based 126th Military Police Company, killed Oct. 1, 2005, in Baghdad after being struck in the head by shrapnel from an explosive device.

Army Cpl. Lyle Cambridge, 23, of Shiprock, a 2000 graduate of Aztec High School, killed July 5, 2005, in Baghdad when an improvised explosive device detonated near the vehicle in which he was riding. He was assigned to the 3rd Squadron, 3rd Armored Cavalry Regiment based at Fort Carson, Colo.

Air Force Special Forces 1st Lt. Jeremy Fresques, 26, a 1997 graduate of Farmington High School, killed May 30, 2005, when an Iraqi single-engine plane crashed near Jalula, about 80 miles northeast of Baghdad.

Reserve Marine Lance Cpl. Jonathan Grant, 23, of Pojoaque, killed May 11, 2005, when the amphibious assault vehicle he was in was hit by an explosive device.

Army Staff Sergeant Joseph Rodriguez, 25, Las Cruces, killed Jan. 28, 2005, when an improvised explosive struck his vehicle in south Baghdad.

Marine Lance Cpl. Christopher S. Adlesperger, 20, Albuquerque, a rifleman killed Dec. 9, 2004, during fighting in the Anbar province.

Army Spc. Jeremy E. Christensen, 27, Albuquerque, killed Nov. 27, 2004, when a home-made bomb was detonated near his patrol vehicle in Ad Duilayah, Iraq.

Army Spc. Christopher A. Merville, 26, Albuquerque, killed Oct. 12, 2004, when his unit came under fire during combat operations in Baghdad.

Marine Sgt. Moses D. Rocha, 33, Roswell, shot Aug. 5, 2004, during fighting in Najaf on his second tour of duty.

Army Sgt. Tommy L. Gray, 34, Roswell, a tank mechanic killed Aug. 3, 2004, when he was caught between two vehicles in his motor pool in Taji.

Marine Lance Cpl. Aaron Austin, 21, Lovington, killed April 26, 2004, in Fallujah during his second tour in Iraq.

Marine Lance Cpl. Christopher Ramos, 26, Albuquerque, killed April 5, 2004, from hostile fire in Anbar province during his second tour of duty.

Army Spc. James "Heath" Pirtle, 27, La Mesa, a graduate of Carlsbad High School, killed Oct. 4, 2003, when the Bradley fighting vehicle he was in was hit by a rocket-propelled grenade in Assadah.

Killed in Afghanistan:

Army Sgt. Robert P. Kassir, 29, who moved to Clovis as a teenager, died July 16, 2006, near Larzab, Afghanistan, when his platoon came under fire. He was with the 2nd Battalion, 4th Infantry Regiment, 4th Brigade Combat Team, 10th Mountain Division, Fort Polk, La.

Air Force Maj. Steven Plumhoff, 33, stationed with Kirtland Air Force Base's 58th Special Operations Wing, killed Nov. 23, 2003, when his MH-53J Pave Low helicopter crashed near Bagram, Afghanistan.

Air Force 1st Lt. Tamara Long Archuleta, 23, of Belen, co-pilot of an HH-60G Pave Hawk helicopter, killed when the helicopter crashed in Afghanistan on a mercy mission on March 23, 2003.

Army Sgt. 1st Class Christopher James Speer, 28, of Albuquerque, died Aug. 7, 2002, after being wounded in an ambush on July 27 in the east of Afghanistan.

Senior Airman Jason Cunningham, 26, a Carlsbad native who also lived in Farmington and Gallup, killed March 4, 2002, while rescuing wounded troops in Marzak, Afghanistan.

Mr. KOHL. Mr. President, 5 years ago, the Nation woke up to a crisp and sunny fall day and went to bed in a world forever changed. We lost so much that day—3000 lives, a skyline, a sense of safety in our homes, our comforting ignorance of the stark face of evil. Since 9/11, we have tried to heal, to remember with honor those we lost. And we have tried to make real the false security we felt that crisp September morning before the first plane hit.

We have—and will continue to—debate what America has become since 9/11. We need to figure out if we are safer, if we have sacrificed too much freedom for security, if we have paid too little to bolster the first responders, if we have fought the wrong war in Iraq, if we haven't done the right work in Afghanistan. These questions should and must be answered.

But today, we need to put aside our considerable differences and recall the common, deep wound every American suffered on 9/11. Our sorrow, anger, and shock were not partisan; we were united in our outrage and unified in our resolve. As we remember today who and what we lost on 9/11, we must also remember the love we share for who and what we are in America. That is what was attacked that September morning—and that is what can bring us together to build a more secure America.

Mr. KENNEDY. Mr. President, today marks the fifth anniversary of the vicious attack on America by al-Qaida terrorists. Despite the passage of time, Americans still vividly recall with enormous pain and sorrow that dark and somber day.

We honor the nearly 3,000 innocent Americans who lost their lives that

day. We recall the brave firefighters and first responders who sacrificed their lives so that others could live.

We vividly remember the images on television of the Twin Towers crumbling before our eyes. We could see from our office windows the plume of smoke rising from the Pentagon, and we realized that but for the grace of God and courage of the passengers on flight 93, the Capitol buildings and many of us could have met that same fate.

We recall the pledge by all Americans that this type of attack will never, ever occur again. We recall how all of us in Congress came together in common purpose.

And we recall the enormous outpouring of support from the entire world, which stood by us and reassured us, saying so eloquently, "Today, we are all Americans."

More than 200 sons and daughters of Massachusetts perished in that tragedy. I will ask that their names be printed in the RECORD. Today, more than ever, our thoughts and prayers are with them and their families and friends whose lives were changed forever on that tragic day.

Although their loved ones will never be brought back, I hope the words of Abraham Lincoln will provide a measure of solace on this anniversary—"We here highly resolve that those dead shall not have died in vain, that this nation, under God, shall have a new birth of freedom; and that government of the people, by the people, and for the people, shall not perish from the earth."

Mr. President, I ask unanimous consent that the list of names to which I referred to be printed in the RECORD.

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

Stephen G. Adams  
Gertrude "Trudi" Alagero  
Anna S. W. Allison  
Barbara Arestegui  
Myra Aronson  
Japhet Aryee  
Garnet "Ace" Bailey  
Christine Johnna Barbuto  
Mark Lawrence Bavis  
Graham Berkeley  
David W. Bernard  
Mark Bingham  
Jeffrey D. Bittner  
Susan Leigh Blair  
Kelly Booms  
Carol Bouchard  
John B. Cahill  
Michael R. Canty  
Christoffer M. Carstanjen  
Neillie Anne Heffernan Casey  
William Caspar  
Swarna Chalasani  
Stephen Cherry  
Geoffrey William Cloud  
Jeffrey D. Collman  
Kevin P. Connors  
Jeffrey William Coombs  
John "Jay" Corcoran  
Fredrick John Cox Jr.  
Tara Kathleen Creamer  
Thelma Cuccinello  
Patrick J. Curriivan  
Dorothy deAraujo

Gerald F. DeConto  
Manuel Del Valle Jr.  
Gerard P. Dewan  
Simon Dhanani  
David DiMeglio  
Donald A. DiTullio  
Alberto Dominguez  
Jamie Lynn Fallon  
Lisa Fenn Gordenstein  
Alexander M. Filipov  
John R. Fisher  
Richard Fitzsimons  
Carol Flyzik  
Alan Friedlander  
Paul J. Friedman  
Karleton Douglas Beye Fyfe  
Thomas Edward Galvin  
Douglas Gardner  
Peter A. Gay  
Linda George  
Edmund Glazer  
Lynn Catherine Goodchild  
Peter M. Goodrich  
Douglas A. Gowell  
Andrew Curry Green  
Francis Grogan  
Philip Guza  
Paige Farley Hackel  
Maile Hale  
Carl Hammond  
Peter Burton Hanson  
Sue Kim Hanson  
Christine Lee Hanson  
Gerald Hardacre  
Melissa Harrington Hughes  
Eric Hartono  
John C. Hartz  
Peter P. Hashem  
James E. Hayden  
Robert J. Hayes  
Roberta Bernstein Heber  
Edward R. Hennessy, Jr.  
Noberto Hernandez  
Todd R. Hill  
Cora Hildalgo Holland  
Herbert Wilson Homer  
John Nicholas Humber  
William Christopher Hunt  
Waleed Joseph Iskandar  
Jason K. Jacobs  
Ariel L. Jacobs  
Aaron J. Jacobs  
Robert A. Jalbert  
Amy Nicole Jarrett  
John Jenkins  
Joseph Jenkins Jr.  
Charles E. Jones  
Jennifer Lynn Kane  
Robin L. Kaplan  
Robert M. Kaulfers  
Richard Keane Jr.  
Barbara A. Keating  
Ralph F. Kershaw  
Brian Kevin Kinney  
David P. Kovalcin  
Kathryn L. LaBorie  
Judy Larocque  
Janis Lasden  
Robert G. LeBlanc  
Dong Lee  
Joseph A. Lenihan  
Jeffrey LeVeen  
Daniel Lewin  
Sara Low  
Sean P. Lynch  
Marianne MacFarlane  
Susan McAleney Mackay  
L. "Neil" Mariani  
Karen Martin  
Joseph Mathai  
Margaret Mattic  
Kevin M. McCarthy  
Ruth McCourt  
Juliana Valentine McCourt  
Michael Gregory McGinty  
Thomas F. McGuinness Jr.  
Gavin McMahon  
Deborah Medwig

Christopher Daniel Mello  
Stuart Todd Meltzer  
Raymond Joseph Metz III  
Martin P. Michelstein  
Craig J. Miller  
Antonio Montoya  
Carlos "Beto" Montoya  
Laura Lee Defazio Morabito  
Christopher M. Morrison  
Brian Joseph Murphy  
Mildred Rose Naiman  
Shawn M. Nassaney  
Laurie Olsen Neira  
Renee Tetreault Newell  
Kathleen Ann Nicosia  
Robert Norton  
Jacqueline Norton  
John Ogonowski  
Leah E. Oliver  
Seamus O'Neal  
Betty Ann Ong  
Jane M. Orth  
Marie Pappalardo  
Robert "Bob" Pattison  
Nicholas Thomas Pecorelli  
Todd D. Pelino  
Berinthia Berenson Perkins  
Jean Peterson  
Dennis J. Pierce  
Everett "Marty" Proctor III  
Carrie Beth Progen  
Sonia Puopolo  
Patrick J. Quigley IV  
David E. Retik  
Venesha Richards  
Fred Rimmel, M.D.  
Waleska Martinez Rivera  
Isaias Rivera  
Stephen L. Roach  
Raymond J. Rocha  
Laura Rockefeller  
Jean D. Roger  
Philip "Phil" Rosenzweig  
Richard Barry Ross  
Michael Craig Rothberg  
James M. Roux  
Jessica Leigh Sachs  
Rahma Salie  
Jesus "JR"-Sanchez  
Matthew Carmen Sellitto  
Robert M. Shearer  
Kathleen Shearer  
Antoinette Sherman  
Jane Louise Simpkin  
Heather Smith  
Diane Bullis Snyder  
Timothy C. Stout  
Edward W. Straub  
Madeline Amy Sweeney  
Brian David Sweeney  
Kevin T. Szocik  
Leonard (Lenny) Taylor  
Michael Theodoridis  
Eric "Rick" Thorpe  
Alicia N. Titus  
Amy E. Toyen  
Daniel Trant  
Mary Trentini  
Jim Trentini  
Tyler Ugolyn  
Michael Augustine Uliano  
Kenneth E. Waldie  
Meta Fuller Waller  
Stephen Ward  
William Michael Weems  
John J. Wenckus  
Peter M. West  
Maudlyn A. White  
Candace Lee Williams  
Christopher R. Zarba Jr.

#### CELEBRATING HISPANIC HERITAGE MONTH

Mr. LUGAR. Mr. President, I appreciate this opportunity to join my many friends from the Hispanic community

in Indiana and across the country as we celebrate Hispanic Heritage Month.

From September 15 through October 15, all Americans will take time to reflect upon and celebrate the many contributions that Americans of Hispanic and Latino descent have made to our Nation. Millions of Hispanic Americans have worked tirelessly to provide for their families, strengthen their communities, and enrich our national culture.

I also wish to recognize the approaching 196th anniversary of Mexican Independence. I am hopeful that, as we commemorate this important milestone, we can also celebrate the remarkable friendship between our two nations as neighbors and partners for peace and justice in the world.

#### HONORING OUR ARMED FORCES

SERGEANT GERMAINE L. DEBRO

Mr. HAGEL. Mr. President, I rise to express my sympathy over the loss of Nebraska Army National Guard Sergeant Germaine Debro of Omaha, NE. Sergeant Debro died when an improvised explosive device detonated near his vehicle near Balad, Iraq on September 4. He was 33 years old.

The son of a retired U.S. Air Force technical sergeant, Sergeant Debro and his family moved frequently around the country. Sergeant Debro attended Omaha Benson High School for 1 year and then moved to Arkansas where he graduated from high school in 1991.

In October 1994, Sergeant Debro enlisted in the U.S. Army. Following his service in the Army, Sergeant Debro enlisted in the Nebraska Army National Guard in October 1997. He was assigned to Detachment 1, Troop B, 1-167th Cavalry Squadron based in Wahoo, NE. Sergeant Debro remained in Wahoo until being reassigned to the Fremont, Nebraska-based Troop B, 1-167th Cavalry Squadron in January 2001. While serving with the 1-167th Cavalry Squadron, Sergeant Debro was mobilized for several overseas deployment including service in Kuwait in 2001 and in Bosnia-Herzegovina from 2002-2003. Sergeant Debro will be remembered as a loyal soldier who had a strong sense of duty, honor and love of country. Thousands of brave Americans like Sergeant Debro are currently serving in Iraq.

Sergeant Debro is survived by his parents, Alvin and Priscilla Debro; and brothers, Alvin Jr., who served in the U.S. Army, and Maurice, all of Omaha. Our thoughts and prayers are with them at this difficult time. America is proud of Sergeant Debro's heroic service and mourns his loss.

I ask my colleagues to join me and all Americans in honoring SGT Germaine L. Debro.

#### DARFUR

Mr. FEINGOLD. Mr. President, we are at a crossroads in the 3-year-old

conflict raging in Sudan's Darfur region. Last week's Security Council Resolution 1706, authorizing a United Nations peacekeeping force for Darfur, represents the culmination of persistent advocacy for a robust international intervention and offers the resources and mandate necessary to bring an end to violence which has already taken more than 200,000 lives and forced an estimated 2.5 million Darfurians from their homes.

Unfortunately, the Government of Sudan has rejected the U.N.'s plan and is actively undermining peace efforts while exacerbating the humanitarian situation. The Sudanese Government's behavior increasingly violates both international law and the terms of the Peace Agreement it signed in May.

If the Sudanese Government remains on its current trajectory, disaster—perhaps on the scale of the 1994 Rwandan genocide—is imminent. The current 7,000-member African Union Mission in Sudan, which has been struggling valiantly to protect innocent civilians for 2 years, is set to withdraw at the end of this month. If it is not replaced by a U.N. force at that time or given an extended and expanded mandate, a power vacuum will result that many agree would lead to a resurgence in violence from all sides.

Already, the future of the peace process is at risk and increasing insecurity are leading humanitarian aid organizations to retreat from the areas where their services are needed most. More than a dozen aid workers have been murdered since the Darfur Peace Agreement was signed in May.

It is time for the United States and the international community to use all means of influence at their disposal to ensure that U.N. Resolution 1706 is implemented. In contrast to the small African Union contingent, which is severely limited in both what it is able and allowed to do, the recently-authorized United Nations force would include up to 22,500 U.N. troops and police officers and an immediate injection of air, engineering, and communication support for the African Union force. The resolution, passed unanimously by the Security Council on August 31, also gives the U.N. peacekeepers power to take all necessary measures to protect humanitarian aid workers and civilian populations.

In an affront to international law and the international community, Sudan's envoys refused to attend last week's United Nations meetings and the Government has rejected the introduction of a U.N. peacekeeping force, likening it to "western colonization." Most recently, the Government has issued an ultimatum to the African Union, demanding that it refrain from incorporating U.N. reinforcements or withdraw its peacekeepers from the country. The Sudanese Government insists that it will defeat rebel groups in Darfur on its own and has announced intentions to move more than 10,000 troops to the region. In effect, this

amounts to sending the same soldiers who displaced Darfur's refugees to protect them.

Over the past week, there has been a military buildup in Darfur, with witnesses reporting an influx of Sudanese military equipment and troops, which is in direct violation of May's Darfur Peace Agreement. In fact, while the Security Council was debating how to end the violence in Darfur, the Sudanese military was indiscriminately bombing rebel-held villages. Firsthand sources report flight crews rolling bombs off plane ramps, a tactic often practiced by Government forces in their 21-year civil war to devastate whole areas of southern Sudan, with nightmarish consequences for civilians.

Meanwhile, the situation on the ground is deteriorating rapidly. The more than 2 million refugees in Darfur and neighboring Chad—two thirds of them children—are particularly susceptible to malaria, diarrhea, and other health problems and live in fear of forced recruitment by rebel fighters or bomb attacks by the military. This current escalation in instability seriously impedes the mobility of humanitarian organizations, preventing them from reaching civilians in Sudan's most dangerous areas. The World Food Program reports that its existing food rations—upon which some 6 million Sudanese rely—will run out in January, adding another dimension of desperation.

In unanimously passing Resolution 1706, the international community has delivered a clear message to the Government in Khartoum that it needs to abide by international law and its own commitments. Last-minute changes the recent resolution included a reaffirmation of the sovereignty and "territorial integrity of Sudan" and the first paragraph of the resolution invites the Sudanese Government to consent to the deployment of a U.N. force, but such consent is not required by international law or the text of the resolution. Additionally, the U.N. Resolution threatens sanctions for any individual or group that violates human rights or the Darfur Peace Agreement.

At this critical juncture, the Government of Sudan must fulfill its obligation to relieve the suffering of its citizens by working with the United Nations to agree upon a robust, coordinated force to end the violence in Darfur. It is essential that the international community displays steadfast solidarity in insisting upon the implementation of United Nations Resolution 1706 and provides the troops and resources necessary to follow through on its commitment. The implications of allowing another genocide to take place in Africa could lead to a complete collapse in the U.N.'s authority and the deterioration of international law.

In conclusion, I am deeply troubled by recent developments regarding Sudan. The international community has asserted its determination to bring



an end to the violence in Darfur. Now we need to act upon these intentions and pressure the Government of Sudan to cooperate in efforts to improve prospects for peace throughout Sudan and the greater east Africa region.

#### FEDERAL FUNDING ACCOUNTABILITY AND TRANSPARENCY ACT

Mr. OBAMA. Mr. President, I rise today to speak about the Federal Funding Accountability and Transparency Act, which passed the Senate last week.

This is an important bill that will bring badly needed transparency to Federal spending. The bill creates a user-friendly website to search all Government contracts, grants, earmarks, and loans, opening up Federal financial transactions to public scrutiny. By helping to lift the veil of secrecy in Washington, this website will help make us all better legislators. It will help make reporters better journalists. And it will help make all Americans more informed voters and more active citizens.

I am heartened to see that Government transparency can be a bipartisan issue. This bill has been cosponsored by more than 40 of our colleagues and has the support of more than 100 outside groups from all parts of the political spectrum. It has been endorsed by dozens of editorial boards across the country from the Wall Street Journal, to the Chicago Sun-Times and The Oklahoman. Most people I speak to in Illinois or here in Washington or anywhere else wonder why a public website of all Federal spending does not already exist. To them, this is just common sense.

Whether you believe the Government ought to spend more money or spend less, you should certainly be able to agree that the Government ought to spend every penny efficiently and transparently. Transparency is the first step to holding Government accountable for its actions and is a prerequisite to oversight and financial control. We can't reduce waste, fraud, and abuse without knowing how, where, and why Federal money is flowing out the door. This bill will provide that transparency, and not just to Members of Congress. Anybody with access to the Internet will be able to see how Federal funds are being spent. If Government spending can't withstand public scrutiny, then the money shouldn't be spent. The American people deserve no less.

I want to express my appreciation for the hard work that went into getting S. 2590 passed. I would like to thank the majority leader and minority leader, as well as the chairman and ranking member of the Homeland Security and Governmental Affairs Committee, for their assistance in moving this important legislation forward.

I would also like to thank the organizations that helped create a grassroots

movement in support of Government transparency and in support of this bill. Without the hard work of OMB Watch, the Project on Government Oversight, and Citizens Against Government Waste, to name just a few supporters, this bill would not have been considered and passed so quickly.

And most importantly, I would like to thank my colleague, Senator COBURN, and his outstanding staff for their diligence and dedication. Since Senator COBURN and I first met during freshman orientation, we have developed a close personal bond that has translated into a close working relationship to bring more transparency and accountability into the way that Government spends taxpayer money. I have been impressed by the commitment and tenacity with which he stands up for his principles and beliefs, and it is these qualities that enabled this bill to get passed.

The House of Representatives is expected to vote on this bill later this week, and I am confident that our bipartisan and bicameral collaboration will quickly become law. It is not often that two Senators from different parties are able to bridge the partisan divide in this town and get something accomplished. But the American people demand greater transparency and accountability, and it is our honor and privilege—indeed, it is our duty—to provide the tools to help make that possible.

#### TRIBUTE TO SORIN DUCARU

Mr. BROWNBACK. I commend the Romanian Ambassador to the United States for his service as a diplomat, a civil leader, a transatlantic thinker, and a friend of the United States.

Sorin Ducaru has served as Romania's principal diplomatic spokesman for the last 5 years. He played a key role in the Romanian Ministry of Foreign Affairs as the first head of the Division for NATO and Strategic Issues and was deeply involved in events leading to Romania's membership in NATO—ratified with the unanimous support of the U.S. Senate.

Once Romania joined NATO, Ambassador Ducaru was a part of the Romanian team that helped pave the way for the establishment of U.S. military facilities in Romania. The agreement was signed in 2005, ratified this past summer, and is currently in its implementation phase.

On this fifth anniversary of the 9/11 attacks in particular, it is important to recall our partners in the war on terrorism. In 2001, just days after 9/11 terrorist attacks, Ambassador Ducaru helped facilitate Romanian-American political dialogue that resulted in Romania's offer to put its military and logistical facilities, air corridors, and troops at the disposal of the United States in the war on terrorism. Even before Romania was a NATO member, it participated with troops and logistical support in the war on ter-

rorism. Now, Romania is the fifth largest contributor of troops in Afghanistan and Iraq.

Ambassador Ducaru has been a strong supporter of Romania's participation in the process of democratic and economic reconstruction of Afghanistan and Iraq, pointing to the lessons learned of his own country's dramatic and sometimes painful transformations in the last 16 years. He has been a constant advocate of cooperation between American businesses and the business potential of coalition countries.

His support for democracy in Afghanistan and Iraq is not surprising because Ambassador Ducaru is a long-time advocate of democratic values. He is a member of the new generation of leaders that transformed Romania to an open free society following the revolution of 1989. He has been at the forefront of a new generation of Central European leaders whose countries have evolved from nondemocratic and closed societies to countries that preserve freedom, security, and economic opportunity.

As he departs his current post to become the Romanian Ambassador to the North Atlantic Treaty Organization, I express my gratitude for his efforts to build a strong and vibrant relationship between Romania and the United States. I look forward to working with him to continue efforts to expand political, diplomatic, economic, and military cooperation and stability through NATO. Ambassador Ducaru is a true friend of the United States, and I wish him well in his new capacity.

#### REDUCING FOREIGN ENERGY RELIANCE

Mr. LUGAR. Mr. President, I rise today to request that my remarks, delivered in the keynote address to the Richard G. Lugar-Purdue University Summit on Energy Security, at Purdue University, West Lafayette, IN, on August 29, 2006, be printed in the RECORD.

