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Senate

The Senate met at 10 a.m. and was called to order by the Honorable JON TESTER, a Senator from the State of Montana.

PRAYER

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

Let us pray.

Eternal Lord God, who commanded humanity to be fruitful, bless our Senators in their work. Help them to be faithful in the discharge of their duties and honorable in all of their dealings. Give them self-control in speech and temper as You empower them to be models of humility and thoughtfulness. Strengthen them to labor so that in thoughts, words, and deeds they may glorify You.

Lord, give them the wisdom to build new bridges of friendship and to discover fresh opportunities for service. May their labors for liberty be as the light of morning when the Sun rises and like the tender grass springing out of the Earth.

We pray in Your loving Name. Amen.

PLEDGE OF ALLEGIANCE

The Honorable JON TESTER led the Pledge of Allegiance, as follows:

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

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

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

The clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, DC, March 6, 2007.

To the Senate:

Under the provisions of rule I, paragraph 3, of the Standing Rules of the Senate, I hereby appoint the Honorable JON TESTER, a Senator from the State of Montana, to perform the duties of the Chair.

ROBERT C. BYRD,
President pro tempore.

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

RECOGNITION OF THE MAJORITY LEADER

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

SCHEDULE

Mr. REID. Mr. President, following whatever time the leaders utilize, the Senate will be in a period of morning business for 60 minutes, with each side controlling 30 minutes and the majority going first.

Following morning business, the Senate will resume consideration of S. 4.

Yesterday, I offered a unanimous-consent agreement to have votes on the pending amendments relating to collective bargaining. There was an objection to that request.

In view of that objection, I indicated I would move to table the DeMint amendment, and I will make that motion at 12 noon today, so Members can expect the first vote at noon today.

Today being Tuesday, the Senate will recess at 12:30 until 2:15 for our weekly conferences.

I would also like to remind Members that tomorrow at 11 o'clock, King Abdullah, the King of Jordan, will address a joint meeting of Congress in the House Chamber. The Senate will depart for the House Chamber around 10:45 a.m.

MEASURE PLACED ON THE CALENDAR—S. 761

Mr. REID. Mr. President, it is my understanding that S. 761 is at the desk and due for a second reading.

The ACTING PRESIDENT pro tempore. The clerk will read the title of the bill for the second time.

The legislative clerk read as follows:

A bill (S. 761) to invest in innovation and education to improve the competitiveness of the United States in the global economy.

Mr. REID. Mr. President, I object to any further proceedings on this piece of legislation.

The ACTING PRESIDENT pro tempore. Objection is heard. The bill will be placed on the calendar.

IRAQ

Mr. REID. Mr. President, every morning I get up and do my exercise. It takes me about an hour to go out and do what I do in the morning. This morning was very cold. I listen to the radio. I listen to the news every morning. It is with a heavy heart that I finished my exercise this morning and came into my home and got ready to come to work.

Nine American soldiers were killed in Iraq yesterday. I don't know how many were wounded. I don't know how many were grievously wounded. But I have to focus on those nine soldiers and their families.

I am fortunate. I am one of four sons. My brother Dale died as a young man, and I still have not gotten over my brother Dale dying at 46, 47 years old. I know his death is not comparable, of course, to these valiant soldiers who were killed in Iraq yesterday, but he is still my brother and I still feel very badly.

I can't imagine how the nine soldiers' families feel today. Some of them have not yet been notified that their loved one has been killed, but most of them by now have been notified. This is a reminder of what is happening in Iraq thousands of miles from here but affecting the lives of everyday Americans. The current approach isn't working. We need to change course in Iraq.

Mr. President, I yield the floor.

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

RESERVATION OF LEADER TIME

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

MORNING BUSINESS

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

The Senator from Washington is recognized.

VETERANS HEALTH CARE

Mrs. MURRAY. Mr. President, I listened to the majority leader talk a few minutes ago about going out to do his morning exercise and hearing once again of nine soldiers who were killed today in Iraq and the heavy burden all of us have as we sit and listen to the debate about Iraq and how we should proceed and how we cannot ever forget the burden it places on so many families and will continue to be on so many families for years to come.

I have been out on this floor several times to talk about the administration's failure to care for our troops. I am sure it is not going to be my last time; in fact, I am positive it will not be my last time. I am going to keep talking about these men and women and their families who have been impacted so dramatically and what we are doing as a nation to make sure we are there for them every step of the way. Unfortunately, the list of failures is very long—too long. Recently, we heard about the obstacles of service men and women with traumatic brain injuries when they return home from battle. I have seen these men and women. I have watched what happens to them. It is not a couple of days. It is not a couple of months. It is a lifetime of dealing with a traumatic brain injury and how it impacts them, their families, their ability to be able to be productive, their family's ability to be able to put food on the table and continue to care for the person. It is a long-term cost. It is part of the cost of the war, and it is a burden we should all be sharing and as of yet have not been sharing.

We have heard about the shameful treatment of patients at Walter Reed Hospital. We have all felt so compassionate as we listened to these men and women and the squalid conditions they lived in. I am here to tell my colleagues, this is a syndrome, the ''Walter Reed'' syndrome. It is not just at Walter Reed. We are hearing from men and women across the country who have been impacted by this war and have been sort of the forgotten stepchildren of this war, left in a facility somewhere, and their families are struggling every single day, every single minute to deal with these young men and women. Sometimes they are older. I have talked to men and women who are in their 50s who are members of the Guard and Reserve who have been impacted. Some are grandparents.

This morning the President announced that one of our former colleagues, Senator Bob Dole, will join with former Secretary of Health and Human Services Donna Shalala, who will cochair a panel to look into the problems at the Department of Defense and the veterans health care system. I am pleased the President finally, after 4 years, is putting an emphasis on this crisis. I think he has chosen two very well-qualified individuals to lead this panel, but I remain very concerned.

First of all, let me remind everybody that the President received recommendation after recommendation from panel after panel during this administration, and time and time again he refused to implement their suggestions or simply ignored them. We see that on the Senate floor today. We are out here debating the 9/11 Commission. They released their findings years ago. Few of them have been implemented. It has taken a shift in power from Republicans to Democrats to finally implement the 9/11 Commission recommendations.

Even more recently, the Iraq Study Group, another bipartisan, highly regarded commission, released its findings on a path forward in Iraq. The President applauded the members of the group, said they were great, but he has ignored their recommendations. Instead, he has left it up to us in Congress to try to bring a new direction to the war in Iraq.

So we are right, I believe, to be wary of this new step from the President—two good people, Bob Dole, Donna Shalala, and another highly regarded commission to look into this. I know those members will take their time and evaluate everything. But once they make their recommendations, my question to all of us is: What will the President do with them? The President knows how to talk the talk, but I am pretty worried he doesn't know how to walk the walk.

I am here this morning to say our troops don't need any more rhetoric. They do need a lot of action. That is why the Senate Democrats are determined to address these problems, not just at Walter Reed—of course at Walter Reed but beyond that—through comprehensive action aimed at taking care of the men and women who serve us from the battlefield all the way to their local VA and for a lifetime, if that is what it takes.

We need decisive action, not commission after commission and report after report that the President can simply choose to ignore. I hope this commission will, as well as the group actually who has been set up by Secretary Gates, who has responded, I believe, in a strong manner, I hope they come forward with positive ideas that will benefit our troops. But I also promise to our troops, to our men and women, to our veterans, and to all their families that we in this body are not going to sit idly by and wait for another commission report or for this President to act.

Lost in the news coverage last week of this whole Walter Reed fiasco was a report on the President's failure to provide adequate mental health care for our Armed Forces. That report which was lost in all of this was a military psychologist-led task force, and they told us 30 percent of our troops meet standards for having a mental disorder, but less than half of them ever receive care. Thirty percent of the men and women we send to Iraq and Afghanistan come home with what is termed a mental disorder. Yet less than half of them ever receive care. The stories I hear from these troops and from their families and the people whom I talk to are heartbreaking.

My staff this past week spoke to one soldier who returned from his second tour in Iraq and is suffering from a severe case of post-traumatic stress disorder. He said that at his hospital, if you are not missing a limb, you are virtually invisible. If you are not missing a limb, you are virtually invisible. To me, that is appalling, and I fear that is not an isolated case. Sometimes those in need choose not to seek help, but for many of them, the ones who want and need mental health care or who their families know need mental health care and are trying to get them into the system, the services haven't been available.

Amazingly, only 40 percent of the Army and Navy's Active-Duty, licensed clinical psychologist positions are filled. Only 40 percent of them are even filled. The psychologists who are on staff report being worked to the bone and having a low motivation for work. I talked to a psychologist myself recently on a visit, and he told me he was doing the same thing he did during the Vietnam war, and he said to me: I don't know if I can do this anymore. These psychologists are worked to the bone and they are tired. They are tired because they see men and women who are not getting the care and they are worried they can't keep up—almost 4 years into this war, 4 years into this war. To me, this is so unacceptable.

It is unacceptable that there are severe staffing shortages in mental health care when men and women need help. An equally troubling conclusion of the report—that was lost last week because we are so focused on Walter Reed, but I think we need to focus on it—was that our National Guard and Reserve Forces are being particularly hit hard by the shortage in mental health care. We know that Guard and Reserve members come from some of our smallest communities, and they have sacrificed so much for this country. They have left loved ones and left

their jobs for months to go over and police an Iraqi civil war. For the President's escalation plan, now we are seeing many of them being forced to go back a second, third time—and I even talked to one soldier who is going back the fourth time—without the necessary break. These brave men and women accepted these realities without complaint. Two to one, they say to me: I am honored to serve my country.

Despite all that has been asked of them and all they have given, this administration is not providing the mental health care they need.

However disturbing these findings are—and they are horribly disturbing—the worst aspect is that there has been report after report after report, year after year after year, detailing the lack of mental health care.

Last year, as I have said on the floor before, the Government Accountability Office found similar problems. Last spring, in an unusually candid interview—almost a year ago now—the VA's Under Secretary for Health Policy Coordination, Dr. Frances Murphy, said mental health care services are inadequate and that when services are available, ''waiting lists render that care virtually inaccessible.''

This is the President's administration, his Veterans' Administration and Under Secretary there, who has been telling us for almost a year now that waiting lists render mental health care services virtually inaccessible. What has this President's response been? Total silence. I ask: How does that fall on the ears of these soldiers and their families?

This administration has known about these problems for years. But we have seen no changes and no improvements.

With minimal amounts of sleep, our service men and women work longer days than you and I can imagine. They see things none of us should ever witness: bodies blown to pieces, mutilation, the blood of their fellow soldiers on the streets of a country we have no place being.

All of this is for a war we were misled into supporting. There were no weapons of mass destruction, Saddam Hussein was never connected to al-Qaida, and nobody can say we are spreading democracy to Iraq today. In truth, we are fighting a war with no cause.

These stresses and images from a pointless conflict take a toll on our troops. It takes a toll on their families. They suffer mental stress, which is no surprise to anybody; it ought to be expected. As Americans across this country—but especially Senators—it is our solemn duty, as those who have not seen the horrors of battle, to care for those who have. Even more so, as the one who sent Americans to Iraq, it is the duty of the President.

Providing mental health care for our children falls under this duty—a duty that, sadly, this President has failed to fulfill.

So I came to the floor this morning to remind my colleagues—my Republican colleagues and this President—actions speak louder than words. Talk does not improve the quality of the living conditions, and it doesn't make adequate mental health care available. Talk is cheap. Eventually, after a lot of talk and no action, words catch up with you. That is what we are seeing today. The Bush administration says they have provided for our Active-Duty warriors and our veterans, but story after story, report after report proves otherwise.

Unfortunately, it is pretty clear to all of us now that from enlistment to retirement, this administration has failed our troops. It is time for us to take action. I look forward to working with all of my colleagues on this floor to have action and not just words. I don't want to see report after report, all this year long and a year from now, stories that continue. We have a responsibility, when we send men and women overseas to fight for us, that we are on this floor fighting for them.

This Congress, so far, has failed to do that in many ways. This White House has done it day after day. I call on all of my colleagues to step up at every step of the way as we approve bill after bill, supplemental budgets, authorization bills, to stand up and speak out for our troops and no longer ignore the reality of this war.

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

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

The assistant legislative clerk proceeded to call the roll.

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

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

Mr. MARTINEZ. Mr. President, I ask unanimous consent to be able to address the Senate in morning business and the time be discounted from the minority's time.

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

HONORING MARIO CHANES DE ARMAS

Mr. MARTINEZ. Mr. President, I rise today to pay tribute to a Cuban patriot—Mario Chanes de Armas.

When we speak of individuals who have spent their lives fighting for the fundamental right of people to live in freedom, we often think of individuals like Nelson Mandela and Natan Sharansky.

However, today I want to share with you the story of Mario Chanez de Armas. He spent 30 years as a prisoner of conscience in Castro's gulag. He was the longest serving political prisoner the world has known—30 years imprisoned for his political views.

Sadly, Mr. Chanes died last week at the age of 80 before his one true dream could be fulfilled—freedom for the people of Cuba.

I want to extend my condolences to the members of his family and his many friends.

He was a man of great conviction and held a true love for humanity. Mario Chanes was a freedom fighter in the truest sense of the words. Originally a labor leader, Chanes de Armas demonstrated leadership and charisma and was an early ally of the then perceived ''reformer'' Fidel Castro. They had worked together for democracy and against the Batista dictatorship. He and Castro shared a cell in Batista's prison until they were both released.

Shortly after the Castro take over Mario began to see the true nature of the individual that was his former cell mate. He realized that Castro did not care about civil liberties and human rights or democracy as he once claimed but rather Castro became what he remains today—irrational, a devoted communist, and an enemy of freedom, a brutal dictator. For pointing out the danger Castro posed to Cubans, Chanes de Armas was jailed as a counter-revolutionary.

He served for 30 years in deplorable conditions.

Human Rights Watch reports that Cuban political prisoners spend months in isolation cells, sometimes without light or ventilation. They are often provided no beds—no mattresses. Their rations of food and water are barely enough to sustain life. Sanitation and medical conditions are so bad that inmates often leave prison with serious ailments—if they are allowed to leave at all.

Chanes de Armas suffered these conditions. For his continued resistance against the dictatorship, he was put in tapiadas, steel isolation cells, and gavetas, ''drawers'' so narrow that he only had room to stand. And for what? For refusing to change his political beliefs and for rejecting communism. They never broke his spirit in spite of all the punishment.

Mr. President, Today I want us to take a moment to remember Mario Chanes de Armas—to honor him, his legacy, our continued battle for freedom and the ideals in which he believed and tried so hard to bring to Cuba—liberty, democracy, human rights, rules of law. His dream lives on and his legacy lights the way.

Mr. President, I yield the floor.

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

TRANSPORTATION SECURITY OFFICERS

Mr. BROWN. Mr. President, there are 43,000 men and women working as transportation security officers, or TSOs, for the Transportation Security Administration. They deserve our respect, not our indifference.

The McCaskill amendment is straightforward. It provides TSOs basic rights and protections in the workplace.

The DeMint amendment, however, strips away those rights and protections. Proponents have raised specious arguments about the consequences of providing worker protections to people whose job it is to protect us. In fact, the opposite is true.

The McCaskill amendment helps ensure that a screening system intended to prevent acts of terrorism actually prevents acts of terrorism. If we want TSOs to protect our health and safety, we should protect theirs. For the sake of screeners and travelers both, TSOs should not be overworked.

For the sake of screeners and travelers both, TSOs should not fear retaliation if they report security breaches.

For the sake of screeners and travelers both, TSOs should have somewhere to turn if they are being harassed or bullied at the workplace or if there are health and safety issues in the workplace.

Basic rights, basic common sense. That is what the McCaskill amendment is about. It doesn't give TSOs the right to strike. It does not compromise the public safety. Actually, it promotes the public safety.

I urge every Member of this body to allow TSOs the same basic rights and privileges and protections as other Federal employees. Vote yes on the McCaskill amendment because you care about these workers, and vote yes because you care about all of us, the people they are protecting.

The ACTING PRESIDENT pro tempore. The Senator from North Carolina is recognized.

COLLECTIVE BARGAINING

Mr. BURR. Mr. President, I take the floor today to speak on two subjects and very briefly to address my colleague from Ohio. Mr. President, I wish to make an important point about why these collective bargaining provisions are, in fact, harmful to the United States of America and to the American people. It is a pretty simple point.

Terrorists don't have collective bargaining agreements. I will say that again. Terrorists don't have collective bargaining agreements. Terrorists don't go on strike. Terrorists don't call their unions to negotiate before they attack. They are always plotting and, because of this, we must be always working vigilantly to protect our homeland.

Today we are debating how quickly we are going to respond to threats from terrorists who are eager to strike us, and some in this body are suggesting that we should give the ability of the people who are on the front lines to collectively bargain. It is absurd. It is absolutely absurd. But I assure my colleagues, if this collective bargaining language stays in, we risk doing exactly that—accepting something absurd.

(The remarks of Mr. BURR pertaining to the introduction of S. 765 are printed in today's RECORD under ''Statements on Introduced Bills and Joint Resolutions.'')

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

The ACTING PRESIDENT pro tempore. The Senator from Florida.

RISK-BASED FUNDING

Mr. MARTINEZ. Mr. President, I wish to speak this morning in favor of Feinstein-Cornyn amendment No. 335 and highlight how important it is that our homeland security grants be awarded on the basis of risk.

As we have debated and discussed on the floor of this Chamber on numerous occasions, the smartest and most pragmatic approach to funding for homeland security grants is based on the level of risk faced by communities, not by some arbitrary formula.

It is a simple approach. Places that face more risk and are more attractive targets to terrorist attacks should receive more funding. This was the approach articulated and supported by the 9/11 Commission, and it is one that this body should have approved.

As we all know, the way homeland security funds are distributed now reflects a political compromise. It does not reflect a realistic assessment of our Nation's security needs. Some money will be based on risk, but all States are guaranteed of receiving some funding.

It makes very good sense to create a structure whereby first responder funds are allocated based on risk of a terrorist attack. In my home State of Florida, we have ports, tourism, and population centers. We have major cities, such as Miami, Tampa, and Jacksonville, all with stadiums, professional sports franchises, and busy downtowns.

As a former mayor of Orange County, I recognize the critical need for risk-based funding of homeland security grants.

If you look at the population of Orlando, it appears to be a moderately sized city. However, if one considers the interests of the greater Orlando area with tourist attractions, amusement parks, and resorts, at any one time, there can be millions of Americans and foreign visitors in the Orlando area.

According to the Orlando County Visitors Bureau, roughly 45 million visitors come to central Florida each year—45 million visitors. There is no way our current funding system accounts for this reality. Across Florida, we have significant roadways, railways, and some of the busiest ports in the world. We are told all are potential targets, but our current method of funding does not reflect the needs of my State or that of many other States. We need to correct this problem. The American people expect us to correct this problem. That is why I am supporting the Feinstein-Cornyn amendment.

Following the recommendations of the 9/11 Commission, this amendment would, first of all, ensure that homeland security grants are allocated on a risk-based formula built on assessment of threat, vulnerability, and consequence to the maximum extent practicable. Secondly, it would assure a guaranteed minimum funding for homeland security grants, without turning the program into another grant system for redistributing Federal funds arbitrarily. The amendment also directs the DHS Secretary to consider transient and tourist populations as risk targets for deciding the disbursal of funding for homeland security grants. Finally, it sets minimum performance requirements for homeland security grants and a 2-year audit cycle for grant recipients by the DHS inspector general.

Under this amendment, every State would continue to receive some funding; it is just that now the cities and States most at risk would receive most of the funding. This amendment certainly makes sense to Florida's new Governor, Charlie Crist, who believes it to be the best option for Florida. I feel the same way. I know other Senate colleagues of mine believe Senators FEINSTEIN and CORNYN have put together a commonsense amendment that helps the cities and States most at risk. I will vote in favor of this amendment, and I encourage my colleagues to do the same.

Our Secretary of Homeland Security, Michael Chertoff, also thinks it a prudent move and said as much during a debate on the homeland security grants during 2005. Secretary Chertoff remarked then:

> Funding our first responders based on risk and need gives us the flexibility to ensure our finite resources are allocated in a prioritized and objective manner.

What this means is communities across this Nation—whether they are large or small; whether or not they would appear to be high-risk terrorist targets—are receiving precious resources that are going to local law enforcement agencies so they can upgrade their equipment and other resources. We should not be allocating, in some formulaic method, the limited money set aside for first responders. We need to take a more direct approach.

There is a reason terrorists struck New York and Washington on September 11: They wanted to strike two of our most powerful cities. They wanted to cripple our Government and sabotage our economy. It is for these reasons that cities such as New York and Washington should receive homeland security grants that are commensurate with that risk. A spending formula does not speak to this basic reality.

I support the Feinstein-Cornyn amendment and ask my colleagues to support this amendment as well.

As we continue this important debate, the heart of our efforts should be on making America safer, not rewarding particular communities or interest groups. It is disheartening to me that

so much of the debate thus far has been about granting additional rights to unions. Is this going to make us any safer? Is it worth all the time we are spending on it? Of course not.

Rather than debating all aspects of union rights associated with our national security, we should be considering some other proposals that have been offered, such as increasing penalties for those found to be financially supporting the families of suicide bombers or granting additional subpoena authority to Federal terrorism investigators so they can find individuals who wish to do us harm and then bring them to justice. This debate should be about strengthening our national security; it should not be about strengthening unions. This should not be about political payback; it should be about making America safer. Anything less would be a disservice to this body and do little to further the safety and security of those we are elected to represent.

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

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

The assistant legislative clerk proceeded to call the roll.

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

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

CONCLUSION OF MORNING BUSINESS

The ACTING PRESIDENT pro tempore. Morning business is closed.

IMPROVING AMERICA'S SECURITY ACT OF 2007

The ACTING PRESIDENT pro tempore. Under the previous order, the Senate will resume consideration of S. 4, which the clerk will report.

The bill clerk read as follows:

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

Pending:

Reid amendment No. 275, in the nature of a substitute.

Sununu amendment No. 291 (to amendment No. 275), to ensure that the emergency communications and interoperability communications grant program does not exclude Internet Protocol-based interoperable solutions.

Salazar/Lieberman modified amendment No. 290 (to amendment No. 275), to require a quadrennial homeland security review.

DeMint amendment No. 314 (to amendment No. 275), to strike the provision that revises the personnel management practices of the Transportation Security Administration.

Lieberman amendment No. 315 (to amendment No. 275), to provide appeal rights and employee engagement mechanisms for passenger and property screeners.

McCaskill amendment No. 316 (to amendment No. 315), to provide appeal rights and employee engagement mechanisms for passenger and property screeners.

Dorgan/Conrad amendment No. 313 (to amendment No. 275), to require a report to Congress on the hunt for Osama Bin Laden, Ayman al-Zawahiri, and the leadership of al-Qaida.

Landrieu amendment No. 321 (to amendment No. 275), to require the Secretary of Homeland Security to include levees in the list of critical infrastructure sectors.

Landrieu amendment No. 296 (to amendment No. 275), to permit the cancellation of certain loans under the Robert T. Stafford Disaster Relief and Emergency Assistance Act.

Landrieu amendment No. 295 (to amendment No. 275), to provide adequate funding for local governments harmed by Hurricane Katrina of 2005 or Hurricane Rita of 2005.

Allard amendment No. 272 (to amendment No. 275), to prevent the fraudulent use of social security account numbers by allowing the sharing of social security data among agencies of the United States for identity theft prevention and immigration enforcement purposes.

McConnell (for Sessions) amendment No. 305 (to amendment No. 275), to clarify the voluntary inherent authority of States to assist in the enforcement of the immigration laws of the United States and to require the Secretary of Homeland Security to provide information related to aliens found to have violated certain immigration laws to the National Crime Information Center.

McConnell (for Cornyn) amendment No. 310 (to amendment No. 275), to strengthen the Federal Government's ability to detain dangerous criminal aliens, including murderers, rapists, and child molesters, until they can be removed from the United States.

McConnell (for Cornyn) amendment No. 311 (to amendment No. 275), to provide for immigration injunction reform.

McConnell (for Cornyn) amendment No. 312 (to amendment No. 275), to prohibit the recruitment of persons to participate in terrorism.

McConnell (for Kyl) amendment No. 317 (to amendment No. 275), to prohibit the rewarding of suicide bombings and allow adequate punishments for terrorist murders, kidnappings, and sexual assaults.

McConnell (for Kyl) amendment No. 318 (to amendment No. 275), to protect classified information.

McConnell (for Kyl) amendment No. 319 (to amendment No. 275), to provide for relief from (a)(3)(B) immigration bars from the Hmong and other groups who do not pose a threat to the United States, to designate the Taliban as a terrorist organization for immigration purposes.

McConnell (for Kyl) amendment No. 320 (to amendment No. 275), to improve the Classified Information Procedures Act.

McConnell (for Grassley) amendment No. 300 (to amendment No. 275), to clarify the revocation of an alien's visa or other documentation is not subject to judicial review.

McConnell (for Grassley) amendment No. 309 (to amendment No. 275), to improve the prohibitions on money laundering.

Thune amendment No. 308 (to amendment No. 275), to expand and improve the Proliferation Security Initiative while protecting the national security interests of the United States.

Cardin amendment No. 326 (to amendment No. 275), to provide for a study of modification of area of jurisdiction of Office of National Capital Region Coordination.

Cardin amendment No. 327 (to amendment No. 275), to reform mutual aid agreements for the National Capital Region.

Cardin modified amendment No. 328 (to amendment No. 275), to require Amtrak contracts and leases involving the State of Maryland to be governed by the laws of the District of Columbia.

Feinstein amendment No. 335 (to amendment No. 275), to improve the allocation of grants through the Department of Homeland Security.

Schumer/Clinton amendment No. 336 (to amendment No. 275), to prohibit the use of the peer review process in determining the allocation of funds among metropolitan areas applying for grants under the Urban Area Security Initiative.

Schumer/Clinton amendment No. 337 (to amendment No. 275), to provide for the use of funds in any grant under the Homeland Security Grant Program for personnel costs.

Collins amendment No. 342 (to amendment No. 275), to provide certain employment rights and an employee engagement mechanism for passenger and property screeners.

Coburn amendment No. 325 (to amendment No. 275), to ensure the fiscal integrity of grants awarded by the Department of Homeland Security.

Sessions amendment No. 347 (to amendment No. 275), to express the sense of the Congress regarding the funding of Senate approved construction of fencing and vehicle barriers along the southwest border of the United States.

Mr. LEAHY. Mr. President, is there a pending amendment?

The ACTING PRESIDENT pro tempore. The pending amendment is amendment No. 347.

AMENDMENT NO. 333 TO AMENDMENT NO. 275

Mr. LEAHY. Mr. President, I ask to set that aside and call up amendment No. 333.

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

The bill clerk read as follows:

The Senator from Vermont [Mr. LEAHY], for himself, Mr. THOMAS, Mr. STEVENS, Mr. ROBERTS, Mr. PRYOR, Mr. SANDERS, and Mr. ENZI, proposes an amendment numbered 333 to Amendment No. 275.

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

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

The amendment is as follows:

(Purpose: To increase the minimum allocation for States under the State Homeland Security Grant Program)

On page 69, lines 19 and 20, strike ''0.45 percent'' and insert ''0.75 percent''.

Mr. LEAHY. Mr. President, I can explain this easily. It is a bipartisan amendment. I offer it on behalf of myself and Senators THOMAS, STEVENS, ROBERTS, PRYOR, SANDERS, ENZI, HATCH, and WHITEHOUSE to restore the minimum allocation for States under the State Homeland Security Grant Program. Right now, in the underlying bill, it is proposed at .45 percent. Our amendment would restore it to current law which is .75. That means that every State would have, of the homeland security money, at least .75 percent of it.

I should point out, incidentally, as with current law, our State minimum, under our amendment, would apply only to 40 percent of the overall funding of this program. This may sound somewhat tricky, but what it means is

we have special funding for certain unique areas—ports areas, large cities and all—but this applies to only 40 percent of the overall funding. The majority of the funds would continue to be allocated based on risk assessment criteria—again, the idea of a major port, or something like that, as are the funds under the several separate discretionary programs which Congress has established for solely urban and high-risk areas. These are also governed by risk assessment calculations. That is not something that is going to be affected by the so-called small State minimum.

The underlying bill before the Senate would reduce the all-State minimum for SHSGP in the Law Enforcement Terrorism Prevention Program to .45 percent. In the other body it is reduced even further, to .25 percent. So we know this is going to be a matter in conference under any circumstances. In fact, due to the formula differences—it is somewhat complicated, but as a result, there is no guarantee that the minimum would not even be further reduced during conference negotiations.

Small- and medium-sized States face a loss of millions of dollars for our first responders if the minimum is lowered. If you reduce the all-State minimum to .45 percent, the underlying bill would reduce the guaranteed dollar amount for each State by 40 percent. With the appropriations for the formula grants having been cut by 60 percent since 2003—it was $2.3 billion in 2003; it is $900 million in fiscal year 2007—if you have a further reduction in first responder funding, it is going to hinder, actually, every State's effort to deal with potential terrorist attacks. That applies to fiscal year 2007 homeland security and law enforcement terrorism grants which were funded at $525 million and $375 million, respectively, for a total of $900 million.

Under the current all-State minimum, the base amounts States receive is $6.75 million. Under the 2007 levels, each State would face a loss of an estimated $2.7 million or 40 percent under this new formula, and this is assuming we do not go even lower when we go to conference with the other body. For small States—one that comes to mind is Montana. Why that particular one came to mind I don't know. Maybe looking at the distinguished Presiding Officer made me think of it. But the cuts would be even deeper should the President's budget requests for next year be approved. He requested only $250 million for these two important first responder grant programs.

Under the .45 percent minimum proposed by the underlying bill and the .25 percent minimum proposed by the Feinstein-Obama amendment, the guaranteed amount for each State would drop to $1.125 million and $625,000 respectively.

Again, these are all numbers and percentages you talk about. But what it means is it would be a loss of millions of dollars in homeland security funding for fire, police, and rescue departments in small and medium-sized States. At the same time we are being told, you have got to prepare to be able to do this and do that; we have to be able to have a unified response around our Nation, we are going to have to call on you first and foremost; you have got to have your radios, your equipment, your training. Oh, by the way, find the money somewhere. You are part of a national effort, but find the money somewhere in your small communities or States to do it.

It deals a crippling blow to launch federally mandated multiyear plans for terrorism preparedness. Basically we can say from Washington what you should do in these multiyear plans. We tell you how to coordinate, how you train and plan, and it may be a small town on the border, the Federal border, you could be on a major waterway, but find the money somewhere. We want you to do this because the Nation needs you, we just cannot help you.

Now, I understand there is a budget crunch. We need a lot of money to send over to Iraq so the Iraqis can prepare for national defense. We need a lot of money to send over to Iraq so they can spend it on their police departments. We need a lot of money to send over to Iraq so they can spend it on their fire departments. I don't know, maybe I am old-fashioned in this regard, but I think maybe we kind of ought to look at our police departments first, our fire departments first. If I have a burglar in the middle of the night, I am not going to call the Iraqi police department, I am going to call my local police department. If we have a fire, I am not going to call the Iraqi fire department, I am going to call my own fire department. If we have a terrorist attack, if we have a terrorist attack coming across our border or on one of our major waterways, I am not going to call the Iraqi fire department or police department, I am going to call our own. We are going to be the first responders. It is not going to do much good to say, sorry, we do not have the money for you because we needed it for your counterparts in Iraq.

Even if the current .75 percent minimum is applied to the President's budget request, as my amendment does, States would still see a major drop. They would be guaranteed a minimum amount of $1.875 million. That is a drop of $4.875 million from the fiscal year 2007 guaranteed minimum amount.

Now, I have voted for, I have supported, antiterrorist efforts for our large States. We have seen what terrorism can do in larger States. In Oklahoma, it was, of course, homegrown. In Oklahoma City it was an American, former member of our armed services who attacked. But the damage to our people was as great as somebody coming from outside.

In New York City, it was from outside our Nation, the Twin Towers, and every one of us who goes to work in this building that was targeted for destruction by the terrorists. I have no problem in giving special funding to places that might be seen as being possible high-profile targets. But I wrote the current all-State minimum formulas as part of the USA PATRIOT Act in 2001 to guarantee each State receives at least a fraction of 1 percent, three-quarters of 1 percent of the national allotment to help meet their national domestic security needs. Some States may have many times that, of course. But each State receives some kind of a minimum amount because every State—rural, urban, small or large—has basic security needs. They are going to have basic security requests from the Federal Government, and they deserve to receive Federal funds under this partnership to meet both those needs and the new homeland security responsibilities the Federal Government demands.

As I said before, high-density urban areas have even greater needs, and that is why this year alone we provided $1.3 billion for homeland security programs which Montana cannot apply for, Vermont cannot apply for. I don't have any problems with that. There is only a small number of urban areas that can, and we have a special pot of money for that.

Those needs deserve and need to be met. We are talking about the amount of money for homeland security which is a fraction of what we currently are spending in Iraq anyway. At some point we have to talk about what our needs are here inside the homeland.

I worked very hard over the years to help address the needs of larger States and high-density areas. I have done it on the Appropriations Committee, I have done it in the Judiciary Committee, and I have opposed the administration's efforts to pit our States against each other as they have tried to mask their efforts, the administration's efforts, to cut overall funding for first responders.

Smaller States especially would never be able to fulfill the essential duties they are asked to do by the Federal Government on top of their daily responsibilities without some Federal support, such as DHS currently suggesting that States will have to pay for REAL ID implementation, this idea they have come up with, which is basically having a national identification card. No matter what you call it, it is the first time in our history that we have a national identification card. But you know that is going to cost the States, this idea that was cooked up out of an office here in Washington. It is going to cost our individual States $16 billion. If you cut down the minimum even more at the same time you are making substantial drops in overall first responder funding, then small and medium-sized States are not going to be able to meet these Federal mandates for terrorism prevention, preparedness, and response.

Some from urban States argue that Federal money, the Federal money to

fight terrorism, is being spent in areas that do not need it; it is wasted in small towns. They claim the formula is highly politicized and insist on the redirection of funds to urban areas that they believe face these heightened threats of terrorist attacks.

Well, what the critics of the all-State minimums seem to forget is that since the September 11 terrorist attacks, the Federal Government has asked every State, every State and every local first responder, every local first responder, to defend us as never before on the front lines in the war against terrorism.

Emergency responders in one State have been given the same obligations as those in any other State to provide enhanced protection, preparedness, and response against terrorists. The attacks of 9/11 added to the responsibilities and risks of first responders across the country.

In recent years, due to the .75 all-State minimum allocation for formula grants, first responders have received resources to help them meet their new responsibilities. They have made their neighborhoods safer. They made our communities better prepared. A lot has been done.

I hope my colleagues will support my amendment to restore the .75 percent minimum base and give us the kind of support and resources for our police, fire, and EMS services in every State if we want them to carry out the responsibilities.

I see the distinguished senior Senator from Utah, one of our cosponsors on the floor.

I yield the floor.

Mr. HATCH. Mr. President, I ask unanimous consent that immediately following my remarks, Senator COBURN be given an opportunity to make his comments, and then immediately following him Senator DEMINT be given his opportunity to speak here on the floor.

The PRESIDENT pro tempore. Is there objection?

Without objection, it is so ordered.

Mr. HATCH. I thank the distinguished President of the Senate.

Mr. HATCH. Mr. President, last week I shared some of my thoughts and concerns regarding section 803 of S. 4. I am referring to the section that was inserted into this important piece of legislation during the committee consideration; this section would permit TSA's Transportation security officers, our Nation's airport security screeners, to engage in collective bargaining—a change that was not recommended by the 9/11 Commission.

During those remarks, as a former union member, I argued that collective bargaining would adversely affect one of the greatest weapons that our Transportation security officers employ: the flexibility to change tactics quickly.

Why? Because we all know that one of the central aspects of any collective bargaining agreement is a determination of the conditions by which an employee works; when a person works, where he or she works, and how he or she works are all matters which are open to negotiation. Obviously, efficiency and productivity can be dramatically affected—for better or worse—by a collective bargaining agreement.

In my last address on this issue, I also pointed out that flexibility has been one of the central tenets of our Nation's successful antiterrorism response, as was shown so well last August when the security services of the United Kingdom discovered a well-organized conspiracy that reportedly sought to blow up commercial aircraft in flight using liquid explosives disguised as items commonly found in carry-on luggage.

As that case showed only too well, quick and decisive action was required to protect our citizens and commerce from a very real threat. That action was taken by our Transportation security officers, who, within 6 hours of learning of the plot, made quick use of this highly classified information and trained and executed new security protocols designed to mitigate this threat.

What would have been the result if collective bargaining had been in effect? Very real questions and uncertainties can be raised about the impact that a TSA subject to collective bargaining could have had on the discovery of that plot. Should the Government have to bargain in advance over what actions it can or cannot take when dealing with an emergency situation? If so, how would we know what to bargain for? Would there be time to conduct this negotiation? I think not.

One of the TSA's great strengths in responding to the U.K. plot was the fact that a fundamental change in our tactics was accommodated in a short period of time. Would not the vital capability of a uniform response to emerging threats be drastically curtailed if Transportation security officers were permitted to join different unions at various airports? Think about that. There would be separate collective bargaining agreements at various locations which would force TSA to implement dissimilar procedures in order to meet the legal requirements of each agreement. That obviously will not work.

I can see the posters now: ''Defend America, but only during the hours and under the conditions that my union negotiated.''

What about the relationship that will be created between supervisors and Transportation security officers? Might not collective bargaining create an atmosphere of us-versus-them? During a war, is this the attitude that we wish to foster? Rather, should we not attempt every day to enhance all of our agency's capabilities by building a team mentality?

What about training?

What about training? One of TSA's great successes took place in 2005 when the agency, in fewer than 6 weeks, was able to train 18,000 transportation security officers in new methods to discover explosives.

What would have occurred if a collective bargaining agreement had been in place? Rules governing training are often found in collective bargaining agreements—rules that require further negotiation as to the need, method, and time of training. It is common to hear in other situations that these negotiations require 60 to 180 days before training is implemented. Would that be a change for the better? I think not.

As I mentioned before, during the U.K. plot transportation security officers were retrained in 6 hours, and in fewer than 6 weeks they received new explosive training. Are we to sacrifice this impressive capability for an ad hoc system that might work after 60 or 180 days of negotiation? I would think not. Now, that would be a true gift to al-Qaida.

Additionally, many collective bargaining agreements require that an employer only judge if a worker has learned a new technical skill on a ''pass or fail'' basis. Imagine that. Would you feel safe traveling in an aircraft knowing that all a security screener had to do was get 1 point above failing to be certified in a technical skill or would you feel safer under the current system that rewards technical skill, readiness for duty, and operational performance? I know which system gets my vote.

Then there is the question of the law. Can the Federal Government prevent employees, especially those with national security functions, from engaging in collective bargaining? The law and decisions reached by our Federal courts are clear. Under section 111(d) of the Aviation and Transportation Security Act, the Under Secretary of Transportation for Security—which is the position now held by the Assistant Secretary of Homeland Security for the Transportation Security Administration—has the discretion:

> To employ, appoint, discipline, terminate, and fix the compensation, terms and conditions of employment of the Federal service for such a number of individuals as the Under Secretary determines to be necessary to carry out screening functions.

In 2003, the then-Under Secretary signed an order that stated:

> In light of their critical national security responsibilities, Transportation Security Officers shall not, as a term or condition of their employment, be entitled to engage in collective bargaining.

Unions, of course, challenged this law before the Federal Labor Relations Authority and the Federal courts, charging that it violated the transportation security officers' constitutional rights and Federal law that allow workers to join unions.

The Federal Labor Relations Authority upheld the opinion that:

> There is no basis under law to reach any result other than to dismiss the union's petitions. Congress intended to treat security screeners differently than other employees of the agency.

On appeal to the Federal courts, the D.C. Circuit Court affirmed the decision of the district court that the Federal Labor Relations Authority was the correct venue for the union's complaint and that the union's constitutional claims should be dismissed.

As I have said on many occasions, I support collective bargaining, but I will not support collective bargaining under these conditions.

We are at war. The decisions we make will mean the difference between life and death. I will not risk the lives of Americans so that an important constituency of the other party—or both parties, for that matter—can receive a political reward.

I hope my colleagues will join me in opposing this section and supporting the DeMint amendment that will remove it from that bill.

Mr. President, I understand the distinguished Senator from Oklahoma wishes to speak next, and I yield the floor.

The PRESIDENT pro tempore. Who seeks recognition?

The Senator from Connecticut is recognized.

Mr. LIEBERMAN. Mr. President, I rise to express my strong support for the section of S. 4, our committee's legislation, which will extend to transportation security officers—so-called TSOs who screen passengers and baggage at airports throughout our country—the same employee rights most everybody else in TSA and most everybody else in the Department of Homeland Security already has.

I am going to stop for a moment. I note the presence on the floor of the Senator from Oklahoma. I believe there was an order for him to be called on next. I want to ask him if he intends to address the motion to table that will be made at noon.

Mr. COBURN. I do.

Mr. LIEBERMAN. I am going to yield the floor to him, and I hope I can take some time back after he is finished.

Mr. COBURN. Mr. President, the unanimous consent request was for myself, followed by Senator DEMINT, and I will be happy to yield if I have remaining time.

I need to do a little housekeeping first. I ask unanimous consent that the pending amendment be set aside to call up amendment No. 345.

The PRESIDENT pro tempore. Is there objection?

Mr. LIEBERMAN. I object, Mr. President. I don't know which amendment the Senator wants pending. I need to have a conversation with the Senator from Oklahoma about which amendment this is.

The PRESIDENT pro tempore. The Senator from Connecticut objects.

Mr. COBURN. Mr. President, I note the absence of a quorum.

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

The legislative clerk proceeded to call the roll.

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

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

Mr. LIEBERMAN. Mr. President, I have had a conversation with the Senator from Oklahoma, and I remove my objection to his request.

AMENDMENT NO. 345

Mr. COBURN. Mr. President, I ask unanimous consent that amendment No. 345 be called up and the pending amendment be set aside.

The PRESIDENT pro tempore. Is there objection? Without objection, it is so ordered.

The clerk will report.

The legislative clerk read as follows:

The Senator from Oklahoma [Mr. COBURN] proposes an amendment numbered 345.

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

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

The amendment is as follows:

(Purpose: To authorize funding for the Emergency Communications and Interoperability Grants program, to require the Secretary to examine the possibility of allowing commercial entities to develop public safety communications networks, and for other purposes)

At the appropriate place, insert the following:

SEC. ___. TRANSFER OF FUNDS FROM DTV TRANSITION AND PUBLIC SAFETY FUND.

(a) IN GENERAL.—Section 3006 of the Deficit Reduction Act of 2005 (Public Law 109-171; 120 Stat. 24) is repealed.

(b) AUTHORITY OF SECRETARY TO MAKE PAYMENTS FROM FUND.—The Secretary may make payments of not to exceed $1,000,000,000, in the aggregate, through fiscal year 2009 from the Digital Television Transition and Public Safety Fund established under section 309(j)(8)(E) of the Communications Act of 1934 (47 U.S.C. 309(j)(8)(E)) to carry out the emergency communications operability and interoperable communications grant program established in section 1809 of the Homeland Security Act of 2002, as added by section 301(a)(1).

(c) LIMITATIONS.—Grants awarded under section 1809 of the Homeland Security Act of 2002, and funded by sums made available under this section may not exceed—

(1) $300,000,000 in fiscal year 2007;

(2) $350,000,000 in fiscal year 2008; and

(3) $350,000,000 in fiscal year 2009.

SEC. ___. REPORT TO CONGRESS.

(a) IN GENERAL.—The Secretary, in cooperation with the Chairman of the Federal Communications Commission, shall study the possibility of allowing commercial entities to develop national public safety communications networks that involve commercially based solutions.

(b) CONTENT OF STUDY.—The study required under subsection (a) shall examine the following:

(1) Methods by which the commercial sector can participate in the development of a national public safety communications network.

(2) The feasibility of developing interoperable shared-spectrum networks to be used by both public safety officials and private customers.

(3) The feasibility of licensing public safety spectrum directly to the commercial sector for the creation of an interoperable public safety communications network.

(4) The amount of spectrum required for an interoperable public safety communications network.

(5) The feasibility of having 2 or more competing but interoperable commercial public safety communications networks.

(c) SUBMISSION TO CONGRESS.—Not later than 12 months after the date of enactment of this Act, the Secretary shall report to Congress—

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

(2) any recommendations for legislative, administrative, or regulatory change that would assist the Federal Government to implement a national public safety communications network that involves commercially based solutions.

SEC. ___. REPEAL.

Section 4 of the Call Home Act of 2006 (Public Law 109-459; 120 Stat. 3400) is repealed.

SEC. ___. RULE OF APPLICATION.

Notwithstanding any other provision of this Act, section 1381 of this Act shall have no force or effect.

AMENDMENT NO. 301

Mr. COBURN. Mr. President, I ask unanimous consent that the pending amendment be set aside and amendment No. 301 be called up.

The PRESIDENT pro tempore. Is there objection? Without objection, it is so ordered.

The clerk will report.

The legislative clerk read as follows:

The Senator from Oklahoma [Mr. COBURN] proposes an amendment numbered 301.

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

The PRESIDENT pro tempore. Is there objection? Without objection, it is so ordered.

The amendment is as follows:

AMENDMENT NO. 301

(Purpose: To prohibit grant recipients under grant programs administered by the Department from expending funds until the Secretary has reported to Congress that risk assessments of all programs and activities have been performed and completed, improper payments have been estimated, and corrective action plans have been developed and reported as required under the Improper Payments Act of 2002 (31 U.S.C. 3321 note))

On page 106, between the matter preceding line 7 and line 7, insert the following:

SEC. 204. COMPLIANCE WITH THE IMPROPER PAYMENTS INFORMATION ACT OF 2002.

(a) DEFINITIONS.—In this section, the term—

(1) ''appropriate committees'' means—

(A) the Committee on Homeland Security and Governmental Affairs of the Senate; and

(B) the Committee on Oversight and Government Reform of the House of Representatives; and

(2) ''improper payment'' has the meaning given that term under section 2(d)(2) of the Improper Payments Information Act of 2002 (31 U.S.C. 3321 note).

(b) REQUIREMENT FOR COMPLIANCE CERTIFICATION AND REPORT.—A grant recipient of funds received under any grant program administered by the Department may not expend such funds, until the Secretary submits a report to the appropriate committees that—

(1) contains a certification that the Department has for each program and activity of the Department—

(A) performed and completed a risk assessment to determine programs and activities that are at significant risk of making improper payments; and

(B) estimated the total number of improper payments for each program and activity determined to be at significant risk of making improper payments; and

(2) describes the actions to be taken to reduce improper payments for the programs and activities determined to be at significant risk of making improper payments.

AMENDMENT NO. 314

Mr. COBURN. Mr. President, I ask unanimous consent that amendment No. 301 be set aside and we return to the pending amendment that we had prior to my asking that those two amendments be called up.

The PRESIDENT pro tempore. Is there objection? Without objection, it is so ordered.

Mr. COBURN. Mr. President, I wish to spend a little bit of time talking about the process.

Yesterday, curiously, we had a hearing on the opportunity for labor representation for TSO officers. It is curious in that we had the hearing after the bill was on the floor because we didn't have the hearing before to know what we were talking about before we formulated the bill. That is because we wanted to rush this bill, and rather than do it right, we did the process backward.