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

I am honored to address this assembly, which will explore an aggressive agenda to reduce our nation's dependence on foreign energy sources. I appreciate the opening words of my good friend, Governor Mitch Daniels. He and his administration have given priority to energy issues in Indiana. They are attempting to maximize the opportunities that our state has to become a leader in a broad gamut of energy technologies. I also want to thank our host, Purdue University, and President Martin Jischke for promoting this energy summit. President Jischke has provided brilliant direction to this university. His advice on energy, agriculture, education, and many other topics has been of great benefit to me personally. I will deeply miss his leadership at Purdue when he steps down as President next June, but I look forward to a very productive year immediately ahead and many mutual endeavors in years to come. I am also delighted that Congressman Pete Visclosky, will address the summit conference this noon. Pete has been a great partner on numerous issues,



ranging from local projects of special importance to Hoosiers, to the global search for an AIDS vaccine.

It is exciting to be surrounded by so many talented individuals who are committed to the objective of greater energy independence for the United States. I believe that in the future, the United States can be energy self sufficient or nearly so. Over the long term, we have the resources and the ingenuity to achieve this goal.

The crucial question is what happens between now and then. Will we achieve this goal rapidly through a coherent and resolute national policy that takes advantage of America's natural assets to create new economic opportunities, a cleaner environment, and improved national security? Or will we achieve our objective only after many years of widespread economic pain and national vulnerability caused by scarcity, terrorist attacks, market shocks, and foreign manipulation of our energy supplies?

We must move now to address our energy vulnerability because sufficient investment cannot happen overnight, and it will take years to build supporting infrastructure and to change behavior. In other words, by the time a sustained energy crisis fully motivates market forces, we are likely to be well past the point where we can save ourselves from extensive suffering. Our motivation will come too late and the resulting investment will come too slowly to prevent the severe economic and national security consequences of our oil dependence. This is the very essence of a problem requiring citizen, business, and governmental action.

I will describe our energy dilemma as a six-pronged threat to national security. First, oil supplies are vulnerable to natural disasters, wars, and terrorist attacks that can disrupt the lifeblood of the international economy. Within the last year, the international flow of oil has been disrupted by hurricanes, unrest in Nigeria, and continued sabotage in Iraq. In late February of this year, terrorists penetrated the outer defenses of Saudi Arabia's largest oil processing facility with car bombs before being repulsed. Al-Qaeda and other terrorist organizations have openly declared their intent to attack oil facilities to inflict pain on Western economies.

Second, as large industrializing nations such as China and India seek new energy supplies, oil and natural gas will become more expensive. In the long run we will face the prospect that the world's supply of oil may not be abundant and accessible enough to support continued economic growth in both the industrialized West and in large rapidly growing economies. As we approach the point where the world's oil-hungry economies are competing for insufficient supplies of energy, oil will become an even stronger magnet for conflict.

Third, adversarial regimes from Venezuela, to Iran, to Russia are using energy supplies as leverage against their neighbors. We are used to thinking in terms of conventional warfare between nations, but energy is becoming a weapon of choice for those who possess it. Nations experiencing a cutoff of energy supplies, or even the threat of a cutoff, may become desperate, increasing the chances of armed conflict, terrorism, and economic collapse.

Fourth, the revenues flowing to authoritarian regimes often increase corruption in those countries and allow them to insulate themselves from international pressure and the democratic aspirations of their own peoples. We are transferring hundreds of billions of dollars each year to some of the least accountable regimes in the world. Some are using this money to invest abroad in terrorism, instability, or demagogic appeals to populism.

Fifth, the threat of climate change has been made worse by inefficient and unclean use of non-renewable energy. In the long run this could bring drought, famine, disease, and mass migration, all of which could lead to conflict and instability.

Sixth, much of the developing world is being hit hard by rising energy costs, which often cancel the benefits of our foreign assistance. Without a diversification of energy supplies that emphasizes environmentally friendly energy sources that are abundant in most developing countries, the national incomes of energy poor nations will remain depressed, with negative consequences for stability, development, disease eradication, and terrorism.

Each of these six threats from energy dependence is becoming more acute as time passes. Any of them could be a source of catastrophe for the United States and the world.

The vulnerability of the United States rests on some basic factors. With less than 5 percent of the world's population, our nation consumes 25 percent of its oil. World demand for oil and other forms of energy is rapidly increasing. Within 25 years, the world will need 50 percent more energy than it does now. If oil prices average \$60 a barrel through 2006—a figure that we are currently well above—we will spend about \$320 billion on oil imports this year. This is roughly the same amount that the United States has spent on the war and reconstruction effort in Iraq during the first three years of conflict.

These conditions might be negotiable in the short and medium terms if oil resided with responsible, secure producers who maximize production during periods of elevated demand. But just the opposite is true. According to PFC Energy, about 79 percent of the world's oil supply is controlled by state-run oil companies. These governments profoundly affect prices through politicized investment and production decisions. The vast majority of these oil assets are afflicted by at least one of three problems: lack of investment, political manipulation, or the threat of instability and terrorism.

As recently as four years ago, spare production capacity exceeded world oil consumption by about ten percent. As world demand for oil has rapidly increased in the last few years, spare capacity has declined to less than two percent. Thus, even minor disruptions of oil can drive up prices. Earlier this month, a routine inspection found corrosion in a section of BP's Prudhoe Bay oil pipeline that shut down 8 percent of U.S. oil output, causing a \$2 spike in oil prices. That the oil market is this vulnerable to something as mundane as corrosion in a pipeline is evidence of the precarious conditions in which we live.

Our current dependence on imported oil has put the United States in a position that no great power should tolerate. Our economic health is subject to forces far beyond our control, including the decisions of hostile countries. We maintain a massive military presence overseas, partly to preserve our oil lifeline. One conservative estimate puts U.S. oil-dedicated military expenditures in the Middle East at \$50 billion per year. But there is no guarantee that even our unrivaled military forces can prevent an energy disaster. We have lost leverage on the international stage and are daily exacerbating the problem by participating in an enormous wealth transfer to authoritarian nations that happen to possess the commodity that our economy can least do without.

Rising energy prices, news reports of hostile oil producers, and the energy shocks experienced after the Katrina and Rita hurricanes, have awakened Americans to our energy vulnerability.

Almost six months ago, I delivered an address at the Brookings Institution in which I described "a shifting balance of realism" from those who believe in the immutability of oil domination of our economy and a *laissez faire* approach to energy policy to those who recognize that our nation has no choice but to seek a major reorientation in the way we get our energy. With oil at \$72 a barrel and multiple crises flaring in the Middle East, fewer pro-oil commentators still assert that dependence on oil is simply a choice of the marketplace and government can and should do little to change it.

I believe that there is a growing consensus behind the new energy realism. There are clear signs that policy makers and a majority of the public recognize that our oil dependence is dangerously unsustainable.

The media is filled with examples of enterprising individuals who are making ethanol or biodiesel, erecting windmills, installing solar panels, or otherwise establishing personal control over their energy resources. A review of the nation's five largest newspapers revealed that twice as many energy-related stories appeared in July 2006 as appeared in July 2003.

Gasoline prices are beginning to have some effect on the automobile choices of American consumers. Sales of SUV's were down fifteen percent in the first half of 2006 compared with the same period in 2005. Sales of compact cars, by comparison, rose eight percent. These statistics were reinforced by a May 2006 Consumer Reports survey, which found that 37 percent of Americans were considering trading in their current cars for more fuel efficient cars. Almost half of these consumers were considering the purchase of a hybrid car or another alternative to traditional gasoline powered cars.

Progress is also appearing in the investment world. The entrepreneurial vanguard that brought us the internet and transformed telecommunications is turning its attention to alternative energy. According to data compiled by VentureOne, venture capital targeted at alternative energy projects more than tripled to \$315 million in the first half of 2006 compared to the first half of 2005. Alternative energy investment is no longer just a niche area for environmental idealists and companies trying to improve their public image.

As a political issue, energy has been elevated to a status that is roughly equivalent to health care or education. A check of all one hundred Senators' websites in early August found that at least 85 of them had either issued a press release on energy this summer or had an energy section prominently displayed on their homepage. No politician on the national scene can afford to ignore energy.

Unfortunately, although many Americans are embracing the idea of changing our energy destiny, they have not committed themselves to the action steps required to achieve an alternative future. This is an important distinction, because although national acceptance that there is a problem is a necessary condition for solving the problem, it does not guarantee that the problem will be solved.

In fact, advancements in American energy security have been painfully slow during 2006, and political leadership has been defensive, rather than pro-active. One can point with appreciation to a few positive trends, as I have just done, but these are small steps forward in the context of our larger vulnerability. If our economy is crippled by an oil embargo, if terrorists succeed in disrupting our oil lifeline, or if we slide into a war because oil wealth has emboldened anti-American regimes, it will not matter that before disaster struck, the American public and its

leaders gained a new sense of realism about our vulnerability. It will not matter that we were producing marginally more ethanol than before or that consumers are more willing to consider hybrids and other alternative vehicles.

Not all indices and measures of energy progress are even moving in the right direction. The American people are angered by \$3.00 gasoline, but they are still buying it in record quantities. In a recent *Business Week* article, writer Peter Coy points out that gasoline consumption during the 2006 July 4th holiday was up 2 percent from a year earlier and consumers bought ten percent more gasoline in the first half of 2006 than they did in the first half of 2000, even though the price of gasoline was 75 percent higher.

Neither American oil companies, nor American car companies have shown an inclination to dramatically transform their businesses in ways that will achieve the degree of change we need to address a national security emergency. In fact, a number of the major oil companies have written to me to explain why they are not enthusiastic about installing pumps that can accommodate E85—a blend of gasoline and up to 85 percent ethanol. Some are distinctly hostile to any such idea.

General Motors launched a new “Live Green, Go Yellow” ad campaign to promote the purchase of flexible fuel vehicles. But its strategy for overall corporate recovery appears to depend on the sale of pickup trucks. Earlier this month, General Motors CEO Richard Wagoner called a new redesigned line of pickup trucks “the most important part of our North American turnaround plan.” According to the *New York Times*, to counter GM’s new line, Ford Motors plans to cut the price of its 2007 F-Series pickups, add two more body styles, and increase towing capacity. Moreover, earlier in the summer, GM attempted to tap into consumer worries about gasoline costs by offering to subsidize gasoline for purchasers of certain gas guzzlers in Florida and California. Under the deal, GM would cap the price of gasoline at \$1.99 per gallon for one year for buyers of Hummers, Yukons, Tahoes, and other large vehicles.

Within State governments, dropping speed limits or raising gas taxes are non-starters almost everywhere. In fact, speed limits are rising in some states. Recently, Texas raised speed limits on some sections of rural interstate highways to 80 miles per hour, effectively ensuring that many motorists will be traveling closer to 90 miles per hour on those stretches and using more gasoline per mile.

Most importantly, the Federal Government is not treating energy vulnerability as a crisis, despite an increase in energy related proposals. Consider that the only major energy legislation taken up by Congress so far this year was legislation to encourage offshore oil and gas production in the Gulf of Mexico. I supported passage of the bill, but it was offered in a format that did not allow for amendments, and no bill has emerged from a House-Senate conference. If the bill passes, we would be addressing only a small corner of the energy picture. Issues such as energy efficiency, renewable fuels, and alternative energy technology had no chance to be discussed.

Even when the Congress and the President establish programs that would produce meaningful results, bureaucratic inertia and turf-consciousness within the Federal agencies have added delays. Groundbreaking for the first commercial-scale cellulosic ethanol plant has been on hold for a year while investors wait for the Federal government to establish the regulations and application procedure for a loan guarantee program that was passed last summer. The program was

meant to jump start the commercialization of cellulosic ethanol—a key goal of President Bush and Congress. But despite the urgency of this mission, the Energy Department’s glacial implementation of the program has frustrated potential investors and those of us who are urging the transition to gasoline alternatives. In fairness, Secretary Bodman announced in early August that the Energy Department will accept proposals this fall for cellulosic plant pilot projects, even before regulations are complete. The Department estimates that construction of the first plants could begin early next year.

We could all take our time if this were merely a matter of accomplishing an industrial conversion to more cost effective technologies. Unfortunately, in the absence of far-reaching changes in energy policy, we are risking multiple disasters for our country.

The energy debate is afflicted with what writer Jonathan Rauch has called “Demosclerosis”—the phenomenon of competing interest groups protecting their perceived interests so effectively that policy can achieve only least common denominator outcomes that do not solve the problem threatening the whole nation. Rauch used the concept of *demosclerosis* to describe the gridlock afflicting efforts to cut the federal budget and restructure entitlement programs. But it is also applicable to the energy debate. The competing interests of oil companies, car companies, environmentalists, truckers, farmers, consumers, and governmental agencies cancel out initiatives or compromises that serve the broader public interest.

Even in California, where voters tend to be environmentally sensitive and where pollution provides a strong extra impetus to cut gasoline use, entrenched business interests have succeeded in discouraging alternative fuels and transportation technologies. Since 1979, California lawmakers have tried a variety of approaches, only to be frustrated by the oil and auto industries that resisted change. A proposal there to cut oil use 15 percent by 2020 is supported by Governor Schwarzenegger, but opposed by the major oil companies, and has not made it through the legislature. California consumes more gasoline than any other state. Yet the number of E85 stations open to the public, after all the conflicting cross-currents, is exactly one.

Overlaying these elements of gridlock are memories of President Jimmy Carter’s unpopular energy program from the 1970s. His dour calls for sacrifice remain a cautionary example for many office holders, editorial writers, and political strategists. Conventional political wisdom holds that the American public will punish anyone who forces significant energy sacrifices on them. This is a major oversimplification, but it is true that Americans are not eager to pay higher prices for energy, wait in gas lines, or see their driving or horsepower curtailed. A recent Bloomberg/Los Angeles Times poll asked about 1,500 people which of five options were “the best way to reduce U.S. reliance on foreign oil.” Two percent chose increasing the gas tax. Building new nuclear plants or enforcing stricter mileage standards fared little better at 6 and 8 percent respectively. Respondents gravitated toward general trends that were unlikely to affect them personally, with 52 percent endorsing increased government investments in alternative energy sources and 20 percent choosing to relax environmental standards for oil and gas drilling.

Breaking through a political logjam often requires a crisis that focuses the nation in a way that achieves a consensus. But consider that the combination of September 11, 2001, the war in Iraq, the conflict on the Israeli-

Lebanese border, the nuclear standoffs with Iran and North Korea, the Katrina and Rita hurricanes, sustained \$3.00 per gallon gasoline, and several other severe problems have not created a consensus on energy policy. This leads one to the sobering conclusion that a disaster capable of sufficiently energizing public opinion and our political structures will have to be something worse than the collective maladies I just mentioned—perhaps extreme enough to push the price of oil to triple digits and set in motion a worldwide economic downturn. None of us want to experience this or any of the nightmare scenarios that await us. It is time to summon the political will to overcome the energy stalemate.

In most areas of national policy we are concerned far more with trends than with a discernable national goal. For example, we watch the effects of President Bush’s “No Child Left Behind Act” and debate whether more American school children are reading at grade level than before. Despite the name of that bill, we realize that not every school or every child will succeed. We measure success or failure in trends and those trends have meaning because they can be translated into progress for real individuals. The same is true for most aspects of health care policy, environmental protection, job creation, highway construction, and numerous other policy areas. Even when goals aren’t met completely, we are rarely disappointed if we achieve measurable improvements.

Our energy dilemma is different. Although every gallon of ethanol, every E-85 pump, every flex fuel vehicle that comes on line moves us closer to safety, they do not necessarily make us safer right now. Marginally reducing our reliance on imported oil over the course of the next few decades will be welcome, but we will still be vulnerable to disaster at any time, and our national security and economic policy options will be constrained accordingly.

Our energy vulnerability is analogous to rowing a boat to shore in rough seas. Each stroke moves us closer to safety, but until we reach the shore, we can be capsized. We have to measure progress not against where we have been, but against the distance to our goals. Achieving a positive trend line is almost inevitable as long as energy costs remain high, because these costs will lead to some improvements in investment and conservation. We need to have the discipline to understand that a modestly positive trend line is not enough. With the storm bearing down on them, the occupants of a threatened boat do not put up their oars and relax because the current has caused them to drift a little closer to shore.

To bolster public motivation and to connect our efforts to rational outcomes, we must work much harder to establish meaningful goals. Americans need to know exactly what the plan is and how we will achieve it. We not only must understand how to bring alternatives to the market, we must establish what degree of change would improve our national security situation, then tailor national policy to achieve that goal.

Although the energy debate is multifaceted, the heart of our geostrategic problem is reliance on imported oil in a market that is dominated by volatile and hostile governments. This is where we must devote our national effort, because it is our most intense short term vulnerability. It also could bring the most collateral benefits, including reinvigorating the American automobile and agricultural industries and helping to reduce carbon emissions. This is not to minimize the challenges facing our electricity grid or other energy problems, but as we marshal our political capital for a difficult task, this should be our first focus.

To this end, the United States should adopt a national program that would make virtually every new car sold in America a flexible fuel vehicle. We should ensure that at least one quarter of filling stations in America have E85 pumps. We should expand ethanol production to 100 billion gallons a year by 2025, a figure that could be achieved by doubling output every five years. We should also create an approximate \$45 per barrel price floor on oil through a variable ethanol tax credit to ensure that investments keep flowing to alternatives. And we should enact stricter vehicle mileage standards to point automobile innovation toward conservation. The plan I am proposing today would achieve the replacement of 6.5 million barrels of oil per day by volume—the rough equivalent of one third of the oil used in America and one half of our current oil imports.

I am aware that these are ambitious goals, and that achieving them will take political breakthroughs and intensive government oversight. But if we have the political will, America can end its oil addiction through technology, the new economics of energy, and targeted government incentives and regulations to focus market forces on the problem.

As former Federal Reserve Chairman Alan Greenspan told the Senate Foreign Relations Committee earlier this year, almost one out of every seven barrels of oil produced in the world is consumed on American highways. To break oil's monopoly on American roads, some experts favor a giant leap in technology to hydrogen. But that will require new engines, new distribution systems, new production technologies, and is decades away from commercialization. Instead, we can start to break petroleum's grip right now. The key is making ethanol as important as gasoline in our transportation fuel mix.

To start with, every new car can be easily fitted with proven technology that enables it to burn E85. Millions of these cars are on the road today, and the factory cost of making each vehicle capable of burning E85 is probably less than \$150. Because these flex-fuel cars can run on either gasoline or E85, or any combination, the driver can fill up with E85 when it is available, and with regular gasoline when it is not. So the first step should be to require that all new cars sold in America be flex-fuel vehicles.

We applaud the efforts of American automakers to increase their flexible fuel offerings. On June 28, Daimler-Chrysler, Ford, and General Motors issued a statement announcing that they will double their production of flexible fuel vehicles by 2010. This pledge is significant within the context of the auto company's business objectives, but it is inadequate in the context of pursuing the national security benefits of replacing a large share of gasoline with ethanol. The Federal government should work with both foreign and domestic car companies on a plan to rapidly achieve the goal of equipping all new vehicles sold in America with flex-fuel technology. The Federal government should be willing to offer incentives to help make a voluntary plan work. But if car manufacturers do not respond with a sufficient plan in a short time period, Congress should mandate that all new autos sold in the United States have flex-fuel capability.

I do not suggest this lightly. But my observations of the post-Katrina response by car companies, oil companies, and consumers is that in the short run, the evolution of market forces won't be capable of producing the progress that we need to achieve our national security goals, particularly since the car fleet turns over slowly.

Next, we need to make E85 more widely available. Major oil companies have resisted

installing E85 pumps. Indeed, most of the 897 E85 fuel stations in the country are independently-owned. As the profits of oil companies have increased with the price of oil, members of Congress have discussed increasing taxes on oil companies or requiring that a certain percentage of profits be devoted to research, exploration, or alternative energy sources.

Some of these ideas may have merit. I would suggest, however, that our first requirement of oil companies should be to use some of their recent profits to install E85 pumps in at least 25 percent of the nation's fuel stations within ten years. Unfortunately, this may also require an outright mandate. The majors have, thus far, shown little willingness to take this step.

The oil companies have argued that installing these pumps is too expensive and should wait until sufficient supplies of ethanol and flex-fuel vehicles are available. It does cost money to turn a gas pump into an E85 pump, primarily to replace the underground storage tank. But the cost is generally far less than the oil companies have portrayed. A recent Wall Street Journal article cited Chevron as estimating that installing an E85 pump costs \$200,000. In fact, last year I helped inaugurate an E85 outlet in Terre Haute, and the owner said it cost her less than five thousand dollars to retrofit her station. Moreover, according to oil industry sources, installing a new E85 pump costs only about \$5,000 more than installing a new gasoline pump. This suggests that stations on the drawing board would be low-cost candidates for E85 pumps. Conversion of some pumps will be much more expensive, and there are numerous price variables to consider. But by making use of retrofits and by devoting one pump to E85 at newly constructed fuel stations, the average conversion cost nationwide would be a fraction of what oil companies have implied.

In addition, gasoline companies can take advantage of an existing tax credit for the installation of renewable fuel pumps. I would support increasing this tax credit if a mandate were enacted. Gasoline companies also would be able to hold costs down by selecting the least expensive locations for adding E85 pumps, as long as they met geographic distribution requirements.

If the six largest gasoline companies installed E85 pumps in half of their stations, we would get to the 25 percent fuel station goal. For the sake of argument, if we estimated that the average marginal cost of opening an E85 pump after tax credits was \$15,000, then establishing the pumps at one quarter of the nation's 170,000 fuel stations would cost approximately \$637 million over ten years. That is just one percent of the combined \$64 billion profit made during 2005 alone by the three largest American oil companies—Exxon-Mobil, Chevron, and Conoco-Phillips. Even if the average cost is somewhat more than \$15,000, these figures illustrate that the cost of a nationwide E85 pump conversion for the major oil companies would be far from prohibitive.

My intent here is not to punish the oil companies. As a Senator who has favored new drilling and other initiatives designed to help the oil companies produce more domestic oil, I am suggesting that they need to alter their thinking. In the best circumstances, they would embrace ethanol and work hard to diversify their investments and operations—partly for the good will they would receive from Congress and the public—but also to prepare for the coming decades of greater American prosperity and security.

If the mandate can be effectively linked to the increasing availability of ethanol, so much the better. But to achieve our larger goal, we must be prepared to tolerate a cer-

tain level of disconnect between cars, pumps, and ethanol in the early stages of this effort. Some pumps may be underutilized at first, but this cannot be an excuse not to move forward.

Incidentally, virtually every gas-powered vehicle in America today can run on gasoline blended with 10 percent ethanol, or E10. By requiring that all gasoline be E10 as ethanol supplies become available, we could accommodate significantly more ethanol production even before most flex-fuel vehicles and E85 pumps are in place. Our neighbors in Illinois have passed such legislation, and I have urged my friends in Indianapolis to follow suit.

Now how do we produce enough ethanol to supply these stations and fuel these cars? The good news is we can let the market do a lot of the work. When oil is above \$70 a barrel, making ethanol from corn or sugar, even before subsidies, is less costly than producing gasoline. That is true even if oil drops substantially from today's level.

But the long term advancement of ethanol as a national transportation fuel requires a focused effort to perfect and commercialize cellulosic technology, which will enable us to make ethanol from switch grass, agricultural waste and other inexpensive biomass. The addition of cellulosic ethanol has the potential to substantially reduce the overall production cost of ethanol, while greatly expanding the volume produced. Although scientists and technicians are confident of the possibilities for cellulosic ethanol, efforts at commercialization have lagged behind basic research. The time is long past due for the Federal government to step in and prime the pump for commercial production through an aggressive loan program. The experience gained by the first production plants will provide the knowledge we need to rapidly expand the cellulosic industry.

Studies have shown that we will have enough land for energy crops, given the expected increases in yields and improvements in processing efficiency. If we could reach a target of 100 billion gallons of ethanol a year—a 13-fold increase over current capacity in operation or under construction—that would be equivalent to 71 percent of current gasoline consumption by volume. The two are not directly comparable because ethanol has lower energy content than gasoline, but over time, I expect automakers will improve the efficiency of their engines for E85 fuel.