But I think it is very instructive for us to hear what the testimony was yesterday. Kip Hawley is the Administrator of TSA. Some very important things were brought out in that hearing that most Americans probably don't think of often. Let me quote some of the things he said:

The job of the Transportation Security Officer is one in which you don't know whether you have an emergency until it is over, and in the aviation business, that is too late. There are a bedeviling array of dots out there and we have the responsibility to make sure that not one of them is allowed to progress and become an attack on the United States. So we constantly try to move and adjust and change and you cannot be sure until it is too late that you have had an emergency. You do not get an advanced warning.

In response to Senator AKAKA regarding TSA's collaboration with employees on the decision to double the amount of bonus money that would be made available under their bonus performance plan, the question by Senator AKAKA was:

Did you invite any union representatives to the initial development efforts?

In response to his question, he said:

No, sir. Our employees didn't have to pay union dues to get that service.

One of the other key points Secretary Hawley made is his concerns about his ability to move and sustain their strategy and flexibility.

Also coming out of that was the note that the union which would represent security officers won't be negotiating for pay. Well, what will they be negotiating for? They will be negotiating over everything else other than pay. Why is it important? Everything else is what matters.

What matters is—and specifically the reason this was not allowed when the 9/11 Commission Report was written and when the bill establishing TSA was set up—there is a moving target, and that flexibility in work rules, in relationships, in movement of people, in tier job training, and in multifaceted interface of those officers with any situation on the ground has to be able to be done and done on the move, all the time—not in an emergency because every day has to be thought of as an emergency. What we do know is all that is what they want to negotiate. That is the last thing we should be negotiating.

It comes down to this point, and the point is this: Do people who work for the Federal Government have rights? Absolutely. Should they be treated fairly and have the opportunity to have a good wage, a good appeal process, whistleblower protection? Yes. But is that right greater than the right of the American people to have secure and safe air travel? I would put forth for this body that it is not, that the betterment of the whole and the protection of the whole far outweighs any individual right within TSA to collectively bargain on the very things that are going to keep the flying American people safe.

What we do know is there are only 1,300 members out of 42,000 screeners now. They can all join a union, and they can have that representation in terms of their interface with management. What we also know is that the people who really want this opportunity are not the transportation security officers. Who wants this opportunity is the union and the politics of payback.

So this isn't really about responding. As a matter of fact, all of the claims that have been made, we fleshed all those out yesterday in the hearing. As to severance rates, as to work injury, as to movement, as to wage rates, as to bonus, as to productivity—all that was fleshed out. It should have been fleshed out before this bill ever came to the floor but, unfortunately, it wasn't. All that was fleshed out yesterday, and what came down is we have a very responsive agency that in the vast majority of the cases is doing a great job with their employees. We have great transportation security officers who are being remunerated properly and don't want to pay $360 a year for something that wants to negotiate the very thing that will take away the safety of our air transport system.

With that, I yield to the Senator from South Carolina.

The PRESIDENT pro tempore. The Senator from South Carolina is recognized.

Mr. MENENDEZ. Mr. President, I ask the Senator from South Carolina to yield briefly so I can offer an amendment and then return to the regular order.

Mr. DEMINT. Mr. President, if he is offering the amendment without an attached speech, I am fine with that. The majority leader limited our time and he will take the floor at 12. I will yield for the offering of an amendment.

AMENDMENT NO. 352

Mr. MENENDEZ. Mr. President, I ask unanimous consent that the present amendment be set aside and I send an amendment to the desk.

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

The clerk will report.

The assistant legislative clerk read as follows:

The Senator from New Jersey [Mr. MENENDEZ] proposes an amendment numbered 352.

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

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

The amendment is as follows:

(Purpose: To improve the security of cargo containers destined for the United States)

On page 219, between lines 7 and 8, insert the following:

SEC. 804. PLAN FOR 100 PERCENT SCANNING OF CARGO CONTAINERS.

(a) IN GENERAL.—Not later than 180 days after the date of the enactment of this Act, the Secretary shall develop an initial plan to scan 100 percent of the cargo containers destined for the United States before such containers arrive in the United States.

(b) PLAN CONTENTS.—The plan developed under this section shall include—

(1) specific annual benchmarks for—

(A) the percentage of cargo containers destined for the United States that are scanned at a foreign port; and

(B) the percentage of cargo containers originating in the United States and destined for a foreign port that are scanned in a port in the United States before leaving the United States;

(2) annual increases in the benchmarks described in paragraph (1) until 100 percent of the cargo containers destined for the United States are scanned before arriving in the United States;

(3) the use of existing programs, including the Container Security Initiative established by section 205 of the Security and Accountability For Every Port Act of 2006 (6 U.S.C. 945) and the Customs–Trade Partnership Against Terrorism established by subtitle B of title II of such Act (6 U.S.C. 961 et seq.), to reach the benchmarks described in paragraph (1); and

(4) the use of scanning equipment, personnel, and technology to reach the goal of 100 percent scanning of cargo containers.

Mr. MENENDEZ. I yield the floor.

AMENDMENT NO. 314

Mr. DEMINT. Mr. President, I ask unanimous consent that the following Senators be added as cosponsors of the DeMint amendment: Senators VITTER, CRAIG, ROBERTS, BUNNING, ENZI, HATCH, and GRAHAM.

The PRESIDENT pro tempore. Is there objection?

Without objection, it is so ordered.

Mr. DEMINT. Mr. President, I want to speak about the DeMint amendment and make sure all of my colleagues are clear on what is about to happen.

The majority leader has said at 12 o'clock today he will make a motion to table or to kill the DeMint amendment to the 9/11 bill. It would be a large mistake for this body to kill this amendment, because it enables our airport security personnel to keep Americans safer.

One of the biggest threats we have now as a nation is we are beginning to forget 9/11 and what happened and what could happen. We are forgetting we are under a constant threat, that we live under alerts every day. It is not a matter of saying one day is an emergency and one day is not. It is not a matter of saying one passenger is an imminent threat but the other one might not be.

Our transportation security agency is charged with making sure we screen every passenger, every bag, and that we have an alert system based on intelligence and other information that allows them to move toward possible threats.

Unfortunately, we have heard Members of this Senate saying the war on terror is not an emergency, that al-Qaida is not a new imminent threat, when we know that every day al-Qaida may have a new plan to attack Americans at different points.

When the Homeland Security agency was formed, we had a debate about whether the transportation security agencies, the officers working for them, the screeners, should have collective bargaining. It was agreed at the time, because of the need for flexibility and constant change, that screeners would have the freedom to join a union, and a number of workers' rights and protections were put into place, but that they would not have collective bargaining arrangements as some of our other agencies do.

I point out we have heard some in this Chamber use border security as an example of collective bargaining working. What I hold in my hands is only one example of a collective bargaining agreement for our Customs Service.

We cannot make a case that our border security has worked well. We have over 12 million illegals in this country that testify it is not. Our customs system is becoming well known as being one of the slowest in the world. Collective bargaining will not work for our airports. I am afraid, again, we are beginning to forget we are in an emergency situation. The 9/11 Commission didn't recommend we change current airport security.

My amendment is designed to keep current law the same. The majority leader will ask this Chamber to kill that bill, which would mean we would lose the 9/11 security bill we have all worked on.

I ask unanimous consent that several items be printed in the RECORD. First is a letter from the Assistant Secretary of Homeland Security, Kip Hawley, who tells us if collective bargaining is implemented with the transportation security agency, it will significantly reduce their ability to keep our country safe. Next is a letter with over 36 Senators signing it, saying they will sustain the President's veto of the 9/11 bill if it hampers our security by injecting collective bargaining into the process. Next is a letter from the House of Representatives, with 155 signatures, saying they will sustain the veto.

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

U.S. DEPARTMENT OF HOMELAND SECURITY, OFFICE OF THE ASSISTANT SECRETARY,

Arlington, VA.

Hon. JIM DEMINT,
U.S. Senate,
Washington, DC.

DEAR SENATOR DEMINT: In the aftermath of 9/11 when the Transportation Security Administration (TSA) was created, Congress gave the TSA extraordinarily flexible human resource tools. Congress recognized—and the 9/11 Commission reinforced—that the terrorist threat is adaptive and that in the post-9/11 era, our security systems must be fast and flexible.

The Senate is now considering legislation to replace these effective human resources tools with collective bargaining. Its effect would have serious security consequences for the traveling public.

In the post-9/11 environment, TSA's mission requires that its Transportation Security Officers (TSOs) be proactive and constantly adaptive, able to quickly change what they do and where they do it. After the liquid explosives incident in the United Kingdom, TSOs reported for work on August 10 and, without prior notice, trained for and implemented the most extensive security changes rolled out since 9/11—and they did it in real time, literally live and on television.

Implementing an outdated system that brings bargaining, barriers, and bureaucracy to an agency on whom travelers depend for their security does not improve security. A system that establishes outside arbitrators to review TSA's constant changes after the fact—without the benefit of classified information that might explain the rationale—would be ineffective, unwieldy, and detract from the required focus on security. Today, TSA is able to make necessary personnel changes to ensure topnotch performance; under collective bargaining, ineffective TSOs could be screening passengers for months while the process runs its course.

The TSO position itself has been improved recently. Training has been more professional so TSOs can exercise independent judgment in their work. TSOs are accountable for their performance—with significant pay raises and bonuses available ($52 million just awarded for 2006), and a clearly defined path to promotions and career development.

TSA depends on the capabilities granted by Congress to mitigate the real and ongoing terrorist threat. Dismantling those tools and replacing them with a cumbersome, ineffective system would have a troubling, negative effect on security. I urge you oppose provisions that remove from TSA's arsenal the resources and tools that so significantly contribute to our ability to fulfill the security mission.

Sincerely yours,

KIP HAWLEY.

U.S. SENATE,
Washington, DC.

Hon. GEORGE W. BUSH,
President of the United States,
Washington, DC.

DEAR MR. PRESIDENT: We are concerned that one of the provisions in S. 4, the 9/11 Commission Rccommendations bill, will undermine efforts to keep our country secure. Like you, we believe we need an airport security workforce that is productive, flexible, motivated, and can be held accountable. S. 4 would introduce collective bargaining for Transportation Security Administration (TSA) workers, which would reverse the flexibility given to TSA to perfonn its critical aviation security mission. Removing this flexibility from TSA was not recommended by the 9/11 Commission and it would weaken our homeland security. If the final bill contains such a provision, forcing you to veto it, we pledge to sustain your veto.

Sincerely,

(SIGNED BY 36 SENATORS).

CONGRESS OF THE UNITED STATES,
Washington, DC, March 5, 2006.

President GEORGE W. BUSH,
Washington, DC.

DEAR PRESIDENT BUSH: One of the provisions in S. 4 will severely complicate efforts to keep the traveling public safe and secure.

We believe that providing a select group of federal airport security employees with mandated collective bargaining rights could needlessly put the security of our Nation at risk. Moreover, nowhere in the 9/11 Commission Report did the Commission recommend that Transportation Security Administration (TSA) employees be allowed to collectively bargain. We need an airport security workforce that is productive, flexible, and accountable.

TSA employees at our Nation's airports currently enjoy the ability to unionize and are afforded a fair and balanced working environment.

If a bill is sent to you with such a provision, forcing you to veto the bill, we pledge to sustain your veto.

Sincerely,

(SIGNED BY 155 MEMBERS OF CONGRESS).

Mr. DEMINT. Mr. President, a vote to kill the DeMint amendment is a vote to kill the 9/11 bill we have all worked on. Let there be no question about it, the vote should be no. There is no reason to change the operation of the transportation security agency and to inject third party negotiations, particularly when it involves sensitive information.

So let us be clear that the motion to table my amendment is a motion to make our airports less secure. I urge my colleagues to vote no on the motion to table.

Mr. President, I see our minority leader is here. I will yield to him for comments at this time.

The PRESIDENT pro tempore. The minority leader is recognized.

Mr. COBURN. Will the leader yield for a parliamentary procedure?

Mr. MCCONNELL. Yes. The Senator from Oklahoma wants to modify an amendment, I believe.

AMENDMENT NO. 294

Mr. COBURN. Mr. President, earlier we called up an amendment that was pending. I ask unanimous consent that the pending amendment be set aside for the moment while we call up amendment No. 294.

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

The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Oklahoma [Mr. COBURN] proposes an amendment numbered 294.

Mr. COBURN. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with, and I ask that we return to the pending amendment.

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

The amendment is as follows:

(Purpose: To provide that the provisions of the Act shall cease to have any force or effect on and after Dcember 31, 2012, to ensure congressional review and oversight of the Act)

After title XV, add the following:

TITLE XVI—TERMINATION OF FORCE AND EFFECT OF THE ACT

SEC. 1601. TERMINATION OF FORCE AND EFFECT OF THE ACT.

The provisions of this Act (including the amendments made by this Act) shall cease to have any force or effect on and after December 31, 2012.

AMENDMENT NO. 314

Mr. HARKIN. Mr. President, one thing I have learned in my years in public service is that if you want answers to the big problems in our society, you have to ask the people who work with those problems every day. When there is a meth crisis in my State, the first people I want to talk to about it are the police chiefs and sheriffs because they are the ones that have to think every day about how a meth distributor might think, where they hide, and how they operate. When I want to know how education policy is affecting children in the classrooms, I talk to teachers and parents.

So it only stands to reason that if we want to know where the holes in our TSA screening processes are, then we ought to be talking to the transportation security officers, or TSOs. These are the people who are responsible for screening airline passengers. A good way for the screeners to band together and share their collective thoughts on how to improve safety in our airports is by allowing them to collectively bargain. I realize that some members of this body have antiunion sentiments. They think that if folks come together and try to negotiate for better pay and working conditions that we won't be able to expect consistently high results.

Let me remind my colleagues that before we created a Department of Homeland Security, we routinely heard horror stories about the non-Federal airport screeners making near minimum wage pay and working in terrible conditions resulting in high turnover and a lack of experience and dedication to our shared goal of keeping our airways safe.

So we created a Federal workforce. We knew that the pay and benefits that the Federal Government provides can attract top notch workers. I strongly feel that Federal TSOs are the first people to care about safety in our airports.

I would remind my colleagues that many Federal workers who are critical to our Nation's security, such as Capitol Police, Border Patrol agents, Customs agents, and immigration enforcement officers are all allowed to collectively bargain while ably serving our Nation's security interests. We are simply saying that TSOs should have the same rights and responsibilities as other Federal workers performing similar functions who also are allowed to collectively bargain but not to strike or disclose information that would somehow jeopardize national security.

I would also like to point out that last fall, the United Nations International Labor Organization opined that TSOs should have the right to organize. This is a disgrace, that we are allowing fear to override rationality in supporting our need for a well-trained, well-compensated workforce that can more ably make suggestions about how to improve security in our Nation's airports.

One of the most critical protections that the DeMint amendment would strip is protection from retaliation against whistleblowers. Whistleblowers are some of our most valuable assets in identifying and eliminating systemic fraud. I, for one, want to see a vigilant Federal workforce ready to shed as much sunlight as possible on any practices at any agency that are in contradiction to our goal of promoting the national defense. I don't see a need to explicitly limit TSO whistleblower authority when the Administrator already has the ability to expressly prevent TSOs from divulging information that jeopardizes national security. Most notably, FBI whistleblower Coleen Rowley's invaluable information about failures in our intelligence system led to a reworking of the agency in a way that can hopefully help the flow of information that could prevent another September 11-type attack. One whistleblower can change the world. Stifling that activity can and will do more harm than good.

Here is the irony—administration officials threatening out of one side of their mouths to halt legislation containing important homeland security improvements over an irrational disposition against unions, while out of the other side of their mouths calling supporters of the right to organize enemies of security. I ask this: Is it so important to strip away TSO collective bargaining rights that we must sacrifice all of the other important components of this legislation? The truth is that we all want more security. This is precisely why we want TSOs to have fair pay and benefits and a channel for their concerns for everyone's safety. We need seasoned personnel with reasonable work hours and benefits. A good way to keep good people on the job is by giving them a voice at work. What we are fighting for is a security enhancement, not a detraction.

The truth is that there is nothing in the collective bargaining process that would make TSOs less capable of serving the public. We have nothing to lose and everything to gain by giving them collective bargaining rights and the clear ability to communicate their concerns about screening protocols with the TSA.

I ask my colleagues to defeat the DeMint amendment—to support our constitutionally granted freedom of association, and to protect the millions of Americans who rely on TSOs to protect their safety every day.

Mr. KENNEDY. Mr. President, the men and women who serve as transportation security officers, TSOs, are on the front lines of our effort to keep America safe. They do backbreaking, difficult work, day and night, to preserve our national security. Yet for years they have been treated as second-class citizens.

These officers do not have the same rights and protections enjoyed by most Federal employees, including other employees at the Department of Homeland Security. They don't have a voice at work. They don't have protections if they speak out about safety conditions or security issues. And they have no right to appeal if they are subject to discrimination or unfair treatment.

Because they lack these basic protections, TSOs often labor in disgracefully poor working conditions. In 2006, they had the highest rate of injury among all DHS agencies—more than twice that of any other security agency. Inadequate staffing means TSOs are often forced to work mandatory, unscheduled overtime, leaving them exhausted and creating unsafe conditions. They can be fired for speaking out about unfair treatment, unsafe working conditions, or national security issues, and they have no effective way to appeal such unfair treatment.

As a result, TSOs have the lowest morale and highest rate of turnover among Federal agencies. In 2006, the attrition rate for TSOs was 16 percent—more than 3 times that of any other security agency, and more than 6 times the national average for the Federal government. They have a higher attrition rate than even high turnover private sector employers. The chances are good that the person preparing your coffee at the airport has more experience than the screener who checked your bags for bombs.

These sky-high attrition rates are alarming. The lack of experienced security screeners threatens our national security. Constant turnover reduces institutional knowledge and undermines the agency's ability to implement effective security procedures. It also has a high financial price—the cost of training new employees has risen so high that TSA has had to request an additional $10 million in funds from Congress for this year to address these turnover concerns.

Low morale and high turnover at a front-line security agency is a recipe for disaster. We have to solve the problem. Our Nation, and these hard-working federal employees, deserve better.

TSOs have earned the right to be treated with respect. They deserve the same fundamental workplace rights as other Federal security employees, including whistleblower protections, appeal rights, and collective bargaining rights. The issue is one of basic respect for this valuable workforce.

I have heard some deeply disturbing rhetoric from my Republican colleagues about the effect of restoring these collective bargaining rights. It has been suggested that if these rights are restored, workers will try to hide behind their contracts and not respond in an emergency. It has been suggested that collective bargaining rights keep security workers from performing their jobs effectively.

These suggestions are an insult to every man and woman in uniform who works under a collective bargaining agreement across this country. To suggest that union workers will not do what is best for our country in the event of an emergency is scandalous, particularly in light of recent history.

Every New York City firefighter, EMT and police officer who responded to the disaster at the World Trade Center on 9/11 was a union member under a collective bargaining agreement. No one questions these employees' loyalty or devotion to duty because they are union members.

On 9/11, Department of Defense employees were required to report to wherever they were told, regardless of their usual work assignments. No Federal union tried to hold up this process in any way to bargain or seek arbitration. Not a single grievance was filed to challenge the assignments after the fact.

Other Federal security employees already have the protections that the bill would provide, including Border Patrol agents, Capitol police officers, Customs and Border inspection officers, and Federal Protective Service officers. Many of these officers—particularly customs and border inspection officers who work at airports, seaports, and border crossings—perform fundamentally similar tasks to TSOs and have been performing them effectively with collective bargaining rights for years. It is an insult to each of these men and women to suggest that they will not be capable of fully performing their important duties if they are given a voice at work.

Collective bargaining is the best way to bring dignity, consistency, and fairness to the workplace. It will make our TSO workforce safer and more stable, and enhance our security. Restoring these essential rights is long overdue, and I urge my colleagues to oppose the DeMint amendment that would remove these valuable protections from the bill.

Mr. AKAKA. Mr. President, I rise today to speak in opposition to the amendment offered by Senator DEMINT that would continue to deny basic employee rights and protections to transportation security officers, TSOs, at the Transportation Security Administration, TSA.

Yesterday, I chaired a hearing of the Senate Oversight of Government Management Subcommittee to review TSA's personnel system. Very quickly, the discussion turned to collective bargaining. Despite claims that collective bargaining would be a threat to national security, TSA Administrator Kip Hawley said that the San Francisco International Airport, which uses private sector screeners who engage in collective bargaining, is safe. In addition, Mr. Hawley cited the London bombing plot and how TSA needed the flexibility to move TSOs to respond to that situation. When asked, he also admitted that the airports in the United Kingdom, which have screeners who engage in collective bargaining, are also safe.

I, along with every other American, want TSA to have the flexibility to move staff and resources as necessary to keep air travel safe. However, I do not believe that this flexibility precludes workers from having basic rights and protections. In 2002, when Congress created the Department of Homeland Security, we debated this very issue. The President argued that he needed flexibility in the areas of pay, classification, labor relations, and appeals in order to prevent and respond to terrorist attacks. While the Homeland Security Act gave the President that flexibility, it also explicitly provided for full whistleblower protections, collective bargaining, and a fair appeals process. I fail to see why TSA employees should be denied these same protections.

Since 2001, TSA has faced high attrition rates, high numbers of workers compensation claims, and low employee morale which, in my opinion, are a direct result of a lack of employee rights and protections. Without collective bargaining, employees have no voice in their working conditions, which could drastically reduce attrition rates. Moreover, without a fair process to bring whistleblower complaints, employees are constrained in coming forward to disclose vulnerabilities to national security. At our hearing yesterday, Mr. Hawley said that he knew of only one TSO whistleblower case that was investigated by the Office of Special Counsel, OSC, in the past 2 years. For non-TSOs, the number of whistleblower cases is 12. However, OSC informs me that it has received 124 whistleblower complaints since OSC began investigating TSO whistleblower cases. This demonstrates to me that even without full rights and protections, employees are trying to come forward and disclose wrongdoing and threats to public health and safety. However, a lack of protections may keep others from coming forward when only one TSO has seen a positive resolution to their case.

Granted, TSA has made improvements in managing the screening workforce, but we must build upon these efforts and give employees a real place at the table. Protecting employees from retaliatory action complements efforts to secure our nation. Strong employee rights and protections ensures that we have a screener workforce focused on their mission and not preoccupied by fear of retaliatory treatment by management. As such, I urge my colleagues to ensure that TSOs, who work to provide safe air transportation for all Americans, receive basic worker rights and protections.

I have a letter from the Federal Law Enforcement Officers Association which opposes the premise that collective bargaining could adversely affect national security. I ask unanimous consent that the letter be printed in the RECORD.

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

FEDERAL LAW ENFORCEMENT
OFFICERS ASSOCIATION,
Lewisberry, PA, March 2, 2007.

Hon. DANIEL AKAKA, *Chairman,*
Subcommittee on Oversight of Government Management, the Federal Workforce and the District of Columbia, U.S. Senate, Washington, DC.

DEAR CHAIRMAN AKAKA: As the President of the Federal Law Enforcement Officers Association (FLEOA), representing over 25,000 Federal law enforcement officers, I am writing to you regarding a potential threat of a veto of vital law enforcement legislation (H.R. 1 and S. 4) that Congress is about to pass, because of the provision giving TSA employees collective bargaining rights.

We have sat back in silence and watched the on-going debate over collective bargaining rights for TSA employees, since this does not directly impact our members. However, now that this issue has the potential to stop implementation of the final 9/11 Commission Recommendation Bill, we deem it appropriate to weigh in.

The absurd premise put out by both DHS and TSA that being a union member precludes someone from serving our country in a national security capacity is unacceptable. There are currently hundreds of thousands of law enforcement officers on a Federal, State and local level who are all members of a union and have collective bargaining rights. This has never impacted their ability to react to terrorist threats, respond to terrorist incidents or impaired their ability to fulfill their critical mission of homeland security. This was quite evident on September 11, 2001.

FLEOA supports and agrees with the recent statement of AFGE President John Gage, when he stated, ''The notion that granting bargaining rights to TSOs would result in a less flexible workforce is just plain nonsense, and is also an insult to the hundreds of thousands of dedicated public safety officers with collective bargaining rights from Border Patrol Agents to firefighters to Capitol Hill Police.''

Senator Akaka, thank you for your support in this matter and your continued support for the entire Federal workforce. You truly are a friend to all of us in Federal law enforcement and we appreciate all of your efforts on our behalf.

Sincerely,

ART GORDON,
National President.

The PRESIDENT pro tempore. The minority leader is recognized.

Mr. MCCONNELL. Mr. President, the vote we are about to have should give all Members of the Senate a sense of deja vu; we have been here before. We are about to vote on an amendment that is reminiscent of a rather significant debate we had in the fall of 2002 in connection with the creation of the Department of Homeland Security. The

issue at that time, as is the issue this morning, is the question of whether we are going to have collective bargaining for the transportation security agency.

The public spoke rather loudly in the fall of 2002 in the form of Senate elections that year. They thought collective bargaining for transportation security workers was not a good idea. The public was correct then, and I think that is the public view today. In the ongoing debate over Iraq, it is easy to forget the success we have had in fighting terrorism, and chief among that is the fact that America has not seen a terrorist attack at home in 5½ years since 9/11. There is one reason, and that is the heroic work of our soldiers in Afghanistan and Iraq and the tireless efforts of our homeland defenders in detecting, preventing, discouraging, and disrupting those attacks in our country. Yet, today, these two pillars of our post-9/11 security are being put at risk by those who have the audacity to put union work rules above the national security.

It is no secret that big labor expects something in return for last November's elections. But America's security should not be on the table. It is ironic that Democrats who campaigned on the pledge that they would implement all of the recommendations of the 9/11 Commission are now forcing us to consider something that wasn't in the report at all. This measure was not in the report and they are blocking us from considering something that was in the report. I am talking about the proposal to give all 43,000 airport screeners the ability to collectively bargain. Not only was this proposal not in the 9/11 report, it would end up undermining the commission's recommendation.

A key recommendation of the 9/11 Commission said:

> The United States should combine terrorist travel intelligence, operations, and law enforcement in a strategy to intercept terrorists, find terrorist travel facilitators, and constrain terrorist mobility.

That is in the 9/11 report. We saw this during the U.K. bombing threat in August. TSA workers who showed up for work at 4 a.m. that morning in the United States were briefed on the plot and trained immediately in the new protocol. Within 12 hours, we had taken classified intelligence and adapted to it. There was no noticeable impact on U.S. flights.

It was a different situation over in Great Britain, where unionization is the norm. Dozens of flights had to be canceled as they worked out an understanding on how they would respond to the new threat, travelers were delayed, and backups ensued literally for days. We saw the importance of mobility earlier that year when TSA acquired new technologies for bomb detection. It trained nearly 40,000 airport screeners in the new methods in less than 3 weeks. The TSA says that under collective bargaining the same training would take 2 to 6 months.

We are not going to let big labor compromise national security. The President has said he will veto a 9/11 bill if it includes collective bargaining. We have the votes to sustain that veto. The House has just announced it has the votes to sustain a Presidential veto.

This bill will not become law with this dangerous provision in it. The only question now is why we are being kept from passing a 9/11 bill that focuses on security alone. The President made it clear he will veto the bill if it includes a provision that compromises security. The American people have already made clear where they stand on collective bargaining.

Remember, as I stated, we have been down this road before. We had a huge debate in Congress over collective bargaining when we created the Department of Homeland Security. Americans didn't like the idea of labor slowdowns among security personnel in 2002. They said so at the polls in November of 2002. The answer, I am afraid, is clear: This new attempt to insert this into the 9/11 bill is a show that was meant to appease a voting bloc. We know how this charade is going to end. Republicans won't let security be used as a bargaining chip. We are not going to let it happen.

It is too bad Americans will have to wait even longer for this bill to be signed into law because of the efforts to satisfy organized labor.

Mr. President, I yield the floor.

The PRESIDENT pro tempore. The majority leader is recognized.

Mr. REID. Mr. President, I move to table amendment No. 314, and I ask for the yeas and nays.

The PRESIDENT pro tempore. Is there a sufficient second?

There is a sufficient second.

The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. DURBIN. I announce that the Senator from South Dakota (Mr. JOHNSON) is necessarily absent.

Mr. LOTT. The following Senators are necessarily absent: the Senator from North Carolina (Mrs. DOLE) and the Senator from Wyoming (Mr. ENZI).

Further, if present and voting, the Senator from North Carolina (Mrs. DOLE) would have voted ''nay.''

The result was announced—yeas 51, nays 46, as follows:

[Rollcall Vote No. 60 Leg.]

YEAS—51

Akaka	Durbin	Menendez
Baucus	Feingold	Mikulski
Bayh	Feinstein	Murray
Biden	Harkin	Nelson (FL)
Bingaman	Inouye	Nelson (NE)
Boxer	Kennedy	Obama
Brown	Kerry	Pryor
Byrd	Klobuchar	Reed
Cantwell	Kohl	Reid
Cardin	Landrieu	Rockefeller
Carper	Lautenberg	Salazar
Casey	Leahy	Sanders
Clinton	Levin	Schumer
Conrad	Lieberman	Specter
Dodd	Lincoln	Stabenow
Dorgan	McCaskill	Tester
		Webb
		Whitehouse
		Wyden

NAYS—46

Alexander	DeMint	McConnell
Allard	Domenici	Murkowski
Bennett	Ensign	Roberts
Bond	Graham	Sessions
Brownback	Grassley	Shelby
Bunning	Gregg	Smith
Burr	Hagel	Snowe
Chambliss	Hatch	Stevens
Coburn	Hutchison	Sununu
Cochran	Inhofe	Thomas
Coleman	Isakson	Thune
Collins	Kyl	Vitter
Corker	Lott	Voinovich
Cornyn	Lugar	Warner
Craig	Martinez	
Crapo	McCain	

NOT VOTING—3

Dole	Enzi	Johnson

The motion was agreed to.

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

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

The motion to lay on the table was agreed to.

The PRESIDING OFFICER (Mr. CASEY). The Senator from New Jersey.

AMENDMENT NO. 352

Mr. MENENDEZ. Mr. President, just a little while earlier, I offered an amendment that deals with trying to move us forward in a middle ground on the question of cargo screening.

Last week, this body voted down an amendment that I offered with Senator SCHUMER that would have set some strong, clear deadlines to achieve 100 percent scanning of cargo coming into our Nation's ports. While I wish we could have persuaded more of our colleagues to support this framework for expanding scanning of our cargo containers, I understand a number of our colleagues have serious concerns about the consequences of setting a strict timeline to achieve 100 percent scanning. I hope this body will take a step forward toward achieving that goal rather than take no action at all.

With that in mind, the amendment I have offered I hope will find a middle ground. This amendment would ensure that we are indeed on the road to 100 percent scanning of cargo, but it would not do so within the confines of any strict deadline. Instead, it builds upon the framework of the SAFE Port Act to call for a plan to meet the goal of 100 percent scanning. The SAFE Port Act already requires the Department of Homeland Security to report on the lessons learned from the pilot program currently underway at six ports. This amendment would simply expand that reporting requirement by calling on the Department to submit a plan for achieving 100 percent scanning of cargo before it reaches U.S. ports.

I think all of us agree that we want to obtain the goal of 100 percent scanning of cargo containers. We may disagree on how to implement that goal or what timeline we should set, but at the end of the day I think we all know that 100 percent scanning is the ideal that we should strive for. That is essentially what this amendment is

about. It simply prods the Department to come up with a plan to take the lessons learned from the pilot project and submit a proposal for reaching 100 percent scanning.

We have to look at a few contradictions in our national security. Not everyone who walks into the White House is a high threat. Yet we screen 100 percent of people. We need to apply the same understanding to other aspects of our security. We must recognize that the terrorists will come to understand what we consider as high-risk cargo. As we say we are looking at high-risk cargo and we do 100 percent of that, that still leaves 95 percent of all the cargo unscanned. Eventually, the terrorists will adapt and they will determine that they should go and try to place their device in that which is not considered high-risk cargo. Without 100 percent scanning, we will not be able to adapt to terrorists as they change their tactics.

We have seen in aviation security how they have changed their strategy from box cutters, to shoes, to liquids. The methods they use to infiltrate our security continue to evolve. So must we. We are naive to think only high-risk cargo should be scanned. We need to be able to be as adaptable as they are so we can stay one step ahead.

My colleagues, in noting their opposition to the Schumer-Menendez amendment last week, did not object to the goal of reaching 100 percent scanning. In fact, the distinguished Senator from Maine stressed the importance of moving forward with vigorous implementation of the SAFE Port Act, including the requirement that 100 percent of all high-risk cargo be scanned. I would argue this amendment helps achieve that goal and will ensure that we continue to move forward toward 100 percent scanning.

Last year, I offered an amendment that would have required the Department to develop a similar plan to achieve 100 percent scanning, and there were a few provisions my colleague from Maine took issue with, and so we have amended this version. In the scheme of things, this is a very small additional requirement for the Department, but in my opinion it takes us a significant step forward toward a very crucial goal.

Finally, this amendment does not ignore the progress we are making because of the SAFE Port Act. In fact, it would build upon the SAFE Port Act's goal of expanding scanning at foreign ports on a reasonable timeline.

I also hope my colleagues will not look at the 9/11 Commission Report as a way to argue that improving security of our cargo is not in line with the 9/11 Commission recommendations. There is no doubt our ports remain one of the most vulnerable transportation assets. The 9/11 Commission recognized this. Let's take a step back and look at what the Commission actually said.

First, I think it is important to keep the Commission's report in context. It runs nearly 600 pages and covers an incredible amount of material, from a factual accounting of the events leading up to September 11, an assessment of the weaknesses of our national security, and, finally, what the Commission itself calls a limited number of recommendations. The recommendations are wide ranging in scope, and there is no way we can expect each recommendation to carry out each detail of what that recommendation should entail and the action that should be carried out.

In discussing cargo security, the Commission lumped it together with aviation and transportation security. Given the nature of the attacks, we understand the obvious focus on aviation security. However, the Commission also noted the vulnerabilities in cargo security and lamented the lack of a strategic plan for maritime security.

In making its recommendations on transportation security, the Commission called on Congress to do two very specific things: Set a specific date for the completion of these plans, and hold the Department of Homeland Security accountable for achieving them.

I could not agree more. We come to the floor calling for the opportunity to work our way, building upon the present port security initiative—to work our way to see the Department of Homeland Security give us a plan to achieve that final goal, recognizing all of the challenges. In doing so, we move closer and closer to that day in which, in fact, we will be adaptable to the reality that at some point the terrorists will come to understand that only going after high-risk cargo leaves them a huge opening, 95 percent of all the other cargo, to get in their weapon of mass destruction.

That is not a risk that we can afford. We need to be right all the time. They only need to be right once. Therefore, I believe this is an amendment that creates a middle ground and moves us forward to that 100 percent scanning opportunity and therefore improves our national security. I hope when the time comes to vote on it we will have the support of our colleagues in this body.

I yield the floor.

RECESS

The PRESIDING OFFICER. Under the previous order, the Senate stands in recess until the hour of 2:15 p.m.

Thereupon, the Senate, at 12:30 p.m., recessed until 2:16 p.m. and reassembled when called to order by the Presiding Officer (Mr. CARPER).

The PRESIDING OFFICER. The Senator from Connecticut.

AUTHORIZING USE OF THE ROTUNDA OF THE CAPITOL

Mr. LIEBERMAN. Mr. President, I ask unanimous consent that the Rules Committee be discharged from further consideration of S. Con. Res. 15 and that the Senate then proceed to its consideration.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will report the concurrent resolution by title.

The assistant legislative clerk read as follows:

A concurrent resolution (S. Con. Res. 15) authorizing the Rotunda of the Capitol to be used on March 29, 2007, for a ceremony to award the Congressional Gold Medal to the Tuskegee Airmen.

There being no objection, the Senate proceeded to consider the concurrent resolution.

Mr. LIEBERMAN. I ask unanimous consent that the concurrent resolution be agreed to, the motion to reconsider be laid on the table, and that any statements be printed in the RECORD with no intervening action.

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

The concurrent resolution (S. Con. Res. 15) was agreed to, as follows:

S. CON. RES. 15

Resolved by the Senate (the House of Representatives concurring), That the Rotunda of the Capitol is authorized to be used on March 29, 2007, for a ceremony to award a Congressional Gold Medal collectively to the Tuskegee Airmen in accordance with Public Law 109–213. Physical preparations for the ceremony shall be carried out in accordance with such conditions as the Architect of the Capitol may prescribe.

IMPROVING AMERICA'S SECURITY ACT OF 2007—Continued

AMENDMENT NO. 352 WITHDRAWN

Mr. LIEBERMAN. Mr. President, on behalf of Senator MENENDEZ, I ask unanimous consent to withdraw amendment No. 352, which he had introduced earlier today.

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

AMENDMENT NO. 354 TO AMENDMENT NO. 275

Mr. LIEBERMAN. On his behalf, I send another amendment to the desk.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Connecticut [Mr. LIEBERMAN], for Mr. MENENDEZ, proposes an amendment numbered 354 to amendment No. 275.

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

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

The amendment is as follows:

(Purpose: To improve the security of cargo containers destined for the United States)

On page 219, between lines 7 and 8, insert the following:

SEC. 804. PLAN FOR 100 PERCENT SCANNING OF CARGO CONTAINERS.

Section 232(c) of the Security and Accountability For Every Port Act (6 U.S.C. 982(c)) is amended—

(1) by striking ''Not later'' and inserting the following:

''(1) IN GENERAL.—Not later''; and

(2) by inserting at the end the following new paragraph:

''(2) PLAN FOR 100 PERCENT SCANNING OF CARGO CONTAINERS.—

''(A) IN GENERAL.—The first report under paragraph (1) shall include an initial plan to scan 100 percent of the cargo containers destined for the United States before such containers arrive in the United States.

''(B) PLAN CONTENTS.—The plan under paragraph (A) shall include—

''(i) specific annual benchmarks for the percentage of cargo containers destined for the United States that are scanned at a foreign port;

''(ii) annual increases in the benchmarks described in clause (i) until 100 percent of the cargo containers destined for the United States are scanned before arriving in the United States;

''(iii) the use of existing programs, including the Container Security Initiative established by section 205 and the Customs–Trade Partnership Against Terrorism established by subtitle B, to reach the benchmarks described in clause (i); and

''(iv) the use of scanning equipment, personnel, and technology to reach the goal of 100 percent scanning of cargo containers.

''(C) SUBSEQUENT REPORTS.—Each report under paragraph (1) after the intial report shall include an assessment of the progress toward implementing the plan under subparagraph (A).''.

Mr. LIEBERMAN. Mr. President, I believe the Senator from Pennsylvania is here. I will yield to him in a moment.

I am pleased to note the presence of the Senator from Illinois, who has come to the floor to propose an amendment with regard to the funding formula in the bill. This would make the third such amendment. I hope we will have a good, hearty debate on those three and then go to votes either later today or tomorrow morning on them which, of course, I hope will reject all three and sustain the wisdom of the committee, but that will be determined by the body.

I yield to the Senator from Pennsylvania.

AMENDMENT NO. 286 TO AMENDMENT NO. 275

The PRESIDING OFFICER. The Senator from Pennsylvania is recognized.

Mr. SPECTER. Mr. President, on behalf of Senator LEAHY, Senator DODD, and myself, I call up amendment No. 286. This is an amendment which would repeal the provisions of the Military Commission Act, striking Federal court jurisdiction for habeas corpus except for the Circuit Court for the District of Columbia.

I have previously talked to Senator LINDSEY GRAHAM and Senator JON KYL to give them notice that we would be calling up this amendment. I discussed the issue with Senator LIEBERMAN, the manager of the bill, as to procedures which we may follow, but I wanted to call it up and have it pending and proceed to debate it at a later time.

The PRESIDING OFFICER. Without objection, the pending amendments are set aside and the clerk will report.

The assistant legislative clerk read as follows:

The Senator from Pennsylvania [Mr. SPECTER], for himself, Mr. LEAHY, and Mr. DODD, proposes an amendment numbered 286 to amendment No. 275.

The amendment follows:

(Purpose: To restore habeas corpus for those detained by the United States)

At the appropriate place, insert the following:

SEC. ___. RESTORATION OF HABEAS CORPUS FOR THOSE DETAINED BY THE UNITED STATES.

(a) IN GENERAL.—Section 2241 of title 28, United States Code, is amended by striking subsection (e).

(b) TITLE 10.—Section 950j of title 10, United States Code, is amended by striking subsection (b) and inserting the following:

''(b) LIMITED REVIEW OF MILITARY COMMISSION PROCEDURES AND ACTIONS.—Except as otherwise provided in this chapter or in section 2241 of title 28 or any other habeas corpus provision, and notwithstanding any other provision of law, no court, justice, or judge shall have jurisdiction to hear or consider any claim or cause of action whatsoever, including any action pending on or filed after the date of the enactment of the Military Commissions Act of 2006, relating to the prosecution, trial, or judgment of a military commission under this chapter, including challenges to the lawfulness of procedures of military commissions under this chapter.''.

(c) EFFECTIVE DATE AND APPLICABILITY.—The amendments made by this section shall—

(1) take effect on the date of the enactment of this Act; and

(2) apply to any case that is pending on or after the date of enactment of this Act.

The PRESIDING OFFICER. The Senator from Illinois.

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

The PRESIDING OFFICER. The pending business is the Specter amendment which was just called up.

Mr. OBAMA. I ask unanimous consent to be added as a cosponsor to the amendment just introduced by Senator SPECTER.

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

AMENDMENT NO. 338 TO AMENDMENT NO. 275

Mr. OBAMA. Mr. President, I ask unanimous consent that the pending business be set aside so I may call up an amendment.

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

Mr. OBAMA. Mr. President, I call up amendment No. 338 and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Illinois [Mr. OBAMA], for himself, Mr. WARNER, Mr. COBURN, Ms. LANDRIEU, Mr. KENNEDY, Mr. MENENDEZ, Mrs. CLINTON, and Mr. SCHUMER, proposes an amendment numbered 338 to amendment No. 275.

The amendment follows:

(Purpose: To require consideration of high-risk qualifying criteria in allocating funds under the State Homeland Security Grant Program)

On page 69, strike line 15 and all that follows through page 70, line 2, and insert the following:

''(d) MINIMUM ALLOCATION.—

''(1) IN GENERAL.—In allocating funds under subsection (c), the Administrator shall ensure that, for each fiscal year—

''(A) except as provided in subparagraph (B), each State (other than the Virgin Islands, American Samoa, Guam, and the Commonwealth of the Northern Mariana Islands) receives an amount equal to not less than 0.25 percent of the total funds appropriated for the State Homeland Security Grant Program;

''(B) each State (other than the Virgin Islands, American Samoa, Guam, and the Commonwealth of the Northern Mariana Islands) that meets any of the additional high-risk qualifying criteria described in paragraph (2) receives an amount equal to not less than 0.45 percent of the total funds appropriated for the State Homeland Security Grant Program;

''(C) the Virgin Islands, American Samoa, Guam, and the Commonwealth of the Northern Mariana Islands each receives an amount equal to not less than 0.08 percent of the total funds appropriated for the State Homeland Security Grant Program; and

''(D) directly eligible tribes collectively receive an amount equal to not less than 0.08 percent of the total funds appropriated for the State Homeland Security Grant Program, except that this subparagraph shall not apply if the Administrator receives less than 5 applications for that fiscal year from directly eligible tribes or does not approve at least 1 such application for that fiscal year.

''(2) ADDITIONAL HIGH-RISK QUALIFYING CRITERIA.—The additional high-risk qualifying criteria described in this paragraph are—

''(A) having an international land border; or

''(B) adjoining a body of water within North America through which an international boundary line extends.

The PRESIDING OFFICER. The Senator from Illinois.

Mr. OBAMA. Mr. President, it was a typical fall day in New York City. People were headed to work, cars were stuck in traffic, the subways were packed, and the construction crews were busy rebuilding at Ground Zero. Nearby, Con Ed personnel were at work in a manhole, and they made a tragic discovery: ID tags and human remains not seen since that other fall day 5 years earlier. The city paused again. It launched another effort to recover and identify those taken from us on that dark September day.

The recovery is continuing after all this time. The recovery continues 5½ years later, and just last week more victims were unearthed. After all this time, we are still recovering from September 11. Our prayers remain with the family members and friends who still mourn and miss the fathers and mothers and children who made their lives complete. During the Homeland Security Committee meeting to discuss the underlying bill, I met with some of those loved ones.

That is why we are here today. We are here to do the work that ensures no other family members have to lose a loved one to a terrorist who turns a plane into a missile, a terrorist who straps a bomb around her waist and climbs aboard a bus, a terrorist who figures out how to set off a dirty bomb in one of our cities. This is why we are here: to make our country safer and make sure the nearly 3,000 who were taken from us did not die in vain; that their legacy will be a more safe and secure Nation. That is what lies at the heart of this 9/11 bill. It is not just

about how we send the money from Washington to States and local governments; it is about saving lives and doing everything in our power to prevent another attack, to prevent another tragedy, to ensure no one climbs down a manhole expecting to do their work only to find the deceased left in darkness 5 years earlier. That is why we are here—to protect our people.

Most of us had hoped these steps would have already been taken, would have been taken many years ago, that we would have capitalized on the unity and national spirit we shared after the towers fell, the Pentagon was hit, and the Pennsylvania field smoldered. It is never too late to do, however, what is right for our country.

It has been more than 2½ years since the 9/11 Commission issued its report. Not only did the panel of dedicated American researchers find out what happened that day, but they also gave a list of serious recommendations about how to make our country safer in the future. The 9/11 Commission showed us how to move beyond the politics of division in order to achieve the solemn task of better protecting our country.

In its report, the Commission said the following:

> Homeland security assistance should be based strictly on an assessment of risks and vulnerabilities [and] federal homeland security assistance should not remain a program for general revenue sharing.

This is one of the goals of the 9/11 Commission. My amendment that I just introduced moves us closer to a true system of risk-based allocation of State homeland security grants and ensures that funding goes to areas most at risk of terrorist attacks.

This is not an issue of big States versus little States or urban States versus rural States. It is about good policy and about maximizing our use of the people's money.

Today, the system is set up so that all States receive at least .75 percent of the State Homeland Security Grant Program dollars. After each State receives that minimum level of funding, the dollars are then allocated according to risk. As a result, the current amount of State minimum funding eats up approximately 40 percent of that funding.

While the new bill does attempt to address this problem—and I applaud Chairman LIEBERMAN and Senator COLLINS for trying to bring the .75 percent down to .45 percent—the bill does not go far enough. It is a good first step, but we are already 50 yards behind, sending too much money to areas where there are not real risks, threats, and vulnerabilities. That is why we must use the most dollars in those areas which are at the greatest risk of attack. We cannot afford to waste a single cent on places that do not need immediate help when first responders in major cities still lack the basic communications equipment they need to talk to one another if, Heaven forbid, tragedy strikes again.

That is why the families of 9/11 recently issued a statement saying:

> Reports of air conditioned garbage trucks being purchased with homeland security funds are indicative of the frivolity that results from non risk-based methods. When the threat against our Nation is so real, we cannot afford not to take it seriously.

That is why the 9/11 Commission said Congress should not use this money as porkbarrel. That is why in 2005 the Commission issued a report giving the Nation an ''F'' for risk-based funding. That is why 9/11 Commission Chairman Lee Hamilton recently sent me a letter. He wrote:

> Since 9/11 and since the issuance of our report, the United States has not allocated homeland security resources wisely. Resources for homeland security are not unlimited, so it is thus essential that they be distributed based on a careful analysis of the risk, vulnerability and potential consequences of a terrorist attack. Adopting such a risk-based approach would make the best use of our homeland security resources, and would make the American people safer.

That is why 9/11 Commissioner Tim Roemer wrote in support of this amendment, saying:

> We cannot afford to waste any more money, time or effort.

That is why the amendment I offer today, a bipartisan amendment with the support of Senators WARNER, COBURN, LANDRIEU, KENNEDY, MENENDEZ, CLINTON, and SCHUMER, reduces the guaranteed State minimum to .25 percent and allows those States on our northern and southern borders to see an increased minimum of .45 percent. This basic framework was adopted by a wide bipartisan margin in the House in January.

It is time for all of us to approach homeland security funding not as something we can bring home to the States we represent but funding we can use to better protect the United States of America. As we lower the guaranteed amount, we increase the funding available to protect those places most at risk, and 40 States will receive either the same amount or an increase in the funding they need to better protect our borders, our ports, our railways, our subways, our chemical plants, our nuclear powerplants, our food supply, and our firefighters, police officers, and EMTs.

We have waited more than 5 years to better develop our approach to funding our security in a post-9/11 world. Sometimes division and politics have prevented us from doing what we need to do. But I believe those days are finally behind us. We have a real chance to not only learn from our mistakes but to get the job done and better protect our people. That is why we are here—to make our country as safe and secure as we can. That is the common cause we all share. The American people need to see that in us today. The 9/11 Commission experts that from us. The families and friends of the 9/11 victims are owed that from us—that we will never forget those who died. We will never forget those who are suffering and sick because of their heroism that day. We will never forget that 60 percent of the victims were never identified. We will never forget that we are still recovering from 9/11—and that is why our work goes on.

Mr. President, let me add one last point.

I recognize it is difficult for some to see any shift of funding because it is difficult if that State potentially sees their funding reduced. But even within Illinois, I confront some of these same issues.

The fact of the matter is I have fought at the State level and have said publicly we should make sure risk assessments entirely determine how money within Illinois is allocated. That is the same approach we need to take for the Nation as a whole. Keep in mind my home city of Chicago is actually doing quite well under the current formula. So this is not something that is based solely on any parochial concerns.

I ask unanimous consent that the statements of the 9/11 families, the 9/11 Commission chairman, Lee Hamilton, and 9/11 Commissioner Tim Roemer be printed in the RECORD, as well as a chart showing how each State would fare under my amendment.

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

WOODROW WILSON INTERNATIONAL
CENTER FOR SCHOLARS,
Washington, DC, February 27, 2007.

Senator BARACK OBAMA,
Hart Senate Office Building,
Washington, DC.

DEAR BARACK: Thank you for inquiring about my position with regard to risk-based homeland security funding.

In our report, the 9/11 Commission issued the following recommendation:

''Homeland security assistance should be based strictly on an assessment of risks and vulnerabilities. Now, in 2004, Washington D.C. and New York City are certainly at the top of any such list. We understand the contention that every state and city needs to have some minimum infrastructure for emergency response. But federal homeland security assistance should not remain a program for general revenue sharing. It should supplement state and local resources based on risks or vulnerabilities that merit additional support. Congress should not use this money as a pork barrel.''

Since 9/11, and since the issuance of our report, the United States has not allocated homeland security resources wisely. Resources for homeland security are not unlimited, so it is thus essential that they be distributed based upon a careful analysis of the risk, vulnerability, and potential consequences of a terrorist attack. Adopting such a risk-based approach would make the best use of our homeland security resources, and would make the American people safer.

With best wishes,

Sincerely,

LEE H. HAMILTON,
President and Directors.

WASHINGTON, DC,
March 5, 2007.

Senator BARACK OBAMA,
Hart Senate Office Building,
Washington, DC.

DEAR SENATOR: The Homeland Security and Government Affairs Committee has produced a strong bill and is off to a productive

start, yet there are areas in need of improvement.

I am writing today to support your efforts to more fully implement the 9/11 Commission's recommendation that State homeland security grants should be based solely on an assessment of risks and vulnerabilities.

Your amendment moves in the right direction. By reducing the amount of funding available through the ''minimum allocation,'' this amendment increases the availability of funding for our most at-risk facilities and infrastructure.

As you know, the bi-partisan National Commission on Terrorist Attacks upon the United States, said:

''We understand the contention that every state and city needs to have some minimum infrastructure for emergency response. But Federal homeland security assistance should not remain a program for general revenue sharing. It should supplement state and local resources based on risks or vulnerabilities that merit additional support. Congress should not use this money as a pork barrel.''

Two years ago, the Commission gave Congress and the administration failing grades in their implementation of our recommendations: five Fs, twelve Ds, and 2 Incompletes. On homeland security, the government received an F because too many of our vulnerabilities received too few resources. We cannot afford to waste any more money, time or effort.

Obviously, there is much more to accomplish to make America safer. I commend these efforts to move the Senate in a better direction and believe this amendment creates the opportunity for the full spirit of the 9/11 Commission's recommendation to be realized in conference with the House.

Yours sincerely,

TIMOTHY J. ROEMER,
Former 9/11 Commissioner.

FAMILIES OF SEPTEMBER 11,
New York, NY, February 26, 2007.

STATEMENT REGARDING HOMELAND SECURITY GRANTS

Families of September 11 stands in strong support of allocating all homeland security grants based on risk. There are limited funds to protect our homeland—each and every dollar should be spent effectively on protecting the areas at most risk as a first priority. None should be used for general revenue sharing or political purposes.

The 9/11 Commission recommends that homeland security assistance be based ''strictly on an assessment of risks and vulnerabilities.'' They continue to say that ''Congress should not use this money as a pork barrel.'' We stand in complete agreement.

Reports of air-conditioned garbage trucks being purchased with homeland security funds are indicative of the frivolity that results from non risk-based allocation methods. When the threat against our nation is so real, we cannot afford not to take it seriously.

Congress has a duty to spend taxpayer dollars wisely to protect the homeland. Sometimes the right choices are not easy—we understand that. But the stakes are too high not to make them. We ask Congress to do what is right and to legislate that all homeland security grants be allocated strictly on appropriately-assessed risk.

State	Obama amendment	S. 4 as amended	Obama amendment less S. 4
Alabama	$12,173,119	$11,988,972	$184,147
Alaska	4,109,312	4,109,312	0
Arizona	13,232,207	12,961,248	270,959
Arkansas	2,282,951	4,109,312	(1,826,361)
California	134,446,429	130,575,288	3,871,141
Colorado	14,354,975	14,106,024	248,951
Connecticut	10,039,748	9,918,964	120,784
Delaware	5,368,960	5,386,903	(17,943)
District of Columbia	2,282,951	4,109,312	(1,826,361)
Florida	60,448,703	58,830,723	1,617,980
Georgia	29,078,462	28,392,210	686,252
Hawaii	2,282,951	4,109,312	(1,826,361)
Idaho	7,753,324	7,645,093	108,231
Illinois	49,264,671	47,978,868	1,285,803
Indiana	14,726,698	14,466,707	259,991
Iowa	10,007,425	9,887,601	119,824
Kansas	10,928,653	10,781,467	147,186
Kentucky	12,981,213	12,773,065	208,148
Louisiana	22,565,218	22,072,415	492,803
Maine	4,109,312	4,109,312	0
Maryland	11,688,262	11,518,515	169,747
Massachusetts	24,488,484	23,938,558	549,926
Michigan	32,771,939	31,920,631	851,308
Minnesota	4,109,312	4,109,312	0
Mississippi	2,282,951	4,109,312	(1,826,361)
Missouri	27,139,035	26,510,385	628,650
Montana	4,109,312	4,109,312	0
Nebraska	9,603,377	9,495,554	107,823
Nevada	8,876,092	8,789,870	86,222
New Hampshire	4,109,312	4,109,312	0
New Jersey	16,019,650	15,721,257	298,393
New Mexico	4,109,312	4,109,312	0
New York	75,487,831	73,367,819	2,120,012
North Carolina	21,886,418	21,413,777	472,641
North Dakota	6,234,105	6,170,997	63,108
Ohio	24,319,267	23,719,012	600,255
Oklahoma	12,690,299	12,490,791	199,508
Oregon	2,282,951	4,109,312	(1,826,361)
Pennsylvania	27,632,456	26,933,796	698,660
Rhode Island	2,282,951	4,109,312	(1,826,361)
South Carolina	11,866,043	11,691,016	175,027
South Dakota	2,282,951	4,109,312	(1,826,361)
Tennessee	2,362,848	4,109,312	(1,746,464)
Texas	71,301,900	69,306,214	1,995,686
Utah	2,282,951	4,109,312	(1,826,361)
Vermont	6,428,048	6,359,179	68,869
Virginia	13,352,937	13,133,748	219,189
Washington	24,610,182	24,001,285	608,897
West Virginia	10,152,882	10,028,738	124,144
Wisconsin	13,377,664	13,102,384	275,280
Wyoming	2,282,951	4,109,312	(1,826,361)

Mr. OBAMA. Mr. President, I wish to commend Chairman LIEBERMAN and Senator COLLINS for their hard work on this issue. I acknowledge that the underlying bill is an improvement over the status quo. It is just that we can do so much better. I ask that we ensure this amendment be included in the final package we vote on.

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

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

Mr. OBAMA. I yield the floor.

The PRESIDING OFFICER. The Senator from Connecticut is recognized.

Mr. LIEBERMAN. Mr. President, I thank the Senator from Illinois for his thoughtful statement on his amendment. I rise to respectfully disagree with it.

In our committee, we work very hard to not just balance the political interests, but to balance the needs of all parts of our country for a reasonable amount of homeland security funding, which we, consider, I think, consistent with the most progressive thinking on this subject which is to be not just terrorist-related funding but all-hazards-related funding.

In other words, when we send homeland security funding to a State or a municipality, we are trying to help them not only prepare for the possibility, God forbid, of a terrorist attack but also to be ready to respond to the much more common occurrence, which is to say a natural disaster. The funding formula we have presented, which was part of our bill that came out of our committee with strong bipartisan support, including the support of the

distinguished occupant of the chair, the Senator from Delaware, is I think a balanced proposal.

This distributes, in fact, most of the homeland security grant money based on risk, as the 9/11 Commission called for, but respectfully disagrees with the Commission that the money should all be distributed based on only risk because our conclusion is not based on theory but reality. Terrorists may strike anywhere in this country, not just in the big cities or the highest visibility targets, and we base that on what has happened around the world, what has happened here, in fact, with domestic terrorism, striking at the Murrah Federal Building in Oklahoma City, as we all remember some years ago, but around the world, terrorists striking at apartment buildings, discos, schools, in communities large and small.

Unfortunately, in this age we are living in post-9/11, we can all imagine, and I use that term in the way the 9/11 Commission did, that part of our failure as a nation before 9/11 was a failure of imagination, which is to say that we could not imagine that human beings would do what the terrorists did to us on 9/11.

After that, we started to imagine, and one can imagine the various targets in this open society of ours that terrorists who want to create havoc and fear can strike all around the country.

The other point is this, that everyplace in the country, as we saw in the case of Katrina, most visibly and movingly, can be struck by natural disasters. So the funding formula in the committee bill learns both from the tragic lessons of 9/11 and Katrina.

We have different grant programs. The Urban Area Security Initiative, the so-called UASI Grant Program, is totally and strictly, in terms of the 9/11 Commission, distributed based on risk. In fact, the State Homeland Security Grant Program which Senator OBAMA's amendment deals with, we think 95 percent of that will be given out based on risk.

Let me give a brief explanation of what is happening. This is in the weeds, but under current law, .75 percent is guaranteed—of the total funding for the State Homeland Security Grant Program—is guaranteed to each State. That is a minimum for each State for the reasons I have stated.

The House of Representatives, in their judgment, altered that and went to a minimum amount of .25. They did not literally respond to the 9/11 Commission recommendation for total risk, which is to say, whatever the Department of Homeland Security decided is a risk assessment formula for distribution, they lowered it to .25, as the amendment from the Senator from Illinois would do. The committee decided to reach for a compromise on this one and set a minimum of .45 percent of the total funding for every State.

We have done some runs on this. The formula says that, distribute the funds first based on risk, but then if States fall below the .45 percent, then give them that minimum. By our run of the numbers, based on the risk assessment standards the Department has been using, we think 95 percent of the money will, in fact, be distributed based on risk.

I wish to make this point, something that I think is sometimes overlooked in the discussion. Take the existing formula which has .75, three-quarters of 1 percent of the total, going to each State. The fact is, even under that formula, which only Senator LEAHY, in his wisdom, would preserve in his amendment—even under that formula, the lion's share of the money, or a very large share of the money, has gone to a very few States.

This graph shows that. The fact is, this is fiscal year 2006 funding. In fiscal year 2006, the State of California received $226 million in homeland security grant funding. That is more than the total received by the 22 States at the bottom that received the least funding, the minimum.

Now, as you can see in this chart, that is California. Next is New York. Next is Texas. The fact is almost half of the entire distribution of funding went to five States: California, Florida, Texas, Illinois, and of course New York. So what I am saying is that we are lowering that. I think the big States, the high-visibility potential targets are receiving a lot of money. It would be unfair to cut that even more. Now, Senator FEINSTEIN does not only do what Senator OBAMA does, she cuts into the minimums we have established in the new dedicated grant funding program for interoperability communications.

There I think we have a very strong argument that we want people, our first responders, to be able to communicate with one another, not only in acts of terrorism—in times of terrorism—but in times of natural disaster. The interoperability grants are important for that reason.

We have placed a chart on the desks of all the Senators, and it lists all the States. It shows that under the amendment the Senator from Illinois has introduced, 32 of the States will receive less guaranteed funding than they receive now.

Ironically, the District of Columbia is one of the entities that suffers the greatest cut. Of course, most anybody would say that the District of Columbia is a high-visibility target, in fact, was targeted through the Pentagon on 9/11/2001.

Respectfully, I will oppose the amendment of the Senator from Illinois.

I yield the floor.

The PRESIDING OFFICER. The Senator from Maine is recognized.

Ms. COLLINS. Mr. President, I ask unanimous consent that Senator COLEMAN and Senator COBURN be added as cosponsors to the Collins amendment No. 342.

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

Ms. COLLINS. Mr. President, I rise in opposition to the amendment offered by the Senator from Illinois to reduce the minimum guarantee to States under the State Homeland Security Grant Program.

My colleague and friend from Connecticut has done an excellent job explaining the problems with this amendment. Let me reinforce a few of the points he has made. As my colleagues can see from the chart behind me, under Senator OBAMA's amendment, 32 States and the District of Columbia would have a decrease in the guaranteed funding. Under the Obama amendment, two previous targets of attack, both the District of Columbia and Oklahoma, would receive less guaranteed funding than 18 other States. Indeed, Senator OBAMA's own projections show that the District of Columbia, presumably one of the highest risk areas in the country, would lose almost 45 percent of its total funding under his proposal

I think we need to keep in mind that assessing risk is not an exact science. Who would have guessed that Portland, ME, would have been the departure point for two of the hijackers on 9/11? Who would have guessed that four of the hijackers would train and live in Norman, OK? Who would have guessed that two of the hijackers would have spent considerable time in Stone Mountain, GA? My point is the evidence is clear that terrorists train, hide, and transit through more rural areas, which is one reason that the chairman and I have put such emphasis on preventing terrorist attacks and have allocated a percentage of funds to be used specifically for that purpose.

Now I wish to specifically address the chart that is being circulated by the distinguished Senator from Illinois. The breakdown of the winners and losers under his amendment on his chart relies upon the Department of Homeland Security allocating future risk-based funding in the same manner as it did in 2006. We know that is not going to happen. The process by which the Department allocated funding based on its risk analysis was denounced all around. I could quote the Senators from New York and California, as well as the Senator from Connecticut, Minnesota, and myself. All of us believed that whether we represented big States, small States or medium-sized States, the methodology was flawed.

Indeed, the Department has moved away from that methodology. So it is a false assumption to assume the exact same risk analysis is going to be used in future years, when, in fact, we know it would not be. I wish to point out, in fiscal year 2006, 60 percent of the Homeland Security Grant funds were allocated based on risk. We are requiring that an estimated 95 percent be allocated based on risk, but we want that risk formula reported to Congress. We want to take a look at it. We are working with the Department on it. If we

are going to become better prepared as a nation, all States must have a predictable, steady stream of homeland security funding. We need to bring all States up to reach minimum levels of preparedness, because otherwise the terrorists will exploit the weak links.

We also know many of the parts of our critical infrastructure are located in more rural areas. Nuclear powerplants are a prime example. Military bases are yet another example. So the problem is one cannot assume the only targets are in large urban areas. That is not true.

There was another point the Senator from Connecticut made that is a very important point, and that is this is an all-hazards approach to funding. As the Presiding Officer well knows, because he participated so actively in the investigation held by the Homeland Security Committee into the failed response to Hurricane Katrina, there is virtually no area of our country that is immune from natural disasters. The same kinds of communications equipment that come into play when there is a terrorist attack are also needed when a hurricane or an ice storm or an earthquake strikes. So I think we have struck the right balance in our proposal.

Now, I would note the Senator's proposal does not hit my home State. It does not hurt Maine, because he has additional funding for border States, so I am not arguing out of a parochial interest. I am arguing for the formula in our bill because it takes an all-hazards approach. It understands all States have vulnerabilities. It recognizes we need to improve every link in the chain, that we need to bring all States up to minimal levels of preparedness, and they are simply not there now. It recognizes we need predictable funding streams so that States, regions, and communities can enter into multiyear projects, because a lot of these projects, such as with interoperable communications, require more than 1 year to get to the goal.

The potential of terrorist attacks against rural or at least nonurban targets is increasingly recognized as a national security threat. Our committee held hearings on the threat of agri-terrorism—an attack on our food supply. That would be devastating for our Nation. A study conducted by the Harvard School for Public Health shows rural areas face profound homeland security challenges. A great many power and water supplies, as well as virtually our entire food supply, are located outside of urban areas.

The RAND Corporation has repeatedly warned:

> Homeland security experts and first responders have cautioned against an overemphasis on improving the preparedness of large cities to the exclusion of smaller communities or rural areas.

Again, that report recognized much of the Nation's infrastructure and potential high-value targets are located in rural areas.

I hope our colleagues will join us in voting against the amendment offered by the Senator from Illinois. I truly believe it would not advance the goal we all share of strengthening our homeland security.

Thank you, Mr. President.

The PRESIDING OFFICER. The Senator from Illinois is recognized.

Mr. OBAMA. If the Senator from Maine will yield, I want to ask a couple of questions based on my understanding. Maybe I am confused.

We based our assessment of which States see an increase, which States do not see an increase, and which States see a decrease under our bill on the CRS analysis, assuming $913 million appropriated. They tell us 34 States will see an increase in funding, 6 States will see the same amount of funding under my amendment to S. 4, and 10 States will see a loss. We have not had the benefit of the analysis that was just presented on that chart indicating 32 States would see a decrease, so I am curious if either the chairman or the Senator from Maine would tell me where they got that statistic. Because I understand the statement was made: Well, the formulas may change, and this was based on the previous formula.

I have no problem with changing the formula so it is more risk-based assessed. But I don't understand how it is that simply because we are going to eliminate some of the flaws of the previous formula that somehow—or the risk assessments, that somehow that is going to change the basic assessment that was made by the Congressional Research Service.

I am happy for either Senator to respond.

The PRESIDING OFFICER. The Senator from Connecticut is recognized.

Mr. LIEBERMAN. I will start a response. Senator OBAMA has circulated a document which indicates if this formula is applied, I believe 34 States will get more money than under our proposal. We have a chart we are circulating which says that, in fact, 32 States lose. That is translated into the map here. Here is what the difference is, because in some sense we are measuring different things. In our chart, we are measuring the guaranteed funding of .45 under ours and .25 under that of the Senator from Illinois. The reason we are doing that is because that is all we can say with certainty that is guaranteed. We are both in fact using the same bottom line or top line, which is $913 million, which is the level the bill, S. 4, authorizes for the State Homeland Security Grant funding. The reason this says 32 States and the District of Columbia will lose guaranteed funding under the amendment of the Senator from Illinois is because that is what we have studied: the guaranteed minimum. Because the rest is an assessment of risk that is left to the Department of Homeland Security which it applied this year and it has already said it would never apply again because it was so criticized by New York and others.

So let me in fairness yield—it takes two of us to equal the Senator from Illinois on this.

Mr. OBAMA. Very briefly——

Mr. LIEBERMAN. We will roundrobin. I yield to my friend from Illinois.

Mr. OBAMA. Thank you very much. I want to make clear now, it sounds to me as if we are comparing apples and oranges. Assuming we—which is what CRS did—apply the same formula on my amendment, my amendment would have 34 States see an increase in funding, and 6 States would remain the same. Now, if the funding formula changes, it might change 1 or 2 States, depending on what the risk assessments were, but it is not going to result in 32 States suddenly seeing a decrease in funding. This is a decrease in funding based on the bare minimums without applying any of the additional funding which we know is going to be coming. So it strikes me that chart does not describe at all the reality of what would happen under my amendment. I want to make sure I am clear in terms of what we are preparing here, because the best estimate of how this funding will be impacted is based on the CRS's own assessment of what would have happened this year.

Ms. COLLINS addressed the Chair.

The PRESIDING OFFICER (Mrs. MCCASKILL). Does the Senator yield?

Mr. OBAMA. It is their time.

The PRESIDING OFFICER. The Senator from Illinois has the floor.

Mr. OBAMA. I certainly yield to the distinguished Senator from Maine to respond to my inquiry.

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

Ms. COLLINS. Thank you, Madam President. I thank the Senator from Illinois so that I may respond to his questions.

The only thing we can count on is what the minimum is going to produce. CRS, the same as the Senator from Illinois, used last year's DHS risk assessment—a risk assessment we already know DHS has abandoned; a risk assessment that resulted in significant cuts in funding to New York City; a risk assessment that was roundly criticized by virtually every member of our Homeland Security Committee. What we are trying to do is to share with our colleagues what we know for sure, and what we know for sure is what the impact of the minimum funding percentage is under our proposal versus under the proposal of the Senator from Illinois.

What we did is we looked at what the guaranteed funding—that is why it says guaranteed funding—would be under Senator OBAMA's amendment, and as you see 32 States and the District of Columbia would lose under the amendment. I say to my friend from Illinois that I am surprised he would want to cut funding for the District of Columbia when that is a high-risk area that did not do well under the Department's formulation of applying risk

and thus does not do well under the formula of the Senator from Illinois.

Mr. OBAMA addressed the Chair.

The PRESIDING OFFICER. The Senator from Illinois has the floor.

Mr. OBAMA. Madam President, I want to be exactly clear on what we are talking about here so there is no confusion among my colleagues. No one disputes that under my amendment, the minimum funding changes. That is the whole point of the amendment, is to change the minimum funding levels and shift more of the money into the risk-based assessment. So to state that 32 States lose on the minimum funding levels is to state the obvious. That is the point of the amendment.

The point is more money then goes into the risk-based funding, and when you factor that in, unless there is going to be no risk-based funding—I mean I suppose that is a possibility, but I don't think so—all that money, when you factor it in, will result in, under last year's formula, 34 States gaining and 6 States staying the same.

Now, I also agree with the distinguished Senator from Maine that there were problems with last year's formula, and I am fine with changes to that formula. I have actively supported changes to that formula, including any possible shortchanging of high-risk areas such as Washington, DC or New York.

The point of my amendment is very simple, and that is more money is allocated on the basis of risk. I am not concerned about predetermining where those risks are. That is the job of the Department of Homeland Security, and that is the purpose of our amendment.

I want to be clear. Under your chart, Illinois loses money that is guaranteed under the minimum funding, as does New Jersey, Oklahoma, and Louisiana. But I would note that Senators MENENDEZ, COBURN, and LANDRIEU were all cosponsors because they understand when the money is allocated based on risk, then wherever we live throughout the United States, we are going to be potentially better off.

I am going to make one last point and then I am happy to listen to a response. Both Senators LIEBERMAN and COLLINS talked about an all-hazards funding approach. I have no objection to that either. But keep in mind, we are talking here about the State Homeland Security Grant Program, which is not supposed to be targeted at all hazards. We have a separate program—the Emergency Management Grant Program—that is supposed to be addressing all hazards and that is why this amendment does not touch that portion of homeland security funding that is directed at all hazards. That is not the purpose of the State Homeland Security Grant Program. The purpose of that is supposed to be to deal with potential terrorist threats. That is why the 9/11 Commission and Chairman Lee Hamilton of the 9/11 Commission and the 9/11 families, all of whom I think have great concern about the safety of all Americans, indicate it makes sense for us to allocate this as much on the basis of risk as possible.

It is for that reason that the House allocated funding on the basis of the formula we are discussing. I wish to make sure that anybody who is listening understands, yes, the guaranteed minimum funding might be less for 32 States, but that is because more of the money goes into the pot based on risk. When you add the funding that will be allocated on the basis of risk, then we can assume that at least 34 States would see an increase under my amendment, and 6 States would see about the same amount of funding. If the formula changes, it is conceivable that instead of 34 States, it may be 32 States or 36 States that see an increase in funding; instead of 6 States with the same amount under both amendments, it might be 4 States or 8 States. But the basic principle is that the funding is going to be allocated on risk. The Emergency Management Planning Grant Program deals with all-hazards funding.

Mr. LIEBERMAN. Madam President, very briefly, this is an important debate. I say this to my friend from Illinois about the CRS estimate of his amendment.

If you take the risk analysis the Department of Homeland Security applied for this year, those numbers look correct. But what we are saying is we know the Department of Homeland Security would not use that same risk analysis because they have said so. We also know the risk analysis has changed year by year through the Department of Homeland Security. I am going to be real local about this. My hometown, New Haven, CT, in the fiscal year 2004 grant, got a grant under the Homeland Security Grant Funding Program, specifically the Urban Area Security Initiative. In the years since then, because the risk analysis changed, New Haven has received zero UASI money. So that is the basis on which we contend that the Senator's amendment would amount to 32 States getting less money than they would under our proposal.

Our proposal is evaluated based on the guaranteed minimum because that is all we will know for sure after we adopt the law.

My friend from Illinois is good, but he has not reached the level of prophet. None of us can know—perhaps Secretary Chertoff—what the Department of Homeland Security will use as a risk analysis formula in the years ahead. The top five States are getting about half of the homeland security grant funding now at the .75 level, and we are coming in, in the spirit of compromise, at .45. So they will probably get a larger share of that money—California, Florida, Texas, Illinois and, of course, New York.

I yield the floor.

The PRESIDING OFFICER. The Senator from Delaware is recognized.

Mr. CARPER. Madam President, I think it has been a good debate. The Senator from Illinois offered a thoughtful amendment, raised some questions, and I think the managers of the bill, the Senators from Connecticut and Maine, have defended well the language in the bill.

For our colleagues who may be watching this—or if they are at committee hearings, perhaps their staffs are watching—I ask a couple of rhetorical questions as we decide how to vote on Senator OBAMA's amendment.

Should most of the funds for homeland security be allocated on the basis of risk? Sure. Should the lion's share of the funding be allocated on the basis of risk? Certainly, it should. Should all the funding for homeland security be allocated on the basis of risk? No.

What Senator OBAMA is trying to do is thread the needle and get us closer to somewhere between the lion's share and all the funds being allocated on the basis of risk. We have all heard the old adage that beauty is in the eye of the beholder. So is risk. Senator COLLINS talked about some staging that was done by the perpetrators of violence on 9/11 from places such as Stone Mountain, GA; Portland, ME; and maybe Norman, OK. Maybe Senator LIEBERMAN talked about the kinds of targets that terrorists have chosen in this country and others that maybe would not have come to mind, such as the Federal courthouse in Oklahoma City, in a disco or a bus or a train.

I don't think most people think of Delaware as a very high-risk State. As we think what is a target for terrorists, in my State we have a lot of chemical plants. Delaware used to be known as the chemical capital of the world; I don't know if it still is. We have a lot of inviting targets for people who want to do mischief. There are nuclear powerplants across the river in New Jersey, and they are closer to my home than to the Senator's from New Jersey. We have northeast corridor train tracks, not just for passengers, that run up and down my State on which all kinds of hazardous cargo is carried by Norfolk Southern and CSX Railroad. We have a busy Delaware River; hazardous cargo goes down that river every day.

Some people might look at those in my State and say there is not much risk there and, as a result, they don't need extra money. In my judgment, those are risky targets, which invite some mischief. We don't need an enormous amount of money to help prepare for some harm that may come to those targets and the people who live around them, but we need a reasonable amount. The idea that .45 percent of one program, among several that are funded through this bill, is somehow too much, I don't buy that. The real compelling point is that, if you do the math, multiply .45 percent times 50 percent, you come up with .22, .23 percent on the basis allocated by the fact that your State is under the minimum.

When you run through the numbers, as the Senators have said, 95 percent of the money under this funding program, the State Homeland Security Grant Program, would be allocated on the basis of risk. For the Urban Area Security Initiative, I think all the money is allocated on the basis of risk.

That having been said, we can have ''food fights,'' I call them, and debates all day trying to figure out should the minimum be .75 or .45 or .25 percent. Our committee said .75 percent is too much. We believe .25 percent as a minimum is too little. We believe .45 percent, which leads to about 95 percent of the funding under this specific grant program being allocated on the basis of risk, is about right.

I yield the floor.

The PRESIDING OFFICER. The Senator from Illinois is recognized.

Mr. OBAMA. Madam President, I have a very quick comment, and then I will yield to the Senator from New Jersey, who wants to speak on this amendment. I wish to make perfectly clear that the statement made by the Senator from Delaware is absolutely right. Every State has some risks. I have no doubt that Delaware has chemical plants and there are ports and various facilities that constitute real risk. Under the formula I am advocating, the funding is allocated on the basis of risk that will take into account such infrastructure. The notion somehow that the Department of Homeland Security will not take chemical plants into account is simply incorrect.

Rural States, small States, large States—for all states, all of the allocations that are made, other than the .25 percent guaranteed level of funding, would be made on the basis of risk. The Department of Homeland Security will presumably make an educated, expert assessment on the risk that exists in Delaware, Maine or Connecticut. So it is not as if those States would not be getting money under this amendment. It is simply that the judgment of those experts, who are paid to determine what the threats are and what the risks are, would be the guiding basis upon which we make these decisions.

Mr. CARPER. Before the Senator yields, I have one further comment. I take far greater comfort in the words of my friend from Illinois. But what we heard about Washington, DC,—this place was a target. We had people who lost their lives not many miles from where we are. There was another plane trying to get here. Somehow this place, our Nation's capital, which we acknowledge was a prime target on 9/11, and probably is today, should somehow be allocated less funding under the formulas—not the one in the bill but allocated less funding—doesn't make sense to me.

The PRESIDING OFFICER. The Senator from Illinois still has the floor.

Mr. OBAMA. Madam President, I would like to yield the remaining time to the Senator from New Jersey.

The PRESIDING OFFICER. There is no controlled time.

Mr. OBAMA. The Senator from New Jersey has been waiting for quite some time.

Mr. KYL. Madam President, I ask unanimous consent that the pending amendment be temporarily laid aside for the purpose of resubmittal of a technical correction to an existing amendment and laying down a second amendment.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

AMENDMENT NO. 317, AS MODIFIED

Mr. KYL. First, I ask unanimous consent that amendment No. 317 be modified, and I send the modification to the desk. The minority has been given a copy.

The PRESIDING OFFICER. Without objection, the amendment will be so modified.

The amendment (No. 317), as modified, is as follows:

(Purpose: To prohibit the rewarding of suicide bombings and allow adequate punishments for terrorist murders, kidnappings, and sexual assaults)

At the end, add the following:

SEC. ___. PREVENTION AND DETERRENCE OF TERRORIST SUICIDE BOMBINGS AND TERRORIST MURDERS, KIDNAPPING, AND SEXUAL ASSAULTS.

(a) OFFENSE OF REWARDING OR FACILITATING INTERNATIONAL TERRORIST ACTS.—

(1) IN GENERAL.—Chapter 113B of title 18, United States Code, is amended by adding at the end the following:

''§ 2339E. Providing material support to international terrorism

''(a) DEFINITIONS.—In this section:

''(1) The term 'facility of interstate or foreign commerce' has the same meaning as in section 1958(b)(2).

''(2) The term 'international terrorism' has the same meaning as in section 2331.

''(3) The term 'material support or resources' has the same meaning as in section 2339A(b).

''(4) The term 'perpetrator of an act' includes any person who—

''(A) commits the act;

''(B) aids, abets, counsels, commands, induces, or procures its commission; or

''(C) attempts, plots, or conspires to commit the act.

''(5) The term 'serious bodily injury' has the same meaning as in section 1365.

''(b) PROHIBITION.—Whoever, in a circumstance described in subsection (c), provides, or attempts or conspires to provide, material support or resources to the perpetrator of an act of international terrorism, or to a family member or other person associated with such perpetrator, with the intent to facilitate, reward, or encourage that act or other acts of international terrorism, shall be fined under this title, imprisoned not more than 25 years, or both, and, if death results, shall be imprisoned for any term of years or for life.

''(c) JURISDICTIONAL BASES.—A circumstance referred to in subsection (b) is that—

''(1) the offense occurs in or affects interstate or foreign commerce;

''(2) the offense involves the use of the mails or a facility of interstate or foreign commerce;

''(3) an offender intends to facilitate, reward, or encourage an act of international terrorism that affects interstate or foreign commerce or would have affected interstate or foreign commerce had it been consummated;

''(4) an offender intends to facilitate, reward, or encourage an act of international terrorism that violates the criminal laws of the United States;

''(5) an offender intends to facilitate, reward, or encourage an act of international terrorism that is designed to influence the policy or affect the conduct of the United States Government;

''(6) an offender intends to facilitate, reward, or encourage an act of international terrorism that occurs in part within the United States and is designed to influence the policy or affect the conduct of a foreign government;

''(7) an offender intends to facilitate, reward, or encourage an act of international terrorism that causes or is designed to cause death or serious bodily injury to a national of the United States while that national is outside the United States, or substantial damage to the property of a legal entity organized under the laws of the United States (including any of its States, districts, commonwealths, territories, or possessions) while that property is outside of the United States;

''(8) the offense occurs in whole or in part within the United States, and an offender intends to facilitate, reward or encourage an act of international terrorism that is designed to influence the policy or affect the conduct of a foreign government; or

''(9) the offense occurs in whole or in part outside of the United States, and an offender is a national of the United States, a stateless person whose habitual residence is in the United States, or a legal entity organized under the laws of the United States (including any of its States, districts, commonwealths, territories, or possessions).''.

(2) TECHNICAL AND CONFORMING AMENDMENTS.—

(A) TABLE OF SECTIONS.—The table of sections for chapter 113B of title 18, United States Code, is amended by adding at the end the following:

''2339D. Receiving military-type training from a foreign terrorist organization.

''2339E. Providing material support to international terrorism.''.

(B) OTHER AMENDMENT.—Section 2332b(g)(5)(B)(i) of title 18, United States Code, is amended by inserting ''2339E (relating to providing material support to international terrorism),'' before ''or 2340A (relating to torture);''.

(b) INCREASED PENALTIES FOR PROVIDING MATERIAL SUPPORT TO TERRORISTS.—

(1) PROVIDING MATERIAL SUPPORT TO DESIGNATED FOREIGN TERRORIST ORGANIZATIONS.—Section 2339B(a) of title 18, United States Code, is amended by striking ''15 years'' and inserting ''25 years''.

(2) PROVIDING MATERIAL SUPPORT OR RESOURCES IN AID OF A TERRORIST CRIME.—Section 2339A(a) of title 18, United States Code, is amended by striking ''15 years'' and inserting ''40 years''.

(3) RECEIVING MILITARY-TYPE TRAINING FROM A FOREIGN TERRORIST ORGANIZATION.—Section 2339D(a) of title 18, United States Code, is amended by striking ''ten years'' and inserting ''15 years''.

(4) ADDITION OF ATTEMPTS AND CONSPIRACIES TO AN OFFENSE RELATING TO MILITARY TRAINING.—Section 2339D(a) of title 18, United States Code, is amended by inserting '', or attempts or conspires to receive,'' after ''receives''.

(c) DENIAL OF FEDERAL BENEFITS TO CONVICTED TERRORISTS.—

(1) IN GENERAL.—Chapter 113B of title 18, United States Code, as amended by this section, is amended by adding at the end the following:

"§ 2339F. Denial of Federal benefits to terrorists

''(a) IN GENERAL.—Any individual who is convicted of a Federal crime of terrorism (as defined in section 2332b(g)) shall, as provided by the court on motion of the Government, be ineligible for any or all Federal benefits for any term of years or for life.

''(b) FEDERAL BENEFIT DEFINED.—In this section, 'Federal benefit' has the meaning given that term in section 421(d) of the Controlled Substances Act (21 U.S.C. 862(d)).''.

(2) TECHNICAL AND CONFORMING AMENDMENT.—The table of sections for chapter 113B of title 18, United States Code, as amended by this section, is amended by adding at the end the following:

''2339F. Denial of Federal benefits to terrorists.''.

(d) ADDITION OF ATTEMPTS OR CONSPIRACIES TO OFFENSE OF TERRORIST MURDER.—Section 2332(a) of title 18, United States Code, is amended—

(1) by inserting '', or attempts or conspires to kill,'' after ''Whoever kills''; and

(2) in paragraph (2), by striking ''ten years'' and inserting ''30 years''.

(e) ADDITION OF OFFENSE OF TERRORIST KIDNAPPING.—Section 2332(b) of title 18, United States Code, is amended to read as follows:

''(b) KIDNAPPING.—Whoever outside the United States unlawfully seizes, confines, inveigles, decoys, kidnaps, abducts, or carries away, or attempts or conspires to seize, confine, inveigle, decoy, kidnap, abduct or carry away, a national of the United States, shall be fined under this title, imprisoned for any term of years or for life, or both.''.

(f) ADDITION OF SEXUAL ASSAULT TO DEFINITION OF OFFENSE OF TERRORIST ASSAULT.—Section 2332(c) of title 18, United States Code, is amended—

(1) in paragraph (1), by inserting ''(as defined in section 1365, including any conduct that, if the conduct occurred in the special maritime and territorial jurisdiction of the United States, would violate section 2241 or 2242)'' after ''injury'';

(2) in paragraph (2), by inserting ''(as defined in section 1365, including any conduct that, if the conduct occurred in the special maritime and territorial jurisdiction of the United States, would violate section 2241 or 2242)'' after ''injury''; and

(3) in the matter following paragraph (2), by striking ''ten years'' and inserting ''40 years''.

AMENDMENT NO. 357 TO AMENDMENT NO. 275

Mr. KYL. I send a second amendment to the desk.

The PRESIDING OFFICER. Without objection, the pending amendment will be set aside. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Arizona [Mr. KYL] proposes an amendment numbered 357 to amendment No. 275.

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

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

The amendment is as follows:

(Purpose: to amend the data-mining reporting requirement to protect existing patents, trade secrets, and confidential business processes, and to adopt a narrower definition of data mining in order to exclude routine computer searches)

At page 174, strike line 1 and all that follows through page 175, line 18, and insert the following:

''The terms ''data-mining'' and ''database'' have the same meaning as in §126(b) of Public Law 109–177.

(c) REPORTS ON DATA MINING ACTIVITIES BY FEDERAL AGENCIES.—

(1) REQUIREMENT FOR REPORT.—The head of each department or agency of the Federal Government that is engaged in any activity to use or develop data mining shall submit a report to Congress on all such activities of the department or agency under the jurisdiction of that official. The report shall be made available to the public, except for a classified annex described in paragraph (2)(H).

(2) CONTENT OF REPORT.—Each report submitted under paragraph (1) shall include, for each activity to use or develop data mining, the following information:

(A) A thorough description of the data mining activity, its goals, and, where appropriate, the target dates for the deployment of the data mining activity.

(B) A thorough description, consistent with the protection of existing patents, proprietary business processes, trade secrets, and intelligence sources and methods, of the data mining technology that is being used or will be used, including the basis for determining whether a particular pattern or anomaly is indicative of terrorist or criminal activity.''

Mr. KYL. Madam President, I rise today to address an amendment that I have filed to the 9/11 recommendations bill, amendment no. 317. This amendment would prohibit rewarding the families of suicide bombers for such attacks, and stiffen penalties for other terrorist crimes.

The first part of the amendment would create a new offense of aiding the family or associates of a terrorist with the intent to encourage terrorist acts. This provision is targeted at those individuals who give money to the families of suicide bombers after such bombings. The amendment would make it a Federal offense to do so if the act can be connected to the United States, and if die defendant acted with the intent to facilitate, reward, or encourage acts of international terrorism.

Let me offer an example of why this amendment is necessary. In August 2001, a Palestinian suicide bomber attacked a Sbarro pizza parlor in Jerusalem. He killed 15 people. Among those killed was an American citizen, Shoshana Greenbaum, who was a schoolteacher and who was pregnant at the time.

Shortly after this bombing took place, the family of the suicide bomber was told to go to the Arab Bank. The bomber's family began receiving monthly payments through an account at that bank, and later received a lump sum payment of $6,000.

According to accounts in the press, this is not the only time that the Arab Bank has funneled money to the families of suicide bombers. One news account describes a branch of the bank in the Palestinian territories whose walls are covered with posters eulogizing suicide bombers.

According to other news accounts, suicide bombers in the Palestinian territories are recruited with promises that their families will be taken care of financially after the attack. Saudi charities, the Palestinian authority, and even Saddam Hussein have rewarded suicide bombers' families for their acts. According to the BBC, Saddam Hussein paid a total of $35 million to terrorists' families during his time.

Obviously, Saddam Hussein's actions are no longer a concern, but we should all be deeply concerned about other wealthy individuals and financial institutions who continue to pay out these rewards. It is undoubtedly the case that in some instances these payments make the difference in whether an individual will commit a suicide bombing.

My amendment would make it a Federal crime, with extraterritorial jurisdiction in cases that can be linked to U.S. interests, to pay the families of suicide bombers and other terrorists with the intent to facilitate terrorist acts.

My amendment also makes several other needed improvements to our antiterrorism laws.

The amendment increases the maximum penalties for existing material support offenses. The material-support statutes have been the Justice Department's workhorse in the war against terrorists, accounting for a majority of prosecutions. These statutes are also very effective at starving terrorist groups of resources. My amendment increases the penalty for giving material support to a designated foreign terrorist organization from a maximum of 15 years to a maximum of 25 years. The penalty for providing material support to the commission of a particular terrorist act is increased from a maximum of 15 years to a maximum of 40 years. And the maximum penalty for receiving military-type training from a foreign terrorist organization is increased from 10 years to 15 years. The amendment also adds attempts and conspiracies to the substantive offense of receiving military-type training, and denies Federal benefits to persons convicted of terrorist offenses.

Finally, my amendment expands existing proscriptions on the murder or assault of U.S. nationals overseas for terrorist purposes, so that the law punishes attempts and conspiracies to commit murder equally to the substantive offense. The amendment adds a new offense of kidnapping a U.S. national for terrorist purposes, regardless of whether a ransom is demanded. And the amendment adds sexual assault to the definition of the types of injury that are punishable under the existing offense of assault resulting in serious bodily injury.

I ask unanimous consent that a number of news articles be printed in the RECORD.

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

[From the Federal News Service, May 11, 2005]

PROGRAM TRANSCRIPT—FUNDING TERRORISM

BRIAN WILLIAMS: Following the money in the war on terrorism. As NBC News first reported a few weeks ago, U.S. government regulators have uncovered evidence that suggests a prominent Middle Eastern bank with

a branch here in New York City has had dozens of suspected terrorists as customers and may even have transferred funds for suspected al Qaeda terrorists through its New York office.

Now U.S. News has learned a criminal investigation of the bank is under way. Our NBC News senior investigative correspondent, Lisa Myers, has our exclusive report in depth.

LISA MYERS: August 2001. A suicide bomber hits the Sbarro pizza parlor in Jerusalem, killing 15, including an American—Shoshana Greenbaum, a pregnant schoolteacher.

The Palestinian bomber? Izz Ad-Din Al-Masri. His parents told NBC News that soon after the bombing a group which helps families of suicide bombers told them they'd be compensated for their son's 'sacrifice.'

'They told me to go to the Arab Bank and open an account and you will receive a salary.'

He says almost immediately he began receiving $140 a month. And after the Israelis leveled his house, he says he was told to go the bank and pick up more money.

(Myers' question to Shuhail Ahmed Al-Masri, Izz Ad-Din Al- Masri's father): So you went to the Arab bank, and they gave you $6,000?

SHUHAIL AHMED AL-MASRI: Yes. Six thousand dollars.

MYERS: This is the branch of the Arab Bank where Al-Masri's father says he was told to open an account, where he says received money almost every month for the last three years.

The branch, plastered with posters eulogizing suicide bombers, isn't the only one allegedly paying bombers' families. This ad in a Palestinian newspaper told dozens of martyrs' families to pick up money at the nearest branch of the Arab Bank.

Jimmy Gurule was a top U.S. official in charge of cutting off money to terrorists.

JIMMY GURULE (former U.S. Treasury official): Those types of payments were aiding and abetting terrorism.

MYERS: The FBI tells NBC News that it's now conducting a criminal investigation into the Arab Bank's alleged movement of funds for suspected terrorists. The investigation was triggered after U.S. regulators examined Arab Bank operation in New York City, here in this building on Madison Avenue.

U.S. officials tell NBC News that regulators found that the bank had as customers 40 to 60 suspected terrorists and groups allegedly associated with al Qaeda, Hamas and Hezbollah. Officials say all had accounts with the bank or had moved money through the NEW YORK office.

GURULE: I'm not aware of another situation involving a bank operating in the United States that has conducted itself in such a manner.

MYERS: The Arab Bank, headquartered here in Jordan, turned down repeated requests for an interview, so we visited bank headquarters in Amman.

(Myers at the bank): Lisa Myers with NBC News.

MYERS: We only got as far as the lobby.

OMAR AL-SHEIK (Arab Bank official): Of course not.

MYERS: Does the bank believe it's proper to move money to help terrorists'?

OMAR AL-SHEIK: Of course not.

MYERS: In a statement, the Arab bank denies ever knowingly doing business with terrorists. And officials insist the bank has never moved money for anyone officially designated a terrorist by the U.S. government.

However, NBC News provided the bank with these documents showing it dealt with three Hamas terror groups, even after they were blacklisted by the U.S. It's against the law for banks in the U.S. to handle transactions for terrorists on the blacklist.

The bank says these three transactions still were legal because they occurred outside the U.S., but that in the future it will honor the U.S. blacklist worldwide.

As for suicide bombers, the Arab Bank strongly denies ever knowingly handling payments for bombers' families. 'Arab Bank considers suicide bombings an abominable human act.'

Then what about the ad telling bombers' families to collect money at the Arab Bank?

The bank says it didn't place the ad.

After NBC provided account numbers for the Al-Masris, the bank froze their account, which the bank claims was opened before the bombing.

Shoshana Greenbaum's father, who moved to Israel after her death, is now suing the bank.

ALAN HAYMAN (Greenbaum's father): This organization, if allowed to continue in business with a mere slap on the wrist, would be sending a message that it's perfectly all right to support terrorism.

MYERS: The Arab Bank, which Israeli officials call 'the Grand Central Station of terrorist financing,' has been forced down much of its U.S. operation but remains a dominant player in the Middle East.

ARAB BANK'S TERROR TRIAL HIT

A Federal judge in Brooklyn ordered Jordan's Arab Bank to stand trial in New York on charges that it knowingly financed the Palestinian suicide bombers who have killed and maimed thousands, including many American citizens.

The survivors of suicide attacks in Israel and family members of Americans killed or wounded in the attacks sued Arab Bank last year.

The suits argue the bank had full knowledge of the acts committed by their clients from Hamas, Palestinian Islamic Jihad and the Al-Aqsa Martyrs brigades.

The victims also charge Arab Bank's distribution of payments to the families of suicide bombers was a part of the terror recruiting process.

''[The charges] support an inference that Arab Bank and the terrorist organizations were participants in a common plan under which Arab Bank would supply necessary financial services to the organizations which would themselves perform the violent acts,'' wrote U.S, District Judge Nina Gershon in an opinion released yesterday.