Although many investors are currently lining up to jump into the ethanol business, many are still hesitating to take the plunge. They fear that foreign oil producers might, as they have before, manipulate the oil market to temporarily cut the price and drive ethanol producers out of business. Therefore, another step we should take is to ensure market certainty for investors by setting a price floor for crude oil at about \$45 a barrel through a variable ethanol tax credit that would rise as the price of oil dropped. I am developing legislation to achieve this goal and have benefited from the contributions of Dr. Wallace Tyner of Purdue University, who will appear in the afternoon panel.

Finally, it will be far easier to alter the mix of fuel supplies if we can slow or stop the growth in overall fuel demand. It has been more than twenty years since there was a change in the Corporate Average Fuel Efficiency standards for cars. Over that time, American gas mileage has largely stagnated. In 1987, the average light duty vehicle got 22.1 miles per gallon, according to the EPA. Nineteen years later, in 2006, the figure has fallen to 21 miles per gallon. Yet during that time, automobile technology has greatly advanced, only in other directions. For instance, today a family car like the Toyota Camry has faster acceleration than a muscle car of the 1970s.

We need to channel the technical prowess of America's auto industry in the direction of greater fuel efficiency so that we can grow our economy without growing our fuel consumption. Therefore, Congress should enact modern mileage standards that set a target of steadily improving fuel economy every year. It should also continue to encourage research, development, and deployment of hybrids, plug-in technology, ultra-light auto materials, biodiesel, and coal-based transportation fuels, among other promising technologies.

This package of proposals would dramatically improve America's security posture. It would not dismantle the automobile culture that Americans cherish, nor would it create a vast bureaucracy with a bottomless appetite for taxpayer dollars. In fact, if it is accompanied by strong leadership and thoughtful explanation, I am confident that Americans will recognize that this is the way that we will preserve our cars and our economy over the long run. It would provide more jobs for Americans instead of sending a deluge of money to hostile countries, support our farmers instead of foreign terrorists, and promote green fuels over fossil fuels.

It should not surprise you to learn that I have proposed or co-sponsored legislation on these ideas. But this is just a start. None of these bills has passed, or even been put to a vote in the Senate. For instance, the Fuel Economy Reform Act, which I co-sponsored with my friend Sen. Barack Obama and other Democrats and Republicans, seeks a four percent annual increase in fuel economy. Last month, Sen. Obama tried to amend the offshore oil drilling bill with our legislation, but Senate procedures prevented him from doing so. While we are asking for greater statesmanship from our automobile and oil companies, we must demand the same from our Federal legislators and administrators.

Far in the future, historians may point to the energy policy of the last several decades as the major national security failing of the American government in this era. In the absence of decisive policy changes, historians will rightly ask how the wealthiest and most powerful nation on earth with abundant land, a magnificent industrial infrastructure, and the world's best universities and research institutions simply would not reorient itself over the course of decades despite repeated warning signs. Our failure to act will be all the more unconscionable given that success would bring not only relief from the geopolitical threats of energy-rich regimes, but also restorative economic benefits to our farmers, rural areas, automobile manufacturers, high technology industries, and many others.

We must be very clear that this is a political problem. We now have the financial resources, the industrial might, and the technological prowess to shift our economy away from oil dependence. What we are lacking is coordination and political will. We have made choices, as a society, which have given oil a near monopoly on American transportation. Now we must make a different choice in the interest of American national security and our economic future. As the vanguard of concerned and informed experts in this field, I call upon each of you to apply your talents and energies to solving this fundamental problem threatening the well-being of our nation. I look forward to working with you as we achieve this goal.

#### ADDITIONAL STATEMENTS

##### REMEMBERING MADONNA ARCHAMBEAU

• Mr. JOHNSON. Mr. President, today I wish to honor the life of Madonna

Archambeau. Madonna was a member of the Ihanktonwan Dakota Nation who passed away just over a week ago.

Mrs. Archambeau was born in 1934 in Ravinia, SD just a few miles off the Missouri River near the Nebraska border. Mrs. Archambeau was then educated at St. Paul's Indian Mission in nearby Marty, SD. From there, she began her service to her community which culminated in her election as the first woman to chair the Yankton Sioux Tribe.

Mrs. Archambeau began her career at the post office in Greenwood, SD, then moved to the Indian Health Service where she served for 31 years. Although she didn't end her career there; after her retirement from IHS she ran for chairperson of the Yankton Sioux Tribe and eventually tribal members elected her as the first woman to serve in that position.

This exceptionally strong woman was an especially strong advocate for the health and wellness of the Yankton Sioux Tribe and some of her greatest contributions to the tribe were in the health care arena. A tireless advocate of the health needs of her people, Mrs. Archambeau fought for adequate health care by working to ensure that emergency services remained at the Wagner Service Unit of the IHS. She was also a major influence in the establishment of a dialysis center for members of the Yankton Sioux Tribe.

It was my pleasure to have worked with her during her term and I would like to offer my condolences to the family, friends, and fellow advocates whom Madonna touched with her efforts on behalf of her people. They have much to be proud of, and it is my hope that their memories will be rich with the great many accomplishments she achieved during her career. Her memory will serve as a beacon to young Native women in the Yankton Sioux tribe and throughout Indian Country.●

#### MEASURES PLACED ON THE CALENDAR

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

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

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

#### MEASURES READ THE FIRST TIME

The following bills were read the first time:

S. 3884. A bill to impose sanctions against individuals responsible for genocide, war crimes, and crimes against humanity, to support measures for the protection of civilians and humanitarian operations, and to support peace efforts in the Darfur region of Sudan, and for other purposes.

S. 3886. A bill to authorize military commissions to bring terrorists to justice, to

strengthen and modernize terrorist surveillance capabilities, and for other purposes.

#### 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-8152. A communication from the President of the United States, transmitting, pursuant to law, a report relative to his intention to enter into a free trade agreement with the Republic of Columbia; to the Committee on Finance.

EC-8153. A communication from the Secretary of Health and Human Services, transmitting, pursuant to law, the report entitled "The Medicare Quality Improvement Organization (QIO) Program—Response to IOM Study"; to the Committee on Finance.

EC-8154. A communication from the Secretary of Health and Human Services, transmitting, pursuant to law, the report entitled "Report to Congress on the Evaluation of the Quality Improvement Organization (QIO) Program for Medicare Beneficiaries for Fiscal Year 2005"; to the Committee on Finance.

EC-8155. A communication from the Chief of Publications and Regulations, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Special Depreciation Allowance" ((RIN1545-BB57) (TD9283)) received on September 5, 2006; to the Committee on Finance.

EC-8156. A communication from the Chief of Publications and Regulations, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Examples Under Section 937(b)" (Notice 2006-76) received on September 5, 2006; to the Committee on Finance.

EC-8157. A communication from the Chief of Publications and Regulations, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "User Fee for Form 8802, Application for the United States Residency Certification" (Rev. Proc. 2006-35) received on September 5, 2006; to the Committee on Finance.

EC-8158. A communication from the Chief of Publications and Regulations, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Dividends Paid Deduction for Stock Held in Employee Stock Ownership Plan" ((RIN1545-BE74) (TD9282)) received on September 5, 2006; to the Committee on Finance.

EC-8159. A communication from the Chief of Publications and Regulations, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Recomputed Differential Earnings Rate for 2004 under Section 809" (Rev. Rul. 2006-45) received on September 5, 2006; to the Committee on Finance.

EC-8160. A communication from the Chief of Publications and Regulations, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Modifications to Weighted Average Interest Rate—Section 301 of Pension Protection Act of 2006" (Notice 2006-75) received on September 5, 2006; to the Committee on Finance.

EC-8161. A communication from the Chief of Publications and Regulations, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Announcement: Overview of the IRS's Use of Private Collection Agencies (PCAs) in 2006" (Announcement

2006-63) received on September 5, 2006; to the Committee on Finance.

EC-8162. A communication from the Chief of Publications and Regulations, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Treatment of Services Under Section 482, Allocation of Income and Deductions from Intangibles" ((RIN1545-BB31) (RIN1545-AY38) (TD9278)) received on September 5, 2006; to the Committee on Finance.

EC-8163. A communication from the Chief of Publications and Regulations, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Modification of Automatic Accounting Method Change Procedures for Intangibles" (Rev. Proc. 2006-37) received on September 7, 2006; to the Committee on Finance.

EC-8164. A communication from the Chief of Publications and Regulations, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Collection After Assessment" ((RIN1545-BC72) (TD9284)) received on September 7, 2006; to the Committee on Finance.

EC-8165. A communication from the Chief of Publications and Regulations, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Final Regulations Regarding the Nonaccrual-Experience Method of Accounting Under Section 448(d)(5)" (TD9285) received on September 7, 2006; to the Committee on Finance.

EC-8166. A communication from the Secretary of Health and Human Services, transmitting, pursuant to law, the report entitled "Finalizing Medicare Regulations under Section 902 of the Medicare Prescription Drug, Improvement, and Modernization Act (MMA) of 2003 for Calendar Year 2005"; to the Committee on Finance.

EC-8167. A communication from the Chief of the Border Security Regulations Branch, Customs and Border Protection, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled "Establishment of New Port of Entry at Sacramento, California; Realignment of the Port Limits of the Port of Entry at San Francisco, California" (CBP Dec. 06-23) received on September 5, 2006; to the Committee on Finance.

EC-8168. A communication from the Regulations Coordinator, Centers for Medicare and Medicaid Services, Department of Health and Human Services, transmitting, pursuant to law, the report of a rule entitled "Medicaid Program and State Children's Health Insurance Program (CHIP) Payment Error Rate Measurement" (RIN0938-AN77) received on September 5, 2006; to the Committee on Finance.

EC-8169. A communication from the Assistant Secretary of Defense (Health Affairs), transmitting an update on the Department's progress in its preparation of a report relative to accession bonuses, salaries and other benefits offered by the Department of Defense and Department of Veterans Affairs and their impact on recruitment and retention; to the Committee on Armed Services.

EC-8170. A communication from the Principal Deputy, Office of the Under Secretary of Defense (Personnel and Readiness), transmitting, pursuant to law, the report of (13) officers authorized to wear the insignia of the grade of brigadier general in accordance with title 10, United States Code, section 777; to the Committee on Armed Services.

EC-8171. A communication from the Chief of the Freedom of Information and Privacy Act Office, Department of the Army, Department of Defense, transmitting, pursuant to

law, the report of a rule entitled "The Army Privacy Program" (RIN0702-AA53) received on August 24, 2006; to the Committee on Armed Services.

EC-8172. A communication from the Acting Clerk, Wayne County Commission, transmitting, pursuant to law, the report of an adopted resolution for review; to the Committee on Armed Services.

EC-8173. A communication from the Assistant Secretary of Defense (International Security Policy), transmitting, pursuant to law, a report relative to the Department's intent to obligate up to \$44.5 million in funds for the Cooperative Threat Reduction (CTR) Program; to the Committee on Armed Services.

EC-8174. A communication from the Under Secretary (Comptroller) and the Under Secretary (Acquisition, Technology, and Logistics), transmitting, pursuant to law, a report relative to the feasibility and desirability of using a capital budgeting system for the financing of major defense acquisition programs; to the Committee on Armed Services.

EC-8175. A communication from the Principal Deputy, Office of the Under Secretary of Defense (Personnel and Readiness), transmitting, pursuant to law, a report of the authorization of 4 officers to wear the authorized insignia of the next higher grade; to the Committee on Armed Services.

EC-8176. A communication from the Under Secretary of Defense (Acquisition, Technology, and Logistics), transmitting, pursuant to law, a report relative to the amount of purchases from foreign entities made by the Department in fiscal year 2005; to the Committee on Armed Services.

EC-8177. A communication from the Under Secretary of Defense (Personnel and Readiness), transmitting, pursuant to law, a report relative to the plan for accession of persons with specialized skills and the civilian skills corps feasibility study; to the Committee on Armed Services.

EC-8178. A communication from the Director of Defense Procurement and Acquisition Policy, Department of Defense, transmitting, pursuant to law, the report of a rule entitled "Threshold for Small Business Specialist Review" (DFARS Case 2003-D060) received on September 5, 2006; to the Committee on Armed Services.

EC-8179. A communication from the Director, Defense Procurement and Acquisition Policy, Department of Defense, transmitting, pursuant to law, the report of a rule entitled "Contract Reporting" (DFARS Case 2005-D004) received on September 5, 2006; to the Committee on Armed Services.

EC-8180. A communication from the Director of Defense Procurement and Acquisition Policy, Department of Defense, transmitting, pursuant to law, the report of a rule entitled "Contract Administration Functions" (DFARS Case 2003-D051) received on September 5, 2006; to the Committee on Armed Services.

EC-8181. A communication from the Principal Deputy, Office of the Under Secretary of Defense (Personnel and Readiness), transmitting, pursuant to law, a report relative to how information is provided to potential recruits and to new entrants into the Armed Forces on "Stop Loss" authorities and initial period of military service obligation; to the Committee on Armed Services.

EC-8182. A communication from the Secretary of the Federal Trade Commission and the Chairman of the Board of Governors of the Federal Reserve System, transmitting, pursuant to law, a report relative to the steps that consumer reporting agencies take after receiving a consumer dispute about the accuracy or completeness of information in the consumer's file; to the Committee on Banking, Housing, and Urban Affairs.

EC-8183. A communication from the President of the United States, transmitting, pursuant to law, a report relative to his extension of the national emergency period pertaining to the terrorist attacks of September 11, 2001, for an additional year; to the Committee on Banking, Housing, and Urban Affairs.

EC-8184. A communication from the Chairman and President of the Export-Import Bank of the United States, transmitting, pursuant to law, a report relative to a transaction involving U.S. exports to Mexico; to the Committee on Banking, Housing, and Urban Affairs.

EC-8185. A communication from the Chairman and President of the Export-Import Bank of the United States, transmitting, pursuant to law, a report relative to transactions involving U.S. exports to India; to the Committee on Banking, Housing, and Urban Affairs.

EC-8186. A communication from the Chairman and President of the Export-Import Bank of the United States, transmitting, pursuant to law, a report relative to a transaction involving U.S. exports to Brazil; to the Committee on Banking, Housing, and Urban Affairs.

EC-8187. A communication from the Chairman and President of the Export-Import Bank of the United States, transmitting, pursuant to law, a report relative to transactions involving U.S. exports to India; to the Committee on Banking, Housing, and Urban Affairs.

EC-8188. A communication from the Chairman and President of the Export-Import Bank of the United States, transmitting, pursuant to law, a report relative to a transaction involving U.S. exports to Mexico; to the Committee on Banking, Housing, and Urban Affairs.

EC-8189. A communication from the Chairman and President of the Export-Import Bank of the United States, transmitting, pursuant to law, a report relative to a transaction involving U.S. exports to Mexico; to the Committee on Banking, Housing, and Urban Affairs.

EC-8190. A communication from the General Counsel, Federal Emergency Management Agency, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled "National Flood Insurance Program (NFIP): Appeal of Decisions Relating to Flood Insurance Claims" (RIN1660-AA41) received on September 5, 2006; to the Committee on Banking, Housing, and Urban Affairs.

EC-8191. A communication from the General Counsel, Federal Emergency Management Agency, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled "Suspension of Community Eligibility" (Docket No. FEMA-7939) received on September 5, 2006; to the Committee on Banking, Housing, and Urban Affairs.

EC-8192. A communication from the General Counsel, Federal Emergency Management Agency, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled "Public Assistance Eligibility" (RIN1660-AA45) received on September 5, 2006; to the Committee on Banking, Housing, and Urban Affairs.

EC-8193. A communication from the General Counsel, Federal Emergency Management Agency, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled "Changes in Flood Elevation Determinations" (Docket No. FEMA-7652) received on September 5, 2006; to the Committee on Banking, Housing, and Urban Affairs.

EC-8194. A communication from the General Counsel, Federal Emergency Management Agency, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled "Suspension of Community Eligibility" (Docket No. FEMA-7931) received on September 5, 2006; to the Committee on Banking, Housing, and Urban Affairs.

EC-8195. A communication from the General Counsel, Federal Emergency Management Agency, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled "List of Communities Eligible for the Sale of Flood Insurance" (Docket No. FEMA-7786) received on September 5, 2006; to the Committee on Banking, Housing, and Urban Affairs.

EC-8196. A communication from the General Counsel, Federal Emergency Management Agency, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled "Suspension of Community Eligibility" (Docket No. FEMA-7927) received on September 5, 2006; to the Committee on Banking, Housing, and Urban Affairs.

EC-8197. A communication from the General Counsel, Federal Emergency Management Agency, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled "Suspension of Community Eligibility" (Docket No. FEMA-7929) received on September 5, 2006; to the Committee on Banking, Housing, and Urban Affairs.

EC-8198. A communication from the General Counsel, Federal Emergency Management Agency, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled "Final Flood Elevation Determinations" (71 FR 35176) received on September 5, 2006; to the Committee on Banking, Housing, and Urban Affairs.

EC-8199. A communication from the General Counsel, Federal Emergency Management Agency, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled "Final Flood Elevation Determinations" (71 FR 33645) received on September 5, 2006; to the Committee on Banking, Housing, and Urban Affairs.

EC-8200. A communication from the General Counsel, Federal Emergency Management Agency, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled "Final Flood Elevation Determinations" (71 FR 40925) received on September 5, 2006; to the Committee on Banking, Housing, and Urban Affairs.

EC-8201. A communication from the General Counsel, Federal Emergency Management Agency, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled "Final Flood Elevation Determinations" (71 FR 33646) received on September 5, 2006; to the Committee on Banking, Housing, and Urban Affairs.

EC-8202. A communication from the General Counsel, Federal Emergency Management Agency, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled "Changes in Flood Elevation Determinations" (Docket No. FEMA-7585) received on September 5, 2006; to the Committee on Banking, Housing, and Urban Affairs.

EC-8203. A communication from the Assistant to the Federal Reserve Board, transmitting, pursuant to law, the report of a rule entitled "Electronic Fund Transfers" (Docket No. R-1247) received on September 5, 2006; to the Committee on Banking, Housing, and Urban Affairs.

EC-8204. A communication from the Assistant to the Federal Reserve Board, transmitting, pursuant to law, the report of a rule entitled "Regulation E—Electronic Fund Transfers" (Docket No. R-1265) received on September 5, 2006; to the Committee on Banking, Housing, and Urban Affairs.

EC-8205. A communication from the Deputy Director, Terrorism Risk Insurance Program, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Terrorism Risk Insurance Program: TRIA Extension Act Implementation" (RIN1505-AB67) received on September 5, 2006; to the Committee on Banking, Housing, and Urban Affairs.

EC-8206. A communication from the Secretary of Health and Human Services, transmitting, pursuant to the Medical Device User Fee and Modernization Act of 2002, the Food and Drug Administration's annual report for 2005; to the Committee on Health, Education, Labor, and Pensions.

EC-8207. A communication from the Human Resources Specialist, Office of the Assistant Secretary for Administration and Management, Department of Labor, transmitting, pursuant to law, (2) reports relative to vacancy announcements within the Department, received on August 24, 2006; to the Committee on Health, Education, Labor, and Pensions.

EC-8208. A communication from the Chairman, National Labor Relations Board, transmitting, pursuant to law, a report relative to the Board's inventory of inherently governmental and commercial activities; to the Committee on Health, Education, Labor, and Pensions.

EC-8209. A communication from the Secretary of Education, transmitting, pursuant to law, the follow-up report to the one entitled "The Mission Continues, Annual Report to the President on the Results of Participation of Historically Black Colleges and Universities in Federal Programs 2002-03"; to the Committee on Health, Education, Labor, and Pensions.

EC-8210. A communication from the Attorney General of the Department of Justice and the Secretary of Health and Human Services, transmitting, pursuant to law, the ninth Annual Report on the Health Care Fraud and Abuse Control Program for Fiscal Year 2005; to the Committee on Health, Education, Labor, and Pensions.

EC-8211. A communication from the Secretary of Health and Human Services, transmitting, pursuant to the Prescription Drug User Fee Act of 1992, the Food and Drug Administration's performance report for 2005; to the Committee on Health, Education, Labor, and Pensions.

EC-8212. A communication from the Assistant General Counsel, Division of Regulatory Services, Department of Education, transmitting, pursuant to law, the report of a rule entitled "Interim Final Regulations—Federal Student Aid Programs" (RIN1840-AC87) received on September 5, 2006; to the Committee on Health, Education, Labor, and Pensions.

EC-8213. A communication from the Director of Regulations Policy and Management Staff, Food and Drug Administration, Department of Health and Human Services, transmitting, pursuant to law, the report of a rule entitled "Medical Devices; Immunology and Microbiology Devices; Classification of Fecal Calprotectin Immunological Test Systems" (Docket No. 2006N-0276) received on September 5, 2006; to the Committee on Health, Education, Labor, and Pensions.

EC-8214. A communication from the White House Liaison, Office of Vocational and Adult Education, Department of Education, transmitting, pursuant to law, the report of

a vacancy in the position of Assistant Secretary, received on September 5, 2006; to the Committee on Health, Education, Labor, and Pensions.

EC-8215. A communication from the White House Liaison, Office of Vocational and Adult Education, Department of Education, transmitting, pursuant to law, the report of discontinuation of service in the acting role for the position of Assistant Secretary, received on September 5, 2006; to the Committee on Health, Education, Labor, and Pensions.

EC-8216. A communication from the White House Liaison, Office of Vocational and Adult Education, Department of Education, transmitting, pursuant to law, the report of a nomination for the position of Under Secretary, received on September 5, 2006; to the Committee on Health, Education, Labor, and Pensions.

EC-8217. A communication from the White House Liaison, Office of Vocational and Adult Education, Department of Education, transmitting, pursuant to law, the report of discontinuation of service in the acting role for the position of Chief Financial Officer, received on September 5, 2006; to the Committee on Health, Education, Labor, and Pensions.

EC-8218. A communication from the White House Liaison, Office of Vocational and Adult Education, Department of Education, transmitting, pursuant to law, the report of a nomination for the position of Assistant Secretary, received on September 5, 2006; to the Committee on Health, Education, Labor, and Pensions.

EC-8219. A communication from the White House Liaison, Office of Vocational and Adult Education, Department of Education, transmitting, pursuant to law, the report of action on a nomination for the position of Chief Financial Officer, received on September 5, 2006; to the Committee on Health, Education, Labor, and Pensions.

EC-8220. A communication from the Interim Director, Pension Benefit Guaranty Corporation, transmitting, pursuant to law, the report of a rule entitled "Benefits Payable in Terminated Single-Employer Plans; Allocation of Assets in Single-Employer Plans; Interest Assumptions for Valuing and Paying Benefits" (29 CFR Parts 4022 and 4044) received on September 7, 2006; to the Committee on Health, Education, Labor, and Pensions.

EC-8221. A communication from the Inspector General, Railroad Retirement Board, transmitting, pursuant to law, the Board's budget request for fiscal year 2008; to the Committee on Health, Education, Labor, and Pensions.

EC-8222. A communication from the Secretary of Labor, transmitting, pursuant to law, the report entitled "The Department of Labor's 2005 Findings on the Worst Forms of Child Labor"; to the Committee on Health, Education, Labor, and Pensions.

EC-8223. A communication from the Acting Director, Office of Sustainable Fisheries, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Fisheries of the Exclusive Economic Zone Off Alaska; Atka Mackerel Lottery in Areas 542 and 543" (I.D. No. 080806G) received on August 24, 2006; to the Committee on Commerce, Science, and Transportation.

EC-8224. A communication from the Acting Director, Office of Sustainable Fisheries, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Closure (Connecticut Summer Flounder Commercial Fishery)" (I.D. No. 080806F) received on August 24, 2006; to the Committee on Commerce, Science, and Transportation.

EC-8225. A communication from the Acting Director, Office of Sustainable Fisheries, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled



"Fisheries of the Exclusive Economic Zone Off Alaska; Rock Sole, Flathead Sole, and 'Other Flatfish' by Vessels Using Trawl Gear in Bering Sea and Aleutian Islands Management Area" (I.D. No. 080806B) received on August 24, 2006; to the Committee on Commerce, Science, and Transportation.