In July, The Post broke the story that the bank required intricate and official so-called Martyr's Kits to process the payments, concrete proof that the bank knew where its payments were destined.

A bank spokesman said ''Arab Bank remains confident that it will prevail at trial. The bank abhors terrorism and has not, and would not, knowingly or willfully support terrorism.'' Judge Gershon dismissed the bank's argument that these were ''ordinary banking services.''

She said ''there is nothing routine about the services the bank is alleged to provide.''

SICK 'MARTYR KITS'—SECRET FILES FINGER BANK IN MIDEAST TERROR PAYOFFS

Secret documents known as ''martyrs' kits'' obtained by The Post provide a startling glimpse into the world of suicide bombers, who are recruited with promises that their families will be well taken care of financially.

These kits ensure that the families of Hamas, PLO and Palestinian Islamic Jihad killers get generous ''charitable donations'' from Saudi Arabia-based organizations and, while he was in power, Saddam Hussein.

The documents reviewed by The Post include a martyr kit for Maher Kamel Hbeishe, a Hamas fanatic who blew himself up on a Haifa bus Dec. 2, 2001, killing 15 Israelis and wounding 40.

Much of the kit's paperwork carries the corporate logo of the Arab Bank—the Middle East's most important and influential financial institution—and the numbers of the accounts through which his family was paid.

The cover on Hbeishe's file—in the records of Saudi relief committees—proclaims: ''the martyrs receive reward from their Lord, they and their light.''

Replete with florid Arabic tributes to dead terrorists, the paperwork explains the manner of death, making it clear that the bank knew exactly whom it was giving money to and why.

If the terrorist were successful, the family would receive $5,316; being wounded or captured would earn them a lesser amount.

Though small by Western standards, the payments are more than six times the West Bank's average annual income of $850.

To get its money, Hbeishe's family was most likely contacted by the so-called ''social welfare arm'' of Hamas and instructed to open up an Arab Bank account. Then representatives of Hamas would use the information in the martyrs' kit to provide the bank with the name of the attacker and the beneficiaries getting checks.

The Saudi charities—called relief committees—that provide the funding for the terrorists make no secret of their activities, even taking out full-page ads in newspapers. One such ad listed more than 1,000 individuals who had been wounded or captured by the Israelis during the intifada and whose families were eligible for benefits.

Every ad explicitly directs the family members to go to Arab Bank.

A bank spokesman said, ''Arab Bank abhors terrorism. The bank would never do business with individuals or organizations it knows to be terrorists.''

It said that the documents obtained by The Post proved only that relatives of the two suicide bombers had accounts there, which is not surprising given the bank's 50 percent market share in the West Bank.

Lee Wolosky, a lawyer suing the bank on behalf of families murdered in terrorist attacks, said, ''New Yorkers would be outraged if a bank on Madison Avenue was alleged to have provided financial support to the families of al Qaeda terrorists. These allegations are no different.''

[From the BBC News]

PALESTINIANS GET SADDAM FUNDS

Saddam Hussein has paid out thousands of dollars to families of Palestinians killed in fighting with Israel.

Relatives of at least one suicide attacker as well as other militants and civilians gathered in a hall in Gaza City to receive cheques.

''Iraq and Palestine are in one trench. Saddam is a hero,'' read a banner over a picture of the Iraqi leader and Palestinian leader Yasser Arafat at the ceremony.

With war looming in the Middle East, Palestinian speakers condemned the United States and Israel, which dismissed the ceremony as support for terrorism.

One by one, at least 21 families came up to receive their cheques from the Palestinian Arab Liberation Front (PALF), a local pro-Iraq group.

A Hamas suicide bomber's family got $25,000 while the others—relatives of militants killed in fighting or civilians killed during Israeli military operations—all received $10,000 each.

Another banner in the hall described the cheques as the ''blessings of Saddam Hussein'' and PALF speakers extolled the Iraqi leader in fiery speeches.

''Saddam Hussein considers those who die in martyrdom attacks as people who have won the highest degree of martyrdom,'' said one.

The party estimated that Iraq had paid out $35m to Palestinian families since the current uprising began in September 2000.

Saddam's avowed support for the Palestinians, and his missile attacks on Israel during the Gulf War, have won him wide backing in the territories.

Israel condemned the Iraqi handouts as funding for terrorism.

''It shows that Saddam is involved in every activity that is terrorism and murderous and leads to instability in the Middle East,'' said Amira Oron, a spokeswoman for the Foreign Ministry.

However, families at this week's ceremony said the money would be used to rebuild homes destroyed by Israel and bring up orphaned children.

''Saddam supports the families of the martyrs, not terrorism,'' said Ahmed Sabah, 69, whose son was killed by an Israeli missile strike in December.

''It is a shame that Arabs stand silent as America prepares to occupy Iraq.''

Israel blamed Mr Sabah's son Mustafa for bomb attacks on three Israeli tanks which killed seven soldiers in 2002.

Tahseen Maghani, whose Hamas militant son Karam was killed trying to infiltrate the Jewish settlement of Netzarim, said he would use the money to plant crops and build a house.

''These are tough times for Saddam but his kindness will help us a lot,'' he said.

''Saddam is the only one that has stood with us.''

Sabri Salama, a relative of two Palestinian teenagers killed in an Israeli air strike on Gaza in January, said America was ''the chief terrorist state''.

Ibrahim Zanen, a PALF spokesman, said he hoped the ceremony would not be the last.

[From the Daily Standard, Dec. 19, 2005]

MEET THE NEW BOSS—PRESIDENT ABBAS'S PALESTINIAN AUTHORITY LOOKS DISTRESSINGLY FAMILIAR

(By Scott Johnson)

Are things getting better in Israel? Charles Krauthammer recently observed that ''the more than four-year-long intifada, which left more than 1,000 Israelis and 3,000 Palestinians dead, is over. And better than that, defeated.'' Krauthammer believes that Israel's Gaza withdrawal was a success and that the electoral campaigns underway in both Israel and the Palestinian Authority can fairly be attributed to Israeli unilateralism and Palestinian maturation.

All of which may be true. Yet the news from Israel isn't all good. Far from it. The terror war against Israel certainly continues. Every day Israeli security forces receive 10 to 30 security alerts regarding prospective attacks within Israel. Only the successful attacks make the news, such as the December 5 bombing that took five lives at the mall in Netanya.

More worrisome is that the terror groups operate at will within the Palestinian Authority. Among them are Hamas, Hezbollah, and Palestinian Islamic Jihad—all groups with foreign bases of support in Syria, Iran, or Saudi Arabia. These groups parade openly and operate with impunity within the territory of the Palestinian Authority. The numerous security services of the Palestinian Authority have yet to disarm them. Other terror groups actually operate as militias under the umbrella of Fatah, the party over which Palestinian Authority President Mahmoud Abbas presides. Among them, for example, is the al-Aqsa Martyrs' Brigade.

The Palestinian Authority has also taken action to support terrorists within its jurisdiction. Rachel Ehrenfeld reported on the Palestinian Authority's continuing financial support of terrorists in a November 29 Jerusalem Post column. Ehrenfeld cited a senior PA official explaining that the Palestinian Authority has created a special committee to determine the pension eligibility of all members of armed organizations. Earlier reports indicate that the Palestinian Authority contributes $4 million a month to support terrorists held in Israeli jails. (For those looking to see the glass as half full, PA finance minister Salam Fayad resigned over this issue—which is a truly optimistic development.)

Earlier this month Israel National News reported that President Abbas approved a law providing financial support to the families of ''shahids'' (martyrs)—including suicide bombers. Abbas's approval of the law was announced in the pages of the semi-official PA newspaper, Al-Hayat Al-Jadida the day of the Netanya bombing. (In addition to the sums indicated in the linked story, the law provides for a lump sum payment of $2,200 to the surviving family of ''martyrs.'')

The law would allow the Palestinian Authority to step into the role—recently vacated by Saddam Hussein—of providing financial support to the families of suicide bombers attacking Israel. Asked for comment, a U.S. State Department Near East spokesman noted that Abbas had not signed the law and that the State Department had expressed its concern to Abbas regarding it.

That's technically true: The law has been passed twice by the PA legislative council. Abbas's signature and a third approval of the law by the PA legislative council are necessary for final enactment. Perhaps the State Department's expression of concern will head off its final enactment. Yet that the law that reached President Abbas's office—and that he appears to have announced his approval of it—seems telling.

[From the Washington Times, July 31, 2006]

ISLAMIST TERROR TWINS; SHI'ITE, SUNNI JIHADISTS POSE DANGER

(By Rachel Ehrenfeld)

It took the United States four years after September 11 to develop a useful working definition of the gravest danger to world peace. Last October President Bush finally identified our enemies: ''Islamic Radicals . . . empowered by helpers and enablers . . . strengthened by front operations who aggressively fund the[m].'' Making no distinction between Sunni or Shi'ite radicals, he concluded that defeating ''the murderous ideology of the Islamic Radicals,'' is the ''great challenge of our century.''

Mr. Bush keeps addressing the turmoil in the Middle East focusing on Hezbollah as a regional struggle. Yet, defeating Israel and controlling the Middle East is only part of the global mission of both Sunni and Shi'ite terrorists. Their goal is to establish the Caliphate, extending the rule of Shariah to the entire world.

Israel is now fighting two of radical Islam's most virulent versions—the Shi'ite Hezbollah and the Sunni Hamas. Israel fights not only for its own survival. Its ability to defeat Hamas and Hezbollah will determine the survival of the United States and all Western-style democracies.

When Hezbollah attacked Israel over two weeks ago, Mr. Bush accused Syria of being the primary sponsor of Hezbollah, providing it with shipments of Iranian-made weapons. The president added: ''Iran's regime has also repeatedly defied the international community with its ambition for nuclear weapons and aid to terrorist groups. Their actions threaten the entire Middle East and stand in the way of resolving the current crisis and bringing lasting peace to this troubled region.''

One wonders what the leader of the free world needs to witness before he connects the dots. Radical Islam, or Islamofascism, as he himself described it on other occasions, is not limited to the Middle East, or promoted and advanced only by Iran, Hezbollah and Syria. Sunni radicals such as Hamas, Islamic Jihad and the numerous offspring of al Qaeda pose similar threats to Israel, the region, the United States and the rest of the world.

All radical Muslims, according to the president, are terrorists ''target[ing] nations whose behavior they believe they can change through violence.'' Their goal, he said, is to ''establish a radical Islamic empire that spans from Spain to Indonesia.'' Then, they ''would be able to advance their stated agenda: to develop weapons of mass destruction, to destroy Israel, to intimidate Europe, to assault the American people, and to blackmail our government into isolation.''

''Against such an enemy there is only one effective response,'' concluded Mr. Bush: ''We will never back down, never give in, and never accept anything less than complete victory.'' Yet, Israel is pressured for restraint by most U.S. allies, including the Saudis.

Nonetheless, the White House, politicians and the international media fall all over themselves to praise the Saudis for admonishing Hezbollah as yet more evidence of their commitment to ending extremism. In fact, the Saudis demonstrate their commitment only to end Shi'a extremism. In typical double-talk, while lambasting Hezbollah, the Saudis refrain from condemning Hamas, and in fact, they are its principal financiers from the beginning.

On Tuesday, the Saudi Government announced generous financial contributions to rebuild Lebanon and Palestine. The Saudis also held a well-advertised ''popular fundraising campaign,'' urging Saudis, all Arabs and Muslims ''to show the usual generosity and commitment towards the Arabs and Muslim Nation.'' Last week's Saudi Telethon raised $32 million, and an additional $13.5 million was raised in the UAE. There is little doubt that some of this money would find its way to the families of ''martyrs'' from Hezbollah, Hamas and Islamic Jihad carrying out the ''mission'' of Jihad.

This fundraiser brings back memories of previous Telethons such as the April 2002 King Fahd-sponsored fundraiser for the Palestinian intifada, and the August 2005 Saudi fundraiser for the Palestinian cause, aired on Iqra TV. The organizers then stated: ''Jihad is the pinnacle of Islam. A person who cannot wage Jihad with his soul is required to wage Jihad with his money . . . our brothers in Palestine desperately need financial support, which goes directly to this cause, and helps them to carry out this mission.'' On July 27, $29 million were raised in the latest Saudi telethon. Some of this money would surely find its way to the families of ''martyrs'' from Hamas and Islamic Jihad carrying out the ''mission'' of Jihad.

The radical Sunni modus operandi differs not at all from that of Hezbollah's Shi'ite terrorists. Al Qaeda and Hamas also provide social services, jobs, medical care and schools to the needy. And like Iran and Hezbollah, the Saudis use their fortunes both to fund radical terrorist groups and to develop vast international Islamic communications networks which they leverage in order to expand their anti-American and anti-Israel propaganda, while aptly manipulating U.S. leaders and the media.

The Saudi fears of a nuclear Iran are behind their condemnation of Hezbollah. However, since Hassan Nasrallah is now the leading figure of the Arab world, supported by

The Muslim Brotherhood, and ''the most prominent cleric in the Arab world, [Sheikh Yousef Al] Qaradhawi,'' the Saudis can not afford to ignore Nasrallah's popularity. That is why the Saudis publicly asked the United States to pressure Israel into ceasefire. But the growing violence of and anti-American propaganda by Sunni radical groups worldwide funded by Saudi paymasters should serve as potent reminder for the U.S. to demand that our Saudi ''ally'' stop their own terrorist financing and the propagation of their own version of radical Islam, Wahhabism, around the world. Moreover, the United States should focus on developing alternative energy sources, consequently reducing billions of dollars now available to fund terrorism.

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

AMENDMENT NO. 338

Mr. MENENDEZ. Madam President, I rise in strong support of the amendment by my distinguished colleague from Illinois. His effort is not about Illinois or any of the other significant States. His effort ultimately culminates in 34 States getting additional funds and moving far closer to the 9/11 Commission's unanimous bipartisan recommendation that funding for homeland security should follow risk and risk alone.

Having said that, he still doesn't deny to other States the opportunity to have some baseline of homeland security funding. He still preserves an element for all States. But I think here is how we determine the equation. It is very interesting that one chart says 32 States and the District of Columbia will lose, but that depends upon the factor you are using.

The reality is, under Senator OBAMA's amendment, which I am proud to cosponsor, when you include the totality of homeland security funds, 34 States receive an increase—that is a significant majority of the States—and we move closer to the public policy recommendation the 9/11 Commission made that all homeland security funding should be based on risk and risk alone.

Now, whether you were on the street below at the World Trade Center or across the river in New Jersey watching the towers burn or halfway across the country watching the horrific events unfold on television, we all experienced the blow our Nation suffered that day.

I say to my distinguished colleague from Maine who mentioned a stone—I forget exactly—a location in Georgia and some other locations in rural parts of America where supposedly some of the terrorists were, but where were their targets? Not where were they hiding, but where were their targets? Their targets are very clear.

We all suffered a blow that day, but there is something unique about the locations that were chosen by the terrorists to strike. Thousands work in the Pentagon. Roughly 50,000 people worked in what was the World Trade Center, and 200,000 visitors used to go there on any given day, including many of the people from my home State of New Jersey who perished that day. Where were the planes coming from? They were coming from major airports—Logan, Newark, Dulles. To where? To major cities in California—Los Angeles, San Francisco.

So the terrorists made calculations about where and how they could inflict the most damage on our Nation because while New York and the Pentagon were the epicenters of that act, the reality is the ripple effect came across economically as well as in terms of the loss of lives across the whole country. But they understood the unavoidable facts of where their targets were. Their targets were not in rural parts. They may have hidden there as they got ready to commit their dastardly act. Their targets were in the places they could make unavoidably the greatest impact. The fact is, these targets are consistently in some of the most densely populated areas of the Nation where the greatest risk lies.

This debate should not be about fighting to maintain a certain level of funding as general revenue sharing. At issue is how to best allocate limited resources to those parts of our Nation facing the greatest risk. Senator OBAMA does that by having 34 States enhance their position and 6 being unchanged.

We cannot deny that some States simply have more risk than others. Some States simply have more risk than others. Just as I would not argue for the same share of agricultural funding for New Jersey as Iowa, or I could not possibly make an intellectually honest fight for the same level of hurricane preparedness as Florida, neither can many of my colleagues argue that some States have the same risks as other States throughout the Nation. If we had unlimited funds, that would be different. That is not the case. The case is, we have limited funds.

Senator OBAMA's amendment clearly drives us closer and closer to risk being the determining factor. That is what the 9/11 Commission unanimously said, that is what the 9/11 families have said, that is what the Chairman and Vice Chairman of the 9/11 Commission said, that is what the amendment of the Senator from Illinois ultimately does, and that is why I am proud to be a cosponsor of the amendment and one that ultimately understands that there clearly are greater risks in certain parts of the Nation. The terrorists know that. They understand the greatest consequences they can strike at and create the greatest horror for their efforts, and that is going to be a continuing truth. It is a continuing truth I hope the Senate will acknowledge in voting for Senator OBAMA's amendment.

I yield the floor.

The PRESIDING OFFICER. The Senator from Illinois.

Mr. OBAMA. Madam President, I thank my distinguished colleague from New Jersey for an eloquent summation of what this amendment is about. What I would like to do is reiterate my response to some of the issues that were raised by the distinguished Senators from Connecticut and Maine.

No. 1, we are talking about real money. We don't have exact figures, but let's assume we are talking about around $80 million that would be shifted from guaranteed funding to the States and instead would be allocated on the basis of risk. That $80 million will mean firefighters are getting the equipment they need in States that have higher risks. It will mean more money will be available for interoperability systems. It means this money will be allocated to States that have chemical plants and nuclear plants in higher proportion than those States that do not. In each case, this money, under my amendment, will be allocated on the basis of the risk assessments made by experts, as recommended under the 9/11 Commission Report, and will not be allocated simply on the basis that every State gets a piece of the pie regardless of risk, threats and vulnerabilities.

To go back to the issue of how many States benefit or lose, my main point is that we all win when the money is allocated on the basis of risk. We all win. Every State wins. But in terms of the estimates of which States gain and which States lose, I reiterate, the chart that was put up by the Senator from Maine is only talking about the amount of money that is allocated on the basis of guaranteed funding, not based on risk. The additional funding, the lion's share of the funding, as the Senator from Delaware stated, will be allocated on the basis of risk, and once you factor that in, then you can be assured that the overwhelming majority of States will get more money under my amendment than they will under the underlying bill. That is the central point. Don't get confused when it is stated that 32 States stand to lose money under this amendment. They stand to lose the guaranteed money because more money goes back into risk assessment, and once it is put back into the States, then you will see a majority of States gaining under my amendment.

Madam President, there is one last point I wish to reiterate. One of the seemingly plausible arguments made by the Senator from Connecticut and the Senator from Maine was that we want an all-hazards funding approach—hurricanes, natural disasters. We want to make sure that money is fairly allocated. I reiterate, that is not the point of this program. We have another program that allocates on the basis of all hazards. That is the Emergency Management Planning Grant Program.

So if they want to make an argument that money should be allocated to all States at a certain percentage to guarantee minimum funding for all hazards funding, that is entirely sensible, but that is not what this funding stream is all about. This funding stream is supposed to address the specific risks and

threats of terrorism. So if we want to follow the recommendations of the 9/11 Commission Report, then we must protect against those particular risks for which the program is designed.

I appreciate the healthy debate. This does not always happen on the floor of the Senate. I thank my colleague from Connecticut, the chairman of the committee, for entertaining as many questions as he did, and I thank him for his patience.

I reiterate that the underlying bill is an improvement over the status quo, but the same principles that drove the Senator from Connecticut and the Senator from Maine to change and reduce the amount of minimum funding each State obtains is the same principle of my amendment. I just take it a step further.

In fact, I wouldn't be surprised that if you applied the manner of calculating funding that was up on the chart behind the Senator from Maine, it is not clear to me you wouldn't see a whole bunch of States losing under the change the Chairman has proposed as well. But what he realizes and the reason he thinks the underlying bill makes sense is because that money is going to be distributed based on risk, and in the end a lot of States will do better. This amendment is no different. It simply takes it a step further in line with what the House has done and in line with what the 9/11 Commission Report recommends.

I urge all my colleagues to join on this amendment. I believe it will be an improvement not just for some States but for the entire country.

I thank the Chair.

The PRESIDING OFFICER. The Senator from Connecticut.

Mr. LIEBERMAN. Madam President, I thank my friend from Illinois. It has been a good debate. Again, we don't have these often enough on the floor.

I hope our friends understand the difference. Again, we know we are basing our comparison of the two formulas on the guaranteed minimums, which are the only things we can be sure about. My friend from Illinois takes the risk assessment from this year and projects it forward. It happens to have underfunded the District of Columbia, which is why they lose under this proposal as well. I will leave that for the moment and simply say that we are having a good debate about how to distribute the money.

One thing I believe we all agree on—I know my friend from Illinois and I certainly do—is that the Federal Government has been underfunding the State Homeland Security Grant Program and all the others. So while we have these significant arguments about how to divide the pie, the other part of this debate—which, fortunately, we have an agreement on—is that the pie should be bigger.

In this bill, for State homeland security grants, we go back to the high level of fiscal year 2004, $3.1 billion. Quite shockingly, the administration has lowered the money in each of the years since then, though no one's estimate would say the threat to homeland security is less than it was in 2004. That agreement we have, though we have a mutually respectful disagreement about how to divide the pie.

While we are on this subject, there was a reference earlier on the question of how the money is being spent. We hear references to this now famous air-conditioned garbage truck from New Jersey. Likewise, there was apparently a police department that is purported to have purchased leather jackets for its officers. Presumably, allegedly, these items where purchased with State homeland security grant funds. If, in fact, that is what happened—although there is some suspicion that the air-conditioned garbage truck was bought with funds that came through the Department of Justice, not the State homeland security grant funding—it was, obviously, wrong and unacceptable. This has been used to undercut support for the program generally.

I assure my colleagues, however they vote on the funding formula—and, incidentally, New Jersey is one of the States, as the Senator from New Jersey indicated, that would gain under the amendment of the Senator from Illinois high-risk States can misspend money just as easily as low-risk States. In fact, they have more money to spend, so the probability is higher.

Here is what I want to assure my colleagues: S. 4, the underlying bill, is designed to make sure the money we send back to the States and localities is spent for homeland security. Under Homeland Security Presidential Directive No. 8, the Department of Homeland Security has issued target capabilities for prevention, preparedness, and response that all communities must be able to achieve. What are target capabilities? They include risk management, citizen preparedness, information sharing, intelligence gathering, and medical triage—all necessary elements of homeland security and disaster response.

Under the Post Katrina Act that stemmed from our committee's investigation of Government failures during Hurricane Katrina, the Senate and the House and the President implemented these target capabilities as statutory requirements. So S. 4 requires that all homeland security grants must be spent in a way that works to reach the specific target capabilities stipulated by the Department of Homeland Security and the national preparedness goal. Obviously, this air-conditioned garbage truck would be an illegal expenditure, as would the purported purchase of leather jackets for a police department somewhere in America. In turn, each of these expenditures, whether at the State, local, or tribal level, must be consistent with a State homeland security plan that is required by S. 4.

S. 4 authorizes specific uses for the grants; among which are the following:

Developing plans and risk assessments, which are essential for the optimal and most efficient allocation of resources;

Designing, conducting, and evaluating training and exercises, including for mass evacuations, as we learned was so essential in Hurricane Katrina;

Purchasing and maintaining equipment, such as interoperable communications devices that are critical to responding to a disaster;

Additional measures, including overtime personnel costs, when required to respond to an increase in the threat level under the Homeland Security Advisory System;

The protection of critical infrastructure and key resources; and

Establishing fusion centers that comply with specific information-sharing guidelines as described in title I of this bill.

S. 4 also ensures that the Department has the flexibility to approve activities funded by the grants, but again, all expenditures must be tied to the achievement of target capabilities.

Additionally, S. 4 contains explicit restrictions on the use of homeland security grants: We prohibit funds from being spent on recreational or social purposes.

These provisions, backed up by extensive accountability and audit requirements, will ensure that funds are spent in the most efficient and effective way possible. Some have suggested that the misuse of grant funds in the past has been a result of extraneous funds being distributed in the form of a State minimum. But, in fact, I point out that the air-conditioned garbage trucks were purchased by New Jersey—a State which my colleagues have pointed out is one of the higher-risk States, and has, in fact, received a significant portion of antiterrorism funding. Likewise, the leather jackets were purchased by the D.C. Police Department—again, one of the areas of the country with the highest risk assessments. So no State should be considered immune from such expenses, and it is wrong to imply a link to State minimums. S. 4 will ensure that each grant awarded is tied to a carefully analyzed homeland security plan, and is expended for a specific target capability.

Madam President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

Ms. COLLINS. Madam President, earlier today, the Senate tabled an amendment offered by the Senator from South Carolina, Mr. DEMINT, that would have struck all of the provisions in the bill related to the employment rights of the employees of the Transportation Security Administration,

TSA. Last night, I filed an amendment on behalf of myself, Senator VOINOVICH, Senator WARNER, Senator SUNUNU, Senator COLEMAN, and Senator STEVENS that seeks to strike a middle ground in this area.

Through our committee's work on homeland security, it has become clear that the ability to respond quickly and effectively to changing conditions, to emerging threats, and to crisis situations is essential. From the intelligence community to our first responders, the key to this response is flexibility, putting assets and, more importantly, personnel where they are needed, when they are needed.

My question about giving TSA employees the right to collectively bargain is whether this additional right would hamper flexibility at this critical time.

I have been a strong supporter of Federal employees throughout my time in the Senate. I very much appreciate the work they do not only in the Department of Homeland Security but throughout the Federal Government. It is my hope that we will be able to work cooperatively to forge a compromise that preserves the needed flexibility that has been described to us in both classified sessions and open hearings while protecting the rights of TSA employees. These are employees who are working hard every day to protect us.

The TSA is charged with great responsibility. In order to accomplish its critical national security mission, the Aviation Transportation Security Act provided TSA with the authority to shift resources and to implement new procedures daily—in some instances hourly—in response to emergencies and changing conditions. This authority enables TSA to make the best and fullest use of its highly trained and dedicated workforce.

We have already seen the benefit of this flexibility. In both the aftermath of Hurricane Katrina and the thwarted airline bombing plot in Great Britain last year, TSA was able to change the nature of its employees' work and even the location of their work in response to these emergencies. Last December, when blizzards hit the Denver area and many local TSA officers were unable to get to the airport, the agency acted quickly, flying in voluntary TSOs from Las Vegas to cover the shifts and covering the Las Vegas shifts with officers transferred temporarily from Salt Lake City. Without the ability to rapidly ask for volunteers and deploy them to Denver, the Denver airport would have been critically understaffed while hundreds, perhaps thousands, of travelers were stranded. This flexibility is essential.

The legislation before the Senate is designed to implement the unfulfilled recommendations of the 9/11 Commission. Most of those recommendations were enacted in 2004, but when we look at this report we don't see recommendations about changing the employees' conditions at TSA. Before we so dramatically change the TSA personnel system, we must ensure that we do not interfere with TSA's ability to carry out its mission.

That doesn't mean the status quo is adequate. I believe we know enough now that we should proceed with providing TSA employees important protections enjoyed by other Federal employees. Let me mention two such important protections with which we should proceed. The first is to bring them under the Whistleblower Protections Act. There is simply no reason TSA employees should not enjoy the formal protections and procedures set forth in that act.

Second, these TSA employees should have the same kinds of rights as other Federal employees to appeal adverse employment actions—disciplinary actions, for example, demotions, even firings—to the Merit System Protection Board. That would give them an independent agency to review their complaints, and that is an important protection as well.

In addition to these two very important provisions, the amendment makes clear that TSOs have the right to join labor unions. My amendment also requires TSA to establish a pay-for-performance system. That already exists in the agency, but we want to codify that.

Finally, the amendment would require TSA and the Government Accountability Office, GAO, to report to Congress in 1 year to assess employment matters at TSA, indicating what further changes, if any, should be made in the TSA personnel system.

I believe this takes the right approach. This is not an all-or-nothing debate, and yet that is what we seem to have boiled it down to. I urge my colleagues to take a look at the amendment. I am very pleased to have the cosponsorship of several Senators, and I hope that we will have the opportunity to vote on it, if not today, tomorrow.

Madam President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

AMENDMENT NO. 294

Mr. COBURN. Madam President, I want to discuss an amendment that has been previously called up, amendment No. 294. This is an amendment on the 9/11 bill.

Mr. LIEBERMAN. Madam President, will the Senator yield for a question?

Mr. COBURN. I will be happy to yield for a question.

Mr. LIEBERMAN. I have no objection, obviously, to the Senator from Oklahoma proceeding to the discussion. I want him to know that Senator COLLINS and I are negotiating a consent agreement on votes on the funding formulas and we may, with the Senator's permission, interrupt him as he goes forward if we reach that agreement.

Mr. COBURN. I will be more than happy to be interrupted by the chairman.

Mr. LIEBERMAN. I thank the Senator.

Mr. COBURN. Mr. President, I am a member of the Homeland Security and Government Affairs Committee, as is the Presiding Officer today. We have gone through this bill—this is the second time—looking at 9/11 and what we need to do in terms of our risk, in terms of how we protect the homeland.

As this bill is drafted, its implementation authority never expires. It never stops. So what we have is approximately $4 billion a year from now on. Actually, what we say is: however much money is needed in year four of the bill to be spent on homeland security, whether or not we need to or whether it is time to relook at the priorities of the bill.

This is an amendment that I offered in committee. I got one Democratic vote for it and my own. But what this amendment does is sunset this bill in 5 years and says it is time to take a look at it again.

One of the critical things we did following 9/11 was the PATRIOT Act, and we sunset it. Last year we took it up again and we sunset a good portion of it again. So we will look at it again.

This bill is never sunset. It is like the hundreds of other bills this body has passed, that we pass and we never look at again. We never do oversight. We never make the decisions. We just let the money keep rolling out the door and charging it to our grandchildren. This is a very simple, straightforward amendment.

All this amendment says is that 5 years from now, this one goes ''time out,'' it is over, do it again with a fresh look at the problems that we face in this very dangerous world, a fresh look at the success we have made, the accomplishments today, and ask where we need to go.

The bill, as written, assumes that nothing in the future, in terms of our risk, is going to change. I would put forward 5 years from now everything will have changed in terms of the risks that we are going to face. If we have done our jobs right with this bill, many of the areas of preparedness that we are attempting to direct funds to in this bill will be solved. Why should we continue to have money going to areas that we have solved rather than redirect money to areas that we have not solved, or maybe for our children's sake, not spend any money because there is no need other than the need for politicians to tell people at home that we sent money to them.

So this is a very simple, very straightforward amendment that says improving America's security by implementing the unfinished recommendations of the 9/11 Commission

Act of 2007 will cease having an effect on December 31, 2012.

Good government is what the American people both expect and desire. They also deserve good government. They deserve the wisdom of knowing we cannot know what is in the future today, so let's limit what we do until we can relook at it again.

Having held 46 hearings with Senator CARPER in the last 18 months on the Federal Financial Management Subcommittee of the Homeland Security and the Government Affairs Committee, what we know is what Congresses have done in the past have created about $200 billion worth of waste per year in this country.

Now, sadly, the Congress refuses to address those duplications, the fraud and the waste that is associated with that $200 billion worth of waste, fraud, and abuse. We should not add to that. We should not have a program that goes on ad nauseum addressing needs of today and saying it is OK.

All I am asking with this amendment, and I think most commonsense Americans would ask, what is so hard about saying this ends and we have to look at it again in 2012? Make the decision again based on what the very real risks are and, oh, we might even consider what our financial condition is when we decide what we are going to spend on security and what else might ought not be paid for by the Federal Government as we fund homeland security and protect this Nation.

This provision will cause us to review the needed programs and authorize spending. It will cause us to make better decisions 5 years from now than we can make today.

I will draw the corollary as a primary care physician, what I know about my 55-year-old patients with hypertension and high cholesterol. And I am going to have an example today. I said: Here is what you need to do for the next 5 years. Do not come back and see me. Your risks probably are not going to change. I can predict exactly what you are going to need. Do not worry. I will just give you prescriptions for the next 5 years.

That is what we are doing on this bill. We are not doing it for just 5 years, we are doing it for the rest of the patient's life. We would never go to a physician who treated us that way. Yet that is the way this bill approaches the future.

What are the reasons to oppose this bill? One is lack of a desire to tackle the hard job of looking at this again in 5 years. One is arrogance; we know what we are going to need. There is no way we can. Political expediency, that might have something to do with it, to be able to tell the special interest groups and our campaign donors that we have got them taken care of for the next 10 years.

I quote my chairman for whom I have the utmost respect. Here is what his quote was on the PATRIOT Act.

The best thing we did with the PATRIOT Act was to sunset it, was to say that it needs to be reauthorized or it will go out of existence. And we are going to look back and see what happened with the PATRIOT Act so we can make a better decision in the future.

I have trouble not understanding why that same wonderful logic and great common sense should not be applied to this bill.

Senator REID in 2005:

But we are currently considering renewal of those provisions that were considered so expensive or so vulnerable that Congress wisely decided for a 4-year sunset.

The author of the act wanted Congress to reassess in a more deliberative manner with the benefit of experience. We are presented with an opportunity again now, 4 years later, to get it right. Why would we not want to sunset this bill? I have even a bigger one. Why do we not want to sunset every bill, to go back and look at it and reassess it so we get rid of the waste, the fraud and duplication, to do the very things that we were sent to do?

I will not spend a great deal more time. I recognize that the ranking member, Senator COLLINS, and Senator LIEBERMAN have some business they want to consider. I would remind Senators there is no score on this bill. CBO hasn't scored this bill. We know the one from the House was $20 billion. Should we not look at $20 billion worth of spending again in 5 years and ask if it is under our priorities? Were we wise? What have we learned? What can we do better? What worked? What did not work?

Why would we not want to do that? I think it is a no-brainer to sunset this bill so that we, in fact, can learn from our mistakes, learn from our priorities, look at the world the way it will be 5 years from now rather than the way the world is today, and also, yes, consider the fiscal situation in which we find ourselves.

I also am adamantly opposed to any piece of legislation that says, ''such sums.'' Well, does this legislation mean we want to spend $100 billion 6 years from now? That is what we are saying if we are giving to the Appropriations Committee all our power to make the decision on areas that are under our purview 6 years from now. Don't we believe we ought to do that? I believe we ought to maintain that power, and actually it is not 6 years, it is 4 years from now because in the fourth year is when we do that.

Congress needs more sunsets, not fewer sunsets. We have an inexcusable situation that we have seen today with much of the Government operating on expired authority—expired authority. Madam President, $170 billion of what was appropriated last year was under expired authority.

Congress has not done its job to reauthorize those programs. So let's look at this again in 5 years, in 2012. We can start with January 2012. By the end of that year we can have said: Here is what we need to do for 2013. We will do it with wisdom; we will be able to do it with insight. We also will be able to do it with competence that we know what is best for our country, which we cannot predict today under this bill.

I yield the floor.

The PRESIDING OFFICER. The Senator from Connecticut.

Mr. LIEBERMAN. Madam President, I ask unanimous consent that at 4:10 p.m. today the Senate resume debate on the following amendments, and that the time until 5:30 p.m. run concurrently: Feinstein amendment No. 335, Obama amendment No. 338, and Leahy amendment No. 333; that all time be divided and controlled between the chairman and ranking member of the Homeland Security Committee and the sponsors of the amendments; that no amendments be in order to any of the amendments covered under this agreement prior to the vote; that there be 2 minutes of debate between each vote; that the amendments be voted in the order listed under this agreement, and that at 5:30 p.m., without further intervening action or debate, the Senate proceed to vote in relation to each amendment covered under this agreement.

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

Mr. COBURN. Madam President, I would ask unanimous consent that after the three votes I be recognized on the floor for another amendment.

The PRESIDING OFFICER. Is there objection?

Mr. LIEBERMAN. I would object for the moment pending a conversation between the Senator from Oklahoma and the managers of the bill.

The PRESIDING OFFICER. Objection is heard.

Ms. COLLINS. Madam President, I suggest the absence of a quorum and ask that the time be charged equally between both parties.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

Ms. COLLINS. Madam President, I yield 5 minutes of my time to the Senator from Wyoming.

Mr. THOMAS. Madam President, I want to make a comment or two about the distribution of funding for homeland security. Of course, there has been a great deal of discussion about it, but we haven't heard much from small States.

I am from Wyoming and I suggest to my colleagues that we have needs—perhaps at a different level but we have needs—like everyone else for homeland security. So I have been a little disappointed with my colleagues' comments yesterday and some today with respect to securing America. I actually hadn't heard anything about rural areas, as they are at risk as well. I know we have fewer people. But what I

did hear is that rural America doesn't need homeland security funding, and that is not the case.

Most people don't know that Wyoming, which I guess is probably at the moment our smallest populated State, is the largest exporter of energy in the United States. We have oil reserves, we have gasfields, we have coal mines, we have powerplants, we have uranium mines, all of which contribute to the rest of the country and to the security of the rest of the country. If folks don't believe our rail lines and transmission lines and refineries and pipelines are not targets, then we need to reevaluate that. We need to think about it again. As a matter of fact, if you were someone seeking to do damage, you might think it is easier to go into a rather rural area and stop some of the energy development than to go into an urban area and have to go through all the network that is involved.

This energy we talk about is the very same energy that drives our economy; it turns on the lights in Los Angeles and New York City. So there are important factors to keep in mind, to keep in perspective as we go about this idea of homeland security and as we think about where the homeland security risks are.

Certainly I will tell my colleagues that Wyoming is not as at risk as Washington and New York, but, nevertheless, there is a fairly high level of risk on rural States that provide these kinds of resources. Our State is nearly 100,000 square miles in size. It is a State of diverse topography and harsh weather. Major railroads and interstate highways that connect the east and the west coasts of this country traverse the State. Whether it is ships that come into the east and west coasts or whatever, they go through this area and therefore that makes it certainly subject to various kinds of events that could happen in terms of homeland security.

The movement of hazardous waste by train and vehicle puts the citizens I represent in harm's way every day. When homeland security grants first began, Wyoming initially received roughly $20 million. Wyoming's share has dropped to $9 million over the course of time.

Let me put this debate in context. My State stands to receive roughly $10 million out of $3 billion under the plan that has been suggested that we have. I certainly understand that cities such as New York need more than my State; no one is questioning that. I also recognize that large urban areas have more resources to draw upon than rural areas do. We have less resources to protect the things we have that are not only for our State but that are for our Nation. Congress has debated and established a fair system. Every State should be provided with baseline funding.

I fully support allowing the Department of Homeland Security to determine who has the greatest risk to qualify for the urban area security funding as current law provides. Big-city States have their own urban programs so I cannot understand the uproar and anger officials from large populated States have toward their rural neighbors.

Wyoming generally doesn't ask for a lot, of course, but my State has a lot more to offer than just wide open country for people on the coast to fly over.

Let me repeat for my colleagues that Wyoming is the largest exporter of energy in the lower 48. Protecting Wyoming's infrastructure and securing our resources is critical not only to our State but to national well being. I would remind my colleagues who have directly and indirectly criticized small States that the States they represent are not the only ones that have risks that need to be addressed.

I strongly support Senator LEAHY's amendment to put fairness back into the process. Protecting rural America is something that should be important to all of us. It is all a part of our Nation. No one wins by the current effort to pit big cities against rural America.

I hope we can come to an agreement that does deal with national security and gives us an opportunity to secure all of the resources in our Nation for national benefit.

Thank you, Madam President. I yield the floor, and I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

Mr. LIEBERMAN. Madam President, I yield 5 minutes of the time allocated to me to the Senator from West Virginia, Mr. ROCKEFELLER, who will speak on another matter than the three amendments but is sympathetic to the position I am taking on the three amendments.

Mr. ROCKEFELLER. Madam President, there is a procedural process that is missing.

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

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

Ms. COLLINS. Madam President, was the time running under the quorum call being charged equally or just to one side?

The PRESIDING OFFICER. The time for this quorum call has been counted against Senator LIEBERMAN. The Thomas quorum call counted against Senator COLLINS.

Ms. COLLINS. Madam President, I ask unanimous consent that any further quorum calls between now and the beginning of the votes at 5:30 be counted equally against both sides.

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

Ms. COLLINS. Madam President, I suggest the absence of a quorum, to be charged equally.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

UNANIMOUS-CONSENT REQUEST—S. 375

Mr. ROCKEFELLER. Madam President, I ask unanimous consent that the Senate proceed to the immediate consideration of Calendar No. 20, S. 372, the Intelligence authorization, 2007; that the Rockefeller-Bond amendment at the desk be considered and agreed to; that the bill, as amended, be read the third time and passed; that the motion to reconsider be laid upon the table; that a statement by Senator ROCKEFELLER be printed in the RECORD as if read, without intervening action or debate.

The PRESIDING OFFICER. Is there objection?

Ms. COLLINS. Madam President, on behalf of another Senator—not myself—I do object.

The PRESIDING OFFICER. Objection is heard.

Mr. ROCKEFELLER. Madam President, let me take this opportunity to thank many people but not the particular Senator who is objecting—1 out of 100. Nevertheless, Senators REID, BOND, myself, and others have worked very hard to move this fiscal year 2007 Intelligence authorization bill forward. All parties have been enormously supportive in this effort. It is one of the more embarrassing efforts I have been associated with in my 24 years in this body. I must express my dismay, my absolute dismay. I will hold it to that.

Despite considerable efforts on the part of the chairman and Vice Chairman BOND and extensive efforts and negotiations to get agreement on this bill, there is still an objection from one Senator for its consideration. Is it just another bill? Not quite. The Senate's failure to pass this critical national security legislation for the past 2 years is remarkably shocking and inexcusable.

In 2005, the Senate failed, for the first time since the establishment of the congressional intelligence committees, to pass an annual Intelligence authorization bill. That means for 27 years we passed authorization bills for the Intelligence Committee. It is not an inconsequential committee. It instructs how intelligence is to be done. There are a number of changes that have been agreed to. All of that failure was followed by a repeat failure in 2006—in 2005 and then in 2006.

So from 1978 through 2004, the Senate had an unbroken 27-year record of completing its work on this critical legislation. You cannot move to appropriations until you go through authorization, particularly in a field such as intelligence authorization that has an unbelievably important role. The Intelligence authorization bill has been considered must-pass legislation for many years—until recently. Now, in the midst of the war on terror, with things going downhill in Iraq, going downhill in Afghanistan, and our continued military involvement in both places, when good intelligence is not just vital but a matter of life and death—and I emphasize the second—we have been prevented from passing that bill that provides the legislative roadmap for our intelligence programs.

Similar to the Defense authorization and appropriations bills, the Intelligence authorization bill is at the core of our efforts to protect America. That is why it is simply incomprehensible, shocking, and debasing that we cannot find a way to bring up and pass this critical legislation.

The result of this continued obstruction will be diminished authority for intelligence agencies to do their job in protecting America. I hope the Senator involved takes satisfaction in that. I am not sure his constituents—if it is a he—would. Yes, I am angry.

The authorization bill contains 16 separate provisions enhancing or clarifying the authority of the Director of National Intelligence. The bill includes major improvements in the way we approach and manage human intelligence, information sharing, protection of sources and methods, and even the nominations process for key intelligence community leaders.

I came to the floor several times last year to explain those provisions in detail. Today, I reiterate how important this legislation is to the war on terrorism and to every other aspect of our national security, including the ongoing fight in Iraq and Afghanistan. This should have happened years ago. Somebody objects and, of course, it cannot happen; the rules of the Senate prevail.

There is no reason the Senate cannot pass this bill quickly, so that we can confer with the House before the committee is required to turn its attention to drafting and reporting out what will be another experiment, the 2008 authorization, which we should already be halfway toward completing. If there is objection to passing this bill by unanimous consent, we have been—the vice chairman and I, who worked very well together—more than willing to negotiate a time agreement and quickly debate and pass this long-overdue national security bill.

It is essential we assist the men and women of the intelligence agencies to continue their vital work on the frontlines of Iraq and Afghanistan and something called the war on terror.

The PRESIDING OFFICER. The Senator has used his 5 minutes.

Mr. ROCKEFELLER. Madam President, I conclude by simply saying we need this bill.

I yield the floor.

Several Senators addressed the Chair.

The PRESIDING OFFICER. Who yields time?

Mr. LEAHY. Madam President, parliamentary inquiry.

The PRESIDING OFFICER. The Senator from Vermont will state his inquiry.

Mr. LEAHY. Has there been time reserved for the Senator from Vermont?

The PRESIDING OFFICER. The Senator has 13 minutes.

Mr. LEAHY. Further parliamentary inquiry: Is there an order for recognition?

The PRESIDING OFFICER. There is not.

Mr. LEAHY. Further parliamentary inquiry: Does anybody else have time reserved to them?

Mrs. FEINSTEIN. I believe I do for an amendment.

The PRESIDING OFFICER. The Senator from Illinois and the Senator from California each have 13 minutes.

Mr. ROCKEFELLER. Madam President, may I just appeal to whatever reasoned and reasonable people there may be around here, and that is that the vice chairman of the Intelligence Committee has something to say on this matter which relates to what I said. There is a sequential power in that which I think deserves consideration.

Mr. LEAHY. Madam President, I reserve my time.

The PRESIDING OFFICER. The Senator from Maine.

Ms. COLLINS. Madam President, in order for the Senator from Missouri to speak, would the Senator from Maine or one of the sponsors have to yield time to him?

The PRESIDING OFFICER. That is correct.

Ms. COLLINS. How much time does the Senator from Maine have remaining?

The PRESIDING OFFICER. There is 6 minutes remaining.

Ms. COLLINS. Madam President, I yield 4 minutes to the Senator from Missouri.

Mr. BOND. Madam President, I thank the ranking member of the committee.

When this committee was formed a long time ago—30 years ago—we lacked congressional oversight. Since 9/11, we found that congressional oversight had not been as good as it should have been, and one of my first acts when I was appointed vice chairman was I suggested to the chairman that passing the authorization bill was the top priority. He agreed. We have to be able to pass authorization bills if we are to have an impact on the intelligence community.

There are already a number of Rockefeller-Bond amendments on this 9/11 bill. There will be more.

There are some who say there is nothing an executive branch agency values more than a lack of congressional oversight. But I believe congressional oversight can help them do their job better.

Is this bill perfect? No. But it is largely the same bill as last year, and we have changed provisions that were objectionable. On the good side, it would ensure that the exemption of Freedom of Information Act requirements carries over to operational files. There is a specific provision creating, within the Office of the Director of National Intelligence, a National Space Intelligence Center.

In reviewing all these, we worked very closely together to deal with problems in the bill. I believe we have taken care of most of the problems people raised. What I am afraid of is that people are objecting to the bill without knowing what is in the bill, without knowing the changes we have made, the accommodations that have been made by the chairman and by the vice chairman to make this bill acceptable.

Some have said that the administration has concerns. If the administration has concerns, obviously they could exercise those concerns in a veto. But if they have concerns, I am not sure they know the changes and the provisions we have added to this bill.

I invite my colleagues who have problems with the bill to talk with me or with the chairman about the bill so we can move it. We have worked long and hard to help improve the operations of the intelligence community. Our bill is the one way we have of providing that guidance and sharing with the intelligence community the issues that the bipartisan members of this committee believe are important.

I invite anybody, all people or any person who has a hold on this bill, to come forward and find out what is in the bill. Don't judge it by what you think it may contain.

Madam President, I yield the floor.

IMPROVING AMERICA'S SECURITY ACT OF 2007—Continued

The PRESIDING OFFICER. The Senator from California.

Mrs. FEINSTEIN. Madam President, I believe I have 13 minutes; is that correct?