EC-8226. A communication from the Acting Director, Office of Sustainable Fisheries, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Fisheries of the Exclusive Economic Zone Off Alaska; Yellowfin Sole in the Bering Sea and Aleutian Islands Management Area" (I.D. No. 080806C) received on August 24, 2006; to the Committee on Commerce, Science, and Transportation.

EC-8227. A communication from the Acting Director, Office of Sustainable Fisheries, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Fisheries of the Exclusive Economic Zone Off Alaska; Greenland Turbot in the Bering Sea Subarea of the Bering Sea and Aleutian Islands Management Area" (I.D. No. 072506B) received on September 5, 2006; to the Committee on Commerce, Science, and Transportation.

EC-8228. A communication from the Acting Director, Office of Sustainable Fisheries, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Fisheries Off West Coast States; Pacific Coast Groundfish Fishery; End of the Pacific Whiting Primary Season for the Shore-based Sector and the Resumption of Trip Limits" (I.D. No. 080106A) received on September 5, 2006; to the Committee on Commerce, Science, and Transportation.

EC-8229. A communication from the Acting Director, Office of Sustainable Fisheries, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Fisheries of the Exclusive Economic Zone Off Alaska; Northern Rockfish in the Central Regulatory Area of the Gulf of Alaska" (I.D. No. 080206A) received on September 5, 2006; to the Committee on Commerce, Science, and Transportation.

EC-8230. A communication from the Acting Director, Office of Sustainable Fisheries, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Fisheries of the Exclusive Economic Zone Off Alaska; Pacific Ocean Perch in the West Yakutat District of the Gulf of Alaska" (I.D. No. 080206C) received on September 5, 2006; to the Committee on Commerce, Science, and Transportation.

EC-8231. A communication from the Acting Director, Office of Sustainable Fisheries, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Fisheries of the Exclusive Economic Zone Off Alaska; Pacific Ocean Perch in the Central Regulatory Area of the Gulf of Alaska" (I.D. No. 080206B) received on September 5, 2006; to the Committee on Commerce, Science, and Transportation.

EC-8232. A communication from the Acting Director, Office of Sustainable Fisheries, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Fisheries of the Exclusive Economic Zone Off Alaska; Northern Rockfish in the Central Regulatory Area of the Gulf of Alaska" (I.D. No. 072006C) received on September 5, 2006; to the Committee on Commerce, Science, and Transportation.

EC-8233. A communication from the Acting Director, Office of Sustainable Fisheries, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Fisheries of the Exclusive Economic Zone Off Alaska; Pelagic Shelf Rockfish in the Central Regulatory Area of the Gulf of Alaska" (I.D. No. 072006B) received on September 5, 2006; to the Committee on Commerce, Science, and Transportation.

EC-8234. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Rolls-Royce Corporation 250-B and 250-C Series Turboprop and Turbohaft Engines" ((RIN2120-AA64) (Docket No. 2005-NE-28)) received on September 5, 2006; to the Committee on Commerce, Science, and Transportation.

EC-8235. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Pilatus Aircraft Ltd. Models PC-6, PC-6-H1, PC-6-H2, PC-6/350, PC-6/350-H1, PC-6/350-H2, PC-6/A, PC-6/A-H1, PC-6/A-H2, PC-6/B-H2, PC-6/B1-H2, PC-6/B2-H2, PC-6/B2-H4, PC-6/C-H2, and PC-6/C1-H2 and Airplanes" ((RIN2120-AA64) (Docket No. 2006-CE-209)) received on September 5, 2006; to the Committee on Commerce, Science, and Transportation.

EC-8236. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Standard Instrument Approach Procedures (15); Amdt. No. 3154" ((RIN2120-AA64) (3-17/3155)) received on September 5, 2006; to the Committee on Commerce, Science, and Transportation.

EC-8237. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; General Electric Company CT64-820-4 Turboprop Engines" ((RIN2120-AA64) (Docket No. 2005-NE-45)) received on September 5, 2006; to the Committee on Commerce, Science, and Transportation.

EC-8238. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Brantly International, Inc. Model B-2, B-2A, and B-2B Helicopters" ((RIN2120-AA64) (Docket No. 2005-SW-35)) received on September 5, 2006; to the Committee on Commerce, Science, and Transportation.

EC-8239. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; General Electric Company Aircraft Engines CT7-8A Turbohaft Engines" ((RIN2120-AA64) (Docket No. 2006-NE-12)) received on September 5, 2006; to the Committee on Commerce, Science, and Transportation.

EC-8240. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Eurocopter France Model SA-360C, SA-365C, SA-365C1, and SA-365C2 Helicopters" ((RIN2120-AA64) (Docket No. 2005-SW-15)) received on September 5, 2006; to the Committee on Commerce, Science, and Transportation.

EC-8241. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Eurocopter France Model SA-365-N1, AS-365-N2, -N3, SA-366-G1, and EC-155B and -B1 Helicopters" ((RIN2120-AA64) (Docket No. 2006-SW-07)) received on September 5, 2006; to the Committee on Commerce, Science, and Transportation.

EC-8242. A communication from the Attorney Advisor, Federal Transit Administration, Department of Transportation, transmitting, pursuant to law, (2) reports relative

to vacancy announcements within the Department, received on September 5, 2006; to the Committee on Commerce, Science, and Transportation.

EC-8243. A communication from the Attorney Advisor, Federal Motor Carrier Safety Administration, Department of Transportation, transmitting, pursuant to law, (2) reports relative to vacancy announcements in the Department, received on September 5, 2006; to the Committee on Commerce, Science, and Transportation.

EC-8244. A communication from the Attorney Advisor, Maritime Administration, Department of Transportation, transmitting, pursuant to law, the report of the discontinuation of service in the acting role of Administrator received on September 5, 2006; to the Committee on Commerce, Science, and Transportation.

EC-8245. A communication from the Attorney Advisor, Maritime Administration, Department of Transportation, transmitting, pursuant to law, the report of action on a nomination for the position of Administrator received on September 5, 2006; to the Committee on Commerce, Science, and Transportation.

EC-8246. A communication from the Secretary, Federal Trade Commission, transmitting, pursuant to law, the report of a rule entitled "Telemarketing Sales Rule Fees" (RIN3084-0098) received on September 5, 2006; to the Committee on Commerce, Science, and Transportation.

EC-8247. A communication from the Deputy Assistant Secretary for Export Administration, Bureau of Industry and Security, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Revision and Clarification of Civil Monetary Penalty Provisions of the Export Administration Regulations" (RIN0694-AD71) received on September 5, 2006; to the Committee on Commerce, Science, and Transportation.

EC-8248. A communication from the White House Liaison, Department of Commerce, transmitting, pursuant to law, (3) reports relative to vacancy announcements in the Department, received on September 5, 2006; to the Committee on Commerce, Science, and Transportation.

EC-8249. A communication from the Deputy General Counsel, Office of the General Counsel, National Aeronautics and Space Administration, transmitting, pursuant to law, the report of a rule entitled "Release of Information to News and Information Media" (RIN2700-AD25) received on September 5, 2006; to the Committee on Commerce, Science, and Transportation.

EC-8250. A communication from the Deputy Assistant Administrator for Regulatory Programs, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Final List of Fisheries for 2006" (RIN0648-AU19) received on September 7, 2006; to the Committee on Commerce, Science, and Transportation.

EC-8251. A communication from the Acting Assistant Administrator for Procurement, Contract Management Division, National Aeronautics and Space Administration, transmitting, pursuant to law, the report of a rule entitled "NASA Grant and Cooperative Agreement Handbook—Resource Sharing Requirements" (RIN2700-AD28) received on September 7, 2006; to the Committee on Commerce, Science, and Transportation.

EC-8252. A communication from the Acting Under Secretary (Industry and Security), Department of Commerce, transmitting, pursuant to law, a report relative to the Department's intention to expand foreign policy-based export controls on certain items to



Iraq; to the Committee on Commerce, Science, and Transportation.

EC-8253. A communication from the Assistant Secretary, Legislative Affairs, Department of State, transmitting, pursuant to law, a certification regarding the proposed transfer of major defense equipment valued (in terms of its original acquisition cost) at \$14,000,000 or more from the Government of Saudi Arabia to the Government of Kenya; to the Committee on Foreign Relations.

EC-8254. A communication from the Assistant Secretary, Legislative Affairs, Department of State, transmitting, pursuant to law, a certification regarding the proposed transfer of major defense equipment valued (in terms of its original acquisition cost) at \$14,000,000 or more from the Government of the Netherlands to the Government of Finland; to the Committee on Foreign Relations.

EC-8255. A communication from the District of Columbia Auditor, transmitting, pursuant to law, the report entitled "Auditor's Performance Review of the Integrated Tax System's Processes Related to the Timeliness of Tax Refunds and Deposit of Tax Payments"; to the Committee on Homeland Security and Governmental Affairs.

### PETITIONS AND MEMORIALS

The following petitions and memorials were laid before the Senate and were referred or ordered to lie on the table as indicated:

POM-421. A resolution adopted by the General Assembly of the State of New Jersey relative to outsourcing port operations to a company controlled by a foreign government; to the Committee on Banking, Housing, and Urban Affairs.

#### ASSEMBLY RESOLUTION No. 138

Whereas, Security officials of the administration of President George W. Bush, both United States Senators from the State of New Jersey, the Governor of the State of New Jersey and members of this House have serious concerns that terrorists could infiltrate ports through Dubai Ports World, a company controlled by the United Arab Emirates; and

Whereas, Intelligence and security officials believe that ports are vulnerable to the entry of terrorists or illicit weapons because of the large number of containers that enter the United States through these port facilities; and

Whereas, The ports of New York, Newark, Philadelphia, Baltimore, Miami and New Orleans are major points of entry into the United States; and

Whereas, The United Arab Emirates has a mixed record in combating terrorism and terrorist organizations; and

Whereas, The United Arab Emirates was one of only three countries to recognize the Taliban regime in Afghanistan; and

Whereas, The 45-day review of Dubai Ports World security details must be carried out in a rigorous and independent manner with Congress given final authority over the deal; and

Whereas, The Bush administration has been unable to provide sufficient evidence that security procedures vital to the United States will not be compromised by officials from a foreign company that is controlled by a foreign government; Now, therefore, be it

*Resolved, by the General Assembly of the State of New Jersey:*

1. It is the sense of the General Assembly of the State of New Jersey that President Bush should reconsider his decision, and he is advised to reverse his decision, to permit the sale of certain United States port oper-

ations to Dubai Ports World because this foreign company is controlled by a government with a mixed record in fighting terrorism.

2. It is the sense of the General Assembly of the State of New Jersey that the federal government should conduct a thorough review of this pending sale, pursuant to a 45-day investigation period required by federal law.

3. Duly authenticated copies of this resolution, signed by the Speaker of the General Assembly and attested by the Clerk thereof, shall be transmitted to the President and Vice President of the United States, the Majority and Minority Leader of the United States Senate, the Speaker and Minority Leader of the United States House of Representatives, and every member of Congress elected from this State.

POM-422. A concurrent resolution adopted by the House of Representatives of the State of Hawaii relative to the adoption of changes to the Medicare Part D Program; to the Committee on Finance.

#### HOUSE CONCURRENT RESOLUTION No. 80

Whereas, over 40 million Americans, including approximately 186,000 Hawaii residents, receive health coverage through Medicare and are currently eligible to purchase prescription drug coverage through the Medicare Part D Program, which began on January 1, 2006; and

Whereas, over 6.4 million Americans, including 26,000 Hawaii residents, are eligible for both Medicare and Medicaid and are referred to as "dual eligibles"; and

Whereas, the dual eligible group, 60 percent of whom live below the poverty line, has more individuals who rely on healthcare than other Medicare beneficiaries, with more than 50 percent requiring assistance with activities of daily living or suffering from multiple chronic conditions, such as Alzheimer's disease, diabetes, pulmonary disease, or stroke; and

Whereas, the number of elderly residents in the state is expected to rise rapidly over the next two decades with one in four residents over the age of 60; and

Whereas, Medicare-eligible individuals enrolling in the Medicare Part D Program after May 15, 2006, face a cumulative one percent late-enrollment penalty for each month between the date they were eligible and the date they enrolled; and

Whereas, the enrollment penalty for Medicare Part B is ten percent per year on the standard premium amount, which is more predictable and less severe than the enrollment penalty for Medicare Part D; and

Whereas, Medicare beneficiaries must now navigate a new, complex system of multiple health plans to purchase coverage and receive prescription drug benefits; and

Whereas, each prescription drug plan has a different formulary, different co-payments, and varied cost-sharing that Medicare beneficiaries must understand to determine which plan has a formulary that not only includes most, or all, of the beneficiaries' drugs, but also offers the best value; and

Whereas, beneficiaries face a great deal of uncertainty as each plan is allowed to modify its formulary, including dropping coverage of medications, on a monthly basis, while most Medicare beneficiaries may only change plans once a year during the open enrollment period; and

Whereas, a beneficiary who needs a drug that is suddenly dropped by the chosen plan must change to another drug or pay out-of-pocket for the drug; and

Whereas, drugs not listed on the formulary that are purchased out-of-pocket by a beneficiary or paid for with a discount card or through a state pharmacy program do not

count toward he beneficiaries' cost-sharing under the Medicare Part D plan; and

Whereas, plans are not required to disclose complete information about the actual price of the drugs on their formularies nor the cost of these drugs as negotiated by the plan which drug manufacturers, resulting in the opportunity for plans to inflate prices charged to Medicare beneficiaries who will then have a higher total cost-sharing amount; and

Whereas, many states will have additional costs associated with the "clawback" provision of the Medicare law, which requires states to reimburse the federal government for the costs of dual eligibles based on a formula that may not accurately reflect actual costs and numbers of these enrollees; and

Whereas, States will also incur significant costs if they participate in educational and other efforts necessary to ensure that dual eligibles and other Medicare enrollees do not have a gap in coverage and have adequate information with which to make informed choices between plan options; and

Whereas, the State initiated a fail-safe program that covered dual eligibles' prescriptions if their claims were not processed through the drug plans offered by the new Medicare Part D Program, and paid 480 claims in a four-day period from January 1, 2006 to January 4, 2006, to ensure that patients received their medications; and

Whereas, the Medicare law explicitly prohibits negotiations over the price paid by the federal government for prescription drugs; and

Whereas, these same medications currently provided to dual eligibles under Medicaid are subject to price negotiation by the federal government, and the costs of these medications, which will be reimbursed by the states to the federal government, are likely to increase in the absence of price negotiation; and

Whereas, according to the Congressional Budget Office, the new Medicare Part D Program is expected to increase spending by \$47 billion in 2006, the first year of implementation, and reach \$174 billion per year in 2015, when it will make up 23 percent of the \$766 billion in total Medicare spending; now, therefore, be it

*Resolved by the House of Representatives of the Twenty-third Legislature of the State of Hawaii, Regular Session of 2006, the Senate concurring,* That the President and Congress of the United States are requested to adopt the following changes to the Medicare Part D Program:

(1) Eliminate the penalty for all Medicare-eligible individuals enrolling after May 15, 2006;

(2) Permit, once a year, prescription drug plans to drop coverage of drugs on their formularies only after advance notice to coincide with the annual open enrollment period, except that drugs that have been determined to be dangerous or have been removed from the market may be dropped from formularies as deemed necessary for safety;

(3) Standardize the formulary design so that each plan has the same number of tiers and requirements for coverage;

(4) Modify the requirements for what can be counted toward the Medicare beneficiaries' "true out-of-pocket cost," or "TROOP," to include all prescription drugs purchased on behalf of the beneficiary regardless of where the drugs are purchased, whether purchased through a state pharmacy program or with a discount card, or whether the drug is on the formulary of the enrollee's plan;

(5) Ensure transparency so that states know the cost negotiated by the prescription drug plan to ensure that all negotiated rebates are passed on to the beneficiaries; and

(6) Institute price negotiations for the purchase of prescription drugs for the Medicare program, similar to the provisions already in place under Medicaid and the Veterans Administration; and be it further

*Resolved*, That certified copies of this Concurrent Resolution be transmitted to the President of the United States, the Speaker of the United States House of Representatives, the President of the United States Senate, and the members of Hawaii's Congressional delegation.

POM-423. A resolution adopted by the General Assembly of the State of New Jersey relative to Lyme and tick-borne disease prevention education; to the Committee on Health, Education, Labor, and Pensions.

#### ASSEMBLY RESOLUTION No. 55

Whereas, Lyme disease is a common but frequently misunderstood illness that, if not caught early and treated properly, can cause serious health problems; and

Whereas, Lyme disease is a bacterial infection that is transmitted by a tick bite, and early signs of infection may include a rash and flu-like symptoms such as fever, muscle aches, headaches and fatigue; and

Whereas, although Lyme disease can be treated with antibiotics if caught early, the disease often goes undetected because it mimics other illnesses or may be misdiagnosed and, if untreated, can lead to severe heart, neurological, eye and joint problems because the bacteria can affect many different organs and organ systems; and

Whereas, although Lyme, disease accounts for 90 percent of all vectorborne infections in the United States, the ticks that spread the disease also spread other diseases, such as ehrlichiosis, babesiosis and other strains of *Borrelia*; and

Whereas, studies indicate that only 10 percent of the number of tick-borne disease cases reported meet the criteria established by the Federal Centers for Disease Control and Prevention; and

Whereas, the persistence of symptomatology in many patients without reliable testing makes treatment of patients more difficult; and

Whereas, New Jersey ranks third among the 50 states in the number of reported Lyme disease cases; and

Whereas, the "Lyme and Tick-borne Disease Prevention, Education, and Research Act of 2005" has been introduced in the 109th Congress as H.R. 3427 and S. 1479; and

Whereas, the "Lyme and Tick-borne Disease Prevention, Education, and Research Act of 2005" would advance the treatment of, and cure for, Lyme and other tick-borne diseases by expanding federal efforts concerning prevention, education, treatment and research activities related to Lyme and other tick-borne diseases, providing authorization for the appropriation of \$20 million for each of the federal fiscal years 2006 through 2010 for these activities and requiring the Secretary of Health and Human Services to annually report to Congress on these activities and make recommendations for further research and education, and establishing a Tick-borne Diseases Advisory Committee within the Office of the Secretary of Health and Human Services; Now, therefore, be it

*Resolved by the General Assembly of the State of New Jersey*:

1. This House respectfully memorializes the United States Congress and the President of the United States to enact the "Lyme and Tick-borne Disease Prevention, Education, and Research Act of 2005," which is currently pending in the Congress as H.R. 3427 and S. 1479.

2. Duly authenticated copies of this resolution, signed by the Speaker of the General

Assembly and attested by the Clerk of the General Assembly, shall be transmitted to the presiding officers of the United States Congress, each of the members of the Congress elected from the State of New Jersey, and the President of the United States.

POM-424. A concurrent resolution adopted by the House of Representatives of the State of Hawaii relative to improving the quality of the nation's public schools by substantially increasing education funding; to the Committee on Health, Education, Labor, and Pensions.

#### HOUSE CONCURRENT RESOLUTION No. 47

Whereas, the State of Hawaii has long pursued the goal of improving the academic performance of all students regardless of race, income, ethnicity, or disability; and

Whereas, the State of Hawaii commends the President and the United States Congress for putting forth the same goals in the No Child Left Behind Act of 2001 (NCLB) and emphasizing the urgency in improving the performance of all students; and

Whereas, the NCLB has encouraged necessary changes in public education and was initially accompanied with substantial increases in federal funding for public elementary and secondary education; and

Whereas, however, the increases in federal funding since the inaugural year of the NCLB have been minimal; and

Whereas, the Federal Government has decreased funding in fiscal year 2006 by:

(1) \$793,000,000 for the NCLB;  
(2) \$166,000,000 for post secondary education; and

(3) \$21,000,000 for programs that serve students with disabilities; Now, therefore, be it

*Resolved by the House of Representatives of the Twenty-third Legislature of the State of Hawaii, Regular Session of 2006, the Senate concurring*, That the Legislature urges the President of the United States and the United States Congress to support improving the quality of the nation's public schools by substantially increasing funding for the No Child Left Behind Act, Higher Education Act, Individuals with Disabilities Education Act, and other education-related programs; and be it further

*Resolved*, That the State of Hawaii encourages other states to adopt similar resolutions; and be it further

*Resolved*, That certified copies of this Concurrent Resolution be transmitted to President of the United States, President of the United States Senate, Speaker of the United States House of Representatives, Secretary of the United States Department of Education, and each member of Hawaii's Congressional delegation.

POM-425. A resolution adopted by the General Assembly of the State of New Jersey relative to the issuance of a stamp honoring the U.S. Army's canine corps; to the Committee on Homeland Security and Governmental Affairs.

#### ASSEMBLY RESOLUTION No. 69

Whereas, the Army Quartermaster Corps began the U.S. Armed Forces first war dog training during World War II, creating what has come to be known as the canine corps (K-9 corps); and

Whereas, the canine corps has served in World War II, Korea, Vietnam, the Persian Gulf and Bosnia and is currently serving in Iraq and Afghanistan; and

Whereas, the canine corps dogs are used as scouts, trackers, sentries, point dogs, messengers and detectors of mines, boobytraps, explosives and enemy soldiers; and

Whereas, while many dogs are killed, abandoned or euthanized in combat, it has been estimated that the canine corps saved over

10,000 lives in Vietnam and continues to save thousands of lives in Iraq and Afghanistan; and

Whereas, a stamp to honor the canine corps is currently under consideration by the Citizens' Stamp Advisory Committee for future stamp use; and

Whereas, it is in the best interest of the State to urge the United States Postal Service and Citizens' Stamp Advisory Committee to issue a stamp for the canine corps in honor of the thousands of lives the corps saved and continues to save while in combat; Now, therefore, be it

*Resolved by the General Assembly of the State of New Jersey*:

1. This house resolution urges the United States Postal Service and the Citizens' Stamp Advisory Committee to issue a stamp honoring the United States Army's canine corps.

2. Duly authenticated copies of this resolution, signed by the Speaker of the General Assembly and attested by the Clerk thereof, shall be transmitted to the President and the Vice President of the United States, the Speaker of the United States House of Representatives, the Majority and Minority leaders of the United States Senate and the United States House of Representatives, and each member of the United States Congress elected from this State.

POM-426. A resolution adopted by the Senate of the State of Michigan relative to the Gaylord, Michigan, mail processing center; to the Committee on Homeland Security and Governmental Affairs.

#### SENATE RESOLUTION No. 151

Whereas, Gaylord, Michigan, is the largest city in Otsego County and one of the fastest growing and economically vibrant cities in northern Michigan. The Gaylord Post Office handles mail in the 487 zip codes, which covers a sprawling area from Grayling to Sault Saint Marie and from Petoskey to Alpena. The post office's mail plant processes packages and flats, such as magazines, newspapers, legal documents, and mail larger than letter-size; and

Whereas, in April 2006, the United States Postal Service concluded an Area Mail Processing (AMP) survey to determine whether or not to consolidate Gaylord mail processing operations into the Traverse City Processing & Distribution Center. The postal service is considering consolidation in order to reduce the \$8 million deficit of the Greater Michigan Postal District, which includes Wisconsin, Illinois, and Indiana. District postal officials are expected to receive final word from Washington, D.C., in either June or July of this year; and

Whereas, if both packaging and flats processing are eliminated, then nearly 80 full-time employees are expected to be transferred out of the region to other postal facilities. This transfer will have a detrimental impact on the Gaylord economy as well-paying jobs flee the area. Moreover, closing the Gaylord mail processing operations will result in a lower standard of service because without the processing center mail cannot be delivered to this vast region in an efficient and timely manner; Now, therefore, be it

*Resolved by the Senate*, That we memorialize the United States Postal Service and the United States Congress to keep open the Gaylord, Michigan, mail processing center; and be it further

*Resolved*, That copies of this resolution be transmitted to the United States Postmaster General, the President of the United States Senate, the Speaker of the House of Representatives, and the members of the Michigan congressional delegation.

POM-427. A concurrent resolution adopted by the House of Representatives of the State

of Hawaii relative to the convention on the elimination of all forms of discrimination against women; to the Committee on the Judiciary.

#### HOUSE CONCURRENT RESOLUTION NO. 67

Whereas, International Women's Day, celebrated throughout the world on March 8th, is a time to:

- (1) Reflect on the status of women in the United States and around the world;
- (2) Assess the progress made and the challenges for women remaining; and
- (3) Recommit to women's human rights and the full empowerment of the world's women as the basis for truly sustainable social, economic, and political development of nations and communities; and

Whereas, two hundred twenty-eight million women are in need of effective contraceptive methods; and

Whereas, a woman dies every minute as a result of pregnancy and childbirth-related causes (approximately five hundred women a year) and for every woman who dies, thirty other women are injured or disabled; and

Whereas, between seven hundred thousand and four million people, mainly women and children, are trafficked annually across international borders for sexual exploitation and forced labor; and

Whereas, fifty thousand to one hundred thousand women and girls are trafficked annually for sexual exploitation into the United States; and

Whereas, HIV/AIDS is a women's epidemic worldwide with over nineteen million women worldwide currently living with HIV/AIDS and over one million women dying of AIDS in 2002; and

Whereas, for the last several years, HIV/AIDS has been the fifth leading cause of death for women ages twenty-five to forty-four years in the United States, and the third leading cause of death for African American women in this same age group; and

Whereas, gender-based violence against women, including prenatal sex selection, female infanticide, sexual abuse, female genital mutilation, school and workplace sexual harassment, sexual trafficking and exploitation, prostitution, dowry-killings, domestic violence, battering, and marital rape, causes more death and disability among women in the fifteen to forty-four-year age group than cancer, malaria, traffic accidents, and even war; and

Whereas, approximately four million eight hundred thousand rapes and physical assaults are perpetrated annually against women in the United States; and

Whereas, women in many countries lack the right to own land and inherit property, obtain credit, attend and stay in school, earn income, and be free from job discrimination, they also lack access to services that meet their sexual and reproductive health needs; and

Whereas, over two billion women around the globe live on less than \$2 a day, and women in the United States earn seventy-three cents on average for every dollar earned by men; and

Whereas, two-thirds of the nine hundred sixty million illiterate adults in the world are women and two-thirds of the one hundred thirty million children not enrolled in primary school are girls; and

Whereas, in 1972, Hawaii became the first state to ratify the federal Equal Rights Amendment, which would have amended the United States Constitution by adding a guarantee of equal rights for women; and

Whereas, in 2003, the Hawaii State House of Representatives adopted House Resolution No. 59, which: supported International Women's Day; urged the United States Senate to ratify the Convention on the Elimination of

All Forms of Discrimination Against Women; and further urged the United States Congress to fund high quality, voluntary family planning and reproductive health services; Now, therefore, be it

*Resolved, by the House of Representatives of the Twenty-third Legislature of the State of Hawaii, Regular Session of 2006, the Senate concurring,* That the United States Senate is requested to demonstrate our nation's commitment to human rights by ratifying the Convention on the Elimination of All Forms of Discrimination Against Women, and joining one hundred seventy other nations in endorsing the most comprehensive treaty ensuring the fundamental human rights and equality of women; and be it further

*Resolved,* That the United States Congress is urged to affirm every woman's fundamental right to reproductive health, including the ability to choose the number of children they will have and the timing of their births, by funding high quality, voluntary family planning and reproductive health services that enable women to exercise this right; and be it further

*Resolved,* That certified copies of this Concurrent Resolution be transmitted to the President of the United States Senate, the Speaker of the United States House of Representatives, and the members of Hawaii's congressional delegation.

POM-428. A concurrent resolution adopted by the House of Representatives of the State of Hawaii relative to the detonation of the Bravo Hydrogen Bomb over Bikini Atoll; to the Committee on the Judiciary.

#### HOUSE CONCURRENT RESOLUTION NO. 34

Whereas, at 6:45 a.m. on March 1, 1954, over Bikini Atoll, the United States of America tested a hydrogen bomb device, which is acknowledged to be the most powerful nuclear explosion ever detonated; and

Whereas, the "Bravo" H-Bomb inadvertently yielded fifteen megatons instead of the five megatons expected by the scientists working on the project—a yield one thousand times more powerful than the bomb dropped on the city of Hiroshima; and

Whereas, including the Bravo H-Bomb, sixty-seven nuclear tests were conducted at Bikini Atoll and Enewetak Atoll between 1946 and 1958, exposing the people of the Republic of the Marshall Islands to severe health problems and genetic anomalies due to the tests, such as "jelly fish" babies and other anomalies in the children, grandchildren, and great-grandchildren of survivors; and

Whereas, Enewetak Atoll served as ground zero for forty-three tests, eventually causing the exile of its people from their homeland for thirty-three years; and

Whereas, even after a massive cleanup program by the United States, more than fifty-seven percent of the land is not safe for human habitation; and

Whereas, at the advice of the United States, the residents of Bikini Atoll were repatriated to their homeland in 1967 only to be evacuated seven years later when high levels of radionuclides were discovered in their bodies; and

Whereas, the people of neighboring Rongelap and Utirik were also returned prematurely to their atolls and received additional exposure, causing many to believe that they were used to study the effects of radiation on human beings as evidenced in the Atomic Energy Commission's now infamous Project 4.1 "Study of Response of Human Beings Exposed to Significant Beta and Gamma Radiation due to Fallout from High Yield Weapons"; and

Whereas, in the Compact of Free Association (Compact), the United States "accepts

the responsibility for compensation owing to the citizens of the Marshall Islands . . . for loss or damage to property and person . . . resulting from the nuclear testing program which the Government of the United States conducted in the Northern Marshall Islands between June 30, 1946 and August 18, 1958"; and

Whereas, the pertinent provisions of the Compact were negotiated based on limited and misleading information provided by the United States Government to the representatives of the Republic of the Marshall Islands, a fact only recently exposed in material declassified by the United States and acknowledged by officials; and

Whereas, the "changed circumstances" provisions of the Compact provide that, should it become manifestly clear that the agreement on nuclear matters is grossly inadequate to meet the technological and financial requirements anticipated during the negotiations, or if new information emerges that render those agreements insufficient for the purpose of concluding full and just compensation, the Congress of the United States would consider a petition on the issue; and

Whereas, the Republic of the Marshall Islands submitted such a "Changed Circumstances" petition on September 11, 2000, based on recently declassified data; and

Whereas, the Bush administration recently took a stand against further compensation under the Changed Circumstances petition, and

Whereas, just compensation and continued funding for promised medical and health programs for survivors of the atomic tests now depend upon Congress' favorable consideration of this petition; and

Whereas, over the past seventeen years, Hawaii has provided medical, educational, and other supportive services to lawful non-immigrants from the Republic of the Marshall Islands, without receiving adequate reimbursement from the United States; now, therefore, be it

*Resolved by the House of Representatives of the Twenty-third Legislature of the State of Hawaii, Regular Session of 2006, the Senate concurring,* That the United States Congress is respectfully requested to enact appropriate measures to provide for the full health needs of the hydrogen bomb tests survivors and their progeny, pay appropriate property damage claims, and provide for the costs of cleaning up nuclear sites in the Republic of the Marshall Islands in connection with hydrogen bomb testing on atolls of the Republic of the Marshall Islands; and be it further

*Resolved,* That the Legislature expresses deep regret for the harm done to the people of the Republic of the Marshall Islands and their homeland and hereby requests the Governor to declare March 1st as a Day of Remembrance for the survivors of the United States nuclear tests in the Republic of the Marshall Islands; and be it further

*Resolved,* That certified copies of this Concurrent Resolution be transmitted to the President of the United States, President of the United States Senate, Speaker of the United States House of Representatives, Chairperson of the United States House of Representatives Committee on Resources, Chairperson of the United States Senate Committee on Energy and Natural Resources, United States Secretary of Energy, Governor of Hawaii, members of Hawaii's Congressional delegation, President of the Republic of the Marshall Islands, Speaker of the Marshall Islands Nitijela, and Mayors of Bikini, Enewetak, Rongelap, and Utirik, and to ERUB I (survivors in Majuro) and ERUB II (survivors in Hawaii).

## REPORTS OF COMMITTEES

The following reports of committees were submitted:

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

Report to accompany S. 2145, a bill to enhance security and protect against terrorist attacks at chemical facilities (Rept. No. 109-332).

By Mr. STEVENS, from the Committee on Commerce, Science, and Transportation, without amendment and with a preamble:

S. Con. Res. 71. A concurrent resolution expressing the sense of Congress that States should require candidates for driver's licenses to demonstrate an ability to exercise greatly increased caution when driving in the proximity of a potentially visually impaired individual (Rept. No. 109-333).

## 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. COLEMAN:

S. 3883. A bill to amend the Internal Revenue Code of 1986 to provide an alternate sulfur dioxide removal measurement for advanced coal-based generation technology units under the qualifying advanced coal project credit; to the Committee on Finance.

By Mr. LUGAR:

S. 3884. A bill to impose sanctions against individuals responsible for genocide, war crimes, and crimes against humanity, to support measures for the protection of civilians and humanitarian operations, and to support peace efforts in the Darfur region of Sudan, and for other purposes; read the first time.

By Mr. JOHNSON:

S. 3885. A bill to amend Public Law 98-513 to provide for the inheritance of small fractional interests within the Lake Traverse Indian Reservation; to the Committee on Indian Affairs.

By Mr. FRIST (for himself and Mr. MCCONNELL):

S. 3886. A bill to authorize military commissions to bring terrorists to justice, to strengthen and modernize terrorist surveillance capabilities, and for other purposes; read the first time.

By Mr. DORGAN (for himself, Mrs. MURRAY, Ms. MIKULSKI, Mr. LEAHY, Mrs. FEINSTEIN, Mr. AKAKA, Mr. KERRY, Mr. KENNEDY, and Mr. LIEBERMAN):

S. 3887. A bill to prohibit the Internal Revenue Service from using private debt collection companies, and for other purposes; to the Committee on Finance.

## SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

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

By Mr. FRIST (for himself, Mr. REID, Mr. KYL, Mr. AKAKA, Mr. ALEXANDER, Mr. ALLARD, Mr. ALLEN, Mr. BAUCUS, Mr. BAYH, Mr. BENNETT, Mr. BIDEN, Mr. BINGAMAN, Mr. BOND, Mrs. BOXER, Mr. BROWNBACK, Mr. BUNNING, Mr. BURNS, Mr. BURR, Mr. BYRD, Ms. CANTWELL, Mr. CARPER, Mr. CHAFEE, Mr. CHAMBLISS, Mrs. CLINTON, Mr. COBURN, Mr. COCHRAN, Mr. COLEMAN, Ms. COLLINS, Mr. CONRAD, Mr. CORNYN, Mr. CRAIG, Mr. CRAPO, Mr.

DAYTON, Mr. DEMINT, Mr. DEWINE, Mr. DODD, Mrs. DOLE, Mr. DOMENICI, Mr. DORGAN, Mr. DURBIN, Mr. ENSIGN, Mr. ENZI, Mr. FEINGOLD, Mrs. FEINSTEIN, Mr. GRAHAM, Mr. GRASSLEY, Mr. GREGG, Mr. HAGEL, Mr. HARKIN, Mr. HATCH, Mrs. HUTCHISON, Mr. INHOFE, Mr. INOUE, Mr. ISAKSON, Mr. JEFFORDS, Mr. JOHNSON, Mr. KENNEDY, Mr. KERRY, Mr. KOHL, Ms. LANDRIEU, Mr. LAUTENBERG, Mr. LEAHY, Mr. LEVIN, Mr. LIEBERMAN, Mrs. LINCOLN, Mr. LOTT, Mr. LUGAR, Mr. MARTINEZ, Mr. MCCAIN, Mr. MCCONNELL, Mr. MENENDEZ, Ms. MIKULSKI, Ms. MURKOWSKI, Mrs. MURRAY, Mr. NELSON of Florida, Mr. NELSON of Nebraska, Mr. OBAMA, Mr. PRYOR, Mr. REED, Mr. ROBERTS, Mr. ROCKEFELLER, Mr. SALAZAR, Mr. SANTORUM, Mr. SARBANES, Mr. SCHUMER, Mr. SESSIONS, Mr. SHELBY, Mr. SMITH, Ms. SNOWE, Mr. SPECTER, Ms. STABENOW, Mr. STEVENS, Mr. SUNUNU, Mr. TALENT, Mr. THOMAS, Mr. THUNE, Mr. VITTER, Mr. VOINOVICH, Mr. WARNER, and Mr. WYDEN):

S. Res. 565. A resolution expressing the sense of the Senate upon the five-year anniversary of the terrorist attacks against the United States on September 11, 2001; considered and agreed to.

## ADDITIONAL COSPONSORS

S. 1035

At the request of Mr. INHOFE, the name of the Senator from Indiana (Mr. BAYH) was added as a cosponsor of S. 1035, a bill to authorize the presentation of commemorative medals on behalf of Congress to Native Americans who served as Code Talkers during foreign conflicts in which the United States was involved during the 20th century in recognition of the service of those Native Americans to the United States.

S. 1948

At the request of Mrs. CLINTON, the name of the Senator from Wisconsin (Mr. FEINGOLD) was added as a cosponsor of S. 1948, a bill to direct the Secretary of Transportation to issue regulations to reduce the incidence of child injury and death occurring inside or outside of passenger motor vehicles, and for other purposes.

S. 2010

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

S. 2148

At the request of Mr. SESSIONS, the name of the Senator from Alabama (Mr. SHELBY) was added as a cosponsor of S. 2148, a bill to direct the Secretary of the Interior to study the suitability and feasibility of establishing the Chattahoochee Trace National Heritage Corridor in Alabama and Georgia, and for other purposes.

S. 2154

At the request of Mr. OBAMA, the name of the Senator from Arkansas (Mr. PRYOR) was added as a cosponsor of S. 2154, a bill to provide for the issuance of a commemorative postage stamp in honor of Rosa Parks.

S. 2178

At the request of Mr. SCHUMER, the name of the Senator from Vermont (Mr. LEAHY) was added as a cosponsor of S. 2178, a bill to make the stealing and selling of telephone records a criminal offense.

S. 2185

At the request of Mr. HAGEL, the name of the Senator from Arkansas (Mr. PRYOR) was added as a cosponsor of S. 2185, a bill to amend part B of the Individuals with Disabilities Education Act to provide full Federal funding of such part.

S. 2249

At the request of Mr. SANTORUM, the name of the Senator from Montana (Mr. BURNS) was added as a cosponsor of S. 2249, a bill to eliminate the requirement that States collect Social Security numbers from applicants for recreational licenses.

S. 2250

At the request of Mr. GRASSLEY, the name of the Senator from California (Mrs. FEINSTEIN) was added as a cosponsor of S. 2250, a bill to award a congressional gold medal to Dr. Norman E. Borlaug.

S. 2354

At the request of Mr. NELSON of Florida, the name of the Senator from Maryland (Mr. SARBANES) was added as a cosponsor of S. 2354, a bill to amend title XVIII of the Social Security Act to reduce the coverage gap in prescription drug coverage under part D of such title based on savings to the Medicare program resulting from the negotiation of prescription drug prices.

S. 2990

At the request of Mr. VITTER, the name of the Senator from Mississippi (Mr. LOTT) was added as a cosponsor of S. 2990, a bill to amend title XVIII of the Social Security Act to restore financial stability to Medicare anesthesiology teaching programs for resident physicians.

S. 3591

At the request of Mr. JEFFORDS, the name of the Senator from New Mexico (Mr. BINGAMAN) was added as a cosponsor of S. 3591, a bill to improve efficiency in the Federal Government through the use of high-performance green buildings, and for other purposes.

S. 3609

At the request of Mrs. LINCOLN, the name of the Senator from South Dakota (Mr. JOHNSON) was added as a cosponsor of S. 3609, a bill to amend title XVIII of the Social Security Act to provide for the treatment of certain physician pathology services under the Medicare program.

S. 3621

At the request of Mr. REID, the name of the Senator from Nevada (Mr. ENSIGN) was added as a cosponsor of S.

3621, a bill to permit certain local law enforcement officers to carry firearms on aircraft.

S. 3656

At the request of Mrs. FEINSTEIN, the name of the Senator from Connecticut (Mr. LIEBERMAN) was added as a cosponsor of S. 3656, a bill to provide additional assistance to combat HIV/AIDS among young people, and for other purposes.

S. 3668

At the request of Mr. HATCH, the name of the Senator from New Jersey (Mr. MENENDEZ) was added as a cosponsor of S. 3668, a bill to amend the Public Health Service Act to provide for the expansion and improvement of traumatic brain injury programs, and for other purposes.

S. 3696

At the request of Mr. BROWNBAC, the names of the Senator from Utah (Mr. HATCH) and the Senator from Utah (Mr. BENNETT) were added as cosponsors of S. 3696, a bill to amend the Revised Statutes of the United States to prevent the use of the legal system in a manner that extorts money from State and local governments, and the Federal Government, and inhibits such governments' constitutional actions under the first, tenth, and fourteenth amendments.

S. 3737

At the request of Mr. LIEBERMAN, the names of the Senator from Virginia (Mr. ALLEN) and the Senator from New York (Mrs. CLINTON) were added as cosponsors of S. 3737, a bill to amend the National Trails System Act to designate the Washington-Rochambeau Route National Historic Trail.

S. 3766

At the request of Mr. SANTORUM, the name of the Senator from Nevada (Mr. ENSIGN) was added as a cosponsor of S. 3766, a bill to amend the Internal Revenue Code of 1986 to provide a tax credit for donations to non-profit scholarship organizations and educational improvement organizations.

S. 3771

At the request of Mr. HATCH, the names of the Senator from Colorado (Mr. SALAZAR), the Senator from New Jersey (Mr. MENENDEZ), the Senator from Hawaii (Mr. AKAKA), the Senator from Washington (Ms. CANTWELL), the Senator from Maryland (Mr. SARBANES), the Senator from Illinois (Mr. OBAMA), the Senator from New Mexico (Mr. DOMENICI), the Senator from Indiana (Mr. BAYH), the Senator from Massachusetts (Mr. KERRY) and the Senator from New Jersey (Mr. LAUTENBERG) were added as cosponsors of S. 3771, a bill to amend the Public Health Service Act to provide additional authorizations of appropriations for the health centers program under section 330 of such Act.

S. 3795

At the request of Mr. SMITH, the names of the Senator from Louisiana (Ms. LANDRIEU) and the Senator from

New Jersey (Mr. LAUTENBERG) were added as cosponsors of S. 3795, a bill to amend title XVIII of the Social Security Act to provide for a two-year moratorium on certain Medicare physician payment reductions for imaging services.

S. 3855

At the request of Mr. CONRAD, the names of the Senator from Louisiana (Ms. LANDRIEU) and the Senator from Washington (Mrs. MURRAY) were added as cosponsors of S. 3855, a bill to provide emergency agricultural disaster assistance, and for other purposes.

S. 3874

At the request of Mr. DEWINE, the names of the Senator from Maine (Ms. SNOWE) and the Senator from Nebraska (Mr. HAGEL) were added as cosponsors of S. 3874, a bill to provide in statute for the conduct of electronic surveillance of suspected terrorists for the purposes of protecting the American people, the Nation, and its interests from terrorist attack while ensuring that the civil liberties of United States citizens are safeguarded, and for other purposes.

S. 3877

At the request of Mrs. FEINSTEIN, the name of the Senator from Pennsylvania (Mr. SPECTER) was added as a cosponsor of S. 3877, a bill entitled the "Foreign Intelligence Surveillance Improvement and Enhancement Act of 2006".

S.J. RES. 14

At the request of Mr. BROWNBAC, the name of the Senator from Maine (Ms. COLLINS) was added as a cosponsor of S.J. Res. 14, a joint resolution providing for the recognition of Jerusalem as the undivided capital of Israel before the United States recognizes a Palestinian state, and for other purposes.

S. CON. RES. 84

At the request of Mr. KYL, the name of the Senator from Colorado (Mr. ALLARD) was added as a cosponsor of S. Con. Res. 84, a concurrent resolution expressing the sense of Congress regarding a free trade agreement between the United States and Taiwan.

S. RES. 559

At the request of Mr. BIDEN, the names of the Senator from California (Mrs. FEINSTEIN), the Senator from Missouri (Mr. BOND), the Senator from Louisiana (Ms. LANDRIEU), the Senator from South Dakota (Mr. JOHNSON), the Senator from Georgia (Mr. ISAKSON) and the Senator from Oklahoma (Mr. COBURN) were added as cosponsors of S. Res. 559, a resolution calling on the President to take immediate steps to help stop the violence in Darfur.

AMENDMENT NO. 4919

At the request of Mr. STEVENS, the name of the Senator from Ohio (Mr. DEWINE) was added as a cosponsor of amendment No. 4919 proposed to H.R. 4954, a bill to improve maritime and cargo security through enhanced layered defenses, and for other purposes.

At the request of Mr. INOUE, the name of the Senator from Hawaii (Mr.

AKAKA) was added as a cosponsor of amendment No. 4919 proposed to H.R. 4954, supra.

AMENDMENT NO. 4922

At the request of Mr. MCCAIN, the names of the Senator from New York (Mrs. CLINTON) and the Senator from New York (Mr. SCHUMER) were added as cosponsors of amendment No. 4922 proposed to H.R. 4954, a bill to improve maritime and cargo security through enhanced layered defenses, and for other purposes.

#### STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. LUGAR:

S. 3884. A bill to impose sanctions against individuals responsible for genocide, war crimes, and crimes against humanity, to support measures for the protection of civilians and humanitarian operations, and to support peace efforts in the Darfur region of Sudan, and for other purposes; read the first time.

Mr. LUGAR. Mr. President, I rise today to introduce a bill that is a product of a significant amount of consideration and work within our Congress over the last year and a half. The Darfur Peace and Accountability Act of 2006 has had many iterations since both the Senate and the House introduced legislation by the same name in 2005. Each piece of legislation that has been introduced has contributed to Congress's understanding of this issue and has ensured a more complete and thoughtful response.

There is a consensus within Congress that the genocidal policies of the Bashir regime in Sudan must be condemned and opposed. Many Members have introduced bills and resolutions dealing with the crisis, and Members have been vocal about the urgency of this issue through hearings, statements, visits to the region, and other activities. This consensus has been supported by numerous groups and individual Americans who have lent their voices to the effort to prevent genocide and their resources to provide relief to those in the region who are facing violence and bleak circumstances.

The legislation I am introducing today is intended to provide a vehicle upon which Members can quickly concur and consolidate their efforts in providing needed authorities for our State Department and targeted sanctions to compel Khartoum to comply with their agreements. Regrettably, the Darfur Peace Agreement appears to be faltering with the ill-advised rejection of the U.N. resolution establishing a U.N. peacekeeping force to transition from the overburdened African Union mission in Sudan. The situation has become insecure for humanitarian operations and as threatening to the people of the region as it has ever been. The United Nations Security Council resolution authorizing a peacekeeping force for Darfur is a unanimous signal that the international community is

committed to seeing no further violence take place in Darfur. Sudan, as a member of the United Nations, must abide by this decision of the international community. Their national and international responsibility is to serve and protect their people, and the suffering and killing in Darfur must end. The gargantuan humanitarian effort to provide basic necessities for more than 2 million displaced persons requires unrestricted access by national and international aid organizations, as well as the U.N.-mandated peacekeeping force to ensure their security.

This legislation also seeks to help consolidate the difficult road to recovery in southern Sudan in accordance with the Comprehensive Peace Agreement for Sudan. I have included additional authorities for our officials to provide assistance to southern Sudan, as well as Darfur. Such economic and military assistance is necessary and requires close consultation with Congress to ensure assistance is not manipulated or misdirected. The bill also sustains existing sanctions on Sudan in direct response to their violation of agreements they have made. The President will have the authority to waive these restrictions if he determines such action is in our national interest; so the flexibility he requires is there as well.