The PRESIDING OFFICER. That is correct.

AMENDMENT NO. 335

Mrs. FEINSTEIN. Madam President, yesterday I spoke on an amendment we offered. It is cosponsored by the Senator from Texas, Mr. CORNYN, as well as Senators LAUTENBERG, HUTCHISON, BOXER, SCHUMER, CLINTON, OBAMA, MENENDEZ, KERRY, COBURN, and CASEY. Essentially, what this amendment does is provide that more funds will go to States and localities based on risk, threat, and vulnerability.

As you know, Madam President, the 9/11 Commission in their 25th recommendation said, ''Homeland security assistance should be based strictly on an assessment of risk and

vulnerabilities.'' ''And Federal homeland security assistance should not remain a program for general revenue sharing.''

In current law, 40 percent of the money goes to a guaranteed minimum allocation—in other words, revenue sharing—and 60 percent is allocated based only on risk and effectiveness. The Lieberman-Collins bill—and I thank them—changes that. Twenty-four percent of the money goes to satisfy this minimum revenue-sharing requirement, and 76 percent is allocated on risk and effectiveness. That is a major step forward. There is no question about that. However, Senator CORNYN and I and our cosponsors believe that in this day and age, we have to give more money to risk, vulnerability, and threat. Therefore, the formula we present in this amendment will give 87.5 percent of the dollars based on risk and effectiveness, regardless of where that risk and effectiveness is, and 13 percent will go to satisfy guaranteed minimum allocation.

The second point I wish to make is that 35 States would benefit under this amendment: Alabama, Arizona, California, Colorado, Connecticut, Delaware, Florida, Georgia, Idaho, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Maryland, Massachusetts, Michigan, Missouri, Nebraska, Nevada, New Jersey, New York, North Carolina, North Dakota, Ohio, Oklahoma, Pennsylvania, South Carolina, Texas, Vermont, Virginia, Washington, West Virginia, and Wisconsin.

I believe this is the right way to allocate homeland security dollars.

Do you have the risk? Is there a threat? The President, in his State of the Union Message, mentioned how a threat and a terrorist plot against the tallest building on the west coast was eradicated. That tallest building on the west coast is shown in this picture. It happens to be the Library Tower building in Los Angeles—now under a new name, but nonetheless ''Library Tower'' is its historic name. This is the largest tower on the west coast. There was reportedly a second strike by al-Qaida devoted to the west coast. So it seems to me that if there is this kind of a threat, the money should go where the threat is.

States such as New York, California, and Texas have vast infrastructures. Terrorists go where the hit is going to be greatest, where the infrastructure is—big ports, big petroleum reserves, big buildings, big congregations of people—and where they can do the most psychological damage.

So we feel very strongly that this money should have an even stronger formula that puts money where the risk and threat actually are.

I do wish to correct one thing. Someone on the floor, and I don't know who, but somebody said Washington, DC, would receive less money under this amendment. We do not alter the risk-based distribution of the Urban Area Security Initiative Funds—which are called, in the vernacular of Washington, UASIF—and that comprises the lion's share of homeland security preparedness received in our Capital. Washington received nearly $50 million in UASIF funds last year alone. So we do not believe Washington would be negatively affected.

I know Senator LAUTENBERG wishes to come to the Chamber to speak. May I inquire how many minutes of the 13 I have remaining?

The PRESIDING OFFICER. The Senator has 6½ minutes remaining.

Mrs. FEINSTEIN. Madam President, I reserve the remainder of my time and yield the floor. I thank the Chair.

The PRESIDING OFFICER. The Senator from Vermont.

Mr. LEAHY. Madam President, would that it were that easy, as my friend from California has said, I would be eager to vote for her amendment, but she is assuming that rather than following what the law now says, the head of the Department of Homeland Security will use discretion always to benefit everybody's State—something we saw does not always work, as the people suffered after Katrina.

Under the amendment of the Senator from California, States that will substantially gain are California, Florida, Georgia, Illinois, Louisiana, Massachusetts, Michigan, Missouri, New York, North Carolina, Ohio, Pennsylvania, Texas, and Washington. The States, however, that lose or break even by lowering the all-State minimum for homeland security formula grants are these. I hope Senators are listening because they are going to be called upon to vote. These are the States which lose or break even. They don't receive an additional amount. The States that lose or break even by lowering the all-State minimum are Alabama, Alaska, Arizona, Arkansas, Colorado, Connecticut, Delaware, District of Columbia, Hawaii, Idaho, Indiana, Iowa, Kansas, Kentucky, Maine, Maryland, Minnesota, Mississippi, Montana, Nebraska, Nevada, New Hampshire, New Jersey, New Mexico, North Dakota, Oklahoma.

Madam President, I haven't used my 13 minutes yet, have I? I still have a lot more States to name.

The PRESIDING OFFICER. The Senator has 11 minutes.

Mr. LEAHY. I may need it.

Oregon, Rhode Island, South Carolina, South Dakota, Tennessee, Utah, Vermont, Virginia, West Virginia, Wisconsin, and Wyoming.

In case anybody missed that, these are the States which will lose if my colleagues do not adopt the Leahy-Thomas, et al amendment. These States will lose if my colleagues adopt the amendment of the Senator from California: Alabama, Alaska, Arizona, Arkansas, Colorado, Connecticut, Delaware, the District of Columbia, Hawaii, Idaho, Indiana, Iowa, Kansas, Kentucky, Maine, Maryland, Minnesota, Mississippi, Montana, Nebraska, Nevada, New Hampshire, New Jersey, New Mexico, North Dakota, Oklahoma, Oregon, Rhode Island, South Carolina, South Dakota, Tennessee, Utah, Vermont, Virginia, West Virginia, Wisconsin, and Wyoming. The Senators from those States, of course, feel free to vote any way they want, but should anybody be checking back home, they should know what their vote means.

I hope my colleagues will support the Leahy-Thomas amendment, No. 333, to restore the minimum allocation for States in the State Homeland Security Grant Program from .45 percent, which is proposed by the underlying bill, and bring it back to current law. We are not asking for an increase but bring it back to current law, which is .75 percent. If you don't, the proposed changes in the formula result in the loss of millions in homeland security funding for the fire, police and rescue departments in small- and medium-sized States. It will also deal a crippling blow to dozens of States' efforts to fulfill federally mandated multiyear plans to build and to sustain their terrorism preparedness.

What I am saying is, the Federal Government has said: Here, small States, cities, communities. Here is what we are saying you have to do. Initially, they said: We will give you some money to help. But now we are going to say: You still have to do it, but tax your people to do it. We don't have the money. We are going to send it to the Iraqi fire departments and to the Iraqi police departments. We are going to send it to the Iraqi homeland security. We can't spend it on your State.

As with current law, the State minimum under our amendment would continue to apply—and this is important—only to 40 percent of the overall funding under this program. The majority of the funds would continue to be allocated based on risk assessment criteria, which are the funds of several separate discretionary programs the Congress has established for solely urban and high-risk areas. A lot of these smaller States have voted for these extra amounts for these urban and high-risk areas. I think it is a good idea. The majority of the funds are not allocated to these smaller States or to areas based on risk assessment requirements. The underlying bill now before the Senate would reduce the all-State minimum. The House bill reduces it even further.

We know, however, that this is a matter that is going to face the conference anyway, and because of these formula differences, there is no guarantee that the minimum will not even further be slashed during conference. Small- and medium-sized States face enormous cuts. With appropriations for formula grants already being cut by 60 percent since 2003—$2.3 billion in 2003 to $900 million in fiscal year 2007—further reductions to first-responder funding would hamper even more these States' efforts. The cuts would be even deeper should the President's budget request for next year be approved,

since he has requested only $250 million for these two important first responder grant programs.

I am almost tempted to tell some of these small States and towns to change their names to Baghdad or northern Iraq or something similar to that and they will get all the money they want but not if they want to defend their own people here in the United States. I have heard the argument from urban States, arguing that Federal money to fight terrorism is wasted in smaller States. They seem to forget that the attacks on 9/11 added to the responsibilities and the risks of all the State and local first responders nationwide. The Federal Government has called on all of them, and the portion that is allocated to all States—again, only a portion of these funds—is part of the Federal Government's fulfillment of that directive.

I hope my colleagues will support my amendment to restore the .75-percent minimum base and ensure continued support and resources for our police, fire, and ambulance services in every State. Homeland security is a new responsibility entrusted to our first responders, and this program, along with this assurance of basic help—not the special help that goes to the large States but the special help that goes where we see special needs—but this basic help will make a big difference.

Madam President, how much time do I have?

The PRESIDING OFFICER. Four minutes.

Mr. LEAHY. Very quickly. Vote against my amendment, and here are the States that lose: Alabama, Alaska, Arizona, Arkansas, Colorado, Connecticut, Delaware, District of Columbia, Hawaii, Idaho, Indiana, Iowa, Kansas, Kentucky, Maine, Maryland, Minnesota, Mississippi, Montana, Nebraska, Nevada, New Hampshire, New Jersey, New Mexico, North Dakota, Oklahoma, Oregon, Rhode Island, South Carolina, South Dakota, Tennessee, Utah, Vermont, Virginia, West Virginia, Wisconsin, and Wyoming. If you want to vote for my friend from California, the States that do gain are: California, Florida, Georgia, Illinois, Louisiana, Massachusetts, Michigan, Missouri, New York, North Carolina, Ohio, Pennsylvania, Texas, and Washington.

Madam President, I reserve the remainder of my time.

Mrs. FEINSTEIN. Madam President, I believe I have 6 minutes, and I would like to use 2 of them.

I very much disagree with the figures of the distinguished Senator from Vermont. We wrote to the Congressional Research Service and asked them to compute the grant numbers. They gave us back a document, dated February 27, that relates to the two programs funded in this bill. One of them is the State Homeland Security Grant Program and the other is the Law Enforcement Terrorism Prevention Program, and these are the numbers that CRS presents. Actually, Vermont, according to CRS, benefits $72,250, according to the Congressional Research Service, as do 35 States. I didn't make up these numbers.

Madam President, I ask unanimous consent to print in the RECORD the memorandum from the Congressional Research Service, which is a straight mathematical computation.

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

CONGRESSIONAL RESEARCH SERVICE,
Washington, DC, February 27, 2007.

MEMORANDUM

To: Senator Dianne Feinstein, Attention: Ahmad Thomas.

From: Steven Maguire, Analyst in Public Finance, Government and Finance Division.

Subject: DHS Grants to States and Insular Areas Under H.R. 1, S. 4, and S. 608.

This memorandum responds to your request for a comparison of three legislative proposals: H.R. 1, S. 4 as approved by the Senate Homeland Security Committee, and S. 608. In particular, you asked CRS to estimate how much each state would receive through two programs under each proposal: (1) the State Homeland Security Grant Program (SHSGP) and (2) the Law Enforcement Terrorism Prevention Program (LETPP). All three proposals would lower the minimum grant award that states could receive under current law. S. 608, unlike H.R. 1 and S. 4, only sets a minimum for funds authorized for SHSGP. You asked CRS, for comparative purposes, to include LETPP funds in the minimum when calculating the state-by-state allocations.

Note that a third related DHS grant program, the Urban Areas Security Initiative (UASI), is not considered in this memorandum. The total grant amount to each state would change if UASI grant awards were included. However, the information needed to estimate UASI grant awards to each state under the three legislative proposals is not publicly available.

A question that immediately arises is how proposed changes to the minimum grant awards would affect the aggregate SHSGP and LETPP grant amounts awarded to each state, the District of Columbia, Puerto Rico, and the insular areas. Answering that question precisely, however, is problematic because DHS does not disclose the risk and effectiveness scores it assigns to grant applications. Accordingly, we relied on three basic assumptions to generate what we consider responsible ''rough justice'' estimates of grant amounts under the aforementioned approaches:

Assumption 1. DHS Risk and effectiveness scores for each applicant under the three proposals will equal those for FY2006. This assumption is valid only to the extent that the determinants of risk and effectiveness that pertain to each applicant and the DHS scoring system do not significantly vary from one year to the next.

Assumption 2. A proxy for each grant recipient's risk and effectiveness score in FY2006 can be found in the ratio of (a) the amount of the recipient's FY2006 total grant that was based on risk and effectiveness to (b) the sum of risk and effectiveness amounts for all recipients. In other words, if one assumes that if a recipient received 5 percent of the total funds available for allocation on the basis of risk and effectiveness in FY2006, then that recipient will receive 5 percent of the total funds available for allocation on the basis of risk and effectiveness under S. 608, H.R. 1, and S. 4.

Assumption 3. The total authorization for S. 608 and H.R. 1 will match the amount authorized in S. 4, to wit: $913,180,500.

CAVEAT

The estimates presented in the following discussion are intended for illustrative purposes only. Actual grant allocations will almost certainly differ from the estimates presented here. In addition, estimates for S. 608, which do not include funds for LETPP in the minimum, are based on the assumption that LETPP funds are included.

CALCULATING THE ESTIMATES

Estimating grants for each eligible recipient involves the following steps, the results of which are shown in Table 1:

1. Establish the proxies for risk and effectiveness.
2. Allocate the total available $913,180,500 in proportion to the proxies.
3. When a recipient's risk and effectiveness allocation is less than the statutory minimum, allocate an additional amount to reach the minimum.
4. Because this results in a total greater than $913,180,500, proportionally reduce the grants of all recipients in excess of the minimum to prevent exceeding the authorization.
5. Display the resulting adjusted estimated allocations. .

Establishing Proxies for Risk and Effectiveness Scores. In FY2006, Congress appropriated a total of $912 million for the SHSGP and LETPP programs—40 percent ($365 million) was allocated to satisfy the minimum grant award requirements for eligible recipients and the remaining 60 percent ($547 million) was allocated based on risk and effectiveness. Examination of column (b) in Table 1 shows, for example, that California received 15.18 percent of the $547 million; New York, 8.52 percent; Texas, 8.05 percent; and Florida, 6.82 percent. These percentages and the corresponding percentage for each grant recipient serve as a proxy for each jurisdiction's risk-and-effectiveness score for the CRS estimated allocations under S. 608, H.R. 1, and S. 4.

Estimating Risk and Effectiveness. H.R. 1 and S. 4 would allocate total SHSGP and LETPP amounts by risk and assessment subject to statutory minimums—lower than under existing law. In order to estimate the risk and effectiveness allocations for each eligible jurisdiction, we multiply the proxy percentage discussed above by the total authorization of $913,180,500. For comparative purposes, as you instructed, CRS used the same methodology for S. 608.

Meeting the Minimums. As noted earlier, existing law sets two minimum amounts based on the total appropriation: 0.75 percent per state, the District of Columbia, and Puerto Rico, 0.25 percent for other U.S. insular areas. S. 608 would ensure a minimum of 0.25 percent per state, the District of Columbia, and Puerto Rico and 0.08 percent for other insular areas. In contrast, S. 4 would ensure a minimum of 0.45 percent per state, the District of Columbia, and Puerto Rico. The other U.S. insular areas would be guaranteed the same 0.08 percent. Under H.R. 1, however, there would be three minimum amounts based on the total appropriation: 0.45 percent for international border states (18 states); 0.25 percent for states without an international border (32 states), the District of Columbia, and Puerto Rico; and 0.08 percent for the other U.S. insular areas. With an authorization of $913,180,500, these minimums would be $4,109,312 and $2,282,951 for the two categories of states, respectively, and $730,544 for insular areas.

The last column of Table 1, column (f), compares S. 608 to S. 4. A positive amount in column (f) indicates that the state would receive more under S. 608 than under S. 4.

For a complete explanation of the methodology used to redistribute funds so that all jurisdictions receive the required minimum, and the total authorization is not exceeded, see CRS report RL33859, Fiscal Year 2007 Homeland Security Grant Program, H.R. 1 and S. 4: Description and Analysis, by Shawn Reese and Steven Maguire.

If you have any questions about this memorandum, please call me on extension 7–7841 or send an e-mail to smaguire@crs.loc.gov.

TABLE 1.—COMPARISON OF S. 608, H.R. 1, AND S. 4 ASSUMING A $913,180,500 AUTHORIZATION FOR SHSGP AND LETPP

Jurisdiction	FY2006 share of risk and effectiveness (Percent)	Estimated post-adjustment allocations			S. 608* less S. 4
		S. 608*	H.R. 1	S. 4 as amended Feb. 15, 2007	
Alabama	1.37	$12,319,320	$12,173,119	$11,988,972	$330,348
Alaska	0.15	2,282,951	4,109,312	4,109,312	(1,826,361)
Arizona	1.48	13,336,170	13,232,207	12,961,248	374,922
Arkansas	0.19	2,282,951	2,282,951	4,109,312	(1,826,361)
California	15.18	136,342,240	134,446,429	130,575,288	5,766,952
Colorado	1.61	14,533,429	14,354,975	14,106,024	427,405
Connecticut	1.13	10,154,413	10,039,748	9,918,964	235,449
Delaware	0.60	5,414,579	5,368,960	5,386,903	27,676
D.C.	0.10	2,282,951	2,282,951	4,109,312	(1,826,361)
Florida	6.82	61,308,537	60,448,703	58,830,723	2,477,814
Georgia	3.28	29,474,566	29,078,462	28,392,210	1,082,356
Hawaii	0.17	2,282,951	2,282,951	4,109,312	(1,826,361)
Idaho	0.86	7,776,296	7,753,324	7,645,093	131,203
Illinois	5.56	49,959,177	49,264,671	47,978,868	1,980,309
Indiana	1.66	14,910,648	14,726,698	14,466,707	443,941
Iowa	1.12	10,121,611	10,007,425	9,887,601	234,010
Kansas	1.23	11,056,458	10,928,653	10,781,467	274,991
Kentucky	1.46	13,139,360	12,981,213	12,773,065	366,295
Louisiana	2.54	22,865,040	22,565,218	22,072,415	792,625
Maine	0.14	2,282,951	4,109,312	4,109,312	(1,826,361)
Maryland	1.31	11,827,296	11,688,262	11,518,515	308,781
Massachusetts	2.76	24,816,737	24,488,484	23,938,558	878,179
Michigan	3.69	33,164,749	32,771,939	31,920,631	1,244,118
Minnesota	0.26	2,396,830	4,109,312	4,109,312	(1,712,482)
Mississippi	0.22	2,282,951	2,282,951	4,109,312	(1,826,361)
Missouri	3.06	27,506,469	27,139,035	26,510,385	996,084
Montana	0.17	2,282,951	4,109,312	4,109,312	(1,826,361)
Nebraska	1.08	9,711,591	9,603,377	9,495,554	216,037
Nevada	1.00	8,973,555	8,876,092	8,789,870	183,685
New Hampshire	0.11	2,282,951	4,109,312	4,109,312	(1,826,361)
New Jersey	1.80	16,222,713	16,019,650	15,721,257	501,456
New Mexico	0.18	2,282,951	4,109,312	4,109,312	(1,826,361)
New York	8.52	76,512,088	75,487,831	73,367,819	3,144,269
North Carolina	2.47	22,176,206	21,886,418	21,413,777	762,429
North Dakota	0.69	6,234,620	6,234,105	6,170,997	63,623
Ohio	2.73	24,587,125	24,319,267	23,719,012	868,113
Oklahoma	1.43	12,844,146	12,690,299	12,490,791	353,355
Oregon	0.23	2,282,951	2,282,951	4,109,312	(1,826,361)
Pennsylvania	3.11	27,949,291	27,632,456	26,933,796	1,015,495
Rhode Island	0.11	2,282,951	2,282,951	4,109,312	(1,826,361)
South Carolina	1.33	12,007,705	11,866,043	11,691,016	316,689
South Dakota	0.13	2,282,951	2,282,951	4,109,312	(1,826,361)
Tennessee	0.26	2,364,029	2,362,848	4,109,312	(1,745,283)
Texas	8.05	72,264,278	71,301,900	69,306,214	2,958,064
Utah	0.17	2,282,951	2,282,951	4,109,312	(1,826,361)
Vermont	0.71	6,431,429	6,428,048	6,359,179	72,250
Virginia	1.50	13,516,579	13,352,937	13,133,748	382,831
Washington	2.77	24,882,340	24,610,182	24,001,285	881,055
West Virginia	1.14	10,269,219	10,152,882	10,028,738	240,481
Wisconsin	1.50	13,483,777	13,377,664	13,102,384	381,393
Wyoming	0.12	2,282,951	2,282,951	4,109,312	(1,826,361)
U.S.	99.24	904,815,934	904,861,958	903,128,069	1,687,865
Puerto Rico	0.11	2,282,951	2,282,951	4,109,312	(1,826,361)
U.S. & P.R.	99.35	907,098,886	907,144,910	907,237,381	(138,495)
Virgin Islands	0.07	730,544	730,544	730,544	0
Am. Samoa	0.43	3,889,981	3,843,957	3,751,486	138,495
Guam	0.07	730,544	730,544	730,544	0
N. M. Islands	0.07	730,544	730,544	730,544	0
All Areas Total	100.00	913,180,500	913,180,500	913,180,500	0

Source: Estimates calculated by CRS. Caveat: for illustrative purposes only; other estimating methods based on different assumptions would yield different results.

Note: *8. 608, as introduced, includes only the SHSGP funds for purposes of calculating a minimum. For comparative purposes, the calculations in this table assume S. 608 would include LETPP in the minimum when allocating an authorized amount of $913,180,500 to each state, territory, and other insular area.

Mrs. FEINSTEIN. As I say, I understand there is a basic conflict here between small States and big States. There is a basic conflict between those who think the money should be spread around and those who believe this money should be used based on risk, vulnerability, and threat. I am in the latter. If the big threat is in Vermont, I am all for the money going to Vermont. I have no problem with that.

I look at the intelligence and I see the threats as they come in and I think the agencies that make the decisions should send the money based on their analysis of the intelligence and the threats.

I do wish to at least give my source, which is the Congressional Research Service, for these numbers which show 35 States as beneficiaries.

I know Senator LAUTENBERG should be here momentarily. I reserve the remainder of my time, and I yield the floor.

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

Ms. COLLINS. Mr. President, I ask unanimous consent that a letter from the National Criminal Justice Association, in support of the formulas in the underlying bill, be printed in the RECORD.

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

NATIONAL CRIMINAL
JUSTICE ASSOCIATION,
Washington, DC, March 2, 2007.

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

DEAR SENATORS LIEBERMAN AND COLLINS: On behalf of the National Criminal Justice Association (NCJA), I write to express our support for a number of important provisions in the Improving America's Security by Implementing Unfinished Recommendations of the 9/11 Commission Act of 2007, or S. 4. NCJA members administer justice assistance grant funding in the states and tribal nations, and state and local criminal justice practitioners from all parts of the criminal and juvenile justice systems. In addition, NCJA provides direct technical assistance

and training to state and local homeland security grant administrators for all U.S. states and territories.

First, thank you for maintaining the Law Enforcement Terrorism Prevention Program (LETPP) in your bill. The LETPP provides needed support to public safety agencies across the country for terrorism prevention, training and information sharing. As a direct result of the LETPP funding over the past several years, state and local law enforcement agencies have become stronger partners with other homeland security disciplines in the effort to prevent, not just respond to, a terror attack. In addition, the LETPP provides invaluable financial assistance to our state and local law enforcement partners as they address the country's homeland security priorities outlined in the National Preparedness Goal. One of the most successful initiatives undertaken by state and local first responders has been the all-source, Intelligence Fusion Centers, funded primarily through the LETPP program. Clearly the LETPP has been a tremendous mechanism by which state and local public safety programs have been built to address the new requirements for all-hazards and terrorism prevention and response.

Second, we commend the Committee's creation of an Office for the Prevention of Terrorism. As described in the bill, this new office would be a useful point of coordination and support for law enforcement within the Department of Homeland Security. Coordination and information sharing among the federal, state and local law enforcement and public safety agencies is critically important. This new office would serve as a point of liaison and as an advocate for prevention and law enforcement activities, thereby increasing coordination, focusing funding and, ultimately, increasing the safety of our citizens.

Third, we ask for your continued support for a minimum guarantee for State Homeland Security Grant Program (SHSGP) funds. The primary goals of any national homeland security strategy should be to: increase preparedness in our largest urban areas; protect our targets of international significance; and, to increase overall national preparedness. An attack or disruption of our power or water or food supply could occur anywhere. Core foundations of our economy could be crippled from outside one of our major urban areas. States are working hard to protect assets of national importance within their borders and the safety of all our citizens. Only by continuing a fair, balanced and substantial state minimum guarantee can we be assured that all states reach a threshold of preparedness under a national preparedness plan.

We thank you for your work on this important piece of legislation.

Sincerely,

CABELL CROPPER,
Executive Director.

Ms. COLLINS. Mr. President, I wish to make sure my colleagues recognize that under the amendment offered by my distinguished colleague and friend from California, that States would have absolutely no guarantee at all of minimum funding under the Law Enforcement Terrorist and Prevention Program. This is a very important program. It has provided needed support to public safety agencies across the country for terrorism prevention, training, and information sharing. As the direct result of the LETPP funding over the past several years, State and local law enforcement agencies have become strong partners with homeland security.

I wish to point out one of the most important uses of funds under this program has been to establish with State and local first responders all-source intelligence fusion centers that have been funded primarily through the LETPP program. Clearly, it has been a very successful program, and one of my concerns about the amendment offered by my friend from California is she eliminates the minimum under this program. That means that potentially a State could receive no funding at all under this program.

I thank the Chair.

The PRESIDING OFFICER. Who yields time?

The time will be charged equally to all controlling time.

Mr. LIEBERMAN. Mr. President, I will proceed and yield myself time.

The first two amendments, one offered by the Senator from California and the second offered by the Senator from Illinois, are an attempt to get more funding for the large States at the expense of the smaller States, and there is a myth around about the fact that the larger States are not being adequately funded. The fact is that under the fiscal year 2006 homeland security grant funding, five States—California, Texas, New York, Florida, and Illinois—received 42 percent of the antiterrorism funds, while 20 States received less than 12 percent cumulatively.

California received in fiscal year 2006 as much money as the 22 States at the bottom in funding.

I wish to thank my staff members for their humility in holding up that chart.

What I am saying is, somebody said the money is being spread across the country like peanut butter. No way. There is a lot of peanut butter and jelly going to the larger States. They deserve it, but they would, by these two amendments, the Feinstein and Obama amendments, would take even more money, as the Senator from Vermont quite movingly demonstrated in his rollcall of the losing States. Why do the smaller States deserve something? Because that is the nature of the enemy. Everybody is vulnerable to this terrorist enemy to some degree. We are not making this up.

Mr. President, I ask unanimous consent, since we yielded 6 or 7 minutes to the Intelligence chairman and vice chairman, to add 4 minutes to the time I was allocated under the initial proposal. It may be that we will still be able to vote at 5:30.

The PRESIDING OFFICER. Is there objection?

Mr. LAUTENBERG. Reserving the right to object. The Senator from California, I believe, still has time remaining.

Mr. LIEBERMAN. Yes, indeed. This will not interfere with the time she has reserved for the Senator from New Jersey.

Mr. LAUTENBERG. All right. The Senator from California is giving her time to me, so I wanted to be sure that time remains.

Mr. LIEBERMAN. Yes, indeed.

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

Mr. LIEBERMAN. Here is the point. We know the terrorists on 9/11 struck New York, Washington, and Washington was probably intended again—the plane went down in Pennsylvania. But what was the single most devastating terrorist attack in the United States before 9/11? It was the bomb at the Murrah Federal Building in Oklahoma City, but Oklahoma City would not benefit from these amendments from the Senators from California and Illinois.

Let's go around the world. In 2001, a plot was uncovered by intelligence agencies to attack an American school in Singapore. In 2002, in Bali, Indonesia, terrorists targeted a discotheque. In 2003, terrorists struck a residential compound in Riyahd. In 2004, terrorists targeted a school in Beslan. In October 2004, computer disks were discovered in Iraq at a known insurgent's home containing detailed floor layouts and evacuation routes for plans in various States in the United States of America.

This is the nature of the enemy. This is an inhumane but thinking enemy. They will strike where they determine we are most vulnerable. That is why we think, as a matter of elemental fairness but also sound and strong homeland security, that most of the money ought to go to the large States with the most visible, potential terrorist targets, but that some minimal amount ought to go to all States.

Senator LEAHY would do that beyond what the bill does. Senator FEINSTEIN and Senator OBAMA would reduce the amount most of the States would get under this proposal from what the committee bill recommends. That is why I strongly oppose the first two amendments that will come before us at around 5:30.

I yield the floor.

The PRESIDING OFFICER. The Senator from New Jersey.

Mr. LAUTENBERG. Mr. President, I come to the floor to support the Feinstein-Cornyn amendment and tell you I must say I do not get it. We are talking now about the security of our country. We are talking about whether we put the fences up around the most susceptible targets or whether we put fences, protective fences, around places in the country where there is no threat.

To every place there is a threat. No matter where you go, you can see a place that can be a threat. But where the disease is, that is what the hospital is there for. Take those who have the potential for the disease. If you use an analogy, you don't start putting the antidote in places where the likelihood of catching this disease is not very strong.

We are looking at this amendment and this bill. Thirty-four States, besides New Jersey, will have resources

taken away. In my State, the FBI has determined the 2-mile stretch between the airport, Newark-Liberty International Airport and Port Newark, is America's most at-risk area for a terrorist attack. We know that in a moment of an orange alert the Prudential Building in Newark has been a specific target of terrorists. In fact, in the summer of 2004 only three specific areas were identified as potential targets under the orange alert: northern New Jersey, New York, and Washington, DC. Yet I have listened to my colleagues, and it disturbs me that they trivialize this purchase of some trucks in New Jersey. If those trucks were used to take debris out of an exploded or damaged area, they would be pretty valuable trucks. If there were snow on the ground when an attack took place, it would be absolutely essential that we have those trucks.

We were struck and 700 people from New Jersey died, as did 2,400 others from other places around the area. We know where the heat is when it gets hot. We ought not be dealing out pork. This is not a restaurant. We are not talking about pork. We are not talking about putting money out there in case there is an attack here or there. We know where the attacks take place. They take place in places with high density populations such as London or Spain. We know New Jersey is at risk. New York is at risk. We know other major cities are at risk. They have been identified, and homeland security funds to fight terrorism should go to those places.

Recommendation 25 of the 9/11 Commission report said homeland security grants should be distributed based solely on risk. We are having a debate here, saying no, the fact that there are risks should not count because everybody is at risk. Everybody is at risk but not at the same degree.

I hope our colleagues will respond in a way that is recommended by the 9/11 Commission, supported by Secretary Chertoff of the Department of Homeland Security, and logic. Logic is on this side.

I encourage my colleagues to embrace a risk-based approach and support the Feinstein-Cornyn-Lautenberg amendment.

I yield the floor.

The PRESIDING OFFICER. Who yields time?

Mr. LEAHY. Mr. President, how much time is left to the proponents of the various amendments?

The PRESIDING OFFICER. The Senator from Connecticut has 2 minutes remaining, the senior Senator from Vermont has 2½ minutes remaining, and the junior Senator from Illinois has 13 minutes remaining.

Mr. LEAHY. I thought we were voting at 5:30. That time has slipped or is that correct?

The PRESIDING OFFICER. The Senator is correct.

Mr. LEAHY. Mr. President, using part of my remaining time, again I would tell my friends, my dear friend, the senior Senator from New Jersey and others, we have set aside nearly 60 percent of these funds for special purposes, high-threat areas, areas that we determine need that money. We are talking about the all-State minimum going to what is remaining.

Again, I hope someone is listening to this debate. You can vote for these next two amendments and a few States will gain from them, but if you vote for these next two amendments, here are the States that will lose or at best break even: Alabama, Alaska, Arizona, Arkansas, Colorado, Connecticut, Delaware, District of Columbia, Hawaii, Idaho, Indiana, Iowa, Kansas, Kentucky, Maine, Maryland, Minnesota, Mississippi, Montana, Nebraska, Nevada, New Hampshire, New Jersey, New Mexico, North Dakota, Oklahoma—Mr. President, I haven't used my 13 minutes yet, have I, because I still have a lot of States to name here——

The PRESIDING OFFICER. The Senator has 11 minutes.

Mr. LEAHY. I may need it—Oregon, Rhode Island, South Carolina, South Dakota, Tennessee, Utah, Vermont, Virginia, West Virginia, Wisconsin, and Wyoming.

Without sounding like a poor rendition of Johnny Cash's song ''I Have Been Everywhere, Man''—one of my favorites, I might say; he actually mentions Brattleboro, VT. If you vote for my amendment, which will be the third one, here are the States that do not lose or break even. These are the States that will be protected under current funding: Alabama, Alaska—these are States I hope will support the amendment of the Senator from Vermont, because it is to their State's benefit: Alabama, Alaska, Arizona, Colorado, Connecticut, Delaware, District of Columbia, Hawaii, Idaho, Indiana, Iowa, Kansas, Kentucky, Maine, Maryland, Minnesota, Mississippi, Montana, Nebraska, Nevada, New Hampshire, New Jersey, New Mexico, North Dakota, Oklahoma, Oregon, Rhode Island, South Carolina, South Dakota, Tennessee, Utah, Vermont, Virginia, West Virginia, Wisconsin, Wyoming—I realize the District of Columbia can't vote, but if they could, they would vote with us.

Mr. President, how much time is remaining to the Senator from Vermont or is any time remaining?

The PRESIDING OFFICER. The time of the Senator has expired.

Who yields time?

The Senator from Nevada.

AMENDMENT NO. 363

Mr. ENSIGN. Mr. President, I ask unanimous consent to be allowed to send an amendment to the desk, so it becomes pending. I already cleared it with both the ranking member and the chairman.

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

The clerk will report.

The legislative clerk read as follows:

The Senator from Nevada [Mr. ENSIGN] proposes an amendment numbered 363 to amendment No. 275.

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

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

The amendment is as follows:

(Purpose: To establish a Law Enforcement Assistance Force in the Department of Homeland Security to facilitate the contributions of retired law enforcement officers during major disasters)

On page 389, after line 13, add the following:

SEC. 15___. LAW ENFORCEMENT ASSISTANCE FORCE.

(a) ESTABLISHMENT.—The Secretary shall establish a Law Enforcement Assistance Force to facilitate the contributions of retired law enforcement officers and agents during major disasters.

(b) ELIGIBLE PARTICIPANTS.—An individual may participate in the Law Enforcement Assistance Force if that individual—

(1) has experience working as an officer or agent for a public law enforcement agency and left that agency in good standing;

(2) holds current certifications for firearms, first aid, and such other skills determined necessary by the Secretary;

(3) submits to the Secretary an application, at such time, in such manner, and accompanied by such information as the Secretary may reasonably require, that authorizes the Secretary to review the law enforcement service record of that individual; and

(4) meets such other qualifications as the Secretary may require.

(c) LIABILITY; SUPERVISION.—Each eligible participant shall—

(1) be protected from civil liability to the same extent as employees of the Department; and

(2) upon acceptance of an assignment under this section—

(A) be detailed to a Federal, State, or local government law enforcement agency;

(B) work under the direct supervision of an officer or agent of that agency; and

(C) notwithstanding any State or local law requiring specific qualifications for law enforcement officers, be deputized to perform the duties of a law enforcement officer.

(d) MOBILIZATION.—

(1) IN GENERAL.—In the event of a major disaster, the Secretary, after consultation with appropriate Federal, State, and local government law enforcement agencies, may request eligible participants to volunteer to assist the efforts of those agencies responding to such emergency and assign each willing participant to a specific law enforcement agency.

(2) ACCEPTANCE.—If the eligible participant accepts an assignment under this subsection, that eligible participant shall agree to remain in such assignment for a period equal to not less than the shorter of—

(A) the period during which the law enforcement agency needs the services of such participant;

(B) 30 days; or

(C) such other period of time agreed to between the Secretary and the eligible participant.

(3) REFUSAL.—An eligible participant may refuse an assignment under this subsection without any adverse consequences.

(e) EXPENSES.—

(1) IN GENERAL.—Each eligible participant shall be allowed travel expenses, including per diem in lieu of subsistence, at rates authorized for employees of agencies under subchapter I of chapter 57 of title 5, United

States Code, while carrying out an assignment under subsection (d).

(2) SOURCE OF FUNDS.—Expenses incurred under paragraph (1) shall be paid from amounts appropriated to the Federal Emergency Management Agency.

(f) TERMINATION OF ASSISTANCE.—The availability of eligible participants of the Law Enforcement Assistance Force shall continue for a period equal to the shorter of—

(1) the period of the major disaster; or

(2) 1 year.

(g) DEFINITIONS.—In this section—

(1) the term ''eligible participant'' means an individual participating in the Law Enforcement Assistance Force;

(2) the term ''Law Enforcement Assistance Force'' means the Law Enforcement Assistance Force established under subsection (a); and

(3) the term ''major disaster'' has the meaning given that term in section 102 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5122).

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

Mr. ENSIGN. I yield the floor.

The PRESIDING OFFICER. The Senator from Connecticut is recognized.

AMENDMENT NO. 335

Mr. LIEBERMAN. Mr. President, we have a few moments before the vote will go off. I gather Senator OBAMA is going to yield back the time remaining to him. I say to my friends, the committee bill reported out on a bipartisan vote, 16 to 0, with one abstention, has a balanced formula in it that overall would increase homeland security funding to all States. We recognize with respect, and I think a sense of reality, that all of the States and all of the people of the United States are vulnerable in the war against terrorism, and there ought to be some minimum amount for our first responders at each State level.

The two amendments we are going to vote on, therefore, I oppose, because they would alter the formula in the bill. Under the Feinstein amendment, 34 States lose homeland security funding as compared to the formula in the bill. I repeat, we understand there are, based on subjective risk assessments, visible targets that appear particularly in larger States that one might say were probably more likely to be targets of terrorists. We acknowledge that. Our formulas give most of the money to these areas.

I repeat a number that struck me. In this fiscal year, 42 percent of the homeland security grant funding goes to 5 States: California, Texas, New York, Florida, and Illinois. It should go to these states. But I do not think, insofar as the first two amendments that are sponsored by colleagues from California and Illinois, they should want more of the money, and take it from 34 States—in the case of the first amendment by Senator FEINSTEIN from California; that they should take from the other States which have needs as well.

This is a balanced formula in the underlying bill that gives the overwhelming amount of money out to the States based on risk, but says each State deserves some minimum because of the nature of the threat we face.

The first amendment will be the one offered by the Senator from California. I urge my colleagues to oppose that amendment.

May I ask the Chair, has all time been used up except for the time of the Senator from Illinois?

The PRESIDING OFFICER. The Senator is correct.

Mr. LIEBERMAN. I understand through the staff of the Senator from Illinois that he is prepared to yield back his time.

Mr. President, I think, consistent with the spirit, if not the exact letter, of the unanimous consent we agreed to, there should be a minute given to the Senator from California in support of the amendment, and perhaps a minute to my ranking member in opposition.

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

The Senator from California is recognized.

Mrs. FEINSTEIN. Mr. President, the point of this amendment is to produce a bill that, as nearly as possible, mirrors the recommendations of the 9/11 Commission. Those recommendations were clear and distinct. Money should go to communities based on risk, threat, and vulnerability. This should not be a revenue-sharing program. Yes, the big States have more infrastructure, more highrises, more tunnels, more subways—the kinds of things that are attractive to terrorists. If that is in fact the case, as judged not by us but by the experts, then that money should be able to go where there is risk, threat, and vulnerability.

That is all this amendment does. We did not pull our figures out of the clear blue that concluded that 35 States are benefitted. These are the products of the Congressional Research Service analysis. We sent them the facts, and what they say is, assuming a $913 million authorization for the State Homeland Security Grant Program and the Law Enforcement Terrorist Program, this would be the result.

You cannot say whether someone is going to get a grant, but these are their nearest computations of who would benefit on that list. Yes, some States do lose; there is no question.

Please vote ''yes'' on this amendment.

The PRESIDING OFFICER. The Senator from Maine.

Ms. COLLINS. Mr. President, this amendment is virtually identical to a proposal we voted on last July during the Homeland Security appropriations bill. In fact, we have repeatedly voted on this formula issue. We need to bring all States up to a certain baseline level of preparedness. That does not mean we do not figure in the risk; we do. Indeed, under our bill 95 percent of the State Homeland Security Grant Program funds and 100 percent of the Urban Area Security Initiative funding will be allocated based on risk.

The Senator's analysis does not look at the impact she would have on all four of the programs included in our bill, yet her amendment does affect all four, and that is the reason our analysis is different.

We cannot assume a precise calculation of risk. A Federal building in Oklahoma City was not an obvious target for a terrorist bombing, and yet we know the tragic attack that occurred in that city.

Rural flight schools were not obvious training grounds for terrorists, and yet we know that terrorists trained in Norman, OK.

Portland, ME, was not an obvious departure point for the terrorist pilots as they began their journey of death and destruction on September 11, and that is exactly what occurred.

My point is that terrorists can and do shelter, train, recruit, plan, prepare, and attack in unlikely places. That is one reason our bill puts so much emphasis on prevention, an emphasis that would be lost in the Senator's amendment.

I urge opposition to the amendment.

The PRESIDING OFFICER. All time is expired.

The question is on agreeing to the Feinstein amendment No. 335.

Mr. LIEBERMAN. Mr. President, I move to table the Feinstein amendment No. 335 and ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. DURBIN. I announce that the Senator from South Dakota (Mr. JOHNSON) is necessarily absent.

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

The result was announced—yeas 56, nays 43, as follows:

[Rollcall Vote No. 61 Leg.]

YEAS—56

Akaka	Dodd	Murkowski
Alexander	Domenici	Nelson (NE)
Baucus	Dorgan	Pryor
Bayh	Ensign	Reed
Bennett	Enzi	Roberts
Biden	Feingold	Rockefeller
Bingaman	Grassley	Salazar
Bond	Hagel	Sanders
Brownback	Harkin	Sessions
Bunning	Hatch	Shelby
Byrd	Inouye	Snowe
Carper	Klobuchar	Stevens
Cochran	Kohl	Sununu
Coleman	Leahy	Tester
Collins	Lieberman	Thomas
Conrad	Lincoln	Thune
Corker	Lott	Whitehouse
Craig	Lugar	Wyden
Crapo	McConnell	

NAYS—43

Allard	Clinton	Gregg
Boxer	Coburn	Hutchison
Brown	Cornyn	Inhofe
Burr	DeMint	Isakson
Cantwell	Dole	Kennedy
Cardin	Durbin	Kerry
Casey	Feinstein	Kyl
Chambliss	Graham	Landrieu

Lautenberg	Murray	Stabenow
Levin	Nelson (FL)	Vitter
Martinez	Obama	Voinovich
McCain	Reid	Warner
McCaskill	Schumer	Webb
Menendez	Smith	
Mikulski	Specter	

NOT VOTING—1

Johnson

The motion was agreed to.

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

Mr. LEAHY. Mr. President, I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 338

The PRESIDING OFFICER. Without objection, there will now be 2 minutes of debate equally divided on Obama amendment No. 338.

The Senator from Illinois is recognized.

Mr. OBAMA. Mr. President, this amendment aims at moving us closer to a risk-based allocation of resources. It takes us a step closer to the 9/11 Commission report. I want to let everyone know that 34 States actually potentially do better under this amendment. Six States are held harmless, and there are some States that would get less money. But keep in mind the whole goal of this particular program is to ensure that money is allocated on the basis of risk. It would still be .25 percent of the money allocated to every State. It would still be a minimum, and there would still be money through other programs that would ensure that money is allocated to States for all-hazard purposes.

So I strongly urge all in this Chamber to take a look at this bill and look at the chart that we passed out. There have been arguments from my good friend, the Senator from Connecticut, as well as the Senator from Maine, suggesting that somehow States get less money. That is only the baseline; it does not include the money that would be allocated on the basis of risk.

I urge a ''no'' vote on this motion to table.

Mr. LIEBERMAN. Mr. President, I rise to oppose the amendment by the Senator from Illinois, and in that sense to support the very balanced formula in our underlying bill which gives most of the money in homeland security grant funding based on risk but acknowledges that every State faces the threat of terrorism and therefore deserves some minimum amount of funding. This amendment essentially raises the same points that the amendment offered by the Senator from California did, which my colleagues were just good enough to table. The amendment of the Senator from Illinois would leave 32 of our States with less guaranteed funding than the underlying bill, S. 4.

I urge my colleagues to support the committee bill and oppose this amendment.

Mr. President, I ask unanimous consent that the next two votes be 10-minute votes as opposed to 15.

The PRESIDING OFFICER (Mr. MENENDEZ). Is there objection? Without objection, it is so ordered.

Mr. LIEBERMAN. Mr. President, I now move to table the amendment offered by the Senator from Illinois and ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second.

The question is on agreeing to the motion.

The clerk will call the roll.

The bill clerk called the roll.

Mr. DURBIN. I announce that the Senator from South Dakota (Mr. JOHNSON) is necessarily absent.

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

The result was announced—yeas 59, nays 40, as follows:

[Rollcall Vote No. 62 Leg.]

YEAS—59

Akaka	DeMint	McConnell
Alexander	Dodd	Murkowski
Allard	Dole	Nelson (NE)
Baucus	Ensign	Pryor
Bayh	Enzi	Reed
Bennett	Graham	Reid
Biden	Grassley	Roberts
Bond	Hagel	Salazar
Brownback	Harkin	Sanders
Bunning	Hatch	Sessions
Byrd	Inhofe	Shelby
Carper	Inouye	Snowe
Chambliss	Isakson	Stevens
Coburn	Klobuchar	Sununu
Cochran	Kohl	Tester
Coleman	Leahy	Thomas
Collins	Lieberman	Thune
Corker	Lincoln	Whitehouse
Craig	Lott	Wyden
Crapo	Lugar	

NAYS—40

Bingaman	Feinstein	Murray
Boxer	Gregg	Nelson (FL)
Brown	Hutchison	Obama
Burr	Kennedy	Rockefeller
Cantwell	Kerry	Schumer
Cardin	Kyl	Smith
Casey	Landrieu	Specter
Clinton	Lautenberg	Stabenow
Conrad	Levin	Vitter
Cornyn	Martinez	Voinovich
Domenici	McCain	Warner
Dorgan	McCaskill	Webb
Durbin	Menendez	
Feingold	Mikulski	

NOT VOTING—1

Johnson

The motion was agreed to.

Mr. LIEBERMAN. I move to reconsider the vote.

Ms. COLLINS. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 333

The PRESIDING OFFICER. There is now 2 minutes of debate equally divided on the Leahy amendment No. 333. The Senator from Vermont.

Mr. LEAHY. Mr. President, this is the Leahy-Thomas amendment. The Senate has rejected the last two amendments. This is the amendment that protects small and medium States. The Leahy-Thomas amendment would protect Alabama, Alaska, Arizona, Arkansas, Colorado, Connecticut, Delaware, the District of Columbia, Hawaii, Idaho, Indiana, Iowa, Kansas, Kentucky, Maine, Maryland, Minnesota, Mississippi, Montana, Nebraska, Nevada, New Hampshire, New Jersey, New Mexico, North Dakota, Oklahoma, Oregon, Rhode Island, South Carolina, South Dakota, Tennessee, Utah, Vermont, Virginia, West Virginia, Wisconsin, and Wyoming.

I am not suggesting people should vote from a parochial interest, but I want my colleagues to know the vast majority of States—small and medium—in this country would be protected by the Leahy-Thomas amendment.

The PRESIDING OFFICER. Who yields time?

Mr. THOMAS. Mr. President, I think this is a very equitable and timely distribution of these funds. I urge my colleagues to support this amendment.

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

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The question is on agreeing to amendment No. 333. The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. DURBIN. I announce that the Senator from South Dakota (Mr. JOHNSON) is necessarily absent.