Finally, in further support of peace and to assist U.S. diplomats, targeted sanctions are authorized on individuals whom the President determines are "complicit in, or responsible for, acts of genocide, war crimes, or crimes against humanity in Darfur." These sanctions include blocking assets and refusing to grant individuals entry to the United States. Further, this legislation encourages the President to prevent entry at our ports to certain ships in order to deny the Government of Sudan oil revenues and access to deliveries of military equipment. The only exception to such entry should be for those vessels providing assistance in carrying out the elements of the Sudan peace agreements or humanitarian assistance.

Shifting circumstances on the ground in Sudan and at the United Nations have complicated our efforts to achieve consensus on legislation that would help our diplomats resolve the Darfur crisis. I believe this legislation can win majority support in the Senate, and I hope it will receive favorable consideration in the House.

By Mr. DORGAN (for himself,  
Mrs. MURRAY, Ms. MIKULSKI,  
Mr. LEAHY, Mrs. FEINSTEIN, Mr.  
AKAKA, Mr. KERRY, Mr. KENNEDY,  
and Mr. LIEBERMAN):

S. 3887. A bill to prohibit the Internal Revenue Service from using private debt collection companies, and for other purposes; to the Committee on Finance.

Mr. DORGAN. Mr. President, today I am joined by Senator MURRAY and seven of our Senate colleagues in intro-

ducing legislation to stop the Internal Revenue Service's plan to outsource part of its tax collection responsibilities to private collection companies.

It would be a serious mistake for the Internal Revenue Service (IRS) to move ahead with its controversial tax debt collection privatization plan. When the IRS attempted a similar plan in 1996, it failed miserably. Mistakes were made at every turn. Taxpayers were harassed by private debt collectors. In many instances, private debt collectors violated Federal debt collection laws and confidential taxpayer information was not properly secured.

Serious concerns have been raised by tax experts, including the National Taxpayer Advocate, that the new IRS initiative will suffer from the same kinds of maladies. It is my understanding that the IRS intends to share more than 2.5 million taxpayer accounts with ten private collection companies when its new plan is fully implemented. There is troubling evidence which suggests that the IRS plan may not have adequate safeguards in place to protect confidential taxpayer information.

Just over two years ago, a Treasury Inspector General for Tax Administration (TIGTA) investigation found that a contractor's employees committed security violations, placing IRS equipment and taxpayer data at risk. In some cases, TIGTA officials found that contractors "blatantly circumvented IRS policies and procedures even when security personnel had identified inappropriate practices."

It is also troubling that the IRS has agreed to pay very large commissions of 21 to 24 percent of the amount of the tax debt collected by three private collection firms at the outset of its initiative. Some tax experts understand what others are choosing to ignore: paying a commission based on the firms' success increases the potential for overzealous collection practices and the misuse of sensitive taxpayer information. Private debt collection agencies are driven by profit motives, not public service.

In addition, the IRS admits that if it hired more employees for this purpose, not private collectors, far more revenues would be deposited in the U.S. Treasury fund. It is astounding that the IRS appears ready to pay nearly a quarter for every dollar collected by private collection firms, when internal IRS reports suggest that it would cost the Federal Government just 3 pennies on a dollar to have trained IRS employees collect tax debts that are owed. At a time of exploding deficits and Federal debt, the IRS plan to use of private debt collectors would be an inexcusable waste of taxpayer money.

Everybody needs to pay the taxes they owe. If they do not, however, professional IRS employees, not private collectors in search of profits, should be the ones to ensure that outstanding tax debts are paid. If the IRS now says it needs more resources for tax enforce-

ment and collection activities, then Congress should consider providing them.

I fully agree with the independent Taxpayer Advocacy Panel's recent recommendation that the IRS "should abandon all plans to outsource any taxpayer debts and restrict collection activities to properly trained and proficient IRS personnel." Indeed, the IRS should immediately reverse course and indefinitely suspend the implementation of its private debt collection plan.

It was recently reported in the press that IRS Commissioner Everson has said the IRS will "immediately stand down" if the House and Senate act to revoke its authority to outsource tax debt collections to private companies. The House of Representatives has already voted to kill new funding for this IRS initiative. I will be pushing for a vote on this proposal by the full Senate at the first available opportunity.

The IRS should act on its own to stop its planned use of private debt collectors and save any further expenditures of taxpayer money for this purpose. If not, however, I will do everything in my power to put the brakes on this plan in the U.S. Senate.

There is an old adage: "Those who cannot learn from history are doomed to repeat it." Someone needs to remind the Internal Revenue Service and even some in the Congress of that. I urge my colleagues to cosponsor this legislation and help us get it enacted into law.

Mrs. MURRAY. Mr. President, I am glad to join my colleague, Senator DORGAN, and other cosponsors, in introducing legislation which would prevent the use of private collection agencies by the Internal Revenue Service. As Ranking Member of the Transportation, Treasury, the Judiciary, HUD, and Related Agencies (TTHUD) Appropriations Subcommittee, I have consistently opposed allowing the IRS the authority to hire private debt collectors. During Subcommittee hearings with the IRS, I have had the opportunity to discuss this issue at length with the current IRS Commissioner, Mark Everson. What I have learned during those conversations has not changed my mind.

When Chairman BOND and I finally are allowed to bring the Fiscal Year 2007 Transportation/Treasury Appropriations bill to the Senate Floor, I intend to offer an amendment that would effectively prohibit the IRS from going forward with this initiative. My amendment will be very similar to the bill we introduce today and the language that is already included in the House-passed Transportation/Treasury bill. I would point out, that the House Transportation/Treasury bill cleared the House of Representatives with the support of more than 400 Members.

There is no question that people who owe back taxes must pay their debt to the government. At the same time, every taxpayer should have the right to interact with a professional IRS agent when it comes to dealing with contested tax liabilities.



I'm against the use of private collection agencies (PCAs) because, first, I don't believe that taxpayer privacy will be adequately protected. When the IRS attempted the use of PCAs once before in the 1990s, it was a dismal failure. The IRS has not had a good track record of protecting taxpayer information and the Treasury Department's performance in providing information security protections to protect data confidentiality has worsened.

Second, I am concerned that private debt collectors will not show the level of professionalism, sensitivity, and respect that taxpayers deserve. In 2005, the Federal Trade Commission received more consumer complaints about private debt collectors than any other industry.

Due to the nature of the debts that the IRS intends to transfer to PCAs, the likely result will be that these agencies will end up going after the most vulnerable taxpayers in our society. We should not allow a system to emerge where better-off taxpayers get the benefit of interacting with a professional IRS agent, while economically-disadvantaged taxpayers are relegated to the harassing tactics of private collection agencies.

Third, I am deeply concerned with the cost-effectiveness of this initiative. The IRS Commissioner, himself, testified that it would be more cost-effective for the IRS to collect these debts than to contract them out to PCAs. Initially, I am told that it will require 55 IRS personnel to oversee 75 private tax collectors. Taken as a whole, I have to wonder whether the Federal Treasury will really benefit at all from this initiative.

Finally, the IRS should not be moving ahead with this activity while Congress is still debating its merits. More than 400 Members of the House approved a bill that included a prohibition on outsourcing tax collection. The IRS should suspend this effort immediately until the Congress has debated its fate and reached a final judgment.

#### SUBMITTED RESOLUTIONS

SENATE RESOLUTION 565—EXPRESSING THE SENSE OF THE SENATE UPON THE FIVE-YEAR ANNIVERSARY OF THE TERRORIST ATTACKS AGAINST THE UNITED STATES ON SEPTEMBER 11, 2001

Mr. FRIST (for himself, Mr. REID, Mr. KYL, Mr. AKAKA, Mr. ALEXANDER, Mr. ALLARD, Mr. ALLEN, Mr. BAUCUS, Mr. BAYH, Mr. BENNETT, Mr. BIDEN, Mr. BINGAMAN, Mr. BOND, Mrs. BOXER, Mr. BROWNBACK, Mr. BUNNING, Mr. BURNS, Mr. BURR, Mr. BYRD, Ms. CANTWELL, Mr. CARPER, Mr. CHAFEE, Mr. CHAMBLISS, Mrs. CLINTON, Mr. COBURN, Mr. COCHRAN, Mr. COLEMAN, Ms. COLLINS, Mr. CONRAD, Mr. CORNYN, Mr. CRAIG, Mr. CRAPO, Mr. DAYTON, Mr. DEMINT, Mr. DEWINE, Mr. DODD, Mrs.

DOLE, Mr. DOMENICI, Mr. DORGAN, Mr. DURBIN, Mr. ENSIGN, Mr. ENZI, Mr. FEINGOLD, Mrs. FEINSTEIN, Mr. GRAHAM, Mr. GRASSLEY, Mr. GREGG, Mr. HAGEL, Mr. HARKIN, Mr. HATCH, Mrs. HUTCHISON, Mr. INHOFE, Mr. INOUE, Mr. ISAKSON, Mr. JEFFORDS, Mr. JOHNSON, Mr. KENNEDY, Mr. KERRY, Mr. KOHL, Ms. LANDRIEU, Mr. LAUTENBERG, Mr. LEAHY, Mr. LEVIN, Mr. LIEBERMAN, Mrs. LINCOLN, Mr. LOTT, Mr. LUGAR, Mr. MARTINEZ, Mr. MCCAIN, Mr. MCCONNELL, Mr. MENENDEZ, Ms. MIKULSKI, Ms. MURKOWSKI, Mrs. MURRAY, Mr. NELSON of Florida, Mr. NELSON of Nebraska, Mr. OBAMA, Mr. PRYOR, Mr. REED, Mr. ROBERTS, Mr. ROCKEFELLER, Mr. SALAZAR, Mr. SANTORUM, Mr. SARBANES, Mr. SCHUMER, Mr. SESSIONS, Mr. SHELBY, Mr. SMITH, Ms. SNOWE, Mr. SPECTER, Ms. STABENOW, Mr. STEVENS, Mr. SUNUNU, Mr. TALENT, Mr. THOMAS, Mr. THUNE, Mr. VITTER, Mr. VOINOVICH, Mr. WARNER, and Mr. WYDEN) submitted the following resolution; which was considered and agreed to:

#### S. RES. 565

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

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

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

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

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

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

Now, therefore, be it *Resolved*, That the Senate

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

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

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

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

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

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

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

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

#### AMENDMENTS SUBMITTED AND PROPOSED

SA 4924. Mr. ROCKEFELLER submitted an amendment intended to be proposed by him to the bill H.R. 4954, to improve maritime and cargo security through enhanced layered defenses, and for other purposes; which was ordered to lie on the table.

SA 4925. Mr. SHELBY (for himself, Mr. SARBANES, Mr. SANTORUM, Mr. REED, Mr. MENENDEZ, Mrs. CLINTON, and Mr. LIEBERMAN) submitted an amendment intended to be proposed by him to the bill H.R. 4954, supra; which was ordered to lie on the table.

SA 4926. Mr. STEVENS (for himself, Mr. INOUE, Mr. MCCAIN, Mr. LAUTENBERG, and Mrs. CLINTON) proposed an amendment to amendment SA 4922 submitted by Mr. MCCAIN (for himself, Ms. SNOWE, Mr. DEWINE, Mr. BIDEN, and Mr. LIEBERMAN) to the bill H.R. 4954, supra.

SA 4927. Mr. STEVENS (for Mr. DEMINT (for himself, Mr. STEVENS, and Mr. INOUE)) proposed an amendment to amendment SA 4921 proposed by Mr. DEMINT to the bill H.R. 4954, supra.

SA 4928. Mr. BINGAMAN submitted an amendment intended to be proposed by him to the bill H.R. 4954, supra; which was ordered to lie on the table.

#### TEXT OF AMENDMENTS

SA 4924. Mr. ROCKEFELLER submitted an amendment intended to be proposed by him to the bill H.R. 4954, to improve maritime and cargo security through enhanced layered defenses, and for other purposes; which was ordered to lie on the table; as follows:

#### SEC. —. ESTABLISHMENT OF COMPETITIVE RESEARCH PROGRAM.

(a) IN GENERAL.—Title III of the Homeland Security Act of 2002 (6 U.S.C. 181 et seq.) is amended by adding at the end the following: “SEC. 314. COMPETITIVE RESEARCH PROGRAM.

“(a) IN GENERAL.—

“(1) ESTABLISHMENT.—The Secretary, acting through the Under Secretary for Science and Technology, shall establish a competitive research program within the Directorate.

“(2) DIRECTOR.—The program shall be headed by a Director, who shall be appointed by the Secretary. The Director shall report to the Under Secretary.

“(3) DUTIES OF DIRECTOR.—In the administration of the program, the Director shall—

“(A) establish a cofunding mechanism for States with academic facilities that have not fully developed security-related science and technology to support burgeoning research efforts by the faculty or link them to established investigators;

“(B) provide for conferences, workshops, outreach, and technical assistance to researchers and institutions of higher education in States on topics related to developing science and technology expertise in areas of high interest and relevance to the Department;

“(C) monitor the efforts of States to develop programs that support the Department's mission;



“(D) implement a merit review program, consistent with program objectives, to ensure the quality of research conducted with Program funding; and

“(E) provide annual reports on the progress and achievements of the Program to the Secretary.

“(b) ASSISTANCE UNDER THE PROGRAM.—

“(1) SCOPE.—The Director shall provide assistance under the program for research and development projects that are related to, or qualify as, homeland security research (as defined in section 307(a)(2)) under the program.

“(2) FORM OF ASSISTANCE.—Assistance under the program can take the form of grants, contracts, or cooperative arrangements.

“(3) APPLICATIONS.—Applicants shall submit proposals or applications in such form, at such times, and containing such information as the Director may require.

“(c) IMPLEMENTATION.—

“(1) START-UP PHASES.—For the first 3 fiscal years beginning after the date of enactment of the Border Infrastructure and Technology Integration Act of 2004, assistance under the program shall be limited to institutions of higher education located in States in which an institution of higher education with a grant from, or a contract or cooperative agreement with, the National Science Foundation under section 113 of the National Science Foundation Act of 1988 (42 U.S.C. 1862) is located.

“(2) SUBSEQUENT FISCAL YEARS.—

“(A) IN GENERAL.—Beginning with the 4th fiscal year after the date of enactment of this Act, the Director shall rank order the States (excluding any noncontiguous State (as defined in section 2(14)) other than Alaska, Hawaii, the Commonwealth of Puerto Rico, and the Virgin Islands) in descending order in terms of the average amount of funds received by institutions of higher education (as that term is defined in section 101(a) of the Higher Education Act of 1965 (20 U.S.C. 1001(a)) in each State that received financial assistance in the form of grants, contracts, or cooperative arrangements under this title during each of the preceding 3 fiscal years.

“(B) ALLOCATION.—Beginning with the 4th fiscal year after the date of enactment of this Act, assistance under the program for any fiscal year is limited to institutions of higher education located in States in the lowest third of those ranked under subparagraph (A) for that fiscal year.

“(C) DETERMINATION OF LOCATION.—For purposes of this paragraph, an institution of higher education shall be considered to be located in the State in which its home campus is located, except that assistance provided under the program to a division, institute, or other facility located in another State for use in that State shall be considered to have been provided to an institution of higher education located in that other State.

“(D) MULTIYEAR ASSISTANCE.—For purposes of this paragraph, assistance under the program that is provided on a multi-year basis shall be counted as provided in each such year in the amount so provided for that year.

“(d) FUNDING.—The Secretary shall ensure that no less than 5 percent of the amount appropriated for each fiscal year to the Acceleration Fund for Research and Development of Homeland Security Technologies established by section 307(c)(1) is allocated to the program established by subsection (a).”.

(b) CONFORMING AMENDMENT.—The table of contents of the Homeland Security Act of 2002 is amended by inserting after the item relating to section 313 the following:

“Sec. 314. Competitive research program.”.

**SA 4925.** Mr. SHELBY (for himself, Mr. SARBANES, Mr. SANTORUM, Mr. REED, Mr. MENENDEZ, Mrs. CLINTON, and Mr. LIEBERMAN) submitted an amendment intended to be proposed by him to the bill H.R. 4954, to improve maritime and cargo security through enhanced layered defenses, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

#### **TITLE —MASS TRANSIT SECURITY**

##### **SEC. 01. SHORT TITLE.**

This title may be cited as the “Public Transportation Terrorism Prevention Act of 2006”.

##### **SEC. 02. FINDINGS.**

Congress finds that—

(1) public transportation systems throughout the world have been a primary target of terrorist attacks, causing countless death and injuries;

(2) 5,800 public transportation agencies operate in the United States;

(3) 14,000,000 people in the United States ride public transportation each work day;

(4) safe and secure public transportation systems are essential for the Nation’s economy and for significant national and international public events;

(5) the Federal Transit Administration has invested \$74,900,000,000 since 1992 for construction and improvements to the Nation’s public transportation systems;

(6) the Federal Government appropriately invested \$18,100,000,000 in fiscal years 2002 through 2005 to protect our Nation’s aviation system and its 1,800,000 daily passengers;

(7) the Federal Government has allocated \$250,000,000 in fiscal years 2003 through 2005 to protect public transportation systems in the United States;

(8) the Federal Government has invested \$7.38 in aviation security improvements per passenger, but only \$0.007 in public transportation security improvements per passenger;

(9) the Government Accountability Office, the Mineta Institute for Surface Transportation Policy Studies, the American Public Transportation Association, and many transportation experts have reported an urgent need for significant investment in public transportation security improvements; and

(10) the Federal Government has a duty to deter and mitigate, to the greatest extent practicable, threats against the Nation’s public transportation systems.

##### **SEC. 03. SECURITY ASSESSMENTS.**

(a) PUBLIC TRANSPORTATION SECURITY ASSESSMENTS.—

(1) SUBMISSION.—Not later than 30 days after the date of the enactment of this Act, the Federal Transit Administration of the Department of Transportation shall submit all public transportation security assessments and all other relevant information to the Secretary of Homeland Security.

(2) REVIEW.—Not later than July 31, 2007, the Secretary of Homeland Security shall review and augment the security assessments received under paragraph (1).

(3) ALLOCATIONS.—The Secretary of Homeland Security shall use the security assessments received under paragraph (1) as the basis for allocating grant funds under section 04, unless the Secretary notifies the Committee on Banking, Housing, and Urban Affairs of the Senate that the Secretary has determined that an adjustment is necessary to respond to an urgent threat or other significant factors.

(4) SECURITY IMPROVEMENT PRIORITIES.—Not later than September 30, 2007, the Secretary of Homeland Security, after consulta-

tion 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 04.

(5) UPDATES.—Not later than July 31, 2008, and annually thereafter, the Secretary of Homeland Security shall—

(A) update the security assessments referred to in this subsection; and

(B) conduct security assessments of all public transportation agencies considered to be at greatest risk of a terrorist attack.

(b) USE OF SECURITY ASSESSMENT INFORMATION.—The Secretary of Homeland Security shall use the information collected under subsection (a)—

(1) to establish the process for developing security guidelines for public transportation security; and

(2) to design a security improvement strategy that—

(A) minimizes terrorist threats to public transportation systems; and

(B) maximizes the efforts of public transportation systems to mitigate damage from terrorist attacks.

(c) BUS AND RURAL PUBLIC TRANSPORTATION SYSTEMS.—Not later than July 31, 2007, the Secretary of Homeland Security shall conduct security assessments, appropriate to the size and nature of each system, to determine the specific needs of—

(1) local bus-only public transportation systems; and

(2) selected public transportation systems that receive funds under section 5311 of title 49, United States Code.

##### **SEC. 04. SECURITY ASSISTANCE GRANTS.**

(a) CAPITAL SECURITY ASSISTANCE PROGRAM.—

(1) IN GENERAL.—The Secretary of Homeland Security shall award grants directly to public transportation agencies for allowable capital security improvements based on the priorities established under section 03(a)(4).

(2) ALLOWABLE USE OF FUNDS.—Grants awarded under paragraph (1) may be used for—

(A) tunnel protection systems;

(B) perimeter protection systems;

(C) redundant critical operations control systems;

(D) chemical, biological, radiological, or explosive detection systems;

(E) surveillance equipment;

(F) communications equipment;

(G) emergency response equipment;

(H) fire suppression and decontamination equipment;

(I) global positioning or automated vehicle locator type system equipment;

(J) evacuation improvements; and

(K) other capital security improvements.

(b) OPERATIONAL SECURITY ASSISTANCE PROGRAM.—

(1) IN GENERAL.—The Secretary of Homeland Security shall award grants directly to public transportation agencies for allowable operational security improvements based on the priorities established under section 03(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 03(a)(4); and

(F) other appropriate security improvements identified under section 03(a)(4), excluding routine, ongoing personnel costs.

(C) **STATE HOMELAND SECURITY PLANS.**—In establishing security improvement priorities under section 3(a)(4) and in awarding grants for capital security improvements and operational security improvements under subsections (a) and (b), respectively, the Secretary of Homeland Security shall ensure that its actions 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 of Homeland Security 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 3(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 of Homeland Security shall notify 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 Department of Homeland Security on the use of grant funds received under this section.

(g) **RETURN OF MISSPENT GRANT FUNDS.**—If the Secretary of Homeland Security determines that a grantee used any portion of the grant funds received under this section for a purpose other than the allowable uses specified for that grant under this section, the grantee shall return any amount so used to the Treasury of the United States.

#### SEC. 05. INTELLIGENCE SHARING.

(a) **INTELLIGENCE SHARING.**—The Secretary of Homeland Security shall ensure that the Department of Transportation receives appropriate and timely notification of all credible terrorist threats against public transportation assets in the United States.

(b) **INFORMATION SHARING ANALYSIS CENTER.**—

(1) **ESTABLISHMENT.**—The Secretary of Homeland Security shall provide sufficient financial assistance for the reasonable costs of the Information Sharing and Analysis Center for Public Transportation (referred to in this subsection as the "ISAC") established pursuant to Presidential Directive 63, to protect critical infrastructure.

(2) **PUBLIC TRANSPORTATION AGENCY PARTICIPATION.**—The Secretary of Homeland Security—

(A) shall require those public transportation agencies that the Secretary determines to be at significant risk of terrorist attack to participate in the ISAC;

(B) shall encourage all other public transportation agencies to participate in the ISAC; and

(C) shall not charge a fee to any public transportation agency for participating in the ISAC.

#### SEC. 06. RESEARCH, DEVELOPMENT, AND DEMONSTRATION GRANTS AND CONTRACTS.

(a) **GRANTS AND CONTRACTS AUTHORIZED.**—The Secretary of Homeland Security, 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 of Homeland Security on the use of grant or contract funds received under this section.

(d) **RETURN OF MISSPENT GRANT OR CONTRACT FUNDS.**—If the Secretary of Homeland Security 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. 07. REPORTING REQUIREMENTS.

(a) **SEMI-ANNUAL REPORT TO CONGRESS.**—

(1) **IN GENERAL.**—Not later than March 31 and September 30 each year, the Secretary of Homeland Security shall submit a report, containing the information described in paragraph (2), to—

(A) the Committee on Banking, Housing, and Urban Affairs of the Senate;

(B) the Committee on Homeland Security and Governmental Affairs of the Senate; and

(C) the Committee on Appropriations of the Senate.

(2) **CONTENTS.**—The report submitted under paragraph (1) shall include—

(A) a description of the implementation of the provisions of sections 03 through 06;

(B) the amount of funds appropriated to carry out the provisions of each of sections 03 through 06 that have not been expended or obligated; and

(C) the state of public transportation security in the United States.

(b) **ANNUAL REPORT TO GOVERNORS.**—

(1) **IN GENERAL.**—Not later than March 31 each year, the Secretary of Homeland Security shall submit a report to the Governor of each State with a public transportation agency that has received a grant under this title.

(2) **CONTENTS.**—The report submitted under paragraph (1) shall specify—

(A) the amount of grant funds distributed to each such public transportation agency; and

(B) the use of such grant funds.

#### SEC. 08. AUTHORIZATION OF APPROPRIATIONS.

(a) **CAPITAL SECURITY ASSISTANCE PROGRAM.**—There are authorized to be appro-

priated \$2,370,000,000 for fiscal year 2007 to carry out the provisions of section 04(a), which shall remain available until expended.