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

The result was announced—yeas 49, nays 50, as follows:

[Rollcall Vote No. 63 Leg.]

YEAS—49

Akaka	Feingold	Reid
Baucus	Grassley	Roberts
Bayh	Hagel	Rockefeller
Bennett	Harkin	Salazar
Biden	Hatch	Sanders
Bingaman	Inouye	Sessions
Brownback	Klobuchar	Shelby
Byrd	Kohl	Smith
Carper	Leahy	Specter
Cochran	Lincoln	Stevens
Coleman	Lott	Tester
Conrad	Lugar	Thomas
Craig	McConnell	Thune
Crapo	Murkowski	Whitehouse
Dodd	Nelson (NE)	Wyden
Dorgan	Pryor	
Enzi	Reed	

NAYS—50

Alexander	Dole	Martinez
Allard	Domenici	McCain
Bond	Durbin	McCaskill
Boxer	Ensign	Menendez
Brown	Feinstein	Mikulski
Bunning	Graham	Murray
Burr	Gregg	Nelson (FL)
Cantwell	Hutchison	Obama
Cardin	Inhofe	Schumer
Casey	Isakson	Snowe
Chambliss	Kennedy	Stabenow
Clinton	Kerry	Sununu
Coburn	Kyl	Vitter
Collins	Landrieu	Voinovich
Corker	Lautenberg	Warner
Cornyn	Levin	Webb
DeMint	Lieberman	

NOT VOTING—1

Johnson

The amendment (No. 333) was rejected.

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

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

The motion to lay on the table was agreed to.

Mr. REID. Mr. President, that was the last vote for tonight. I have been in contact with the two managers of the bill and the distinguished Republican leader, and we are trying to work out some votes in the morning prior to King Abdullah. What we would like to do is have a vote on McCaskill and Collins, and then we also have some nongermane amendments we have been given by the minority that they would like to dispose of, and we have a couple of nongermane amendments on this side we would like to dispose of. The staff, during that hour or two, will work to see if we can come up with some kind of agreement toward completion of this bill.

I want all Senators to know, as I announced at the Democratic caucus today, that I am going to file cloture tomorrow on this bill. I hope we can have a good, full day of trying to complete this bill, and I also hope we can work something out where we may not have to have a cloture vote on Friday. If we do, we have to finish this bill this week. We could have some votes late into Friday. Everyone should be put on notice now that it may be necessary to have some Friday votes.

Mr. COBURN. Mr. President, I ask unanimous consent that I be recognized, following the Senator from Arizona for 3 minutes and the Senator from Connecticut for 5 minutes, for such time as I might consume on an amendment on this bill.

The PRESIDING OFFICER. Is there objection?

Mr. AKAKA. Mr. President, I will not object, but I would like to receive the President's assurance that this matter will continue to be debated tomorrow.

Mr. COBURN. I have no problem agreeing to debate this again tomorrow.

Mr. AKAKA. No objection.

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

AMENDMENT NO. 357, AS MODIFIED

Mr. KYL. Mr. President, first I have a modification of my amendment No. 357 I would like to send to the desk. That amendment has already been offered.

The PRESIDING OFFICER. The amendment is so modified.

The amendment, as modified, is as follows:

At page 174, strike line 1 and all that follows through page 175, line 18, and insert the following:

''(1) DATA-MINING.—The term ''data-mining'' means a query or search or other analysis of one or more electronic databases, where—

(A) a department or agency of the Federal Government is conducting the query or search or other analysis to find a pattern indicating terrorist or other criminal activity on the part of any individual or individuals;

(B) the search does not use personal identifiers of a specific individual or does not utilize inputs that appear on their face to identify or be associated with a specified individual to acquire information, to retrieve information from the database or databases; and

(C) at least one of the databases was obtained from or remains under the control of a non-Federal entity, or the information was acquired initially by another department or agency of the Federal Government for purposes other than intelligence or law enforcement.

(2) DATABASE.—The term ''database'' does not include telephone directories, news reporting, information publicly available via the Internet or available by any other means to any member of the public, any databases maintained, operated, or controlled by a State, local, or tribal government (such as a State motor vehicle database), or databases of judicial and administrative opinions.

(c) REPORTS ON DATA MINING ACTIVITIES BY FEDERAL AGENCIES.—

(1) REQUIREMENT FOR REPORT.—The head of each department or agency of the Federal Government that is engaged in any activity to use or develop data mining shall submit a report to Congress on all such activities of the department or agency under the jurisdiction of that official. The report shall be made available to the public, except for a classified annex described paragraph (2)(H).

(2) CONTENT OF REPORT.—Each report submitted under paragraph (1) shall include, for each activity to use or develop data mining, the following information:

(A) A thorough description of the data mining activity, its goals, and, where appropriate, the target dates for the deployment of the data mining activity.

(B) A thorough description, without revealing existing patents, proprietary business processes, trade secrets, and intelligence sources and methods, of the data mining technology that is being used or will be used, including the basis for determining whether a particular pattern or anomaly is indicative of terrorist or criminal activity.''

AMENDMENT NO. 317

Mr. KYL. Mr. President, at this point I wish to briefly address another amendment, amendment No. 317, which is already pending. This is an amendment which would prohibit rewarding families of suicide bombers for such attacks and stiffen penalties for other terrorist crimes. This is one we can hopefully adopt on a bipartisan basis. It would create the new offense of aiding the family or associates of a terrorist with the intent to encourage terrorist acts. It is targeted at those individuals who give money to the families of suicide bombers after such bombings. The amendment would make it a Federal offense to do so if the act can be connected to the United States and if the defendant acted with the intent to facilitate, reward, or encourage international acts of terrorism.

Let me offer an example of why this amendment is necessary. In August of 2001, a Palestinian suicide bomber attacked a Sbarro pizza parlor in Jerusalem. Among those killed was an American citizen, Shoshana Greenbaum, who was a schoolteacher and who was pregnant at the time. Shortly after this bombing took place, the family of the suicide bomber was told to go to the Arab Bank. The bomber's family began receiving monthly payments through an account at that bank and later received a lump payment of $6,000.

According to press accounts, this is not the only time Arab Bank has funneled money to the families of suicide bombers. One news account describes a branch of the bank in the Palestinian territories whose walls are covered with posters eulogizing suicide bombers.

According to other news accounts, these suicide bombers in the Palestinian territories are recruited with the promises that their families will be taken care of financially after the attack. Saudi charities, the Palestinian Authority, and even Saddam Hussein have rewarded suicide bombers' families for their acts. According to one account, Saddam Hussein paid $35 million to terrorists' families during his time. Obviously, his actions are no longer of concern, but we should all be deeply concerned about other wealthy individuals and financial institutions that continue to pay out these rewards. It is undoubtedly the case that in some instances, these payments make the difference in whether an individual will commit a suicide bombing.

My amendment will make it a Federal crime, with extraterritorial jurisdiction in cases that can be linked to U.S. interests, to pay the families of suicide bombers and other terrorists with the intent to facilitate terrorist acts. My amendment also makes other improvements to the antiterrorism laws, primarily by increasing the maximum penalties for various aspects of the material support offenses, which already exist in law.

I hope, as I said, my colleagues will view this as an amendment which we can adopt on a bipartisan basis. It is an important amendment to ensure that another avenue of terrorism can be shut off. I ask for my colleagues' affirmative consideration of this amendment No. 317, and I thank the Senator from Oklahoma for his courtesies extended to me.

The PRESIDING OFFICER. The Senator from Connecticut.

Mr. DODD. Mr. President, let me also address my thanks to our colleague from Oklahoma. Before I discuss the Banking Committee's contribution to this important bill, I would like to take a moment to provide some thoughts on the overall bill—especially the initiatives pertaining to our Nation's homeland security. Over 5 years after the tragic events of 9/11 and almost 20 months since the tragic events of Hurricanes Katrina and Rita, we continue to hear from Governors, county executives, mayors, first responders, health professionals, and emergency preparedness officials that our country as a whole remains unprepared for another manmade or natural disaster. We have heard the argument, which I support, that Congress needs to do more to support regional and local efforts to protect Americans.

Overall, I believe this bill takes a critical step forward in protecting Americans at home from manmade and natural disasters. It codifies several recommendations made by the 9/11 Commission—seminal recommendations that, nearly 3 years after being

issued, have still not been implemented by this White House or the Congress.

I support the measures in this bill designed to allocate critical resources based on concrete risk and effectiveness analysis. I also support the measure in this bill that establishes a minimum base of funding for all States. We all know how important initiatives like the State Homeland Security Grant Program and the Law Enforcement Terrorism Prevention Program are to our States and localities. While I believe those areas with higher degrees of risk from manmade and natural disasters should receive adequate resources proportionate to that risk, I also believe that all areas of our country should receive a base amount of funding that guarantees the protection of all Americans.

I am going to jump to the section of the legislation over which the Senate Banking, Housing, and Urban Affairs Committee has specific jurisdiction. The Presiding Officer is a distinguished member of the committee. He will recall just a few weeks ago we marked up the transit security bill which is now a part of this legislation.

I thank Senator RICHARD SHELBY, my ranking member on the committee, former chairman of the committee, for his cooperation, and I thank all members of the committee. We marked up this piece of the bill now before the Senate, unanimously. It is very much a reflection of what the committee did previously in the 109th Congress to deal with transportation security, and we thought it was an important matter to raise at the outset.

My compliments to the chairman of the committee for the underlying legislation, who is responsible for the homeland security issues, and his colleague from Maine, for the tremendous work they have done on this bill, and for others who have been involved in it.

I would be remiss if I also didn't commend the distinguished chairman of the Commerce Committee, Senator INOUYE, and his ranking member, Senator STEVENS, for their work, as well as Senator REID, the majority leader, for bringing this all together in one package.

It is also important we recognize how important transit security is. The Presiding Officer and others will recall we had a hearing on this subject matter and heard from some very interesting witnesses. It is not all that common that we invite witnesses who are not U.S. citizens to come and participate in congressional hearings. But given the tragedies in Madrid and London, we thought it might be worthwhile to hear from those who manage the transit operations in those two cities to come and share with us information about those two experiences. I think their testimony was very helpful in galvanizing the importance of this issue and the attention of the committee and, we hope, our colleagues as well.

We learned in those hearings, of course, that transit attacks have unfortunately been the major source of some of the terrorist activities over the last number of years. It is no secret that worldwide terrorists have favored public transit as a target. Transit has been the single most frequent target of terrorism.

In the decade leading up to 2000, 42 percent of terrorist attacks worldwide targeted rail systems or buses, according to a study done by the Brookings Institution. In 2005 they attacked, as I mentioned, London's rail and bus system killing 52 riders and injuring almost 700 more in what has been called London's bloodiest peacetime attack. In 2004 they attacked Madrid's metro system killing 192 people and leaving 1,500 people injured.

The Banking Committee heard testimony from the leaders of these two transit systems, as I mentioned. Transit is frequently targeted because it is tremendously important to any nation's economy. Securing our transit systems and our transportation networks generally is a difficult challenge under any circumstances. Every act to increase security generally potentially limits the specific security needs of a transit agency. The bill includes grants for security equipment, evacuation drills, and, most importantly—what we heard from the witnesses, particularly from Madrid and London—worker training. Indeed, the bill requires worker training for all systems that receive security grants. The importance of worker training can be scarcely overstated. Transit workers are the first line of defense against an attack and the first to respond to an event of an attack.

Mr. O'Toole, the director of London's transit system said:

> You have to invest in your staff and rely on them. You have to invest in technology, but don't rely on it.

Finally, the bill authorizes funds for the research of new and existing security technologies and fully authorizes the funding of the Information Sharing Analysis Center, a valuable tool that provides transit agencies timely information on active threats against their systems.

Over the years we have invested heavily in aviation security. In fact, we have invested about $7.50 per aviation passenger per trip. About 1.8 million people travel using the aviation system daily in this country. 14 million people use mass transit systems every workday. We have invested about $380 million in the security of mass transit systems. That is about one penny per passenger per trip.

I am not suggesting, nor do we require, that there be an equilibrium between the security systems of both aviation and mass transit systems. But our bill does provide an authorization of $3.5 billion to increase exactly the kind of operations I have described briefly, including the training issues which are critically important.

We believe with this additional authorization, and we hope an appropriate appropriation from the responsible committees, that we will be able to provide some additional security for this critically important system of our economy.

Again, I am grateful to the members of the committee, as well as my colleagues here, for their indication of support of this effort. It is going to be very important to all of us across this country. This is not limited, obviously, to the east coast or west coast. In fact, now some of the most urbanized States in the country are Western States with mass transit systems. It is going to be very important we provide the kind of support that this provision of the bill does.

Again, my thanks to Senator SHELBY, to all members of the committee who played a very constructive role in crafting this legislation, as they did in the 109th Congress and, again, to my colleague from Connecticut and my colleague from Maine for their fine work on this issue, making this a part of this bill. I urge the adoption of this section when the full bill is considered.

Again, my thanks to my colleague from Oklahoma for providing some time.

I yield the floor.

The PRESIDING OFFICER. The Senator from Oklahoma.

Mr. COBURN. Mr. President, what is the pending amendment?

The PRESIDING OFFICER. The Kyl amendment is the pending amendment.

AMENDMENT NO. 345

Mr. COBURN. I ask unanimous consent that pending amendment be set aside in consideration of an amendment that has already been called up, my amendment, No. 345.

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

Mr. COBURN. This is a pretty straightforward amendment.

I also ask unanimous consent Senator MCCAIN be added as a cosponsor of this amendment.

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

Mr. COBURN. One of the first things we found out after 9/11 was a lot of our emergency workers could not talk to each other. That was one of the most glaring, obvious defects in our response to emergencies—that emergency personnel had difficulty, from one group to another, talking to one another. As a matter of fact, it limited their ability to save lives.

From the beginning of the 9/11 Commission and from the start, in 2002, that has been addressed in multiple ways. The purpose of this amendment is to describe what is obviously something that is not good for us as a nation.

We presently have occurring with the Deficit Reduction Act of 2005 an electromagnetic spectrum which was sold off and $1 billion reserved under a program called the Public Safety Interoperability Public Service Grant Program. That $1 billion was carved off and that is where we are going to spend it. I don't disagree with that at all.

What this bill has is another $3.4 billion for interoperable grants addressing the same problem in a different way than what the other grant program was. One of our problems as a nation is we have too many programs that are doing the same thing. They duplicate one another. One is better and the other is not. Yet we continue sending money down both holes, not making adjustments as to which gives us the best value for our money.

What has happened with this money from the Commerce Department, through a memorandum of understanding, is the administration of this grant program has been transferred to the Department of Homeland Security with a little fiat that the Department of Commerce kept $12 million for themselves.

This memorandum of understanding was dated just a few weeks ago, February 16, and what it did is it gave the administration near complete administrative control of this grant program, the one from Commerce, the one from 2005, to the Department of Homeland Security. This grant program has yet, to date, to receive any applications for any grants to be administered under the program. This is 2005; 2006 we did this. Now we are into March of 2007, and we have not received the first application.

S. 4, being considered on the Senate floor now, as I said, creates yet another interoperable grant program, the Emergency Communications and Interoperability Grant Program. This program is also going to be administered by the Department of Homeland Security. The purpose of this grant program is to make grants to States for purchasing interoperable equipment and training personnel, testing on how and when to use it—similar to the PSIC grant which was mainly for equipment. This program authorizes $3.3 billion to be authorized in grants over the first 5 years of the program and indefinite amounts, ''such sums as are necessary,'' after that.

A question comes to mind: How much money would it take for every first responder in this country to have interoperable communications? We don't address that in this bill. We just keep sending the money for it, after we send the first $3.3 billion and then whatever it takes after that, rather than looking and reassessing what our need is.

If S. 4 passes in its current form, Congress will have authorized the creation of two nearly identical interoperability grant programs. Again, interoperability is this concept that first responders can talk to one another: if there is a fire going on in Tulsa, and there is a need that Oklahoma City firefighters will be there, that they can talk to them; that if there is something going on in Arkansas and Oklahoma first responders need to be there, there is the ability for them to talk to one another over their communications gear.

One of these grant programs is housed at Commerce but run by DHS. The other is going to be housed at DHS. The differences between these two programs in their details are minimal. Both provide for funding of equipment, both provide for funding for training, and both will exist side by side until 2010, when PSIC expires.

The purpose of this amendment would be to combine the two duplicative grant programs for interoperability. It does it by repealing the PSIC Grant Program at Commerce and it redirects the funding set aside for the PSIC Grant Program at Commerce to funding the Emergency Communications and Interoperability Grant Program at DHS. This will not decrease the amount of money. We are going to still spend $4.3 billion. But we are going to do it through one grant program rather than two.

There are not going to be two sets of signals out there for the States that want to go after this money or the communities that need to go after this money. There is going to be one.

There are a couple of technical changes with this that are required, which is repealing the Call Home Act of 2006, which sets a deadline of September 30, 2007. We haven't had the first grant application right now, so that gives us less than 6 months to get grants in and advised and granted on the PSIC Grant Program.

Finally, I think a very important part of this amendment requires that DHS study and report to Congress on the feasibility of engaging the private sector in developing a national interoperable emergency communications network. Neither of these grant programs address the national focus that would be needed. One of the problems in Katrina was all the people who went down there, the 9/11 responders and emergency responders, couldn't communicate with the emergency responders in Louisiana.

What this says is, aren't there some brains out there in the private sector who could tell us what we need to do and then we could have our grant programs actually go to buy the equipment, the training, so the program is already figured out so we don't have duplication so the people in Oklahoma can talk to the people in Kansas and Nebraska and in New York—all across the country. There is no national security reason why we need two interoperable communication grant programs for the States.

The second point: The administration—this is another area of this bill that they strongly oppose, setting up two identical or very similar grant programs.

No. 3, the Department of Commerce has essentially contracted this grant program out to DHS. It rightfully should be.

No. 4, the 9/11 economic report explicitly stated that Congress should not use grant programs as porkbarrel. If we have two grant programs running side by side and one isn't talking to another and a State has gotten one and they don't know the State is applying for the same thing at the other, how much stewardship have we practiced with the American taxpayers' money? We have not.

One of the prime recommendations of the 9/11 Commission was to reorganize the grant programs to eliminate confusion. That is exactly what this amendment does. It reorganizes the grant programs into one grant program, one place where you go to get it, one source of planning, one source of administration for it.

I will not go into the reasons why we have two programs, but needless to say it is because Members of Congress are not talking to each other. We have two interoperability grant programs that are not interoperable because we have a Congress that is not interoperable in communications with one another in terms of committee to committee or Member to Member.

The Department of Homeland Security has been cleared as the lead Federal agency for interoperability emergency communications. That is where these grants ought to be. That is who we are going to hold accountable. By not having them both in the same department, then we are not going to be able to hold them accountable when we do oversight.

The other thing is the average American cannot afford to purchase two of anything. Many times with these two programs, we are going to see the same thing paid for twice because the right hand is not going to know what the left hand is doing. There is no good policy reason for the Federal Government to have these two programs.

The other thing I think is fairly easy to recognize is if you have two grant programs, it is hard for the American public to realize how much money we are spending on the grant programs because you have got to find one and then the other. The total, which is going to be $4.3 billion, is not recognized now.

The final reason is our first responder organizations write grants. They are already required, in terms of all of the things we have done in terms of emergency preparedness, to provide multiple proposals annually right now to get Federal funding. Why would we not want them to have one application for interoperability? It is a waste of their time and the State's time.

The arguments you are going to hear tomorrow—we are going to debate this amendment again tomorrow afternoon with my colleagues from Hawaii and Alaska. They are going to say the PSIC Grant Program is only authorized until 2010, so after that there would not be a problem anymore for two grant programs. That is not a good reason to have two grant programs.

The public safety interoperability program requires the department to coordinate its efforts with the Secretary of Homeland Security. Yes, they did. They signed a memorandum of understanding that says they are going to run it all.

Finally, the Commerce Department has the authority and expertise over emergency communication grant programs. Although the PSIC Program was placed in Commerce, all of the operational authority for that grant program was essentially transferred to the Department of Homeland Security.

The Department of Homeland Security essentially treats the PSIC as part of its own budget, showing that Commerce has no real role in administering this program.

Another argument would be the programs are not identical but focus on different aspects of communications interoperability; it would hurt the emergency response community to get rid of either one of the programs.

Well, the one that is in this bill does it all. The one that is in the Commerce bill that we have already allocated $1 billion for is mainly about equipment, it is not as much about training.

We ought to know, if we are going to spend $4.3 billion that emergency responders anywhere ought to be able to talk to one another. We do not know that with this money. There is no string on this money that says that is the end goal. That is why a study coming out of the Department of Homeland Security that says go look at the outside and ask the private sector to tell us how do we take this spectrum that has been set aside, two different sections of spectrum for this, and how do we create a plan so that throughout the whole country, no matter what the need is, one group of emergency responders can talk to another?

That is what we ought to be getting for our $4.3 billion. That is not in either one of those programs. So what we are going to do is we are going to spend $4.3 billion on these grant programs, with no assurances that we are going to accomplish the very thing we seek to accomplish.

I believe there could not be a more wasteful attempt at our spending when we do not know what we are going to do for an endpoint on the spending.

A few comments about the overall bill. There has to come a point in time in this country where we recognize that we do not have enough money to do everything we need to do to protect us. That is true today. Where we ought to be putting our money is where we think the highest risks are. I agree with the Presiding Officer. Areas such as New Jersey are at much greater risk and ought to get much greater funding. They have a greater risk and a greater need.

Does that mean I am pleased if that means soft targets in Oklahoma are going to be exposed? No, but there has to be a dispensing of the money based on what the most likely risks are. So when we finish all of this, we will have gotten what we wanted.

Earlier today, I offered an amendment to sunset this bill in 5 years. We will look at it again and see what have we accomplished. What is left to accomplish? Where is the greatest area of risk? What do we still need to do? We have not done that in this bill. That is how we are going to make good policy—making sure that the dollars we spend to protect America are spent on the areas that will get us the most in this bill that we are debating today. We refuse to do that. It authorizes this bill to continue forever.

There is no sunset to it. There is no stop to say that we need to relook at this. There is nothing for the Congress to come back and look at as we did in the PATRIOT Act, where we required that we had to come back and look at it. We sunsetted it. And even though we passed the PATRIOT Act last year, we took sections of it that we said we know we are going to want to look at again, so we sunsetted it.

If we are going to be good stewards with the American taxpayer's money, we ought to sunset this bill. We ought to sunset these two interoperability programs so that we know whether we have accomplished what we desire and know what the problems are so that we can predict them. By not sunsetting, by not combining the programs, by not efficiently spending and wisely planning the spending of the American taxpayer dollars is getting us on down the road where we do not want to be, which is more and more of what we are spending today being paid for more and more by our grandchildren and children of tomorrow.

I thank you for the time. I look forward to debating this bill tomorrow with Senator STEVENS and Senator INOUYE. My hope is that Senator MCCAIN, who is a member of the Commerce Committee, will be here to aid in this. There is no reason for us to have two programs making States apply for two different grant programs that essentially do the same thing.

We would not do that ourselves in our homes. We would not set up two parallel requirements to accomplish the same goal. We should not be doing it in this bill.

Mr. AKAKA. Mr. President, I rise today in support of the grant funding formula in the underlying bill, S .4, as well as Senator REID's amendment in the nature of a substitute. I also wish to underscore the comments made previously by the chairman and ranking member of the Homeland Security Committee on which I serve. As Senators LIEBERMAN and COLLINS have articulated so well, I do not question the need for heavily populated States such as New Jersey and Texas to receive appropriate sums of homeland security grant funding to address their homeland security needs, nor do I question the need to protect chemical plants or to protect nuclear power plants. All of this is beyond question.

The point of this debate is protecting America against many risks, both natural and manmade. The State of Hawaii is subject to many natural disasters including hurricanes, floods, earthquakes, volcanoes, tsunamis, wildfires, droughts, and tropical storms. In addition, Hawaii is unique in that it is 2500 miles from the U.S. mainland. If disaster strikes Hawaii, natural or otherwise, it does not have neighboring States to rely on for assistance. It therefore must have numerous safety and security systems in place and be relatively self-reliant. Hawaii is also the gateway to the Pacific and, as such, provides support to American Samoa, Guam, and the Northern Mariana Islands through the U.S. Pacific Command, PACOM, in the event of a disaster. Hawaii also provided assistance and support to Thailand in the aftermath of the December 26, 2004, tsunami.

It is critical to remember that, although the Federal Emergency Management Agency, FEMA, was folded into the Department of Homeland Security, DHS, its mandate as the principal Federal agency charged with addressing preparation, mitigation, and response to all disasters, both natural and manmade, remains.

On January 18, 2007, DHS Secretary Chertoff announced his plan to reorganize DHS. That plan calls for FEMA to assume control of the Grants and Training program, including the State Homeland Security Grant Program, SHSGP, and other grant programs—grant programs that fund not only activities to prepare for, mitigate, and respond to terrorist attacks but also activities to prepare for, mitigate, and respond to natural disasters. Securing our homeland does not only mean protecting it from terrorists but also from the effects of mother nature, a force capable of directing a Katrina-sized hurricane to our soil.

In his recently released book, ''The Edge of Disaster,'' Dr. Stephen Flynn, a senior fellow with the National Security Studies Program at the Council on Foreign Relations, argues that 90 percent of Americans reside in an area that will experience a moderate to major natural disaster at any given time. This is not just about urban areas; this is about nearly every American being faced with a significant natural disaster with a far higher likelihood than any terrorist attack. As Dr. Flynn observes, we need ''an all-hazards approach'' in ''constructing safer communities and reducing the overall fragility of the nation.''

Hurricane Katrina illustrated that the United States has limited surge capacity at the State and local levels to respond to a large-scale natural or manmade event. Aging infrastructure, including faulty power grids, shortages in medical personnel and supplies make the United States vulnerable and exacerbate the impact of any attack or natural disaster. If we have a weak infrastructure, faulty and eroding levees, hopelessly outdated communications systems, then we are vulnerable and no amount of radiation portal monitors, RPMs, will protect us from the catastrophic impact of a terrorist attack or natural disaster.

I strongly support the homeland security grant formula contained in S .4

and Senator REID's amendment in the nature of a substitute. I oppose any efforts to lower guaranteed funding levels for all States.

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

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

MORNING BUSINESS

Mr. REID. Mr. President, I ask unanimous consent that there be a period of morning business with Senators allowed to speak therein for a period of up to 10 minutes each.

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

NATIONAL SPORTSMANSHIP DAY

Mr. REED. Mr. President, I would like to acknowledge that today, March 6th, 2007, we celebrate the 17th annual National Sportsmanship Day. Created by the Institute for International Sport at the University of Rhode Island in 1991, this initiative seeks to promote and develop the highest ideals of sportsmanship and fair play among not only America's youth but also the international community. Over its 17 years, more than 13,500 schools and 80 million individuals across all 50 States and many countries around the world have participated in National Sportsmanship Day activities. On this day, in elementary schools, middle schools, high schools, and colleges, students, teachers, coaches, and parents will discuss issues regarding sportsmanship and fair play.

This year, National Sportsmanship Day will focus on the themes ''Don't Punch Back, Play Harder'' and ''Defeat Gamesmanship.'' These themes will prompt participants to explore the practical values of ''competitive self-restraint'' and playing within the intended spirit of the rules. It is important for both our society and our culture that we instill these values in our youth. Additionally, the celebration will include the 14th annual USA Today National Sportsmanship Day Essay Contest.

I am pleased to say that Rhode Island is home to the Institute for International Sport and National Sportsmanship Day. For 17 years, the institute and this initiative have enhanced the nature and health of competition among our Nation's youth. The efforts of Senator Claiborne Pell and his able staff member Barry Sklar, Senator John Chafee, founder Dan Doyle, and many others have contributed to the success of this endeavor. I know that this year's National Sportsmanship Day celebration will continue to promote fair play and in so doing ensure a sound foundation of sportsmanship for today and for the future.

VANDALISM OF AHAVAS TORAH SYNAGOGUE

Mr. SMITH. Mr. President, it is with great sorrow that I bring to the attention of the Senate the recent vandalism and desecration of Eugene, OR's only conservative synagogue, Ahavas Torah Synagogue, on February 22, 2007. The targets of this vile act were two sacred Torah scrolls and accompanying prayer books. Police officers responding to neighbors' calls found the building ransacked and a locked wooden chest containing the Torah scrolls pried open; the scrolls themselves were torn and damaged.

This event comes as a shock to the dozen families who make up Eugene's small Orthodox community, but unfortunately is not an isolated event. In 2002, Temple Beth Israel Synagogue was vandalized during a Shabbat service; in 2001 the congregation received hundreds of hate-filled letters; and in 1994 the synagogue was fired upon with armor-piercing rifle rounds.

I am compelled to speak out against this deplorable act of vandalism at the Ahavas Torah Synagogue, which proves that hate crimes still pose a serious threat to our Nation's security and values. All forms of hatred and intolerance should be combated with every available tool and America's leaders need to send a clear message that acts of violence targeted at individuals of any group will not be tolerated. For this reason, I have been a cosponsor and strong supporter of hate crimes prevention legislation.

The Talmud teaches us that he ''who can protest an injustice, but does not, is an accomplice to the act.'' Even though the existence of hatred is foretold in the Torah, acts of anti-Semitism and hate must be stopped before anyone can truly worship safely and freely.

ADDITIONAL STATEMENTS

HONORING RITA A. ALMON

• Ms. COLLINS. Mr. President, I wish to honor Ms. Rita A. Almon, who has served as program director for the U.S. Senate Youth Program for 29 years. She will retire after this year's 45th anniversary program, which is currently being held March 3 to 10, 2007, in Washington, DC.

During her tenure Ms. Almon has overseen the education and safety of thousands of high school student delegates who come annually to the Nation's Capital for this unique educational program about government, leadership and public service. She has worked closely with Senators and their staffs as well as with senior officials from each branch of Government to secure an opportunity for these young men and women to see their Government up close and to meet the individuals who make it work.

The mission of the U.S. Senate Youth Program, as set out in S. Res. 324 in 1962, states that ''the continued vitality of our Republic depends, in part, on the intelligent understanding of our political processes and the functions of our National Government by the citizens of the United States; and the durability of a constitutional democracy is dependent upon alert, talented, vigorous competition for political leadership.''

Rita A. Almon has achieved the mission of the U.S. Senate Youth Program by adhering to the highest standards of ethics and integrity, setting a shining example for the young men and women who participate. I join my colleagues in commending her and wish her well in her future endeavors.•

TRIBUTE TO MARVIN VAN HAAFTEN

• Mr. HARKIN. Mr. President, one of the joys of my job as a Senator is working closely with talented, dedicated Iowans from all walks of life. One of the exceptional people is Marvin Van Haaften, director of the Iowa Governor's Office of Drug Control Policy. With his retirement in January, he will conclude an extraordinary career in public service spanning over three decades.

Marvin Van Haaften has lived in Marion County most of his life, but his law enforcement experience and expertise has been felt throughout the State of Iowa. Before being named by Governor Tom Vilsack to be Iowa's drug policy coordinator in December 2002, he served as Marion County sheriff for 18 years. He is a graduate of the FBI National Academy, certified as a peace officer by the Iowa Law Enforcement Academy, served in the National Guard, and was a licensed medical examiner investigator.

One key to his success is that he speaks with the authority of a seasoned veteran of decades on the front line fighting crime and improving public safety. Marvin was named Sheriff of the Year in 1991 by the Iowa State Sheriffs' and Deputies' Association and served as its president in 1996. With more than 32 years of law enforcement experience, he has taught extensively in the field of rural law enforcement, particularly death investigation and domestic violence crimes. He has provided local and national leadership on the role of law enforcement in strategic victim safety and offender apprehension, and served on the board of directors of the National Center for Rural Law Enforcement. Marvin also served on many local and State committees such as the Iowa Criminal and Juvenile Justice Planning Advisory Council, the board of the Mid-Iowa Narcotics Enforcement Task Force, the board of the 18-county South Central Iowa Clandestine Laboratory Task Force, and was third vice president on

the board of directors of the Iowa Association of Counties.

As a law enforcement officer, Marvin has seen firsthand the ravages that domestic violence inflicts on innocent women and children. For that reason, he has been a committed advocate for combating domestic abuse. During the nineties he served on the President's National Advisory Council on Domestic Violence, chaired by the Attorney General and Secretary of Health and Human Services, setting policy and developing domestic abuse and sexual assault training for the Nation. He was also a member of Iowa's Domestic Violence Death Review Team, the Lieutenant Governor's STOP Violence Against Women Coordinating Council, and the National Sheriffs Association's Domestic Violence Committee.

The commitment that Marvin brought to domestic violence, he also brought to his role as Iowa's drug policy coordinator and director of the Office of Drug Control Policy. As a law enforcement officer, he saw the destruction that drug abuse wreaks on families—the broken homes and ruined lives. He worked very hard at both the State and national level to ensure that the voices and needs of local law enforcement were heard. He will leave very big shoes to fill. I personally am very grateful for the excellence, professionalism, and long hours that he brought to this job.

Marvin also realizes the importance of a healthy, supportive family in a person's life: Marvin has been married to his wife Joyce for 42 years and has 5 grown children and 11 grandchildren. I am sure they will enjoy his retirement, but my staff and I will miss his counsel and his can-do attitude. I have turned to him again and again over the years, and he has never let me down. It has meant so much to be able to rely on someone of his caliber for authoritative answers and prompt answers.●

IN MEMORY OF JOHN F. BASS

● Mrs. MCCASKILL. Mr. President, today, I honor John Bass, a much loved member of the St. Louis community, who died last month at the age of 80. John Bass was soft-spoken and low-key but he was also a fighter. As a young man, he served his country in the U.S. Navy. When he returned from service, he found himself living in a racially divided, socially and economically troubled city. Determined to bring change to his community, John literally fought his way through a college education. As a champion boxer, he won a boxing scholarship to Lincoln University. But John's true fight for St. Louis came long after he hung up his gloves.

As an educator in Beaumont High School, John was a calming presence in a school bitterly divided by racial tension. There, at Beaumont, and probably for the first time in his life, John was sent to the principal's office the hard way. After he began his new job as principal of Beaumont High, he provided the calm, wise leadership that was necessary to soothe wounds that years of inequality inflicted on our Nation's educational system.

John was already a distinguished member of the St. Louis community when he rolled up his sleeves and delved into politics to bring positive change to the city of St. Louis by shaping its policies. He did not come from a family of politicians, and he did not inherit a political power base. He came to politics as a thoughtful, practical, and hard-working man who wanted to make his community a better place to live. With these attributes, John Bass won the trust and respect of St. Louis.

John served as an alderman, State senator, and cabinet official, but is best known for becoming the first African American to win the office of comptroller in St. Louis history. When he ran for that office in 1973, the mayor told him that the prevailing racial tensions in St. Louis would prevent his election. Undeterred, John ignored that prediction, won his seat, crashed his way into the city's most important financial post, and left his mark on the city of St. Louis. Regarded highly by his contemporaries as well as older and younger politicians, John helped pilot the city of St. Louis through some of its most turbulent years.

With John's passing, we have lost a prolific public servant, a trusted friend, and a quiet but powerful leader.●

TRIBUTE TO AHMET ERTEGUN

● Mr. VOINOVICH. Mr. President, I wish to honor a celebrated American pioneer, a legendary entrepreneur, a devotee, an integral cultivator of uniquely American music, and a great benefactor both to my home State of Ohio and my hometown of Cleveland, the late music executive Ahmet Ertegun.

The son of a Turkish Ambassador to the United States, Ertegun arrived in this county in 1935 as a young boy destined for diplomatic service. Yet at an early age he developed a profound love for music, especially jazz and blues, that blossomed into a lifelong, remarkable career.

At the age of 24, he cofounded the independent Atlantic Records label, mounting a historic and formidable challenge to contemporary industry giants by his keen ability to scout and develop talent. In other words, he knew a winner when he met one. John Coltrane, Ray Charles, and the Rolling Stones are among those in his repertoire.

An exemplary immigrant, Ahmet was well known for his ''culturally triangular'' relationships: He was a Turkish Muslim; many of his fellow executives were Jewish, and many of the artists they produced were African-American Christians.

David Geffen, the acclaimed entertainment mogul whom Ertegun introduced to the record business, noted that fewer people have had a greater impact on the music industry and that no one loved music more than he did.

Ahmet's deep appreciation and respect for musical roots and history prompted him to establish a Rock and Roll Hall of Fame.

The Hall of Fame Foundation was created in 1983, and soon after, its board of trustees began searching for a suitable home for the museum. At that time, about the midpoint of my decade as mayor of Cleveland, a regional renaissance was in full bloom, and Cleveland was making a comeback. The city had a clear vision of our new destiny and knew where we were headed.

The great people of my city had a dream: to land that Hall of Fame at home, in the heart of rock 'n' roll, right where it belonged.

Moved by the undaunted initiative of Greater Cleveland civic and business leaders, I joined their determined effort, boarded on a plane to New York, and pitched the idea to Ahmet and his board of trustees.

Our team's stunning case suddenly made Cleveland a top contender. The news of our heavy impression galvanized the city and evoked a flood of public spirit and support that greeted Ahmet and his board upon their subsequent visit to scout the town.

Well, Ahmet never lost his ability to recognize a winner, and when he stepped off the plane in Cleveland, he met one. I had the honor of presenting him with a key to our city and leading him on a local tour, showcasing what we had to offer.

A few months later, Ahmet and his board reached a decision, and in their good judgment, they selected Cleveland, where the term ''rock 'n' roll'' had been coined. We in Cleveland were both proud and humbled.

I am pleased to report, for more than a decade, the Rock and Roll Hall of Fame in Cleveland has been a popular global destination and a success for my hometown, for the State of Ohio, and for America.

I am fortunate that for a time, my duties in public services dovetailed with Ahmet's vision for the future of the Rock and Roll Hall of Fame.

He has been recognized many times throughout his life. In 1987, he was inducted into the Rock and Roll Hall of Fame. In 2000, our own U.S. Library of Congress honored him as a living legend. And today, just a few weeks after his death, I recognize him for his indelible contribution to the fabric of our great Nation.●

MESSAGE FROM THE HOUSE

At 11:40 a.m., a message from the House of Representatives, delivered by Ms. Niland, one of its reading clerks, announced that the House has passed the following bills, in which it requests the concurrence of the Senate:

H.R. 122. An act to amend the Reclamation Wastewater and Groundwater Study and Facilities Act to authorize the Secretary of the Interior to participate in the Inland Empire

regional recycling project and in the Cucamonga Valley Water District recycling project.

H.R. 247. An act to designate a Forest Service trail at Waldo Lake in the Willamette National Forest in the State of Oregon as a national recreation trail in honor of Jim Weaver, a former Member of the House of Representatives.

H.R. 276. An act to designate the Piedras Blancas Light Station and the surrounding public land as an Outstanding Natural Area to be administered as a part of the National Landscape Conservation System, and for other purposes.

H.R. 299. An act to adjust the boundary of Lowell National Historical Park, and for other purposes.

H.R. 376. An act to authorize the Secretary of the Interior to conduct a special resource study to determine the suitability and feasibility of including the battlefields and related sites of the First and Second Battles of Newtonia, Missouri, during the Civil War as part of Wilson's Creek National Battlefield or designating the battlefields and related sites as a separate unit of the National Park System, and for other purposes.

H.R. 467. An act to authorize early repayment of obligations to the Bureau of Reclamation within the A&B Irrigation District in the State of Idaho.

H.R. 497. An act to authorize the Marion Park Project, a committee of the Palmetto Conservation Foundation, to establish a commemorative work on Federal land in the District of Columbia, and its environs to honor Brigadier General Francis Marion.

H.R. 807. An act to direct the Secretary of the Interior to conduct a special resource study to determine the feasibility and suitability of establishing a memorial to the Space Shuttle Columbia in the State of Texas and for its inclusion as a unit of the National Park System.

H.R. 903. An act to provide for a study of options for protecting the open space characteristics of certain lands in and adjacent to the Arapaho and Roosevelt National Forests in Colorado, and for other purposes.

H.R. 995. An act to amend Public Law 106–348 to extend the authorization for establishing a memorial in the District of Columbia or its environs to honor veterans who became disabled while serving in the Armed Forces of the United States.

H.R. 1047. An act to authorize the Secretary of the Interior to conduct a study to determine the suitability and feasibility of designating the Soldiers' Memorial Military Museum located in St. Louis, Missouri, as a unit of the National Park System.

MEASURES REFERRED

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

H.R. 122. An act to amend the Reclamation Wastewater and Groundwater Study and Facilities Act to authorize the Secretary of the Interior to participate in the Inland Empire regional recycling project and in the Cucamonga Valley Water District recycling project; to the Committee on Energy and Natural Resources.

H.R. 247. An act to designate a Forest Service trail at Waldo Lake in the Willamette National Forest in the State of Oregon as a national recreation trail in honor of Jim Weaver, a former Member of the House of Representatives; to the Committee on Energy and Natural Resources.

H.R. 276. An act to designate the Piedras Blancas Light Station and the surrounding public land as an Outstanding Natural Area to be administered as a part of the National Landscape Conservation System, and for other purposes; to the Committee on Energy and Natural Resources.

H.R. 299. An act to adjust the boundary of Lowell National Historical Park, and for other purposes; to the Committee on Energy and Natural Resources.

H.R. 376. An act to authorize the Secretary of the Interior to conduct a special resource study to determine the suitability and feasibility of including the battlefields and related sites of the First and Second Battles of Newtonia, Missouri, during the Civil War as part of Wilson's Creek National Battlefield or designating the battlefields and related sites as a separate unit of the National Park System, and for other purposes; to the Committee on Energy and Natural Resources.

H.R. 467. An act to authorize early repayment of obligations to the Bureau of Reclamation within the A & B Irrigation District in the State of Idaho; to the Committee on Energy and Natural Resources.

H.R. 497. An act to authorize the Marion Park Project, a committee of the Palmetto Conservation Foundation, to establish a commemorative work on Federal land in the District of Columbia, and its environs to honor Brigadier General Francis Marion; to the Committee on Energy and Natural Resources.

H.R. 807. An act to direct the Secretary of the Interior to conduct a special resource study to determine the feasibility and suitability of establishing a memorial to the Space Shuttle Columbia in the State of Texas and for its inclusion as a unit of the National Park System; to the Committee on Energy and Natural Resources.

H.R. 903. An act to provide for a study of options for protecting the open space characteristics of certain lands in and adjacent to the Arapaho and Roosevelt National Forests in Colorado, and for other purposes; to the Committee on Energy and Natural Resources.

H.R. 995. An act to amend Public Law 106–348 to extend the authorization for establishing a memorial in the District of Columbia or its environs to honor veterans who became disabled while serving in the Armed Forces of the United States; to the Committee on Energy and Natural Resources.

H.R. 1047. An act to authorize the Secretary of the Interior to conduct a study to determine the suitability and feasibility of designating the Soldiers' Memorial Military Museum located in St. Louis, Missouri, as a unit of the National Park System; to the Committee on Energy and Natural Resources.

MEASURES PLACED ON THE CALENDAR

The following bill was read the second time, and placed on the calendar:

S. 761. A bill to invest in innovation and education to improve the competitiveness of the United States in the global economy.

EXECUTIVE REPORTS OF COMMITTEES

The following executive reports of nominations were submitted:

By Mr. BIDEN for the Committee on Foreign Relations.

*Stanley Davis Phillips, of North Carolina, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Republic of Estonia.

HIGH POINT, NC,
December 27, 2006.

DEAR SENATORS. I would like to update my family information concerning political donations. The original form was requested in August and completed in September. Since that time, my family has made contributions to the following:

2006

S. Dave Phillips, Mitt Romney, South Carolina Pac, $3,500.

Katherine A. Phillips, Mitt Romney, Commonwealth Pac, 5,000.

Katherine A. Phillips, Mitt Romney, South Carolina Pac, 3,500.

Lillian J. Phillips, Mitt Romney, South Carolina Pac, 3,500.

Lillian J. Phillips, Mitt Romney, Commonwealth Pac, 5,000.

Katherine J. Phillips, Mitt Romney, South Carolina Pac, 3,500.

Katherine J. Phillips, Mitt Romney, Commonwealth Pac, 5,000.

Boyd A. Phillips, Mitt Romney, South Carolina Pac, 3,500.

Boyd A. Phillips, Mitt Romney, Commonwealth Pac, 5,000.

Lucy D. Phillips, Mitt Romney, South Carolina Pac, 3,000.

Lucy D. Phillips, Mitt Romney, Commonwealth Pac, 5,000.

Also, I would like to list the contribution that my family made to the President Inauguration in 2005. We were listed as an underwriter and the amount was $250,000. We understand that it is not necessary to list this item because it is not political, but we feel that it is appropriate.

STANLEY DAVIS PHILLIPS.

Nominee: Stanley Davis Phillips (Dave).

Post: Ambassador to Estonia.

(The following is a list of all members of my immediate family and their spouses. I have asked each of these persons to inform me of the pertinent contributions made by them. To the best of my knowledge, the information contained in this report is complete and accurate.)

Contributions, Amount, Date, and Donee:

1. Self, see attached.

2. Spouse, see attached.

3. Children and Spouses: Lillian J. Phillips, Katherine J. Phillips, Boyd A. Phillips, Lucy D. Phillips.

4. Parents: Lillian Jordan Philips—deceased; Earl N. Phillips—deceased.

5. Grandparents: deceased.

6. Brothers and Spouses: Earl N. Phillips, Jr.; Sallie B. Phillips (estranged & divorcing). See attached.

7. Sisters and Spouses: No sisters.

FEDERAL CAMPAIGN CONTRIBUTIONS

1. Stanley Davis Phillips (Dave).

Amount, Date, and Donee: $25,000, 01/06, Joint Candidate Committee; $10,000, 02/06, Tribute Victory Fund; $25,000, 09/06, Republican National Committee; $5,000, 09/06, Mitt Romney Campaign Committee; $5,000, 04/05, Leadership Circle PAC; $25,000, 05/05, Republican National Committee; $4,200, 05/05, Elizabeth Dole for Senate Committee; $25,000, 03/04, Republican National Committee; $1,000, 05/04, Richard Burr for Senate Committee; $5,000, 06/04, Leadership Circle PAC; $2,000, 05/04, Bush-Cheney '04; $2,500, 07/04, 2004 Joint State Victory Committee; $27,500, 10/04, 2004 Joint Candidate Committee; $2,000, 06/03, Bob Etheridge for Congress; $2,000, 09/03, Broyhill for Congress; $25,000, 09/03, Republican National Committee; $100, 09/03, Virginia Fox for Congress; $2,000, 10/03, Richard Burr for Senate Committee; $1,000, 09/02, Bob Etheridge For Congress; $5,000, 10/02, Dole North Carolina Victory Commitee.

Spouse—Katherine A. Phillips (Kay)

Amount, Date, and Donee: $25,000, 01/06, Joint Candidate Committee; $10,000, 02/06, Tribute Victory Fund; $25,000, 09/06, Republican National Committee; $5,000, 04/05, Leadership Circle PAC; $800, 05/05, Elizabeth Dole

for Senate Committee; $25,000, 05/05, Republican National Committee; $2,000, 06/04, Virginia Johnson for Congress; $5,000, 06/04, Leadership Circle PAC; $29,500, 07/04, 2004 Joint Candidate Committee; $2,500, 07/04, 2004 Joint State Victory Committee; $2,000, 06/03, Bush-Cheney '04; $25,000, 09/03, Republican National Committee.

Lillian J. Phillips.

Amount, Date, Donee: $25,000, 04/04, Republican National Committee; $35,500, 07/04, 2004 Joint Candidate Committee; $32,500, 07/04, Joint State Victory Committee; $2,000, 07/04, Bush-Cheney '04.

Katherine J. Phillips.

Amount, Date, and Donee: $25,000, 04/04, Republican National Committee; $35,500, 07/04, 2004 Joint Candidate Committee; $32,500, 07/04, Joint State Victory Committee; $2,000, 07/04, Bush-Cheney '04.

Boyd A. Phillips.

Amount, Date, and Donee: $25,000, 04/04, Republican National Committee; $35,500, 07/04, 2004 Joint Candidate Committee; $32,500, 07/04, Joint State Victory Committee; $2,000, 07/04, Bush-Cheney '04.

Lucy D. Phillips.

Amount, Date, and Donee: $25,000, 04/04, Republican National Committee; $35,500, 07/04, 2004 Joint Candidate Committee; $32,500, 07/04, Joint State Victory Committee; $2,000, 07/04, Bush-Cheney '04.

Brother—Earl N. Phillips, Jr.

Amount, Date, and Donee: $1,000, 04/05, Sharp Pencil PAC; $2,000, 03/04, Republican Party of Florida; $500, 05/04, Virginia Johnson for Congress; $4,000, 06/04, Richard Burr for Senate; $2,000, 07/04, Coble for Congress; $25,000, 10/04, Republican National Committee; $5,000, 10/04, 2004 Joint State Victory Committee; $28,500, 10/04, 2004 Joint Candidate Committee II; $2,000, 10/04, Bush-Cheney Compliance Committee; $25,000, 09/03, Republican National Committee.

Spouse—Sallie B. Phillips Industries

Amount, Date, and Donee: $25,000, 10/04, Republican National Committee; $7,500, 10/04, 2004 Joint State Victory Committee; $2,000, 10/04, Coble for Congress; $2,000, 10/04, Bush-Cheney Compliance Committee; $35,500, 10/04, 2004 Joint Candidate Committee II; $25,000, 10/03, Republican National Committee.

*William B. Wood, of New York, a Career Member of the Senior Foreign Service, Class of Minister-Counselor, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Islamic Republic of Afghanistan.

Nominee: William B. Wood.

Post: Ambassador to Afghanistan.

(The following is a list of all members of my immediate family and their spouses. I have asked each of these persons to inform me of the pertinent contributions made by them. To the best of my knowledge, the information contained in this report is complete and accurate.)

Contributions, Amount, Date, and Donee:

1. Self, 0.
2. Spouse, N/A.
3. Children and Spouses, N/A.
4. Parents, N/A.
5. Grandparents, N/A.
6. Brothers and Spouses, Peter R. Wood, 0.
7. Sisters and Spouses, N/A.

*Ryan C. Crocker, of Washington, a Career Member of the Senior Foreign Service with the rank Personal Rank of Career Ambassador, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Republic of Iraq.

Nominee: Ryan C. Crocker.

Post: Ambassador to the Republic of Iraq.

(The following is a list of all members of my immediate family and their spouses. I have asked each of these persons to inform me of the pertinent contributions made by them. To the best of my knowledge, the information contained in this report is complete and accurate.)

Contributions, Amount, Date, and Donee:

1. Self, none.
2. Spouse, none.
3. Children and Spouses, none.
4. Parents: Mother: Carol Crocker, none. Father: Howard Crocker, deceased.
5. Grandparents: Deceased since 1923.
6. Brothers and Spouses, none.
7. Sisters and Spouses, none.

*Nomination was reported with recommendation that it be confirmed subject to the nominee's commitment to respond to requests to appear and testify before any duly constituted committee of the Senate.

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. BURR (for himself and Mr. BINGAMAN):

S. 765. A bill to establish a grant program to improve high school graduation rates and prepare students for college and work; to the Committee on Health, Education, Labor, and Pensions.

By Mrs. CLINTON (for herself, Mr. KENNEDY, Mr. HARKIN, Mrs. BOXER, Ms. CANTWELL, Mr. DODD, Mr. FEINGOLD, Ms. KLOBUCHAR, Mr. LEAHY, Mr. MENENDEZ, Ms. MIKULSKI, Mrs. MURRAY, Mr. REED, Mr. REID, and Mr. SCHUMER):

S. 766. A bill to amend the Fair Labor Standards Act of 1938 to provide more effective remedies of victims of discrimination in the payment of wages on the basis of sex, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

By Mr. OBAMA (for himself, Mr. LUGAR, Mr. BIDEN, Mr. SMITH, Mr. BINGAMAN, Mr. COLEMAN, and Mr. SPECTER):

S. 767. A bill to increase fuel economy standards for automobiles and for other purposes; to the Committee on Commerce, Science, and Transportation.

By Mr. OBAMA (for himself, Mr. LUGAR, Mr. BIDEN, Mr. SMITH, Mr. BINGAMAN, Mr. COLEMAN, and Mr. SPECTER):

S. 768. A bill to increase fuel economy standards for automobiles and for other purposes; to the Committee on Finance.

By Mr. SALAZAR (for himself, Mr. CHAMBLISS, Ms. COLLINS, and Mr. ALLARD):

S. 769. A bill to amend the Elementary and Secondary Education Act of 1965 to ensure that participants in the Troops to Teachers program may teach at a range of eligible schools; to the Committee on Health, Education, Labor, and Pensions.

By Mr. HARKIN (for himself and Mr. HATCH):

S. 770. A bill to amend the Food Stamp Act of 1977 to permit participating households to use food stamp benefits to purchase nutritional supplements providing vitamins or minerals, and for other purposes; to the Committee on Agriculture, Nutrition, and Forestry.

By Mr. HARKIN (for himself, Ms. MURKOWSKI, Mr. DURBIN, Mr. VOINOVICH, Mr. MENENDEZ, Ms. CANTWELL, Mr. LIEBERMAN, Mr. CARPER, and Mr. SCHUMER):

S. 771. A bill to amend the Child Nutrition Act of 1966 to improve the nutrition and health of schoolchildren by updating the definition of ''food of minimal nutritional value'' to conform to current nutrition science and to protect the Federal investment in the national school lunch and breakfast programs; to the Committee on Agriculture, Nutrition, and Forestry.

By Mr. KOHL (for himself, Mr. COLEMAN, Mr. FEINGOLD, Mr. VITTER, and Mr. ROCKEFELLER):

S. 772. A bill to amend the Federal antitrust laws to provide expanded coverage and to eliminate exemptions from such laws that are contrary to the public interest with respect to railroads; to the Committee on the Judiciary.

By Mr. WARNER (for himself, Mr. ROCKEFELLER, Ms. SNOWE, Ms. COLLINS, Mr. LOTT, and Mr. SUNUNU):

S. 773. A bill to amend the Internal Revenue Code of 1986 to allow Federal civilian and military retirees to pay health insurance premiums on a pretax basis and to allow a deduction for TRICARE supplemental premiums; to the Committee on Finance.

By Mr. DURBIN (for himself, Mr. HAGEL, Mr. LUGAR, Mr. KENNEDY, Mr. CRAIG, Mr. LEAHY, Mr. MCCAIN, Mr. LIEBERMAN, Mr. CRAPO, Mr. OBAMA, and Mr. FEINGOLD):

S. 774. A bill to amend the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 to permit States to determine State residency for higher education purposes and to authorize the cancellation of removal and adjustment of status of certain alien students who are long-term United States residents and who entered the United States as children, and for other purposes; to the Committee on the Judiciary.

By Mr. CARPER (for himself, Mr. VOINOVICH, Mrs. CLINTON, and Mr. COLEMAN):

S. 775. A bill to establish a National Commission on the Infrastructure of the United States; to the Committee on Environment and Public Works.

By Mrs. CLINTON (for herself and Mr. SCHUMER):

S. 776. A bill to amend the Energy Employees Occupational Illness Compensation Program Act of 2000 to include certain former nuclear weapons program workers in the Special Exposure Cohort under the energy employees occupational illness compensation program; to the Committee on Health, Education, Labor, and Pensions.

By Mr. CRAIG:

S. 777. A bill to repeal the imposition of withholding on certain payments made to vendors by government entities; to the Committee on Finance.

By Mr. KENNEDY (for himself, Mr. BURR, Mr. KERRY, and Mr. SANDERS):

S. 778. A bill to amend title IV of the Elementary and Secondary Education Act of 1965 in order to authorize the Secretary of Education to award competitive grants to eligible entities to recruit, select, train, and support Expanded Learning and After-School Fellows that will strengthen expanded learning initiatives, 21st century community learning center programs, and after-school programs, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

By Mr. CRAIG:

S. 779. A bill to reauthorize the Secure Rural Schools and Community Self-Determination Act of 2000; to the Committee on Energy and Natural Resources.

By Mr. PRYOR:

S. 780. A bill to amend the Communications Act of 1934 to prohibit the unlawful acquisition and use of confidential customer proprietary network information, and for other purposes; to the Committee on Commerce, Science, and Transportation.

By Mr. PRYOR:

S. 781. A bill to extend the authority of the Federal Trade Commission to collect Do-Not-Call Registry fees to fiscal years after fiscal year 2007; to the Committee on Commerce, Science, and Transportation.

By Mr. LOTT:

S. 782. A bill to designate the United States courthouse to be constructed in Jackson, Mississippi, as the ''Thad Cochran United States Courthouse''; to the Committee on Environment and Public Works.

By Ms. LANDRIEU:

S. 783. A bill to adjust the boundary of the Barataria Preserve Unit of the Jean Lafitte National Historical Park and Preserve in the State of Louisiana, and for other purposes; to the Committee on Energy and Natural Resources.

By Mr. REID (for himself, Mr. ENSIGN, and Mr. BENNETT):

S. 784. A bill to amend the Nuclear Waste Policy Act of 1982 to require commercial nuclear power plant operators to transfer spent nuclear fuel from the spent nuclear fuel pools of the operators into spent nuclear fuel dry casks at independent spent fuel storage installations of the operators that are licensed by the Nuclear Regulatory Commission, to convey to the Secretary of Energy title to all such transferred spent nuclear fuel, to provide for the transfer to the Secretary of the independent spent fuel storage installation operating responsibility of each plant together with the license granted by the Commission for the installation, and for other purposes; to the Committee on Environment and Public Works.

By Mr. DODD (for himself and Mr. LIEBERMAN):

S. 785. A bill to amend title 4 of the United States Code to limit the extent to which States may tax the compensation earned by nonresident telecommuters; to the Committee on Finance.

By Mr. GRASSLEY (for himself and Mr. FEINGOLD):

S. 786. A bill to amend the Agricultural Marketing Act of 1946 to foster efficient markets and increase competition and transparency among packers that purchased livestock from producers; to the Committee on Agriculture, Nutrition, and Forestry.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

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

By Mr. SPECTER (for himself, Mr. ALLARD, Mr. BAYH, Mr. BENNETT, Mr. BIDEN, Mr. BINGAMAN, Mrs. BOXER, Mr. BROWN, Mr. CARPER, Mr. CASEY, Mr. CHAMBLISS, Mrs. CLINTON, Mr. COCHRAN, Mr. CRAIG, Mr. DODD, Mrs. DOLE, Mr. DOMENICI, Mr. DORGAN, Mr. DURBIN, Mr. FEINGOLD, Mrs. FEINSTEIN, Mr. GRASSLEY, Mr. GREGG, Mr. HAGEL, Mr. INOUYE, Mr. ISAKSON, Mr. JOHNSON, Mr. KENNEDY, Mr. KERRY, Mr. KOHL, Ms. LANDRIEU, Mr. LAUTENBERG, Mr. LEVIN, Mr. LIEBERMAN, Mr. LOTT, Mr. MENENDEZ, Ms. MIKULSKI, Ms. MURKOWSKI, Mr. NELSON of Florida, Mr. OBAMA, Mr. REED, Mr. REID, Mr. ROCKEFELLER, Mr. SCHUMER, Mr. SMITH, Ms. SNOWE, Ms. STABENOW, Mr. STEVENS, Mr. SUNUNU, Mr. THOMAS, Mr. VOINOVICH, Mr. WARNER, Mr. WHITEHOUSE, and Mr. WYDEN):

S. Res. 95. A resolution designating March 25, 2006, as ''Greek Independence Day: A National Day of Celebration of Greek and American Democracy''; to the Committee on the Judiciary.

By Mrs. McCASKILL (for herself, Mr. BOND, Mrs. CLINTON, Mrs. BOXER, Ms. STABENOW, Ms. CANTWELL, Ms. MIKULSKI, Mrs. FEINSTEIN, Mrs. MURRAY, Mrs. LINCOLN, Ms. KLOBUCHAR, Mr. BINGAMAN, Mr. LEVIN, Mr. DODD, Mr. OBAMA, and Mr. HARKIN):

S. Res. 96. A resolution expressing the sense of the Senate that Harriett Woods will be remembered as a pioneer in women's politics; to the Committee on the Judiciary.

By Mr. REID (for himself, Mr. MCCONNELL, Mrs. McCASKILL, Mr. BOND, Mr. AKAKA, Mr. ALEXANDER, Mr. ALLARD, Mr. BAUCUS, Mr. BAYH, Mr. BENNETT, Mr. BIDEN, Mr. BINGAMAN, Mrs. BOXER, Mr. BROWN, Mr. BROWNBACK, Mr. BUNNING, Mr. BURR, Mr. BYRD, Ms. CANTWELL, Mr. CARDIN, Mr. CARPER, Mr. CASEY, Mr. CHAMBLISS, Mrs. CLINTON, Mr. COBURN, Mr. COCHRAN, Mr. COLEMAN, Ms. COLLINS, Mr. CONRAD, Mr. CORKER, Mr. CORNYN, Mr. CRAIG, Mr. CRAPO, Mr. DEMINT, 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. INOUYE, Mr. ISAKSON, Mr. JOHNSON, Mr. KENNEDY, Mr. KERRY, Ms. KLOBUCHAR, Mr. KOHL, Mr. KYL, Ms. LANDRIEU, Mr. LAUTENBERG, Mr. LEAHY, Mr. LEVIN, Mr. LIEBERMAN, Mrs. LINCOLN, Mr. LOTT, Mr. LUGAR, Mr. MARTINEZ, Mr. MCCAIN, 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. SANDERS, Mr. SCHUMER, Mr. SESSIONS, Mr. SHELBY, Mr. SMITH, Ms. SNOWE, Mr. SPECTER, Ms. STABENOW, Mr. STEVENS, Mr. SUNUNU, Mr. TESTER, Mr. THOMAS, Mr. THUNE, Mr. VITTER, Mr. VOINOVICH, Mr. WARNER, Mr. WEBB, Mr. WHITEHOUSE, and Mr. WYDEN):

S. Res. 97. A resolution relative to the death of Thomas F. Eagleton, former United States Senator for the State of Missouri; considered and agreed to.

By Mrs. FEINSTEIN:

S. Res. 98. A resolution providing for members on the part of the Senate of the Joint Committee on Printing and the Joint Committee of Congress on the Library; considered and agreed to.

ADDITIONAL COSPONSORS

S. 329

At the request of Mr. CRAPO, the name of the Senator from Vermont (Mr. SANDERS) was added as a cosponsor of S. 329, a bill to amend title XVIII of the Social Security Act to provide coverage for cardiac rehabilitation and pulmonary rehabilitation services.

S. 453

At the request of Mr. OBAMA, the name of the Senator from Michigan (Mr. LEVIN) was added as a cosponsor of S. 453, a bill to prohibit deceptive practices in Federal elections.

S. 507

At the request of Mr. CONRAD, the name of the Senator from Vermont (Mr. SANDERS) was added as a cosponsor of S. 507, a bill to amend title XVIII of the Social Security Act to provide for reimbursement of certified midwife services and to provide for more equitable reimbursement rates for certified nurse-midwife services.

S. 513

At the request of Mr. LEAHY, the name of the Senator from Delaware (Mr. CARPER) was added as a cosponsor of S. 513, a bill to amend title 10, United States Code, to revive previous authority on the use of the Armed Forces and the militia to address interference with State or Federal law, and for other purposes.

S. 527

At the request of Mr. FEINGOLD, the name of the Senator from Wyoming (Mr. THOMAS) was added as a cosponsor of S. 527, a bill to make amendments to the Iran, North Korea, and Syria Nonproliferation Act.

S. 535

At the request of Mr. DODD, the name of the Senator from Tennessee (Mr. ALEXANDER) was added as a cosponsor of S. 535, a bill to establish an Unsolved Crimes Section in the Civil Rights Division of the Department of Justice, and an Unsolved Civil Rights Crime Investigative Office in the Civil Rights Unit of the Federal Bureau of Investigation, and for other purposes.

S. 573

At the request of Ms. STABENOW, the name of the Senator from Vermont (Mr. SANDERS) was added as a cosponsor of S. 573, a bill to amend the Federal Food, Drug, and Cosmetic Act and the Public Health Service Act to improve the prevention, diagnosis, and treatment of heart disease, stroke, and other cardiovascular diseases in women.

S. 578

At the request of Mr. KENNEDY, the name of the Senator from Arkansas (Mrs. LINCOLN) was added as a cosponsor of S. 578, a bill to amend title XIX of the Social Security Act to improve requirements under the Medicaid program for items and services furnished in or through an educational program or setting to children, including children with developmental, physical, or mental health needs, and for other purposes.

S. 613

At the request of Mr. LUGAR, the name of the Senator from Virginia (Mr. WARNER) was added as a cosponsor of S. 613, a bill to enhance the overseas stabilization and reconstruction capabilities of the United States Government, and for other purposes.

S. 623

At the request of Mr. SCHUMER, the name of the Senator from Minnesota (Mr. COLEMAN) was added as a cosponsor of S. 623, a bill to amend the Public Health Service Act to provide for the licensing of comparable and interchangeable biological products, and for other purposes.

S. 624

At the request of Ms. MIKULSKI, the names of the Senator from Iowa (Mr. HARKIN), the Senator from Connecticut

(Mr. DODD) and the Senator from Massachusetts (Mr. KERRY) were added as cosponsors of S. 624, a bill to amend the Public Health Service Act to provide waivers relating to grants for preventive health measures with respect to breast and cervical cancers.

S. 625

At the request of Mr. KENNEDY, the names of the Senator from Indiana (Mr. BAYH) and the Senator from Michigan (Mr. LEVIN) were added as cosponsors of S. 625, a bill to protect the public health by providing the Food and Drug Administration with certain authority to regulate tobacco products.

S. 634

At the request of Mr. DODD, the name of the Senator from New York (Mrs. CLINTON) was added as a cosponsor of S. 634, a bill to amend the Public Health Service Act to establish grant programs to provide for education and outreach on newborn screening and coordinated followup care once newborn screening has been conducted, to reauthorize programs under part A of title XI of such Act, and for other purposes.

S. 637

At the request of Mr. SESSIONS, the names of the Senator from Georgia (Mr. CHAMBLISS) and the Senator from Georgia (Mr. ISAKSON) were added as cosponsors of S. 637, 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. 661

At the request of Mrs. CLINTON, the name of the Senator from Arkansas (Mrs. LINCOLN) was added as a cosponsor of S. 661, a bill to establish kinship navigator programs, to establish guardianship assistance payments for children, and for other purposes.

S. 667

At the request of Mr. BOND, the name of the Senator from Kansas (Mr. ROBERTS) was added as a cosponsor of S. 667, a bill to expand programs of early childhood home visitation that increase school readiness, child abuse and neglect prevention, and early identification of developmental and health delays, including potential mental health concerns, and for other purposes.

S. 675

At the request of Mr. HARKIN, the names of the Senator from South Carolina (Mr. GRAHAM) and the Senator from Indiana (Mr. LUGAR) were added as cosponsors of S. 675, a bill to provide competitive grants for training court reporters and closed captioners to meet requirements for realtime writers under the Telecommunications Act of 1996, and for other purposes.

S. 676

At the request of Mr. BIDEN, the name of the Senator from Nebraska (Mr. HAGEL) was added as a cosponsor of S. 676, a bill to provide that the Executive Director of the Inter-American Development Bank or the Alternate Executive Director of the Inter-American Development Bank may serve on the Board of Directors of the Inter-American Foundation.

S. 691

At the request of Mr. CONRAD, the name of the Senator from California (Mrs. BOXER) was added as a cosponsor of S. 691, a bill to amend title XVIII of the Social Security Act to improve the benefits under the Medicare program for beneficiaries with kidney disease, and for other purposes.

S. 694

At the request of Mrs. CLINTON, the names of the Senator from Arizona (Mr. MCCAIN) and the Senator from West Virginia (Mr. ROCKEFELLER) were added as cosponsors of S. 694, a bill to direct the Secretary of Transportation to issue regulations to reduce the incidence of child injury and death occurring inside or outside of light motor vehicles, and for other purposes.

S. 713

At the request of Mr. OBAMA, the name of the Senator from Iowa (Mr. HARKIN) was added as a cosponsor of S. 713, a bill to ensure dignity in care for members of the Armed Forces recovering from injuries.

S. 746

At the request of Mr. ALLARD, the names of the Senator from Oregon (Mr. SMITH) and the Senator from Montana (Mr. TESTER) were added as cosponsors of S. 746, a bill to establish a competitive grant program to build capacity in veterinary medical education and expand the workforce of veterinarians engaged in public health practice and biomedical research.

S. 756

At the request of Mr. DODD, the name of the Senator from Pennsylvania (Mr. CASEY) was added as a cosponsor of S. 756, a bill to authorize appropriations for the Department of Defense to address the equipment reset and other equipment needs of the National Guard, and for other purposes.

S. 761

At the request of Mr. REID, the names of the Senator from Illinois (Mr. DURBIN) and the Senator from California (Mrs. FEINSTEIN) were added as cosponsors of S. 761, a bill to invest in innovation and education to improve the competitiveness of the United States in the global economy.

S.J. RES. 5

At the request of Mr. DURBIN, the name of the Senator from Delaware (Mr. CARPER) was added as a cosponsor of S.J. Res. 5, a joint resolution proclaiming Casimir Pulaski to be an honorary citizen of the United States posthumously.

S. RES. 92

At the request of Mrs. CLINTON, the name of the Senator from Oregon (Mr. SMITH) was added as a cosponsor of S. Res. 92, a resolution calling for the immediate and unconditional release of soldiers of Israel held captive by Hamas and Hezbollah.

AMENDMENT NO. 286

At the request of Mr. OBAMA, his name was added as a cosponsor of amendment No. 286 proposed to S. 4, a bill to make the United States more secure by implementing unfinished recommendations of the 9/11 Commission to fight the war on terror more effectively, to improve homeland security, and for other purposes.

AMENDMENT NO. 305

At the request of Mr. SESSIONS, the name of the Senator from Louisiana (Mr. VITTER) was added as a cosponsor of amendment No. 305 proposed to S. 4, a bill to make the United States more secure by implementing unfinished recommendations of the 9/11 Commission to fight the war on terror more effectively, to improve homeland security, and for other purposes.

AMENDMENT NO. 314

At the request of Mr. DEMINT, the names of the Senator from Louisiana (Mr. VITTER), the Senator from Idaho (Mr. CRAIG), the Senator from Kansas (Mr. ROBERTS), the Senator from Kentucky (Mr. BUNNING), the Senator from Wyoming (Mr. ENZI), the Senator from Utah (Mr. HATCH) and the Senator from South Carolina (Mr. GRAHAM) were added as cosponsors of amendment No. 314 proposed to S. 4, a bill to make the United States more secure by implementing unfinished recommendations of the 9/11 Commission to fight the war on terror more effectively, to improve homeland security, and for other purposes.

AMENDMENT NO. 317

At the request of Mr. KYL, the name of the Senator from Louisiana (Mr. VITTER) was added as a cosponsor of amendment No. 317 proposed to S. 4, a bill to make the United States more secure by implementing unfinished recommendations of the 9/11 Commission to fight the war on terror more effectively, to improve homeland security, and for other purposes.

AMENDMENT NO. 333

At the request of Mr. LEAHY, the names of the Senator from Rhode Island (Mr. WHITEHOUSE) and the Senator from Arkansas (Mrs. LINCOLN) were added as cosponsors of amendment No. 333 proposed to S. 4, a bill to make the United States more secure by implementing unfinished recommendations of the 9/11 Commission to fight the war on terror more effectively, to improve homeland security, and for other purposes.

AMENDMENT NO. 335

At the request of Mr. MARTINEZ, his name was added as a cosponsor of amendment No. 335 proposed to S. 4, a bill to make the United States more secure by implementing unfinished recommendations of the 9/11 Commission to fight the war on terror more effectively, to improve homeland security, and for other purposes.

AMENDMENT NO. 339

At the request of Mr. WYDEN, the name of the Senator from Wisconsin (Mr. KOHL) was added as a cosponsor of

amendment No. 339 intended to be proposed to S. 4, a bill to make the United States more secure by implementing unfinished recommendations of the 9/11 Commission to fight the war on terror more effectively, to improve homeland security, and for other purposes.

AMENDMENT NO. 342

At the request of Ms. COLLINS, the names of the Senator from Minnesota (Mr. COLEMAN) and the Senator from Oklahoma (Mr. COBURN) were added as cosponsors of amendment No. 342 proposed to S. 4, a bill to make the United States more secure by implementing unfinished recommendations of the 9/11 Commission to fight the war on terror more effectively, to improve homeland security, and for other purposes.

AMENDMENT NO. 343

At the request of Ms. CANTWELL, the name of the Senator from Kansas (Mr. BROWNBACK) was added as a cosponsor of amendment No. 343 intended to be proposed to S. 4, a bill to make the United States more secure by implementing unfinished recommendations of the 9/11 Commission to fight the war on terror more effectively, to improve homeland security, and for other purposes.

AMENDMENT NO. 345

At the request of Mr. COBURN, the name of the Senator from Arizona (Mr. MCCAIN) was added as a cosponsor of amendment No. 345 proposed to S. 4, a bill to make the United States more secure by implementing unfinished recommendations of the 9/11 Commission to fight the war on terror more effectively, to improve homeland security, and for other purposes.

AMENDMENT NO. 348

At the request of Mr. WYDEN, the name of the Senator from West Virginia (Mr. ROCKEFELLER) was added as a cosponsor of amendment No. 348 intended to be proposed to S. 4, a bill to make the United States more secure by implementing unfinished recommendations of the 9/11 Commission to fight the war on terror more effectively, to improve homeland security, and for other purposes.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. BURR (for himself and Mr. BINGAMAN):

S. 765. A bill to establish a grant program to improve high school graduation rates and prepare students for college and work; to the Committee on Health, Education, Labor, and Pensions.

Mr. BURR. Mr. President, I wish to talk about education, something many in this body take very seriously. I rise today to address the Nation's dropout crisis. Each day that our schools are open, approximately 7,000 students drop out of high school. That is 1.2 million students annually who do not complete their high school education. Almost a third of American students who enter high school in the ninth grade drop out of school and never receive their high school diploma.

I know our students, our schools, our communities can do better. To ensure that these young people have a better future and that America maintains its competitiveness in a global economy, I suggest to all my colleagues that we must do better.

According to a Manhattan Institute study, the high school graduation rate for the class of 2003 nationwide was only 70 percent. Thirty percent of our students in this country do not cross the goal line of graduation. Even more alarming, however, is that high school graduation rates for subgroups of students in 2003 were for White students, 78 percent; African Americans, 55 percent; Hispanics, 53 percent.

Graduating from high school is a 50–50 proposition in 930 of our high schools in our country. Fifty percent of the students in 930 schools do not get their high school diplomas. In 2,000 high schools, it is a 60–40 proposition. Sixty percent are going to get their diploma, 40 percent will not get their diploma.

Just last week, my home State of North Carolina released its most current data on our State's dropout crisis. Our statistics, likewise, point to an urgent need to pay attention to our public high schools and these students.

North Carolina's statewide graduation rate was 68 percent. Yet for Black students, that rate falls to 60 percent; for low-income students, 55 percent; and for Hispanic students, 52 percent. Nearly 80 percent of the Nation's high schools that produce the highest number of dropouts are in 15 States, and I am embarrassed at the fact that North Carolina is one of them.

To retain our competitive edge in the world economy, America's youths must be prepared for the jobs of today and the jobs of the future, jobs which increasingly require a postsecondary education. Unfortunately, in 2003, 3.5 million Americans ages 16 to 25 did not have a high school diploma and were not enrolled in school.

Individuals without a high school diploma experience higher rates of unemployment, incarceration, and are more likely to live in poverty and receive public assistance than individuals with at least a high school diploma.

We know the statistics, but they are worth repeating. Mr. President, 4 out of every 10 people ages 16 to 24 without a high school diploma receive some type of government assistance. A high school dropout is eight times more likely to be incarcerated than a person with a high school diploma.

I am fortunate to represent a State with a rich history in its commitment to higher education. The State of North Carolina is the home of the Nation's first State university, the University of North Carolina at Chapel Hill, which welcomed students for the first time to its campus on January 15, 1795. All total, North Carolina has 127 degree-granting institutions of higher education—75 public and 52 private. However, North Carolina and the rest of the country cannot rest on their laurels with their higher education systems. We should be and are proud of our high college-going rate in North Carolina. Yet while 64 percent of recent North Carolina high school graduates go on to college, that number is far too low.

There is no silver bullet that will fix our educational system, including high school reform which many have talked about. I hope more and better research will give us a better direction and maybe better answers, but until then, there are a number of things that we can and we should be doing to improve what is a problem that must be addressed.

In particular, we know the three Rs to making our public high schools work better for today's students are rigor, relevance, and relationships. Today, Senator JEFF BINGAMAN from New Mexico and I are introducing bipartisan legislation, the Graduate for a Better Future Act. This is to help turn the tide of our Nation's dropout crisis.

Senator BINGAMAN has been a stalwart leader in the Senate on issues relating to dropout prevention. I am proud to join him in an effort to lower high school dropout rates and to raise high school graduation and college-going rates.

This legislation will create a competitive grant program targeted at school districts and high schools with the lowest graduation rates, focused on those three Rs of high school reform: rigor, relevance, and relationships.

Funds under this act would be used for models of excellence for academically challenging high schools to prepare all students for college and for work; to offer academic catchup programs for those students who enter high school and do not meet proficient levels in mathematics, reading, language arts, or science that enable such students to meet proficient levels and remain on track to graduate from high school with a regular high school degree; to implement early warning systems to quickly identify students at risk of dropping out, especially systems that track student absenteeism, one of the greatest predictors that a student may drop out of high school; to implement comprehensive college guidance programs that ensure all students and their parents are regularly notified of high school graduation requirements, college requirements for entry, and provide guidance and assistance to students in applying for postsecondary education and in applying for Federal financial assistance and other State, local, and private financial aid and scholarships; to implement a program that offers all students opportunities for work-based and experiential learning experiences, such as job shadowing, internships, and community service so that students make the connection between what they are learning in school and how that applies to the workplace that we want them to be in; and to implement a student advisement program

in which all students are assigned to and have regular meetings with an academic teacher adviser.

A recent survey of high school dropouts by Civic Enterprises presents a picture of the American high school dropout that is surprising to many. I know it surprised me. Eighty-eight percent of those students who dropped out of high school had passing grades when they dropped out. Let me say that again. Eighty-eight percent of the students who dropped out of high school had passing grades which would have enabled them to complete their high school diploma. But they dropped out. Fifty-eight percent dropped out with 2 or fewer years to complete high school; 66 percent said they would have worked harder if expectations had been higher; 81 percent recognized that a high school diploma was absolutely vital to their success in life; and 74 percent said they would have stayed in school if they had it to do all over again.

Mr. President, this is the point where we get a redo. We get an opportunity to make sure students get an opportunity in the next generation so they don't make the same mistakes the last ones did.

Over the past 25 years, the difference in earnings between workers with lower and higher levels of education has grown. As my home State of North Carolina has experienced, gone are the days when an individual with only a high school diploma or GED can find a high-paying job in industries such as manufacturing, textiles, or furniture.

The global economy has changed the marketplace, and the competition is no longer the person who sits next to us. It is the person who graduates from the school we will never hear about or have an opportunity to visit.

We know more education pays off. Over his or her lifetime, an individual without a high school diploma will earn approximately $1.1 million less than an individual with a bachelor's degree, $1.5 million less than an individual with a master's degree, and $2.4 million less than an individual with a doctoral degree.

What is the message to our children and our grandchildren? Is it that the future is more competitive than the past, that to be competitive in the job market means we have to raise our educational skills, and as parents and grandparents, we have to make it happen? The answer is yes.

The Senate can no longer sit by and accept rates of 30 percent of our students who don't cross the goal line of high school and accept that without a fight. We can do better, and we should do better.

I look forward to working with my colleagues on the Health, Education, Labor, and Pensions Committee, and with my cosponsor, Senator BINGAMAN, to face our Nation's dropout crisis head on. This is a first start. This is the ability to educate parents and students about not only how we engage them in the proficiencies they need to be competitive but, more importantly, how we teach them that our expectations are greater than what they felt in the past.

It is time that the Senate lead by example to begin to pass legislation that has a real impact on the high school graduation rates in this country; that we can look back and say it was this legislation that started the process, and it was quickly followed up with additional legislation that helps our youth compete, regardless of where that job is and regardless of who their competition is.

As this legislation comes before the committee and comes to this floor, I urge my colleagues to pay particular attention to the impact it has on our children and our grandchildren but, more importantly, on our competitiveness in the future.

I ask unanimous consent that the text of the bill be printed in the RECORD.

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

S. 765

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

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the ''Graduate for a Better Future Act''.

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

SEC. 2. FINDINGS.

Congress makes the following findings:

(1) The high school graduation rate for the class of 2003 was only 70 percent nationwide. Thus, almost ⅓ of American students who enter high school in 9th grade drop out of school and never receive a high school diploma.

(2) Large disparities exist in the high school graduation rates among various subgroups of students. Although the high school graduation rate for white students was 78 percent in 2003, the rate for African American students was only 55 percent, and the rate for Hispanic students was only 53 percent.

(3) For students in approximately 2,000 high schools across the United States, the chance of graduating from high school is less than 60 percent.

(4) In 2003, 3,500,000 Americans ages 16 to 25 did not have a high school diploma and were not enrolled in school.

(5) To retain its competitive edge in the world economy, it is essential that America's youth be prepared for the jobs of today and for the jobs of the future. Such jobs increasingly require a post-secondary education.

(6) Individuals without a high school diploma experience higher rates of unemployment, incarceration, living in poverty, and receiving public assistance than individuals with at least a high school diploma.

(7) Over his or her lifetime, an individual without a high school diploma will earn approximately $1,100,000 less than an individual with a bachelor's degree, $1,500,000 less than an individual with a master's degree, and $2,400,000 less than an individual with a doctoral degree.

SEC. 3. PURPOSES.

The purposes of this Act are—

(1) to create models of excellence for academically rigorous high schools, including early college high schools, in order to prepare all students for college and work;

(2) to raise high school graduation rates and college-going rates;

(3) to reduce college remediation rates;

(4) to create a seamless curriculum between high school and college;

(5) to improve teaching and curricula to make high school more rigorous and relevant;

(6) to improve instruction and access to supports for struggling high school students;

(7) to improve communication between parents, students, and schools; and

(8) to create, implement, and utilize early warning systems to help identify students at risk of dropping out of high school, especially systems that monitor student absenteeism.

SEC. 4. DEFINITIONS.

(1) ADVANCED PLACEMENT OR INTERNATIONAL BACCALAUREATE COURSE.—The term ''Advanced Placement or International Baccalaureate course'' means a course of college-level instruction provided to middle school or secondary school students, terminating in an examination administered by the College Board or the International Baccalaureate Organization.

(2) COLLEGE-GOING RATE.—The term ''college-going rate'' means the percentage of high school graduates who enroll at an institution of higher education in the school year immediately following graduation from high school.

(3) DUAL CREDIT COURSES.—The term ''dual credit course'' means a college course that—

(A) may be taken at a high school or at an institution of higher education;

(B) is taught by—

(i) college faculty; or

(ii) high school faculty with credentials that the eligible entity determines are appropriate; and

(C) the successful completion of which can earn high school academic credit as well as college academic credit.

(4) ELIGIBLE ENTITY.—The term ''eligible entity'' means—

(A) a State educational agency;

(B) a national, regional, or statewide nonprofit organization with expertise and experience in working with local educational agencies and high schools to raise high school academic achievement, high school graduation rates, and college-going rates; or

(C) a partnership consisting of a State educational agency and an entity described in subparagraph (B).

(5) ELIGIBLE LOCAL EDUCATIONAL AGENCY.—The term ''eligible local educational agency'' means a local educational agency with a high school graduation rate of 60 percent or less—

(A) in the aggregate; or

(B) applicable to 2 or more of the following subgroups of high school students served by the local educational agency:

(i) Economically disadvantaged students.

(ii) Students from major racial or ethnic groups.

(6) HIGH SCHOOL.—The term ''high school'' means a nonprofit institutional day or residential school, including a public charter high school, that provides high school education, as determined under State law.

(7) HIGH SCHOOL GRADUATION RATE.—The term ''high school graduation rate'' means the percentage of students who graduate from high school with a regular diploma in the standard number of years as measured by

a valid and reliable measure of high school graduation rates, such as the averaged freshman graduation rate.

(8) INSTITUTION OF HIGHER EDUCATION.—The term ''institution of higher education'' has the meaning given the term in section 101(a) of the Higher Education Act of 1965 (20 U.S.C. 1001(a)).

(9) LOCAL EDUCATIONAL AGENCY.—The term ''local educational agency'' has the meaning given the term in section 9101 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7801).

(10) PARENT.—The term ''parent'' has the meaning given the term in section 9101 of the Elementary and Secondary Education Act of 1965.

(11) RIGOROUS SECONDARY SCHOOL PROGRAM OF STUDY.—The term ''rigorous secondary school program of study'' means a rigorous secondary school program of study recognized as such by the Secretary for purposes of subparagraph (A)(i) or (B)(i) of section 401A(c)(3) of the Higher Education Act of 1965 (20 U.S.C. 1070a–1(c)(3)).

(12) SECRETARY.—The term ''Secretary'' means the Secretary of Education.

(13) STATE EDUCATIONAL AGENCY.—The term ''State educational agency'' has the meaning given the term in section 9101 of the Elementary and Secondary Education Act of 1965.

(14) STUDENT WITH A DISABILITY.—The term ''student with a disability'' means a child with a disability, as defined in section 602 of the Individuals with Disabilities Education Act (20 U.S.C. 1401).

SEC. 5. PROGRAM AUTHORIZED.

(a) IN GENERAL.—From amounts appropriated under section 8 for a fiscal year, the Secretary is authorized to award grants, on a competitive basis, to eligible entities to enable eligible entities to award subgrants to eligible local educational agencies for the authorized activities described in subsection (d).

(b) DURATION.—

(1) GRANTS.—The Secretary may award grants under this Act (other than a planning grant under subsection (c)(3)) for a period of not more than 6 years.

(2) SUBGRANTS.—An eligible entity may award subgrants under this Act for a period of not more than 5 years.

(c) ELIGIBLE ENTITY AUTHORIZED ACTIVITIES.—

(1) DISTRIBUTION.—An eligible entity that receives a grant under this Act—

(A) shall reserve not more than 15 percent of the grant funds to carry out the activities described in paragraphs (2) through (5); and

(B) shall use not less than 85 percent of the grant funds to award subgrants, on a competitive basis, to eligible local educational agencies to enable the eligible local educational agencies to carry out the authorized activities described in subsection (d).

(2) STATE LEVEL PLANNING AND ADMINISTRATION.—An eligible entity that receives a grant under this Act may use the grant funds reserved under paragraph (1)(A) for planning and administration, including—

(A) evaluating applications from eligible local educational agencies;

(B) administering the distribution of subgrants to eligible local educational agencies; and

(C) assessing and evaluating, on a regular basis, eligible local educational agency activities carried out under this Act, including regularly evaluating the academic rigor of courses at high schools in the State that receive funding under this Act.

(3) LOCAL EDUCATIONAL AGENCY PLANNING GRANTS.—

(A) IN GENERAL.—From amounts reserved under paragraph (1)(A), an eligible entity may award a planning grant to an eligible local educational agency.

(B) AMOUNT.—An eligible entity shall award each planning grant under this paragraph in the amount of $10,000.

(C) DURATION AND USE OF PLANNING GRANT FUNDS.—Each planning grant shall be—

(i) awarded for a period of 1 year;

(ii) nonrenewable; and

(iii) used to plan and apply for a subgrant awarded under paragraph (1)(B).

(4) TECHNICAL ASSISTANCE FOR LOCAL EDUCATIONAL AGENCIES.—An eligible entity that receives a grant under this Act may use the grant funds reserved under paragraph (1)(A) for technical assistance, including—

(A) assisting eligible local educational agencies in accomplishing the tasks required to implement a program under this Act;

(B) implementing a program of professional development for teachers and administrators, in high schools that receive funding under this Act, that prepares teachers and administrators to implement the authorized activities described in subsection (d); and

(C) assisting eligible local educational agencies in designing a program to be assisted under this Act.

(5) REPORTING.—An eligible entity that receives a grant under this Act may use the grant funds reserved under paragraph (1)(A) for annually providing the Secretary with a report on the implementation of this section as required under section 6.

(d) ELIGIBLE LOCAL EDUCATIONAL AGENCY AUTHORIZED ACTIVITIES.—Each eligible local educational agency receiving a subgrant under this Act, shall use the subgrant funds to carry out each of the following activities:

(1) To implement a college-preparatory curriculum for all students in a high school served by the eligible local educational agency under this Act (and for students with disabilities in accordance with the individualized education program of the student) that is, at a minimum, aligned with a rigorous secondary school program of study.

(2) To implement accelerated academic catch-up programs, for students who enter high school not meeting proficient levels of academic achievement in mathematics, reading or language arts, or science, that enable such students to meet the proficient levels of achievement and remain on track to graduate from high school on time with a regular high school diploma.

(3) To implement an early warning system to quickly identify students at risk of dropping out of high school, including systems that track student absenteeism.

(4) To implement a system of student and classroom progress monitoring, which may include the adoption and use of diagnostic or formative assessments that—

(A) measure student academic progress in the core academic areas; and

(B) may identify areas in which students need additional academic assistance and support.

(5) To implement a comprehensive college guidance program that—

(A) will ensure that all students in a high school served by the eligible local educational agency under this Act, and their parents, are regularly notified throughout the students' time in high school, of high school graduation requirements and college entrance requirements; and

(B) provides guidance and assistance to students in applying to an institution of higher education and in applying for Federal financial aid assistance and other State, local, and private financial aid assistance and scholarships.

(6) To implement a program that offers, all students in a high school served by the eligible local educational agency under this Act, opportunities for work-based and experiential learning experiences, such as job-shadowing, internships, and community service.

(7) To implement a program that ensures that all students in a high school served by the eligible local educational agency under this Act, have access to and enroll in courses in which the students may earn college credit for courses taken while in high school, such as a dual credit course, or an Advanced Placement or International Baccalaureate course.

(8) To implement a program of student advisement in which all students in a high school served by the eligible local educational agency under this Act are assigned and have regular meetings with an academic teacher advisor.

(9) To implement a program of teacher professional development and institutional leadership that includes use of diagnostic and formative assessments to identify student and teacher needs, to assess classroom practice, and to improve classroom instruction.

(e) APPLICATIONS.—

(1) ELIGIBLE ENTITY.—Each eligible entity desiring a grant under this Act shall submit an application to the Secretary at such time and in such manner as the Secretary may require. Each application shall—

(A) include a description of how subgrants made by the eligible entity under this Act will meet the requirements described in subsection (d);

(B) include a description of the peer review process the eligible entity shall use to evaluate applications from eligible local educational agencies;

(C) contain an assurance that the eligible entity, and any eligible local educational agencies receiving a subgrant from that eligible entity, will, if requested, participate in the independent evaluation under section 7(1);

(D) describe how the eligible entity will use grant funds received under this section;

(E) describe how the eligible entity will assist eligible local educational agencies that receive planning grant funds or subgrant funds under this Act in securing any necessary waivers from the State educational agency that may be required to carry out the requirements of this Act, such as waivers with respect to budgeting, school structure, staffing, and flexible use of resources and time; and

(F) describe how the eligible entity will assess and evaluate, on a regular basis, eligible local educational agency activities carried out under this Act, including regularly evaluating the academic rigor of courses at high schools in the State that receive funding under this Act.

(2) ELIGIBLE LOCAL EDUCATIONAL AGENCY.—Each eligible local educational agency desiring a subgrant under this section shall submit an application to the eligible entity at such time and in such manner as the eligible entity may require. Each application shall—

(A) include a description of each high school that will receive funding from the eligible local educational agency under this Act, including such high school graduation, academic achievement, demographic, and socioeconomic data as the eligible entity may request;

(B) contain an assurance that academic merit tests will not be used to determine student enrollment in each such high school;

(C) contain a description of specific outreach and recruitment efforts at each such high school that will be undertaken for student populations historically underrepresented at institutions of higher education;

(D) contain an assurance that a college-preparatory curriculum will be offered to all students at each such high school (and to students with disabilities in accordance with the individualized education program of the

student), that is, at a minimum, aligned with a rigorous secondary school program of study;

(E) include a comprehensive description of how curriculum at each such high school will be developed, structured, and delivered;

(F) include clearly delineated benchmarks for improved student academic achievement, high school graduation rates, and college-going rates at each such high school;

(G) include a description of assessments that will be used at each such high school, including assessments for school accountability purposes and student progress monitoring purposes;

(H) contain a comprehensive plan for professional development at each such high school that includes intended changes in teaching practices that will result in improved student academic achievement, high school graduation rates, and college-going rates;

(I) include a detailed description of work-based and experiential learning experiences that will be offered for all students at each such high school, such as job shadowing, internships, and community service;

(J) contain an assurance that all students at each such high school will be assigned and have regular access to an academic teacher advisor;

(K) contain an assurance that the eligible local educational agency will grant each such high school any necessary waivers from local educational agency policies and rules that may be required to carry out the requirements of this Act, such as waivers with respect to budgeting, school structure, staffing, and flexible use of resources and time;

(L) include a plan that details how programs assisted under this Act will be sustained after the end of subgrant funding under this Act;

(M) in the case of dual credit courses and early college high schools, contain formal agreements between the eligible local educational agency and institutions of higher education that detail shared responsibility for each such high school and students at the high school;

(N) include a description of school staffing considerations and how teachers will be selected for each such high school;

(O) include a detailed plan of the college awareness program at each such high school that addresses applying for admission to an institution of higher education and applying for financial aid; and

(P) contain an assurance that the eligible local educational agency will report to the eligible entity all data necessary for the eligible entity's report under section 6.

(f) MATCHING REQUIREMENT.—

(1) IN GENERAL.—Subject to paragraph (2), each eligible entity that receives a grant under this section shall provide, toward the cost of the activities assisted under the grant, from non-Federal sources, an amount equal to 100 percent of the amount of the grant.

(2) WAIVER.—The Secretary may waive all or part of the matching requirement described in paragraph (1) for any fiscal year for an eligible entity if the Secretary determines that applying the matching requirement to such eligible entity would result in serious hardship or an inability to carry out the authorized activities described in subsection (c).

(3) SUPPLEMENT NOT SUPPLANT.—Grant funds provided under this Act shall be used to supplement, not supplant, other Federal and State funds available to carry out the activities described in subsection (d).

SEC. 6. REPORTING AND ACCOUNTABILITY.