(b) **OPERATIONAL SECURITY ASSISTANCE PROGRAM.**—There are authorized to be appropriated to carry out the provisions of section 04(b)—

(1) \$534,000,000 for fiscal year 2007;

(2) \$333,000,000 for fiscal year 2008; and

(3) \$133,000,000 for fiscal year 2009.

(c) **INTELLIGENCE.**—There are authorized to be appropriated such sums as may be necessary to carry out the provisions of section 05.

(d) **RESEARCH.**—There are authorized to be appropriated \$130,000,000 for fiscal year 2007 to carry out the provisions of section 06, which shall remain available until expended.

#### SEC. 09. SUNSET PROVISION.

The authority to make grants under this title shall expire on October 1, 2010.

**SA 4926.** Mr. STEVENS (for himself, Mr. INOUE, Mr. MCCAIN, Mr. LAUTENBERG, and Mrs. CLINTON) proposed an amendment to amendment SA 4922 submitted by Mr. MCCAIN (for himself, Ms. SNOWE, Mr. DEWINE, Mr. BIDEN, and Mr. LIEBERMAN) to the bill H.R. 4954, to improve maritime and cargo security through enhanced layered defenses, and for other purposes; as follows:

On page 19, line 5, strike "and".

On page 19, line 6, strike "efforts." and insert "efforts; and".

On page 19, between lines 6 and 7, insert the following:

(8) for employee security training.

On page 20, line 1, strike "2007" and insert "2007, \$30,000,000 for fiscal year 2008, and \$30,000,000 for fiscal year 2009".

On page 31, line 15, strike "20116." and insert "20118".

On page 31, line 25, strike "perceived threat to security; or" and insert "reasonably perceived threat, in good faith, to security; or".

On page 32, line 4, strike "perceived threat to security; or" and insert "reasonably perceived threat, in good faith, to security; or".

On page 33, line 7, after "(2)," insert "or with the written consent of the employee."

On page 33, beginning in line 10, strike "section without the written consent of the employee." and insert "section."

On page 33, after line 11, strike the item relating to section 20116 and insert the following:

"20118. Whistleblower protection for rail security matters".

On page 33, after the item appearing after line 11, insert the following:

#### SEC. —118. RAIL WORKER SECURITY TRAINING PROGRAM.

(a) **IN GENERAL.**—Not later than 180 days after the date of enactment of this Act, the Secretary of Homeland Security and the Secretary of Transportation, in consultation with appropriate law enforcement, security, and terrorism experts, representatives of railroad carriers, and nonprofit employee organizations that represent rail workers, shall develop and issue detailed guidance for a rail worker security training program to prepare front-line workers for potential threat conditions. The guidance shall take into consideration any current security training requirements or best practices.

(b) **PROGRAM ELEMENTS.**—The guidance developed under subsection (a) shall include elements, as appropriate to passenger and freight rail service, that address 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 of terrorists to cope with hijacker behavior and passenger responses.  
 (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 of Homeland Security issues guidance under subsection (a) in final form, each railroad carrier shall develop a rail worker security training program in accordance with that guidance and submit it to the Secretary for review. Not later than 30 days after receiving a railroad carrier's program under this subsection, the Secretary shall review the program and transmit comments to the railroad carrier concerning any revisions the Secretary considers necessary for the program to meet the guidance requirements. A railroad carrier shall respond to the Secretary's comments within 30 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, train operators, other onboard employees, maintenance and maintenance support personnel, bridge tenders, as well as other appropriate employees of railroad carriers, as defined by the Secretary.

(g) **OTHER EMPLOYEES.**—The Secretary of Homeland Security shall issue guidance and best practices for a rail shipper employee security program containing the elements listed under subsection (b) as appropriate.

#### **SEC. —119. HIGH HAZARD MATERIAL SECURITY THREAT MITIGATION PLANS.**

(a) **IN GENERAL.**—The Secretary of Homeland Security, 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, and of a quantity equal or exceeding the quantities of such material listed in subpart 172.800, title 49, Federal Code of Regulations, to develop a high hazard material security threat mitigation plan containing appropriate measures, including alternative routing and temporary shipment suspension options, to address assessed risks to high consequence targets. The plan, and any information submitted to the Secretary under this section shall be protected as sensitive security information under the regulations prescribed under section 114(s) of title 49, United States Code.

(b) **IMPLEMENTATION.**—A high hazard material security threat mitigation plan shall be put into effect by a rail carrier for the shipment of high hazardous materials by rail on the rail carrier's right-of-way when the threat levels of the Homeland Security Advisory System are high or severe and specific intelligence of probable or imminent threat exists towards—

(1) a high-consequence target that is within the catastrophic impact zone of a railroad right-of-way used to transport high hazardous material; or

(2) rail infrastructure or operations within the immediate vicinity of a high-consequence target.

(c) **COMPLETION AND REVIEW OF PLANS.**—

(1) **PLANS REQUIRED.**—Each rail carrier shall—

(A) submit a list of routes used to transport high hazard materials to the Secretary of Homeland Security within 60 days after the date of enactment of this Act;

(B) develop and submit a high hazard material security threat mitigation plan to the Secretary within 180 days after it receives the notice of high consequence targets on such routes by the Secretary; and

(C) submit any subsequent revisions to the plan to the Secretary 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) **CATASTROPHIC IMPACT ZONE.**—The term "catastrophic impact zone" means the area immediately adjacent to, under, or above an active railroad right-of-way used to ship high hazard materials in which the potential release or explosion of the high hazard material being transported would likely cause—

(A) loss of life; or

(B) significant damage to property or structures.

(2) **HIGH-CONSEQUENCE TARGET.**—The term "high-consequence target" means a building, buildings, infrastructure, public space, or natural resource designated by the Secretary of Homeland Security that is viable terrorist target of national significance, the attack of which could result in—

(A) catastrophic loss of life; and

(B) significantly damaged national security and defense capabilities; or

(C) national economic harm.

(3) **HIGH HAZARD MATERIALS.**—The term "high hazard materials" means quantities of poison inhalation hazard materials, Class 2.3 gases, Class 6.1 materials, and anhydrous ammonia that the Secretary, in consultation with the Secretary of Transportation, determines pose a security risk.

(4) **RAIL CARRIER.**—The term "rail carrier" has the meaning given that term by section 10102(5) of title 49, United States Code.

#### **SEC. —120. PUBLIC AWARENESS.**

Not later than 90 days after the date of enactment of this Act, the Secretary of Homeland Security, in consultation with the Secretary of Transportation, shall develop a national plan for public outreach and awareness. 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 of Homeland Security shall implement the plan developed under this section.

#### **SEC. —121. RAILROAD HIGH HAZARD MATERIAL TRACKING.**

(a) **WIRELESS COMMUNICATIONS.**—

(1) **IN GENERAL.**—In conjunction with any rail security research and development program administered by the Department of Homeland Security and consistent with the results of research relating to wireless tracking technologies, the Secretary of Homeland Security, 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 —104) in quantities equal to or greater than the quantities specified in subpart 171.800 of title 49, Code of Federal Regulations, with wireless terrestrial or satellite communications technology that provides—

(A) car position location and tracking capabilities;

(B) notification of rail car depressurization, breach, or unsafe temperature; and

(C) notification of hazardous material release.

(2) **COORDINATION.**—In developing the program required by paragraph (1), the Secretary shall—

(A) consult with the Secretary of Transportation to coordinate the program with any ongoing or planned efforts for rail car tracking at the Department of Transportation; and

(B) ensure that the program is consistent with recommendations and findings of the Department of Homeland Security's hazardous material tank rail car tracking pilot programs.

(b) **FUNDING.**—There are authorized to be appropriated to the Secretary of Homeland Security to carry out this section \$3,000,000 for each of fiscal years 2007, 2008, and 2009.

**SA 4927.** Mr. STEVENS (for Mr. DEMINT (for himself, Mr. STEVENS, and Mr. INOUE)) proposed an amendment to amendment SA 4921 proposed by Mr. DEMINT to the bill H.R. 4954, to improve maritime and cargo security through enhanced layered defenses, and for other purposes; as follows:

#### **TITLE —NATIONAL ALERT SYSTEM**

##### **SEC. —100. TABLE OF CONTENTS.**

The table of contents for this title is as follows:

TITLE	—NATIONAL ALERT SYSTEM
Sec. —100.	Table of contents.
Sec. —101.	Short title.
Sec. —102.	National Alert System.
Sec. —103.	Implementation and use.
Sec. —104.	Coordination with existing public alert systems and authority.
Sec. —105.	National Alert Office.
Sec. —106.	National Alert System Working Group.
Sec. —107.	Research and development.
Sec. —108.	Grant program for remote community alert systems.
Sec. —109.	Public familiarization, outreach, and response instructions.
Sec. —110.	Essential services disaster assistance.
Sec. —111.	Definitions.
Sec. —112.	Savings clause.
Sec. —113.	Funding.

##### **SEC. —101. SHORT TITLE.**

This title may be cited as the "Warning, Alert, and Response Network Act".

**SEC. —102. NATIONAL ALERT SYSTEM.**

(a) **ESTABLISHMENT.**—There is established a National Alert System to provide a public communications system capable of alerting the public on a national, regional, or local basis to emergency situations requiring a public response.

(b) **FUNCTIONS.**—The National Alert System—

(1) will enable any Federal, State, tribal, or local government official with credentials issued by the National Alert Office under section —103 to alert the public to any imminent threat that presents a significant risk of injury or death to the public;

(2) will be coordinated with and supplement existing Federal, State, tribal, and local emergency warning and alert systems;

(3) will be flexible enough in its application to permit narrowly targeted alerts in circumstances in which only a small geographic area is exposed or potentially exposed to the threat; and

(4) will transmit alerts across the greatest possible variety of communications technologies, including digital and analog broadcasts, cable and satellite television, satellite and terrestrial radio, wireless communications, wireline communications, and the Internet to reach the largest portion of the affected population.

(c) **CAPABILITIES.**—The National Alert System—

(1) shall incorporate multiple communications technologies and be designed to adapt to, and incorporate, future technologies for communicating directly with the public;

(2) shall include mechanisms and technologies to ensure that members of the public with disabilities and older individuals (as defined in section 102(35) of the Older Americans Act of 1965 (42 U.S.C. 3002(35))) are able to receive alerts and information provided through the National Alert System;

(3) shall not interfere with existing alert, warning, priority access, or emergency communications systems employed by Federal, State, tribal, or local emergency response personnel and may utilize existing emergency alert technologies, including the NOAA All-Hazards Radio System, digital and analog broadcast, cable, and satellite television and satellite and terrestrial radio;

(4) shall not be based upon any single technology or platform, but shall be designed to provide alerts to the largest portion of the affected population feasible and improve the ability of remote areas to receive alerts;

(5) shall incorporate technologies to alert effectively underserved communities (as determined by the Commission under section —108(a) of this title);

(6) when technologically feasible shall be capable of providing information in languages other than, and in addition to, English where necessary or appropriate; and

(7) shall be designed to promote local and regional public and private partnerships to enhance community preparedness and response.

(d) **RECEPTION OF ALERTS.**—The National Alert System shall—

(1) utilize multiple technologies for providing alerts to the public, including technologies that do not require members of the public to activate a particular device or use a particular technology to receive an alert provided via the National Alert System; and

(2) provide redundant alert mechanisms where practicable so as to reach the greatest number of people regardless of whether they have access to, or utilize, any specific medium of communication or any particular device.

(e) **EMERGENCY ALERT SYSTEM.**—Within 1 year after the date of enactment of this Act, the Federal Communications Commission shall—

(1) ensure the President, Secretary of Homeland Security, and State Governors have access to the emergency alert system; and

(2) ensure that the Emergency Alert System can transmit in languages other than English.

**SEC. —103. IMPLEMENTATION AND USE.**

(a) **AUTHORITY TO ACCESS SYSTEM.**—

(1) **IN GENERAL.**—Within 180 days after the date of enactment of this Act, the National Alert Office shall establish a process for issuing credentials to Federal, State, tribal, or local government officials with responsibility for issuing safety warnings to the public that will enable them to access the National Alert System and preserves access to existing alert, warning, and emergency communications systems pursuant to section —102(c)(3). The Office shall approve or disapprove a request for credentials within 60 days of request by the Federal department or agency, the governor of the State or the elected leader of a federally recognized Indian tribe.

(2) **REQUESTS FOR CREDENTIALS.**—Requests for credentials from Federal, State, tribal, and local government agencies shall be submitted to the Office by the head of the Federal department or agency, or the governor of the State or the elected leader of a Federally recognized Indian tribe, concerned, for review and approval.

(3) **SCOPE AND LIMITATIONS OF CREDENTIALS.**—The Office shall—

(A) establish eligibility criteria for issuing, renewing, and revoking access credentials;

(B) limit credentials to appropriate geographic areas or political jurisdictions; and

(C) ensure that the credentials permit use of the National Alert System only for alerts that are consistent with the jurisdiction, authority, and basis for eligibility of the individual to whom the credentials are issued to use the National Alert System.

(4) **PERIODIC TRAINING.**—The Office shall—

(A) establish a periodic training program for Federal, State, tribal, or local government officials with credentials to use the National Alert System; and

(B) require such officials to undergo periodic training under the program as a prerequisite for retaining their credentials to use the system.

(b) **ALLOWABLE ALERTS.**—

(1) **IN GENERAL.**—Any alert transmitted via the National Alert System, other than an alert described in paragraph (3), shall meet 1 or more of the following requirements:

(A) An alert shall notify the public of a hazardous situation that poses an imminent threat to the public health or safety.

(B) An alert shall provide appropriate instructions for actions to be taken by individuals affected or potentially affected by such a situation.

(C) An alert shall advise individuals of public addresses by Federal, State, tribal, or local officials when related to a significant threat to public safety and transmit such addresses when practicable and technically feasible.

(D) An alert shall notify the public of when the hazardous situation has ended or has been brought under control.

(2) **EVENT ELIGIBILITY REGULATIONS.**—The director of the National Alert Office, in consultation with the Working Group, shall by regulation specify—

(A) the classes of events or situations for which the National Alert System may be used to alert the public; and

(B) the content of the types of alerts that may be transmitted by or through use of the National Alert System, which may include—

(i) notifications to the public of a hazardous situation that poses an imminent

threat to the public health or safety accompanied by appropriate instructions for actions to be taken by individuals affected or potentially affected by such a situation; and

(ii) when technologically feasible public addresses by Federal, State, tribal, or local officials related to a significant threat to public safety.

(3) **OPT-IN PROCEDURES FOR OPTIONAL ALERTS.**—The director of the Office, in coordination with the Working Group, may establish a procedure under which licensees who elect to participate in the National Alert System as described in subsection (d), may transmit non-emergency information via the National Alert System to individuals who request such information.

(c) **ACCESS POINTS.**—The National Alert System shall provide—

(1) secure, widely dispersed multiple access points to Federal, State, or local government officials with credentials that will enable them to initiate alerts for transmission to the public via the National Alert System; and

(2) system redundancies to ensure functionality in the event of partial system failures, power failures, or other interruptive events.

(d) **ELECTION TO CARRY SERVICE.**—

(1) **AMENDMENT OF LICENSE.**—Within 60 days after the date on which the National Alert Office adopts relevant technical standards based on recommendations of the Working Group, the Federal Communications Commission shall initiate a proceeding and subsequently issue an order—

(A) to allow any licensee providing commercial mobile service (as defined in section 332(d)(1) of the Communications Act of 1934 (47 U.S.C. 332(d)(1))) to transmit National Alert System alerts to all subscribers to, or users of, such service; and

(B) to require any such licensee who elects under paragraph (2) not to participate in the transmission of National Alert System alerts, to provide clear and conspicuous notice at the point of sale of any devices with which its service is included, that it will not transmit National Alert System alerts via its service.

(2) **ELECTION TO CARRY SERVICE.**—

(A) **IN GENERAL.**—Within 30 days after the Commission issues its order under paragraph (1), each such licensee shall file an election with the Commission with respect to whether or not it intends to participate in the transmission of National Alert System alerts.

(B) **PARTICIPATION.**—If a licensee elects to participate in the transmission of National Alert System alerts, the licensee shall certify to the Commission that it will participate in a manner consistent with the standards and protocols implemented by the National Alert Office.

(C) **ADVERTISING.**—Nothing in this title shall be construed to prevent a licensee from advertising that it participates in the transmission of National Alert System alerts.

(D) **WITHDRAWAL FROM OR LATER ENTRY INTO SYSTEM.**—The Commission shall establish a procedure—

(i) for a participating licensee to withdraw from the National Alert System upon notification of its withdrawal to its existing subscribers;

(ii) for a licensee to enter the National Alert System at a date later than provided in subparagraph (A); and

(iii) under which a subscriber may terminate a subscription to service provided by a licensee that withdraws from the National Alert System without penalty or early termination fee.

(E) **CONSUMER CHOICE TECHNOLOGY.**—Any licensee electing to participate in the transmission of National Alert System alerts may

offer subscribers the capability of preventing the subscriber's device from receiving alerts broadcast by the system other than an alert issued by the President.

(3) **EXPANSION OF CLASS OF LICENSEES PARTICIPATING.**—The Commission, in consultation with the National Alert Office, may expand the class of licensees allowed to participate in the transmission of National Alert System alerts subject to such requirements as the Commission, in consultation with the National Alert Office, determines to be necessary or appropriate—

(A) to ensure the broadest feasible propagation of alerts transmitted by the National Alert System to the public; and

(B) to ensure that the functionality, integrity, and security of the National Alert System is not compromised.

(e) **DIGITAL TELEVISION TRANSMISSION TOWERS.**—

(1) **RETRANSMISSION CAPABILITY.**—Within 30 days after the date on which the National Alert Office adopts relevant technical standards based on recommendations of the Working Group, the Federal Communications Commission shall initiate a proceeding to require public broadcast television licensees and permittees to install necessary equipment and technologies on, or as part of, any broadcast television digital signal transmitter to enable the transmitter to serve as a backbone for the reception, relay, and retransmission of National Alert System alerts.

(2) **COMPENSATION.**—The National Alert Office established by section —105 shall compensate any such licensee or permittee for costs incurred in complying with the requirements imposed pursuant to paragraph (1).

(f) **FCC REGULATION OF COMPLIANCE.**—Except as provided in subsections (d) and (e), the Federal Communications Commission shall have no regulatory authority under this title except to regulate compliance with this title by licensees and permittees regulated by the Commission under the Communications Act of 1934 (47 U.S.C. 151 et seq.).

(g) **LIMITATION OF LIABILITY.**—Any person that participates in the transmission of National Alert System alerts and that meets its obligations under this title shall not be liable to any subscriber to, or user of, such person's service or equipment for—

(1) any act or omission related to or any harm resulting from the transmission of, or failure to transmit, a National Alert System alert to such subscriber or user; or

(2) for the release to a government agency or entity, public safety, fire service, law enforcement official, or emergency facility of subscriber information used in connection with delivering an alert.

(h) **TESTING.**—The director shall establish testing criteria and guidelines for licensees that elect to participate in the transmission of National Alert System alerts.

#### **SEC. —104. COORDINATION WITH EXISTING PUBLIC ALERT SYSTEMS AND AUTHORITY.**

(a) **EXISTING FEDERAL WARNING SYSTEM COORDINATION.**—The director shall work with the Federal Communications Commission, the National Oceanic and Atmospheric Administration, and other relevant Federal agencies to ensure that the National Alert System—

(1) complements, rather than duplicates, existing Federal alert systems; and

(2) obtains the maximum benefit possible from the utilization of existing research and development, technologies, and processes developed for or utilized by existing Federal alert systems.

(b) **EXISTING ALERT AUTHORITY.**—Nothing in this title shall be construed—

(1) to interfere with the authority of a Federal, State, or local government official

under any other provision of law to transmit public alerts via the NOAA All-Hazards Radio System, digital and analog broadcast, cable, and satellite television and satellite and terrestrial radio, or any other emergency alert system in existence on the date of enactment of this Act;

(2) to require alerts transmitted under the authority described in paragraph (1) to comply with any standard established pursuant to section —103; or

(3) to require any Federal, State, or local government official to obtain credentials or undergo training under this title before transmitting alerts under the authority described in paragraph (1).

#### **SEC. —105. NATIONAL ALERT OFFICE.**

(a) **ESTABLISHMENT.**—

(1) **IN GENERAL.**—The National Alert Office is established within the Department of Homeland Security.

(2) **DIRECTOR.**—The office shall be headed by a director with at least 5 years' operational experience in the management and issuance of warnings and alerts, hazardous event management, or disaster planning. The Director shall serve under and report to the Secretary of Homeland Security or his designee.

(3) **STAFF.**—The office shall have a staff with significant technical expertise in the communications industry and emergency public communications. The director may request the detailing of staff from any appropriate Federal department or agency in order to ensure that the concerns of all such departments and agencies are incorporated into the daily operation of the National Alert System.

(b) **FUNCTIONS AND RESPONSIBILITIES.**—

(1) **IN GENERAL.**—The Office shall administer, operate, and manage the National Alert System established under this title.

(2) **IMPLEMENTATION OF WORKING GROUP RECOMMENDATIONS.**—The Office shall be responsible for implementing the recommendations of the Working Group established by section —106 regarding—

(A) the technical transmission of alerts;

(B) the incorporation of new technologies into the National Alert System;

(C) the technical capabilities of the National Alert System; and

(D) any other matters that fall within the duties of the Working Group.

(3) **TRANSMISSION OF ALERTS.**—In administering the National Alert System, the director of the National Alert Office shall ensure that—

(A) the National Alert System is available to, and enables, only Federal, State, tribal, or local government officials with credentials issued by the National Alert Office under section —103 to access and utilize the National Alert System;

(B) the National Alert System is capable of providing geographically targeted alerts where such alerts are appropriate;

(C) the legitimacy and authenticity of any proffered alert is verified before it is transmitted;

(D) each proffered alert complies with formats, protocols, and other requirements established by the Office to ensure the efficacy and usefulness of alerts transmitted via the National Alert System;

(E) the security and integrity of a National Alert System alert from the point of origination to delivery is maintained; and

(F) the security and integrity of the National Alert System is maintained and protected.

(c) **REPORTS.**—

(1) **ANNUAL REPORTS.**—The director shall submit an annual report to the Senate Committee on Commerce, Science, and Transportation, the Senate Committee on Homeland

Security and Governmental Affairs, the House of Representatives Committee on Homeland Security, the House of Representatives Committee on Energy and Commerce, the House of Representatives Committee on Science, and the House of Representatives Committee on Transportation and Infrastructure on the status of, and plans for, the National Alert System. In the first annual report, the director shall report on—

(A) the progress made toward operational activation of the alerting capabilities of the National Alert System; and

(B) the anticipated date on which the National Alert System will be available for utilization by Federal, State, and local officials.

(2) **5-YEAR PLAN.**—Within 1 year after the date of enactment of this Act and every 5 years thereafter, the director shall publish a 5-year plan that outlines future capabilities and communications platforms for the National Alert System. The plan shall serve as the long-term planning document for the Office.

(d) **GAO AUDITS.**—

(1) **IN GENERAL.**—The Comptroller General shall audit the National Alert Office every 3 years after the date of enactment of this Act and periodically thereafter and transmit the findings thereof to the Senate Committee on Commerce, Science, and Transportation, the Senate Committee on Homeland Security and Governmental Affairs, the House of Representatives Committee on Homeland Security, the House of Representatives Committee on Energy and Commerce, the House of Representatives Committee on Science, and the House of Representatives Committee on Transportation and Infrastructure.

(2) **RESPONSE REPORT.**—If, as a result of the audit, the Comptroller General expresses concern about any matter addressed by the audit, the director of the National Alert Office shall transmit a report to the Senate Committee on Commerce, Science, and Transportation, the Senate Committee on Homeland Security and Governmental Affairs, the House of Representatives Committee on Homeland Security, the House of Representatives Committee on Energy and Commerce, the House of Representatives Committee on Science, and the House of Representatives Committee on Transportation and Infrastructure describing what action, if any, the director is taking to respond to any such concern.

#### **SEC. —106. NATIONAL ALERT SYSTEM WORKING GROUP.**

(a) **ESTABLISHMENT.**—Not later than 60 days after the date of enactment of this Act, the director of the National Alert Office shall establish a working group, to be known as the National Alert System Working Group.

(b) **MEMBERSHIP.**—

(1) **APPOINTMENT; CHAIR.**—The director shall appoint the members of the Working Group as soon as practicable after the date of enactment of this Act and shall serve as its chair. In appointing members of the Working Group, the director shall ensure that the number of members appointed under paragraph (5) provides appropriate and adequate representation for all stakeholders and interested and affected parties.

(2) **FEDERAL AGENCY REPRESENTATIVES.**—Appropriate personnel from the National Institute of Standards and Technology, the National Oceanic and Atmospheric Administration, the Federal Communications Commission, the Federal Emergency Management Agency, the Nuclear Regulatory Commission, the Department of Justice, the National Communications System, the National Telecommunications and Information Administration, the Department of Homeland Security's Preparedness Directorate, the United States Postal Service, and other

appropriate Federal agencies shall serve as members of the Working Group.

(3) **STATE AND LOCAL GOVERNMENT REPRESENTATIVES.**—The director shall appoint representatives of State and local governments and representatives of emergency services personnel, selected from among individuals nominated by national organizations representing such governments and personnel, to serve as members of the Working Group.

(4) **TRIBAL GOVERNMENTS.**—The director shall appoint representatives from Federally recognized Indian tribes and National Indian organizations.

(5) **SUBJECT MATTER EXPERTS.**—The director shall appoint individuals who have the requisite technical knowledge and expertise to serve on the Working Group in the fulfillment of its duties, including representatives of—

(A) communications service providers;  
(B) vendors, developers, and manufacturers of systems, facilities, equipment, and capabilities for the provision of communications services;

(C) third-party service bureaus;  
(D) technical experts from the broadcasting industry;

(E) the national organization representing the licensees and permittees of noncommercial broadcast television stations;

(F) national organizations representing individuals with special needs; and

(G) other individuals with technical expertise that would enhance the National Alert System.

(c) **DUTIES OF THE WORKING GROUP.**—

(1) **DEVELOPMENT OF SYSTEM-CRITICAL RECOMMENDATIONS.**—Within 1 year after the date of enactment of this Act, the Working Group shall develop and transmit to the National Alert Office recommendations for—

(A) protocols, including formats, source or originator identification, threat severity, hazard description, and response requirements or recommendations, for alerts to be transmitted via the National Alert System that ensures that alerts are capable of being utilized across the broadest variety of communication technologies, at National, State, and local levels;

(B) procedures for verifying, initiating, modifying, and canceling alerts transmitted via the National Alert System;

(C) guidelines for the technical capabilities of the National Alert System;

(D) guidelines for technical capability that provides for the priority transmission of National Alert System alerts;

(E) guidelines for other capabilities of the National Alert System as specified in this title;

(F) standards for equipment and technologies used by the National Alert System;

(G) guidelines for the transmission of National System Alerts in languages in addition to English, to the extent practicable; and

(H) guidelines for incorporating the National Alert System into comprehensive emergency planning standards for public alert and notification and emergency public communications.

(2) **INTEGRATION OF EMERGENCY AND NATIONAL ALERT SYSTEMS.**—The Working Group shall work with the operators of nuclear power plants and other critical infrastructure facilities to integrate emergency alert systems for those facilities with the National Alert System.

(d) **MEETINGS.**—

(1) **INITIAL MEETING.**—The initial meeting of the Working Group shall take place not later than 60 days after the date of the enactment of this Act.

(2) **OTHER MEETINGS.**—After the initial meeting, the Working Group shall meet at the call of the chair.

(3) **NOTICE; OPEN MEETINGS.**—Any meetings held by the Working Group shall be duly noticed at least 14 days in advance and shall be open to the public.

(e) **RESOURCES.**—

(1) **FEDERAL AGENCIES.**—The Working Group shall have reasonable access to—

(A) materials, resources, data, and other information from the National Institute of Standards and Technology, the Department of Commerce and its agencies, the Department of Homeland Security and its bureaus, and the Federal Communications Commission; and

(B) the facilities of any such agency for purposes of conducting meetings.

(2) **GIFTS AND GRANTS.**—The Working Group may accept, use, and dispose of gifts or grants of services or property, both real and personal, for purposes of aiding or facilitating the work of the Working Group. Gifts or grants not used at the expiration of the Working Group shall be returned to the donor or grantor.

(f) **RULES.**—

(1) **QUORUM.**—One-third of the members of the Working Group shall constitute a quorum for conducting business of the Working Group.

(2) **SUBCOMMITTEES.**—To assist the Working Group in carrying out its functions, the chair may establish appropriate subcommittees composed of members of the Working Group and other subject matter experts as deemed necessary.

(3) **ADDITIONAL RULES.**—The Working Group may adopt other rules as needed.

(g) **FEDERAL ADVISORY COMMITTEE ACT.**—Neither the Federal Advisory Committee Act (5 U.S.C. App.) nor any rule, order, or regulation promulgated under that Act shall apply to the Working Group.

#### **SEC. —107. RESEARCH AND DEVELOPMENT.**

(a) **IN GENERAL.**—The Undersecretary of Homeland Security for Science and Technology and the director jointly shall establish an extramural research and development program based on the recommendations of the Working Group to support the development of technology that will enable all existing and future providers of communications services and all existing and future communications devices to be utilized effectively with the National Alert System.

(b) **FUNCTIONS.**—In carrying out subsection (a) the Undersecretary for Science and Technology and the director shall—

(1) fund research and development which may include academia, the private sector, and government laboratories; and

(2) ensure that the program addresses, at a minimum—

(A) developing innovative technologies that will transmit geographically targeted emergency messages to the public;

(B) enhancing participation in the national alert system;

(C) understanding and improving public response to warnings; and

(D) enhancing the ability of local communities to integrate the National Alert System into their overall operations management.

(c) **USE OF EXISTING PROGRAMS AND RESOURCES.**—In developing the program, the Undersecretary for Science and Technology shall utilize existing expertise of the Department of Commerce, including the National Institute of Standards and Technology.

#### **SEC. —108. GRANT PROGRAM FOR REMOTE COMMUNITY ALERT SYSTEMS.**

(a) **GRANT PROGRAM.**—The Undersecretary of Commerce for Oceans and Atmosphere shall establish a program under which grants

may be made to provide for the installation of technologies in remote communities effectively unserved by commercial mobile radio service (as determined by the Federal Communications Commission within 180 days after the date of enactment of this Act) for the purpose of enabling residents of those communities to receive National Alert System alerts.

(b) **APPLICATIONS AND CONDITIONS.**—In conducting the program, the Undersecretary—

(1) shall establish a notification and application procedure; and

(2) may establish such conditions, and require such assurances, as may be appropriate to ensure the efficiency and integrity of the grant program.

(c) **SUNSET.**—The Undersecretary may not make grants under subsection (a) more than 5 years after the date of enactment of this Act.

#### **SEC. —109. PUBLIC FAMILIARIZATION, OUTREACH, AND RESPONSE INSTRUCTIONS.**

The director of the National Office, in consultation with the Working Group, shall conduct a program of public outreach to ensure that the public is aware of the National Alert System and understands its capabilities and uses for emergency preparedness and response. The program shall incorporate multiple communications technologies and methods, including inserts in packaging for wireless devices, Internet websites, and the use of broadcast radio and television Non-Commercial Sustaining Announcement Programs.

#### **SEC. —110. ESSENTIAL SERVICES DISASTER ASSISTANCE.**

Title IV of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5170 et seq.) is amended by adding at the end the following:

##### **“SEC. 425. ESSENTIAL SERVICE PROVIDERS.**

“(a) **DEFINITION.**—In this section, the term ‘essential service provider’ means an entity that—

“(1) provides—  
“(A) telecommunications service;  
“(B) electrical power;  
“(C) natural gas;  
“(D) water and sewer services; or  
“(E) any other essential service, as determined by the President;

“(2) is—  
“(A) a municipal entity;  
“(B) a nonprofit entity; or  
“(C) a private, for-profit entity; and  
“(3) is contributing to efforts to respond to an emergency or major disaster.

“(b) **AUTHORIZATION.**—In an emergency or major disaster, the President may use Federal equipment, supplies, facilities, personnel, and other non-monetary resources to assist an essential service provider, in exchange for reasonable compensation.

“(c) **COMPENSATION.**—

“(1) **IN GENERAL.**—The President shall, by regulation, establish a mechanism to set reasonable compensation to the Federal Government for the provision of assistance under subsection (b).

“(2) **CRITERIA.**—The mechanism established under paragraph (1)—

“(A) shall reflect the cost to the government (or if this is not readily obtainable, the full market value under the applicable circumstances) for assistance provided under subsection (b) in setting compensation;

“(B) shall have, to the maximum degree feasible, streamlined procedures for determining compensation; and

“(C) may, at the President's discretion, be based on a good faith estimate of cost to the government rather than an actual accounting of costs.

“(3) **PERIODIC REVIEW.**—The President shall periodically review, and if necessary revise,



the regulations established pursuant to paragraphs (1) and (2) to ensure that these regulations result in full compensation to the government for transferred resources. Such reviews shall occur no less frequently than once every 2 years, and the results of such reviews shall be reported to the House Transportation and Infrastructure Committee and the Senate Homeland Security and Governmental Affairs Committee.”.

#### SEC.—111. DEFINITIONS.

In this title:

(1) **DIRECTOR.**—The term “director” means the director of the National Alert Office.

(2) **OFFICE.**—The term “Office” means the National Alert Office established by section —105.

(3) **NATIONAL ALERT SYSTEM.**—The term “National Alert System” means the National Alert System established by section —102.

(4) **NOAA.**—The term “NOAA” means the National Oceanic and Atmospheric Administration.

(5) **NON-COMMERCIAL SUSTAINING ANNOUNCEMENT PROGRAM.**—The term “Non-Commercial Sustaining Announcement Program” means a radio and television campaign conducted for the benefit of a nonprofit organization or government agency using unsold commercial air time donated by participating broadcast stations for use in such campaigns, and for which the campaign’s sponsoring organization or agency funds the cost of underwriting programs that serve the public convenience, interest, and necessity, as described in section 307 of the Communications Act of 1934 (47 U.S.C. 307).

(6) **WORKING GROUP.**—The term “Working Group” means the National Alert System Working Group on the established under section —106.

#### SEC.—112. SAVINGS CLAUSE.

Nothing in this title shall interfere with or supersede the authorities, missions, programs, operations, or activities of the Federal Communications Commission or the Department of Commerce, including those of the National Oceanic and Atmospheric Administration, the National Institute of Standards and Technology, and the National Telecommunications and Information Administration.

#### SEC.—113. FUNDING.

Funding for this title shall be provided from the Digital Transition and Public Safety Fund in accordance with section 3010 of the Digital Television Transition and Public Safety Act of 2005 (47 U.S.C. 309 note).

**SA 4928.** Mr. BINGAMAN submitted an amendment intended to be proposed by him to the bill H.R. 4954, to improve maritime and cargo security through enhanced layered defenses, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

#### SEC. \_\_\_\_ . PILOT PROGRAM TO EXTEND CERTAIN COMMERCIAL OPERATIONS.

(a) **IN GENERAL.**—During fiscal year 2007, the Commissioner shall extend the hours of commercial operations at the port of entry located at Santa Teresa, New Mexico, to a minimum of 16 hours a day.

(b) **REPORT.**—The Commissioner shall submit a report to the appropriate congressional committees not later than September 30, 2007, with respect to the extension of hours of commercial operations described in subsection (a). The report shall include

(1) an analysis of the impact of the extended hours of operation on the port facility, staff, and trade volume handled at the port; and

(2) recommendations regarding whether to extend such hours of operation beyond fiscal year 2007.

### NOTICE OF HEARING

#### COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. DOMENICI. Mr. President, I would like to announce for the information of the Senate and the public that the hearing scheduled before the Committee on Energy and Natural Resources for Tuesday, September 12th at 10 a.m. has been relocated to room SD-106.

The purpose of the hearing is to receive testimony relating to the effects of the BP pipeline failure in the Prudhoe Bay Oil Field on U.S. oil supply and to examine what steps may be taken to prevent a recurrence of such an event.

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 Dick Bouts or Sara Zecher.

### AUTHORITY FOR COMMITTEES TO MEET

#### COMMITTEE ON FINANCE

Mr. STEVENS. Mr. President, I ask unanimous consent that the Committee on Finance be authorized to meet during the session on Monday, September 11, 2006, at 2 p.m., in 215 Dirksen Senate Office Building, to hear testimony on “NAFTA at Year Twelve.”

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

### PRIVILEGES OF THE FLOOR

Mr. BAUCUS. Mr. President, I ask unanimous consent that the following interns with the Finance Committee staff be allowed on the Senate floor today and for the duration of the debate on the Port Security Improvement Act: John Lageson, Tory Cyr, and Brett Youngerman.

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

### REMEMBERING SEPTEMBER 11, 2001

Mr. FRIST. Mr. President, about an hour ago a number of Members of the House and the Senate, principally leadership, participated in a wreath-laying ceremony by the President at the Pentagon. The President has participated over the last 48 hours in similar events in New York, earlier today in Pennsylvania, and later at the Pentagon today.

A number of colleagues have come to the Senate to offer statements in remembrance of that day 5 years ago and

that question of: What were you doing? Whom did you talk to? What were your memories? Whom were you with? This is a familiar question and one we have all gone back over the course of the last several days and thought about.

I remember where I was. I remember exactly what I was doing. I remember whom I was with. I was across the street in the Russell Building with my chief of staff, Emily Reynolds, at the time, who is now Secretary of the Senate. We were in a meeting with a colleague of mine, Senator HUTCHISON, talking over issues, when a member of her staff came in and told us that a plane had struck the Twin Towers.

At that time, it was thought initially to be a corporate plane, but as a pilot it was very clear to me that would not have happened by accident. While our discussion continued for a few moments, someone wheeled in a television, and then, dumbstruck, we watched that second plane strike the tower. Shortly thereafter, of course, we heard there was smoke coming from the Pentagon, where we were a few moments ago. Clearly, we were under attack.

I remember my first phone call home. We all remember our phone calls, reaching out to touch others whom we loved. I called my wife Karyn. Immediately, we talked about what should be done with our three boys who were at school in Washington, DC.

Of course, later that afternoon, we were standing on the steps of the Capitol with so many of our colleagues, spontaneously, together, breaking out in “God Bless America,” to let the world know that America will not cower to such terrorism. Indeed, in about 30 minutes, a number of our colleagues from both the House and the Senate will, once again, go to those Senate steps.

Those are the moments that are indelibly etched into my mind in terms of where I was and whom I was with. But it really goes out to the people we were just with over at the Pentagon, as I talked to one man I never met before whom, as we were waiting just prior to the ceremony, I turned to and introduced myself. He told me his story, his story of Amelia, who, on her second day of work, indeed, her birthday, September 11, 5 years ago, at the Pentagon was struck and died. And then there are the images of all the first responders—the law enforcement, the firefighters, the police, and the volunteers—and the family responses. All of those feelings come tumbling in.

Nearly 3,000 Americans lost their lives to those vicious acts of terror that day. The attacks shattered the longstanding illusions I had through my entire life of safety and security, at least in this great country of ours. Indeed, we found ourselves hard pressed on every side but not crushed; perplexed but not in despair; persecuted but not abandoned; struck down but not destroyed.



Instead, we pressed on, pushing every hindrance aside with resolve, calling upon our most fundamental beliefs about America, many going back over the ensuing days addressing what makes us uniquely American.

We pressed on, coming together and sending forth thousands of those first responders, thousands of those policemen, paramedics, construction workers, and other rescue workers to Ground Zero and the Pentagon.

I remember a few days after the Pentagon was struck going out and welcoming an entire delegation of first responders from Tennessee, with that American flag displayed so proudly and that Tennessee flag right next to it.

We pressed on, facing down that economic shock and developing new respect for our economy's natural resilience and a new respect for the economy's ability and resiliency to bounce back.

We pressed on, immediately in this body, addressing issues of intelligence, of making sure we not only mobilized our troops but we supported them with the very best equipment that we could.

We pressed on by taking the fight to the enemy because we knew that if we did not, that fight would come to us.

With the passage of 5 years' time, some things begin, inevitably, to blur. That is why in some ways it is so useful to have remembrances like what we have had over the course of today.

We forget a time when we had a great fear of even boarding airplanes. We forget a time when we held our children—and those days, weeks, and months afterwards; it was so, so, so close—but we forget that time of holding our kids just a little bit longer with that hug before they went off to school. And we forget a time when we felt that hatred in the heart of our enemy. The feelings that were once so vivid, so sharp—that shock, that anger, that fury—the fear began to lose the jagged edge with time. In part, that is part of this Nation's healing—coming together, responding in a healing way to a catastrophe—because we should not live in fear. We cannot be a nation that lives in fear. Salesmen go out traveling on business, families who are out traveling on vacations should not fear boarding that plane to fly. Parents loading their children on a bus, they should not fear sending them off to school.

But there is also a danger in forgetting. There is a danger in having time pass and letting those memories fade because as time fades we also start to forget the enemy who took those 3,000 lives so prematurely. We forget the intentions they harbor and the agenda they champion.

There was a stark reminder for me yesterday, as I joined Senator McCONNELL and Senator SPECTER, as we went to Guantanamo Bay, to the detention facility there. And when you walk those grounds—a remarkable place in and of itself and the entity itself in terms of treating those detainees in a

safe and humane way, which is very possible—in walking those grounds, it causes you to think back to 5 years ago, to what precipitated that event which caused the loss of 3,000 and destroyed the lives of so many thousands of others.

We cannot become complacent because if we do, we will be struck again. Our enemy remembers. Our enemy plans. And I was reminded again and again yesterday, as I toured those grounds, our enemy continues to plan, continues to plot, continues to conspire—conspires to see us lose in Iraq, plots to drive us out of Afghanistan, plans to attack us here, right here, again in the United States. We know that because over these last 5 years, at least 11 times such plots have been promoted. That is why we cannot afford to grow complacent. We cannot afford to let our resolve waiver. We have to continue to press on. We have to continue to strengthen our security.

That is why on this floor, in the bill that has been talked about this afternoon and the bills we will address over the coming days, we are focusing on a security agenda. It is an agenda that includes replenishing our critical supplies for troops on the ground—we just finished the Department of Defense appropriations bill on the Senate floor last week—eliminating vulnerabilities and closing the gaps in port security, the bill on the floor today; and, indeed, in the near future, creating military commissions to try the enemy combatants, the terrorists who are captured on the field of battle, and bolstering the terrorist surveillance program to make sure our law enforcement and our Government are appropriately equipped to be able to detect terrorism before an event happens.

Here in the Senate we have worked tirelessly to ease the burden on our memories. That is why we are safer now than we were 5 years ago. Consider there has not been a successful terrorist attack against the homeland.

But safety and security are not static points in time. They are not static statistics. They are dynamic, in constant flux. So as we take time today to remember the horror as well as the courageous actions of 5 years ago, let us also remember there is much more we can and we must do to bring the terrorists to justice and to ensure the events of 9/11 are never repeated.

#### EXPRESSING THE SENSE OF THE SENATE UPON THE FIVE-YEAR ANNIVERSARY OF THE TERRORIST ATTACKS AGAINST THE UNITED STATES ON SEPTEMBER 11, 2001

Mr. FRIST. Mr. President, I ask unanimous consent that the Senate now proceed to the consideration of S. Res. 565, which was submitted earlier today.

The PRESIDING OFFICER. The clerk will report the resolution by title.

The legislative clerk read as follows:

A resolution (S. Res. 565) expressing the sense of the Senate upon the five-year anniversary of the terrorist attacks against the United States on September 11, 2001.

There being no objection, the Senate proceeded to consider the resolution.

Mr. FRIST. Mr. President, I ask unanimous consent that the resolution be agreed to, the preamble be agreed to, and the motion to reconsider be laid upon the table.

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

The resolution (S. Res. 565) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

#### S. RES. 565

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

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

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

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

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

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

*Resolved*, That the Senate:

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

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

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

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

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

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

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

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

COMMEMORATING THE 60TH ANNIVERSARY OF HISTORIC 1946 BASEBALL SEASON OF BOB FELLER

Mr. FRIST. Mr. President, I ask unanimous consent that the Judiciary Committee be discharged from further consideration, and the Senate now proceed to H. Con. Res 449.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will report.

The legislative clerk read as follows:

A concurrent resolution, H. Con. Res. 449, commemorating the 60th anniversary of the historic 1946 season of Major League Baseball Hall of Fame member Bob Feller and his return from military service to the United States.

There being no objection, the Senate proceeded to consider the concurrent resolution.

Mr. FRIST. Mr. President, I ask unanimous consent that the concurrent 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 concurrent resolution (H. Con. Res. 449) was agreed to.

The preamble was agreed to.

MEASURES READ THE FIRST TIME—S. 3884 and S. 3886

Mr. FRIST. Mr. President, I understand there are two bills at the desk, and I ask for their first reading, en bloc.

The PRESIDING OFFICER. The clerk will state the bills by title.

The legislative clerk read as follows:

A bill (S. 3884) to impose sanctions against individuals responsible for genocide, war crimes, and crimes against humanity, to support measures for the protection of civilians and humanitarian operations, and to support peace efforts in the Darfur region of Sudan, and for other purposes.

A bill (S. 3886) to authorize military commissions to bring terrorists to justice, to strengthen and modernize terrorist surveillance capabilities, and for other purposes.

Mr. FRIST. Mr. President, I ask for their second reading, and in order to place the bills on the calendar under rule XIV, I object to my own request en bloc.

The PRESIDING OFFICER. Objection is heard. The bills will be read the second time on the next legislative day.

MEASURES PLACED ON CALENDAR—S. 3882 and H.R. 503

Mr. FRIST. Mr. President, I understand there are two bills at the desk due for a second reading.

The PRESIDING OFFICER. The leader is correct. The clerk will read the titles of the bills for a second time.

The legislative clerk read as follows:

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

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

Mr. FRIST. In order to place the bills on the calendar under the provisions of rule XIV, I object to further proceeding en bloc.

The PRESIDING OFFICER. Objection is heard, and the bills will be placed on the calendar.

ORDERS FOR TUESDAY, SEPTEMBER 12, 2006

Mr. FRIST. Mr. President, I ask unanimous consent that when the Senate completes its business today, it stand in adjournment until 9:45 a.m. on Tuesday, September 12. I further ask unanimous consent that following the prayer and pledge, the morning hour be deemed expired, the Journal of proceedings be approved to date, the time for the two leaders be reserved, and the Senate proceed to a period for the transaction of morning business for up

to 30 minutes, with the first 15 minutes under the control of the majority leader or his designee and the final 15 minutes under the control of the Democratic leader or his designee; further, that following morning business, the Senate resume consideration of H.R. 4954, the port security bill. I further ask unanimous consent that the Senate stand in recess from 12:30 p.m. to 2:15 p.m. to accommodate the weekly policy luncheons.

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

PROGRAM

Mr. FRIST. Mr. President, tomorrow we will continue to work through the port security bill. Members wishing to offer amendments should be consulting with the bill managers and be ready to debate their amendments tomorrow and Wednesday. Members should note that we will be voting throughout the day tomorrow, and the first vote will be at noon on Senator DEMINT's national hazard alert system.

In a few moments, Members of Congress will be marking the fifth anniversary of the terrorist attacks of 9/11 with a ceremony on the Capitol steps. Senators are reminded to meet in the Chamber by 5:45 p.m. to walk over as a body for the 6 o'clock ceremony.

ADJOURNMENT UNTIL 9:45 A.M. TOMORROW

Mr. FRIST. Mr. President, if there is no further business to come before the Senate, I ask unanimous consent that the Senate stand in adjournment under the provisions of S. Res. 565 as a further mark of respect for those who died as a result of the September 11, 2001, terrorist attacks.

There being no objection, the Senate, at 5:42 p.m., adjourned until Tuesday, September 12, 2006, at 9:45 a.m.