(a) COLLECTION OF DATA.—Each eligible entity receiving a grant under this Act shall collect and report annually to the Secretary such information on the results of the activities assisted under the grant as the Secretary may reasonably require, including information on—

(1) the number and percentage of students in the State who are assisted under this Act and graduate from high school on time with a regular high school diploma;

(2) the number and percentage of students, at each grade level, in the State who are assisted under this Act and meet or exceed State reading or language arts, mathematics, or science standards, as measured by State academic assessments required under section 1111(b)(3) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6311(b)(3));

(3) the number and percentage of students, at each grade level, in the State who are assisted under this Act and are on track to graduate from high school on time and with a regular high school diploma;

(4) the number and percentage of students in the State who are assisted under this Act and participate in work-based and experiential learning experiences, such as job shadowing, internships, community service, and descriptive information on the types of experiences in which such students participated;

(5) the number and percentage of students, in grades 11 and 12, in the State who are assisted under this Act and enrolled in not less than 2 of the following:

(A) a dual credit course; or

(B) an Advanced Placement or International Baccalaureate course;

(6) the number and percentage of students in the State who are assisted under this Act and receive a passing grade or higher for a dual credit course, or an Advanced Placement or International Baccalaureate course;

(7) the number and percentage of students in the State who are assisted under this Act and apply to an institution of higher education while still in high school;

(8) the number and percentage of students in the State who are assisted under this Act and are accepted to an institution of higher education while still in high school;

(9) the number and percentage of students in the State who are assisted under this Act and enroll in an institution of higher education in the school year immediately following the students' high school graduation;

(10) the number and percentage of students in the State who are assisted under this Act and enrolled in remedial mathematics or English courses during their freshman year at an institution of higher education;

(11) the number and percentage of students, in grade 10, in the State who are assisted under this Act and take the PSAT; and

(12) the number and percentage of students, in grades 11 and 12, in the State who are assisted under this Act and take the SAT or ACT, and the students' mean scores on such assessments.

(b) REPORTING OF DATA.—Each eligible entity receiving a grant under this section shall report the information required under subsection (a) disaggregated in the same manner as information is disaggregated under section 1111(h)(1)(C)(i) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 1111(b)(1)(C)(i)).

SEC. 7. EVALUATION AND REPORT.

From the amount appropriated for any fiscal year under section 8, the Secretary shall reserve such sums as may be necessary—

(1) to conduct an independent evaluation, by grant or by contract, of the program carried out under this Act, which shall include an assessment of the impact of the program on high school graduation rates, college-going rates, and student academic achievement; and

(2) to prepare and submit a report on the results of the evaluation described in paragraph (1) to the Committee on Health, Education, Labor, and Pensions of the Senate and the Committee on Education and Labor of the House of Representatives.

SEC. 8. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated to carry out this Act $500,000,000 for fiscal year 2008 and such sums as may be necessary for each of the 5 succeeding fiscal years.

By Mrs. CLINTON (for herself, Mr. KENNEDY, Mr. HARKIN, Mrs. BOXER, Ms. CANTWELL, Mr. DODD, Mr. FEINGOLD, Ms. KLOBUCHAR, Mr. LEAHY, Mr. MENENDEZ, Ms. MIKULSKI, Mrs. MURRAY, Mr. REED, Mr. REID, and Mr. SCHUMER):

S. 766. A bill to amend the Fair Labor Standards Act of 1938 to provide more effective remedies of victims of discrimination in the payment of wages on the basis of sex, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

Mrs. CLINTON. Mr. President, I rise today to reintroduce the Paycheck Fairness Act in recognition of Women's History Month. I'd like to thank my colleagues Senators KENNEDY, HARKIN, BOXER, CANTWELL, DODD, FEINGOLD, KLOBUCHAR, LEAHY, MENENDEZ, MIKULSKI, MURRAY, REED, REID and SCHUMER for joining me in reintroducing this legislation to prevent, regulate and reduce pay discrimination for women across the country. I also want to acknowledge Congresswoman DELAURO for being the champion of this legislation in the House of Representatives.

As America celebrates Women's History Month, it's important that we not only take pride in how far women have come in our lifetime, but also recognize the work we must continue to achieve true pay equity in this country. Over the past four decades, we have made tremendous strides in closing the wage gap between women and men. But research still shows us that pay discrimination continues to result in women earning less than men for performing the same job.

Today, women working full time, year-round, still make only 77 cents for every dollar that a man makes—meaning that for every $100 she earns, a typical woman has $23 less to spend on groceries, housing, child care, or other expenses. Women of color fare even worse: African-American women earn only 67¢, and Latinas only 56¢, for every $1.00 earned by white men.

Just two weeks ago, the Wall Street Journal published an article entitled ''Women Post Job Gains, Data Show.'' The article showcased proof of progress over the past decade. From the year 2000 through 2005, women posted a net increase of 1.7 million jobs paying above the median salary, while men gained a net increase of just over 220,000 of such positions, according to the Bureau of Labor Statistics. The issue of the wage gap, however, continues to affect women workers. In 2005, the median weekly pay for women

was $486, or 73 percent of that for men—$663.

While we often associate the pay wage with low-paying jobs, this inequity is not exclusive to the lower class. The New York Times recently reported that Wimbledon has finally agreed to pay its women tennis champions the same amount of prize money as their male counterparts. Last year's men's champion received $1.170 million, while the tournament's women's winner got $1.117 million.

That is why I am pleased to be introducing the Paycheck Fairness Act—a bill that will build on the promise of the Equal Pay Act and help close the pay gap.

The Paycheck Fairness Act has three main components.

First, it prevents pay discrimination before it starts. By helping women strengthen their negotiation skills and providing outreach and technical assistance to employers to ensure they fairly evaluate and pay their employees, the Paycheck Fairness Act gives employers the tools they need to level the playing field between men and women.

Second, the Paycheck Fairness Act creates strong penalties to punish those who do violate the act. By strengthening the penalties for employers who violate the Equal Pay Act, this bill sends a strong message—Equal Pay is a matter to be taken seriously.

And finally, the Paycheck Fairness Act ensures that the Federal Government, which should be a model employer when it comes to enforcing Federal employment laws, uses every tool in its toolbox to ensure that women are paid the same amount as men for doing the same jobs.

There is no question that we have come a long way since the Equal Pay Act became law 44 years ago. But we still have a lot of work to do.

According to the National Committee on Pay Equity, working women stand to lose $250,000 over the course of their career because of unequal pay practices—a difference in pay that cannot be fully explained by experience, education, or other qualifications. And the pay gap follows women into retirement: unmarried women in the workforce today will receive, on average, about $8,000 per year less in retirement income than their male counterparts. As a result, millions of American families lose out because equal pay is still not a reality.

It is my hope that many more of my colleagues will join me in recognizing this is more than a women's issue—it is a family issue. It is in all of our interests to allow women to support their families and to live with the dignity and respect accorded to fully engaged members of the workforce.

Mr. KENNEDY. Mr. President, one of the most profound economic shifts of the past century has been the entry of women into the workforce in tremendous numbers. In 1900, women made up only 18.4 percent of the working population. Today, more than 46 percent of the workers who claim a paycheck each week are women.

Unfortunately, while America's women are working harder than ever, they are not being fairly compensated for their contributions to our economy.

Discrimination against women continues to be prevalent in the workplace. Women earn about 77 cents for each dollar earned by men, and the gap is even greater for women of color. In 2004, African-American women earned only 67 percent of the earnings of White men, and Hispanic women earned only 56 percent.

Unfortunately, the problem is not getting better. The current wage gap of 23 cents is the same gap that existed in 2002. Since 1963, when the Equal Pay Act was passed, the wage gap has narrowed by less than half of a penny a year.

While many argue that this persistent pay gap is a consequence of women's choosing to take time out of the workforce, the evidence shows that other factors, including discrimination, are a significant cause. In 2004, the Census Bureau concluded that the substantial gap in earnings between men and women could not completely be explained by differences in education, tenure in the workforce, or occupation. Similarly, a recent General Accounting Office report concluded that the difference in men and women's working patterns does not explain the entire disparity in their wages. Discrimination plays a significant role as well.

It is appalling and unacceptable that such discrimination still exists in America, and we need to combat it with Federal legislation. The issue is simple fairness, and Congress needs to act.

I am proud to join with Senator CLINTON and Senator HARKIN in introducing the Paycheck Fairness Act today. This important legislation will give America's working women the tools they need to fight for fair pay. It will make sure our fair pay laws apply to everyone, and it will strengthen the penalties for employers that are not playing by the rules.

These important reforms are long overdue. I urge my colleagues to stand up for working women and end wage discrimination by passing the Paycheck Fairness Act.

By Mr. OBAMA (for himself, Mr. LUGAR, Mr. BIDEN, Mr. SMITH, Mr. BINGAMAN, Mr. COLEMAN, and Mr. SPECTER):

S. 767. A bill to increase fuel economy standards for automobiles and for other purposes; to the Committee on Commerce, Science, and Transportation.

By Mr. OBAMA (for himself, Mr. LUGAR, Mr. BIDEN, Mr. SMITH, Mr. BINGAMAN, Mr. COLEMAN, and Mr. SPECTER):

S. 768. A bill to increase fuel economy standards for automobiles and for other purposes; to the Committee on Finance.

Mr. OBAMA. Mr. President, 33 years ago, this Nation faced a crisis that touched every American. In 1973, in the shadow of a war against Israel, the Arab nations of OPEC decided to embargo shipments of crude oil to the West.

The economic effects were devastating. For American drivers, the price at the gas pump rose from a national average of 38.5 cents per gallon in May 1973 to 55.1 cents per gallon in June 1974. The stock market fell, and countries across the world faced terrible cycles of inflation and recession that lasted well into the 1980s.

Lawmakers in Washington reacted by calling for a nationwide daylight savings time and a national speed limit. They established a new Department of Energy that eventually created a strategic petroleum reserve. Perhaps most important, Congress enacted the Corporate Average Fuel Economy standards, or CAFE, the first-ever requirements for automakers to improve gas mileage on the vehicles we drive.

At the time, auto executives protested, saying there was no way to increase fuel economy without making cars smaller. One company predicted that Americans would all be driving sub-compacts as a result of CAFE. But CAFE did work, and under the direction of Congress, the National Highway Traffic Safety Administration, NHSTA, nearly doubled the average gas mileage of cars from 14 miles per gallon in 1976 to 27.5 mpg for cars in 1985. Today, CAFE standards save us about 3 million barrels of oil per day, making it the most successful energy-saving measure ever adopted.

Now 30 years later, Americans again are feeling the pain at the pump. The price of oil has reached up to $78 a barrel, and Americans have paid more than $3.00 a gallon for gas. America's 20–million-barrel-a-day habit costs our economy $800 million a day, or $300 billion annually. Because we import 60 percent of our oil, much of it from the Middle East, our dependence on oil is also a national security issue as well. Al-Qaida knows that oil is America's Achilles heel. Osama bin Laden has urged his supporters to ''Focus your operations on oil, especially in Iraq and the gulf area, since this will cause them to die off.''

At a time when the energy and security stakes couldn't be higher, CAFE standards have been stagnant. In fact, because of a long-standing deadlock in Washington, CAFE standards that initially increased so quickly have remained stagnant for the last 20 years.

Since 1985, efforts to raise the CAFE standard have been stymied by opponents who have argued that Congress does not possess the expertise to set specific benchmarks and that an inflexible congressional mandate would result in the production of less safe cars and a loss of American jobs. This has been a bureaucratic logjam that

has ignored technological innovations in the auto industry and crippled our ability to increase fuel efficiency.

To attempt to break this two-decade-long deadlock and start the U.S. on the path towards energy independence, I have joined with Senators LUGAR, BIDEN, SMITH, BINGAMAN, COLEMAN, and SPECTER to introduce the Fuel Economy Reform Act of 2007. This bill would set a new course by establishing regular, continual, and incremental progress in miles per gallon, targeting 4 percent annually, but preserving NHTSA expertise and flexibility on how to meet those targets.

Over the past 20 years, NHTSA's efforts to improve fuel economy have been encumbered with loopholes and resistance. With this bill, CAFE standards would increase by 4 percent every year unless NHTSA can justify a deviation in that rate by proving that the increase is technologically unachievable, does not materially reduce the safety of automobiles manufactured or sold in the U.S., or can prove it is not cost-effective when comparing with the economic and geopolitical value of a gallon of gasoline saved. We specifically define the grounds upon which NHTSA can determine cost-effectiveness. By flipping the presumption that has served as a barrier to action, we replace the status quo of continued stagnation with steady, measured progress.

Under this system, if the 4 percent annualized improvement occurs over ten years, this bill would save 1.3 million barrels of oil per day—or 20 billion gallons of gasoline per year. If gasoline is just $2.50 per gallon, consumers will save $50 billion at the pump in 2018. By 2018, we would be cutting global warming pollution by 220 million metric tons of carbon dioxide equivalent gases.

The Fuel Economy Reform Act also would provide fairness and flexibility to domestic automakers by establishing different standards for different types of cars. Currently, manufacturers have to meet broad standards over their whole fleet of cars. This disadvantages companies like Ford and General Motors that produce full lines of small and large cars and trucks rather than manufacturers that only sell small cars.

In order to enable domestic manufacturers to develop advanced-technology vehicles, this legislation provides tax incentives to retool parts and assembly plants. This will strengthen the U.S. auto industry by allowing it to compete with foreign hybrid and other fuel efficient vehicles. It is our expectation that NHTSA will use its enhanced authority to bring greater market-based flexibility into CAFE compliance by allowing the banking and trading of credits among certain vehicle types and between manufacturers.

Finally, the bill also would expand the tax incentives that encourage consumers to buy advanced technology vehicles. The bill would lift the current 60,000-per-manufacturer cap on buyer tax credits to allow more Americans to buy ultra-efficient vehicles like hybrids.

By ending a 20-year stalemate on CAFE, the Fuel Economy Reform Act will recapture the innovation that Congress and the auto industry launched in response to the OPEC crisis. In the process, we will safeguard our national security, protect our economy, reduce consumer pain at the pump, and protect our climate, environment, and public health. I urge my colleagues to join our bipartisan coalition and support the Fuel Economy Reform Act.

I ask unanimous consent that the text of these two bills be printed in the RECORD.

There being no objection, the text of the bills were ordered to be printed in the RECORD, as follows:

S. 767

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

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Fuel Economy Reform Act''.

SEC. 2. FINDINGS.

Congress makes the following findings:

(1) United States dependence on oil imports imposes tremendous burdens on the economy, foreign policy, and military of the United States.

(2) According to the Energy Information Administration, 60 percent of the crude oil and petroleum products consumed in the United States between April 2005 and March 2006 (12,400,000 barrels per day) were imported. At a cost of $75 per barrel of oil, people in the United States remit more than $600,000 per minute to other countries for petroleum.

(3) A significant percentage of these petroleum imports originate in countries controlled by regimes that are unstable or openly hostile to the interests of the United States. Dependence on production from these countries contributes to the volatility of domestic and global markets and the ''risk premium'' paid by consumers in the United States.

(4) The Energy Information Administration projects that the total petroleum demand in the United States will increase by 23 percent between 2006 and 2026, while domestic crude production is expected to decrease by 11 percent, resulting in an anticipated 28 percent increase in petroleum imports. Absent significant action, the United States will become more vulnerable to oil price increases, more dependent upon foreign oil, and less able to pursue national interests.

(5) Two-thirds of all domestic oil use occurs in the transportation sector, which is 97 percent reliant upon petroleum-based fuels. Passenger vehicles, including light trucks under 10,000 pounds gross vehicle weight, represent over 60 percent of the oil used in the transportation sector.

(6) Corporate average fuel economy of all cars and trucks improved by 70 percent between 1975 and 1987. Between 1987 and 2006, fuel economy improvements have stagnated and the fuel economy of the United States is lower than many developed countries and some developing countries.

(7) Significant improvements in engine technology occurred between 1986 and 2006. These advances have been used to make vehicles larger and more powerful, and have not focused solely on increasing fuel economy.

(8) According to a 2002 fuel economy report by the National Academies of Science, fuel economy can be increased without negatively impacting the safety of cars and trucks in the United States. Some new technologies can increase both safety and fuel economy (such as high strength materials, unibody design, lower bumpers). Design changes related to fuel economy also present opportunities to reduce the incompatibility of tall, stiff, heavy vehicles with the majority of vehicles on the road.

(9) Significant change must occur to strengthen the economic competitiveness of the domestic auto industry. According to a recent study by the University of Michigan, a sustained gasoline price of $2.86 per gallon would lead Detroit's Big 3 automakers' profits to shrink by $7,000,000,000 as they absorb 75 percent of the lost vehicle sales. This would put nearly 300,000 people in the United States out of work.

(10) Opportunities exist to strengthen the domestic vehicle industry while improving fuel economy. A 2004 study performed by the University of Michigan concludes that providing $1,500,000,000 in tax incentives over a 10-year period to encourage domestic manufacturers and parts facilities to produce clean cars will lead to a gain of nearly 60,000 domestic jobs and pay for itself through the resulting increase in domestic tax receipts.

SEC. 3. DEFINITION OF AUTOMOBILE AND PASSENGER AUTOMOBILE.

(a) DEFINITION OF AUTOMOBILE.—

(1) IN GENERAL.—Paragraph (3) of section 32901(a) of title 49, United States Code, is amended by striking ''rated at—'' and all that follows through the period at the end and inserting ''rated at not more than 10,000 pounds gross vehicle weight.''.

(2) FUEL ECONOMY INFORMATION.—Section 32908(a) of such title is amended, by striking ''section—'' and all that follows through ''(2)'' and inserting ''section, the term''.

(3) EFFECTIVE DATE.—The amendments made by paragraphs (1) and (2) shall apply to model year 2010 and each subsequent model year.

(b) DEFINITION OF PASSENGER AUTOMOBILE.—

(1) IN GENERAL.—Paragraph (16) of section 32901(a) of such title is amended by striking '', but does not include'' and all that follows through the end and inserting a period.

(2) EFFECTIVE DATE.—The amendment made by paragraph (1) shall apply to model year 2012 and each subsequent model year.

SEC. 4. AVERAGE FUEL ECONOMY STANDARDS.

(a) STANDARDS.—Section 32902 of title 49, United States Code, is amended—

(1) in subsection (a)—

(A) in the heading, by inserting ''MANUFACTURED BEFORE MODEL YEAR 2013'' after ''NON-PASSENGER AUTOMOBILES''; and

(B) by adding at the end the following: ''This subsection shall not apply to automobiles manufactured after model year 2012.'';

(2) in subsection (b)—

(A) in the heading, by inserting ''MANUFACTURED BEFORE MODEL YEAR 2013'' after ''PASSENGER AUTOMOBILES'';

(B) by inserting ''and before model year 2010'' after ''1984''; and

(C) by adding at the end the following: ''Such standard shall be increased by 4 percent per year for model years 2010 through 2012 (rounded to the nearest 1/10 mile per gallon)'';

(3) by amending subsection (c) to read as follows:

''(c) AUTOMOBILES MANUFACTURED AFTER MODEL YEAR 2012.—(1)(A) Not later than 18 months before the beginning of each model year after model year 2012, the Secretary of Transportation shall prescribe, by regulation—

''(i) an average fuel economy standard for automobiles manufactured by a manufacturer in that model year; or

''(ii) based on 1 or more vehicle attributes that relate to fuel economy—

''(I) separate average fuel economy standards for different classes of automobiles; or

''(II) average fuel economy standards expressed in the form of a mathematical function.

''(B)(i) Except as provided under paragraphs (3) and (4) and subsection (d), average fuel economy standards under subparagraph (A) shall attain a projected aggregate level of average fuel economy of 27.5 miles per gallon for all automobiles manufactured by all manufacturers for model year 2013.

''(ii) The projected aggregate level of average fuel economy for model year 2014 and each model year thereafter shall be increased by 4 percent over the level of the prior model year (rounded to the nearest 1/10 mile per gallon).

''(2) In addition to the average fuel economy standards under paragraph (1), each manufacturer of passenger automobiles shall be subject to an average fuel economy standard for passenger automobiles manufactured by a manufacturer in a model year that shall be equal to 92 percent of the average fuel economy projected by the Secretary for all passenger automobiles manufactured by all manufacturers in that model year. An average fuel economy standard under this subparagraph for a model year shall be promulgated at the same time as the standard under paragraph (1) for such model year.

''(3) If the actual aggregate level of average fuel economy achieved by manufacturers for each of 3 consecutive model years is 5 percent or more less than the projected aggregate level of average fuel economy for such model year, the Secretary may make appropriate adjustments to the standards prescribed under this subsection.

''(4)(A) Notwithstanding paragraphs (1) through (3) and subsection (b), the Secretary of Transportation may prescribe a lower average fuel economy standard for 1 or more model years if the Secretary of Transportation, in consultation with the Secretary of Energy, finds, by clear and convincing evidence, that the minimum standards prescribed under paragraph (1)(B) or (3) or subsection (b) for each model year—

''(i) are technologically not achievable;

''(ii) cannot be achieved without materially reducing the overall safety of automobiles manufactured or sold in the United States and no offsetting safety improvements can be practicably implemented for that model year; or

''(iii) is shown not to be cost effective.

''(B) If a lower standard is prescribed for a model year under subparagraph (A), such standard shall be the maximum standard that—

''(i) is technologically achievable;

''(ii) can be achieved without materially reducing the overall safety of automobiles manufactured or sold in the United States; and

''(iii) is cost effective.

''(5) In determining cost effectiveness under paragraph (4)(A)(iii), the Secretary of Transportation shall take into account the total value to the United States of reduced petroleum use, including the value of reducing external costs of petroleum use, using a value for such costs equal to 50 percent of the value of a gallon of gasoline saved or the amount determined in an analysis of the external costs of petroleum use that considers—

''(A) value to consumers;

''(B) economic security;

''(C) national security;

''(D) foreign policy;

''(E) the impact of oil use—

''(i) on sustained cartel rents paid to foreign suppliers;

''(ii) on long-run potential gross domestic product due to higher normal-market oil price levels, including inflationary impacts;

''(iii) on import costs, wealth transfers, and potential gross domestic product due to increased trade imbalances;

''(iv) on import costs and wealth transfers during oil shocks;

''(v) on macroeconomic dislocation and adjustment costs during oil shocks;

''(vi) on the cost of existing energy security policies, including the management of the Strategic Petroleum Reserve;

''(vii) on the timing and severity of the oil peaking problem;

''(viii) on the risk, probability, size, and duration of oil supply disruptions;

''(ix) on OPEC strategic behavior and long-run oil pricing;

''(x) on the short term elasticity of energy demand and the magnitude of price increases resulting from a supply shock;

''(xi) on oil imports, military costs, and related security costs, including intelligence, homeland security, sea lane security and infrastructure, and other military activities;

''(xii) on oil imports, diplomatic and foreign policy flexibility, and connections to geopolitical strife, terrorism, and international development activities;

''(xiii) on all relevant environmental hazards under the jurisdiction of the Environmental Protection Agency; and

''(xiv) on well-to-wheels urban and local air emissions of 'pollutants' and their uninternalized costs;

''(F) the impact of the oil or energy intensity of the United States economy on the sensitivity of the economy to oil price changes, including the magnitude of gross domestic product losses in response to short term price shocks or long term price increases;

''(G) the impact of United States payments for oil imports on political, economic, and military developments in unstable or unfriendly oil exporting countries;

''(H) the uninternalized costs of pipeline and storage oil seepage, and for risk of oil spills from production, handling, and transport, and related landscape damage; and

''(I) additional relevant factors, as determined by the Secretary.

''(6) When considering the value to consumers of a gallon of gasoline saved, the Secretary of Transportation may not use a value that is less than the greatest of—

''(A) the average national cost of a gallon of gasoline sold in the United States during the 12-month period ending on the date on which the new fuel economy standard is proposed;

''(B) the most recent weekly estimate by the Energy Information Administration of the Department of Energy of the average national cost of a gallon of gasoline (all grades) sold in the United States; or

''(C) the gasoline prices projected by the Energy Information Administration for the 20-year period beginning in the year following the year in which the standards are established.

''(7) In prescribing standards under this subsection, the Secretary may prescribe standards for 1 or more model years.

''(8)(A) Not later than December 31, 2016, the Secretary of Transportation, the Secretary of Energy, and the Administrator of the Environmental Protection Agency shall submit a joint report to Congress on the state of global automotive efficiency technology development, and on the accuracy of tests used to measure fuel economy of automobiles under section 32904(c), utilizing the study and assessment of the National Academy of Sciences referred to in subparagraph (B).

''(B) The Secretary of Transportation shall enter into appropriate arrangements with the National Academy of Sciences to conduct a comprehensive study of the technological opportunities to enhance fuel economy and an analysis and assessment of the accuracy of fuel economy tests used by the Administrator of the Environmental Protection Agency to measure fuel economy for each model under section 32904(c). Such analysis and assessment shall identify any additional factors or methods that should be included in tests to measure fuel economy for each model to more accurately reflect actual fuel economy of automobiles. The Secretary of Transportation and the Administrator of the Environmental Protection Agency shall furnish, at the request of the Academy, any information that the Academy determines to be necessary to conduct the study, analysis, and assessment under this subparagraph.

''(C) The report submitted under subparagraph (A) shall include—

''(i) the study of the National Academy of Sciences referred to in subparagraph (B); and

''(ii) an assessment by the Secretary of Transportation of technological opportunities to enhance fuel economy and opportunities to increase overall fleet safety.

''(D) The report submitted under subparagraph (A) shall identify and examine additional opportunities to reform the regulatory structure under this chapter, including approaches that seek to merge vehicle and fuel requirements into a single system that achieves equal or greater reduction in petroleum use and environmental benefits than the amount of petroleum use and environmental benefits that have been achieved as of the date of the enactment of this Act.

''(E) The report submitted under subparagraph (A) shall—

''(i) include conclusions reached by the Administrator of the Environmental Protection Agency, as a result of detailed analysis and public comment, on the accuracy of fuel economy tests as in use during the period beginning on the date that is 5 years before the completion of the report and ends on the date of such completion;

''(ii) identify any additional factors that the Administrator determines should be included in tests to measure fuel economy for each model to more accurately reflect actual fuel economy of automobiles; and

''(iii) include a description of options, formulated by the Secretary of Transportation and the Administrator, to incorporate such additional factors in fuel economy tests in a manner that will not effectively increase or decrease average fuel economy for any automobile manufacturer.''; and

(4) in subsection (g)(2), by striking ''(and submit the amendment to Congress when required under subsection (c)(2) of this section)''.

(b) CONFORMING AMENDMENTS.—

(1) IN GENERAL.—Chapter 329 of title 49, United States Code, is amended—

(A) in section 32903—

(i) by striking ''passenger'' each place it appears;

(ii) by striking ''section 32902(b)–(d) of this title'' each place it appears and inserting ''subsection (c) or (d) of section 32902'';

(iii) by striking subsection (e); and

(iv) by redesignating subsection (f) as subsection (e); and

(B) in section 32904—

(i) in subsection (a)—

(I) by striking ''passenger'' each place it appears; and

(II) in paragraph (1), by striking ''subject to'' and all that follows through ''section 32902(b)–(d) of this title'' and inserting ''subject to subsection (c) or (d) of section 32902''; and

(ii) in subsection (b)(1)(B), by striking ''under this chapter'' and inserting ''under section 32902(c)(2)''.

(2) EFFECTIVE DATE.—The amendments made by this section shall apply to automobiles manufactured after model year 2012.

SEC. 5. CREDIT TRADING, COMPLIANCE, AND JUDICIAL REVIEW.

(a) CREDIT TRADING.—Section 32903(a) of title 49, United States Code, is amended—

(1) by inserting ''Credits earned by a manufacturer under this section may be sold to any other manufacturer and used as if earned by that manufacturer, except that credits earned by a manufacturer described in clause (i) of section 32904(b)(1)(A) may only be sold to a manufacturer described such clause (i) and credits earned by a manufacturer described in clause (ii) of such section may only be sold to a manufacturer described in such clause (ii).'' after ''earns credits.'';

(2) by striking ''3 consecutive model years immediately'' each place it appears and inserting ''model years''; and

(3) effective for model years after 2012, the sentence added by paragraph (1) of this subsection is amended by inserting ''for purposes of compliance with section 32902(c)(2)'' after ''except that''.

(b) MULTI-YEAR COMPLIANCE PERIOD.—Section 32904(c) of such title is amended—

(1) by inserting ''(1)'' before ''The Administrator''; and

(2) by adding at the end the following:

''(2) The Secretary, by rule, may allow a manufacturer to elect a multi-year compliance period of not more than 4 consecutive model years in lieu of the single model year compliance period otherwise applicable under this chapter.''.

(c) JUDICIAL REVIEW OF REGULATIONS.—Section 32909(a)(1) of such title is amended by striking out ''adversely affected by'' and inserting ''aggrieved or adversely affected by, or suffering a legal wrong because of,''.

S. 768

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

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Fuel Economy Reform Act''.

SEC. 2. FINDINGS.

Congress makes the following findings:

(1) United States dependence on oil imports imposes tremendous burdens on the economy, foreign policy, and military of the United States.

(2) According to the Energy Information Administration, 60 percent of the crude oil and petroleum products consumed in the United States between April 2005 and March 2006 (12,400,000 barrels per day) were imported. At a cost of $75 per barrel of oil, people in the United States remit more than $600,000 per minute to other countries for petroleum.

(3) A significant percentage of these petroleum imports originate in countries controlled by regimes that are unstable or openly hostile to the interests of the United States. Dependence on production from these countries contributes to the volatility of domestic and global markets and the ''risk premium'' paid by consumers in the United States.

(4) The Energy Information Administration projects that the total petroleum demand in the United States will increase by 23 percent between 2006 and 2026, while domestic crude production is expected to decrease by 11 percent, resulting in an anticipated 28 percent increase in petroleum imports. Absent significant action, the United States will become more vulnerable to oil price increases, more dependent upon foreign oil, and less able to pursue national interests.

(5) Two-thirds of all domestic oil use occurs in the transportation sector, which is 97 percent reliant upon petroleum-based fuels. Passenger vehicles, including light trucks under 10,000 pounds gross vehicle weight, represent over 60 percent of the oil used in the transportation sector.

(6) Corporate average fuel economy of all cars and trucks improved by 70 percent between 1975 and 1987. Between 1987 and 2006, fuel economy improvements have stagnated and the fuel economy of the United States is lower than many developed countries and some developing countries.

(7) Significant improvements in engine technology occurred between 1986 and 2006. These advances have been used to make vehicles larger and more powerful, and have not focused solely on increasing fuel economy.

(8) According to a 2002 fuel economy report by the National Academies of Science, fuel economy can be increased without negatively impacting the safety of cars and trucks in the United States. Some new technologies can increase both safety and fuel economy (such as high strength materials, unibody design, lower bumpers). Design changes related to fuel economy also present opportunities to reduce the incompatibility of tall, stiff, heavy vehicles with the majority of vehicles on the road.

(9) Significant change must occur to strengthen the economic competitiveness of the domestic auto industry. According to a recent study by the University of Michigan, a sustained gasoline price of $2.86 per gallon would lead Detroit's Big 3 automakers' profits to shrink by $7,000,000,000 as they absorb 75 percent of the lost vehicle sales. This would put nearly 300,000 people in the United States out of work.

(10) Opportunities exist to strengthen the domestic vehicle industry while improving fuel economy. A 2004 study performed by the University of Michigan concludes that providing $1,500,000,000 in tax incentives over a 10-year period to encourage domestic manufacturers and parts facilities to produce clean cars will lead to a gain of nearly 60,000 domestic jobs and pay for itself through the resulting increase in domestic tax receipts.

SEC. 3. DEFINITION OF AUTOMOBILE AND PASSENGER AUTOMOBILE.

(a) DEFINITION OF AUTOMOBILE.—

(1) IN GENERAL.—Paragraph (3) of section 32901(a) of title 49, United States Code, is amended by striking ''rated at—'' and all that follows through the period at the end and inserting ''rated at not more than 10,000 pounds gross vehicle weight.''.

(2) FUEL ECONOMY INFORMATION.—Section 32908(a) of such title is amended, by striking ''section—'' and all that follows through ''(2)'' and inserting ''section, the term''.

(3) EFFECTIVE DATE.—The amendments made by paragraphs (1) and (2) shall apply to model year 2010 and each subsequent model year.

(b) DEFINITION OF PASSENGER AUTOMOBILE.—

(1) IN GENERAL.—Paragraph (16) of section 32901(a) of such title is amended by striking '', but does not include'' and all that follows through the end and inserting a period.

(2) EFFECTIVE DATE.—The amendment made by paragraph (1) shall apply to model year 2012 and each subsequent model year.

SEC. 4. AVERAGE FUEL ECONOMY STANDARDS.

(a) STANDARDS.—Section 32902 of title 49, United States Code, is amended—

(1) in subsection (a)—

(A) in the heading, by inserting ''MANUFACTURED BEFORE MODEL YEAR 2013'' after ''NON-PASSENGER AUTOMOBILES''; and

(B) by adding at the end the following: ''This subsection shall not apply to automobiles manufactured after model year 2012.'';

(2) in subsection (b)—

(A) in the heading, by inserting ''MANUFACTURED BEFORE MODEL YEAR 2013'' after ''PASSENGER AUTOMOBILES'';

(B) by inserting ''and before model year 2010'' after ''1984''; and

(C) by adding at the end the following: ''Such standard shall be increased by 4 percent per year for model years 2010 through 2012 (rounded to the nearest 1/10 mile per gallon)'';

(3) by amending subsection (c) to read as follows:

''(c) AUTOMOBILES MANUFACTURED AFTER MODEL YEAR 2012.—(1)(A) Not later than 18 months before the beginning of each model year after model year 2012, the Secretary of Transportation shall prescribe, by regulation—

''(i) an average fuel economy standard for automobiles manufactured by a manufacturer in that model year; or

''(ii) based on 1 or more vehicle attributes that relate to fuel economy—

''(I) separate average fuel economy standards for different classes of automobiles; or

''(II) average fuel economy standards expressed in the form of a mathematical function.

''(B)(i) Except as provided under paragraphs (3) and (4) and subsection (d), average fuel economy standards under subparagraph (A) shall attain a projected aggregate level of average fuel economy of 27.5 miles per gallon for all automobiles manufactured by all manufacturers for model year 2013.

''(ii) The projected aggregate level of average fuel economy for model year 2014 and each model year thereafter shall be increased by 4 percent over the level of the prior model year (rounded to the nearest 1/10 mile per gallon).

''(2) In addition to the average fuel economy standards under paragraph (1), each manufacturer of passenger automobiles shall be subject to an average fuel economy standard for passenger automobiles manufactured by a manufacturer in a model year that shall be equal to 92 percent of the average fuel economy projected by the Secretary for all passenger automobiles manufactured by all manufacturers in that model year. An average fuel economy standard under this subparagraph for a model year shall be promulgated at the same time as the standard under paragraph (1) for such model year.

''(3) If the actual aggregate level of average fuel economy achieved by manufacturers for each of 3 consecutive model years is 5 percent or more less than the projected aggregate level of average fuel economy for such model year, the Secretary may make appropriate adjustments to the standards prescribed under this subsection.

''(4)(A) Notwithstanding paragraphs (1) through (3) and subsection (b), the Secretary of Transportation may prescribe a lower average fuel economy standard for 1 or more model years if the Secretary of Transportation, in consultation with the Secretary of Energy, finds, by clear and convincing evidence, that the minimum standards prescribed under paragraph (1)(B) or (3) or subsection (b) for each model year—

''(i) are technologically not achievable;

''(ii) cannot be achieved without materially reducing the overall safety of automobiles manufactured or sold in the United States and no offsetting safety improvements can be practicably implemented for that model year; or

''(iii) is shown not to be cost effective.

''(B) If a lower standard is prescribed for a model year under subparagraph (A), such standard shall be the maximum standard that—

''(i) is technologically achievable;

''(ii) can be achieved without materially reducing the overall safety of automobiles manufactured or sold in the United States; and

''(iii) is cost effective.

''(5) In determining cost effectiveness under paragraph (4)(A)(iii), the Secretary of Transportation shall take into account the total value to the United States of reduced petroleum use, including the value of reducing external costs of petroleum use, using a value for such costs equal to 50 percent of the value of a gallon of gasoline saved or the amount determined in an analysis of the external costs of petroleum use that considers—

''(A) value to consumers;

''(B) economic security;

''(C) national security;

''(D) foreign policy;

''(E) the impact of oil use—

''(i) on sustained cartel rents paid to foreign suppliers;

''(ii) on long-run potential gross domestic product due to higher normal-market oil price levels, including inflationary impacts;

''(iii) on import costs, wealth transfers, and potential gross domestic product due to increased trade imbalances;

''(iv) on import costs and wealth transfers during oil shocks;

''(v) on macroeconomic dislocation and adjustment costs during oil shocks;

''(vi) on the cost of existing energy security policies, including the management of the Strategic Petroleum Reserve;

''(vii) on the timing and severity of the oil peaking problem;

''(viii) on the risk, probability, size, and duration of oil supply disruptions;

''(ix) on OPEC strategic behavior and long-run oil pricing;

''(x) on the short term elasticity of energy demand and the magnitude of price increases resulting from a supply shock;

''(xi) on oil imports, military costs, and related security costs, including intelligence, homeland security, sea lane security and infrastructure, and other military activities;

''(xii) on oil imports, diplomatic and foreign policy flexibility, and connections to geopolitical strife, terrorism, and international development activities;

''(xiii) on all relevant environmental hazards under the jurisdiction of the Environmental Protection Agency; and

''(xiv) on well-to-wheels urban and local air emissions of 'pollutants' and their uninternalized costs;

''(F) the impact of the oil or energy intensity of the United States economy on the sensitivity of the economy to oil price changes, including the magnitude of gross domestic product losses in response to short term price shocks or long term price increases;

''(G) the impact of United States payments for oil imports on political, economic, and military developments in unstable or unfriendly oil exporting countries;

''(H) the uninternalized costs of pipeline and storage oil seepage, and for risk of oil spills from production, handling, and transport, and related landscape damage; and

''(I) additional relevant factors, as determined by the Secretary.

''(6) When considering the value to consumers of a gallon of gasoline saved, the Secretary of Transportation may not use a value that is less than the greatest of—

''(A) the average national cost of a gallon of gasoline sold in the United States during the 12-month period ending on the date on which the new fuel economy standard is proposed;

''(B) the most recent weekly estimate by the Energy Information Administration of the Department of Energy of the average national cost of a gallon of gasoline (all grades) sold in the United States; or

''(C) the gasoline prices projected by the Energy Information Administration for the 20-year period beginning in the year following the year in which the standards are established.

''(7) In prescribing standards under this subsection, the Secretary may prescribe standards for 1 or more model years.

''(8)(A) Not later than December 31, 2016, the Secretary of Transportation, the Secretary of Energy, and the Administrator of the Environmental Protection Agency shall submit a joint report to Congress on the state of global automotive efficiency technology development, and on the accuracy of tests used to measure fuel economy of automobiles under section 32904(c), utilizing the study and assessment of the National Academy of Sciences referred to in subparagraph (B).

''(B) The Secretary of Transportation shall enter into appropriate arrangements with the National Academy of Sciences to conduct a comprehensive study of the technological opportunities to enhance fuel economy and an analysis and assessment of the accuracy of fuel economy tests used by the Administrator of the Environmental Protection Agency to measure fuel economy for each model under section 32904(c). Such analysis and assessment shall identify any additional factors or methods that should be included in tests to measure fuel economy for each model to more accurately reflect actual fuel economy of automobiles. The Secretary of Transportation and the Administrator of the Environmental Protection Agency shall furnish, at the request of the Academy, any information that the Academy determines to be necessary to conduct the study, analysis, and assessment under this subparagraph.

''(C) The report submitted under subparagraph (A) shall include—

''(i) the study of the National Academy of Sciences referred to in subparagraph (B); and

''(ii) an assessment by the Secretary of Transportation of technological opportunities to enhance fuel economy and opportunities to increase overall fleet safety.

''(D) The report submitted under subparagraph (A) shall identify and examine additional opportunities to reform the regulatory structure under this chapter, including approaches that seek to merge vehicle and fuel requirements into a single system that achieves equal or greater reduction in petroleum use and environmental benefits than the amount of petroleum use and environmental benefits that have been achieved as of the date of the enactment of this Act.

''(E) The report submitted under subparagraph (A) shall—

''(i) include conclusions reached by the Administrator of the Environmental Protection Agency, as a result of detailed analysis and public comment, on the accuracy of fuel economy tests as in use during the period beginning on the date that is 5 years before the completion of the report and ends on the date of such completion;

''(ii) identify any additional factors that the Administrator determines should be included in tests to measure fuel economy for each model to more accurately reflect actual fuel economy of automobiles; and

''(iii) include a description of options, formulated by the Secretary of Transportation and the Administrator, to incorporate such additional factors in fuel economy tests in a manner that will not effectively increase or decrease average fuel economy for any automobile manufacturer.''; and

(4) in subsection (g)(2), by striking ''(and submit the amendment to Congress when required under subsection (c)(2) of this section)''.

(b) CONFORMING AMENDMENTS.—

(1) IN GENERAL.—Chapter 329 of title 49, United States Code, is amended—

(A) in section 32903—

(i) by striking ''passenger'' each place it appears;

(ii) by striking ''section 32902(b)–(d) of this title'' each place it appears and inserting ''subsection (c) or (d) of section 32902'';

(iii) by striking subsection (e); and

(iv) by redesignating subsection (f) as subsection (e); and

(B) in section 32904—

(i) in subsection (a)—

(I) by striking ''passenger'' each place it appears; and

(II) in paragraph (1), by striking ''subject to'' and all that follows through ''section 32902(b)–(d) of this title'' and inserting ''subject to subsection (c) or (d) of section 32902''; and

(ii) in subsection (b)(1)(B), by striking ''under this chapter'' and inserting ''under section 32902(c)(2)''.

(2) EFFECTIVE DATE.—The amendments made by this section shall apply to automobiles manufactured after model year 2012.

SEC. 5. CREDIT TRADING, COMPLIANCE, AND JUDICIAL REVIEW.

(a) CREDIT TRADING.—Section 32903(a) of title 49, United States Code, is amended—

(1) by inserting ''Credits earned by a manufacturer under this section may be sold to any other manufacturer and used as if earned by that manufacturer, except that credits earned by a manufacturer described in clause (i) of section 32904(b)(1)(A) may only be sold to a manufacturer described such clause (i) and credits earned by a manufacturer described in clause (ii) of such section may only be sold to a manufacturer described in such clause (ii).'' after ''earns credits.'';

(2) by striking ''3 consecutive model years immediately'' each place it appears and inserting ''model years''; and

(3) effective for model years after 2012, the sentence added by paragraph (1) of this subsection is amended by inserting ''for purposes of compliance with section 32902(c)(2)'' after ''except that''.

(b) MULTI-YEAR COMPLIANCE PERIOD.—Section 32904(c) of such title is amended—

(1) by inserting ''(1)'' before ''The Administrator''; and

(2) by adding at the end the following:

''(2) The Secretary, by rule, may allow a manufacturer to elect a multi-year compliance period of not more than 4 consecutive model years in lieu of the single model year compliance period otherwise applicable under this chapter.''.

(c) JUDICIAL REVIEW OF REGULATIONS.—Section 32909(a)(1) of such title is amended by striking out ''adversely affected by'' and inserting ''aggrieved or adversely affected by, or suffering a legal wrong because of,''.

SEC. 6. CONSUMER TAX CREDIT.

(a) ELIMINATION ON NUMBER OF NEW QUALIFIED HYBRID AND ADVANCED LEAN BURN TECHNOLOGY VEHICLES ELIGIBLE FOR ALTERNATIVE MOTOR VEHICLE CREDIT.—

(1) IN GENERAL.—Section 30B of the Internal Revenue Code of 1986 is amended—

(A) by striking subsection (f); and

(B) by redesignating subsections (g) through (j) as subsections (f) through (i), respectively.

(2) CONFORMING AMENDMENTS.—

(A) Paragraphs (4) and (6) of section 30B(h) of such Code are each amended by striking ''(determined without regard to subsection (g))'' and inserting ''determined without regard to subsection (f))''.

(B) Section 38(b)(25) of such Code is amended by striking ''section 30B(g)(1)'' and inserting ''section 30B(f)(1)''.

(C) Section 55(c)(2) of such Code is amended by striking ''section 30B(g)(2)'' and inserting ''section 30B(f)(2)''.

(D) Section 1016(a)(36) of such Code is amended by striking ''section 30B(h)(4)'' and inserting ''section 30B(g)(4)''.

(E) Section 6501(m) of such Code is amended by striking ''section 30B(h)(9)'' and inserting ''section 30B(g)(9)''.

(b) EXTENSION OF ALTERNATIVE VEHICLE CREDIT FOR NEW QUALIFIED HYBRID MOTOR VEHICLES.—Paragraph (3) of section 30B(i) of such Code (as redesignated by subsection (a)) is amended by striking ''December 31, 2009'' and inserting ''December 31, 2011''.

(c) COMPUTATION OF CREDIT.—Section 30B of such Code is amended by striking ''city'' each place it appears and inserting ''combined''.

(d) EFFECTIVE DATES.—The amendments made by subsections (a) and (b) of this section shall apply to property placed in service after December 31, 2007, in taxable years ending after such date. The amendments made by subsection (c) shall apply to vehicles acquired after the date of the enactment of this Act.

SEC. 7. ADVANCED TECHNOLOGY MOTOR VEHICLES MANUFACTURING CREDIT.

(a) IN GENERAL.—Subpart B of part IV of subchapter A of chapter 1 of the Internal Revenue Code of 1986 (relating to foreign tax credit, etc.) is amended by adding at the end the following new section:

''SEC. 30D. ADVANCED TECHNOLOGY MOTOR VEHICLES MANUFACTURING CREDIT.

''(a) CREDIT ALLOWED.—There shall be allowed as a credit against the tax imposed by this chapter for the taxable year an amount equal to 35 percent of the qualified investment of an eligible taxpayer for such taxable year.

''(b) QUALIFIED INVESTMENT.—For purposes of this section—

''(1) IN GENERAL.—The qualified investment for any taxable year is equal to the incremental costs incurred during such taxable year—

''(A) to re-equip, expand, or establish any manufacturing facility in the United States of the eligible taxpayer to produce advanced technology motor vehicles or to produce eligible components,

''(B) for engineering integration performed in the United States of such vehicles and components as described in subsection (d),

''(C) for research and development performed in the United States related to advanced technology motor vehicles and eligible components, and

''(D) for employee retraining with respect to the manufacturing of such vehicles or components (determined without regard to wages or salaries of such retrained employees).

''(2) ATTRIBUTION RULES.—In the event a facility of the eligible taxpayer produces both advanced technology motor vehicles and conventional motor vehicles, or eligible and non-eligible components, only the qualified investment attributable to production of advanced technology motor vehicles and eligible components shall be taken into account.

''(c) DEFINITIONS.—In this section:

''(1) ADVANCED TECHNOLOGY MOTOR VEHICLE.—The term 'advanced technology motor vehicle' means—

''(A) any qualified electric vehicle (as defined in section 30(c)(1)),

''(B) any new qualified fuel cell motor vehicle (as defined in section 30B(b)(3)),

''(C) any new advanced lean burn technology motor vehicle (as defined in section 30B(c)(3)),

''(D) any new qualified hybrid motor vehicle (as defined in section 30B(d)(2)(A) and determined without regard to any gross vehicle weight rating),

''(E) any new qualified alternative fuel motor vehicle (as defined in section 30B(e)(4), including any mixed-fuel vehicle (as defined in section 30B(e)(5)(B)), and

''(F) any other motor vehicle using electric drive transportation technology (as defined in paragraph (3)).

''(2) ELECTRIC DRIVE TRANSPORTATION TECHNOLOGY.—The term 'electric drive transportation technology' means technology used by vehicles that use an electric motor for all or part of their motive power and that may or may not use off-board electricity, such as battery electric vehicles, fuel cell vehicles, engine dominant hybrid electric vehicles, plug-in hybrid electric vehicles, and plug-in hybrid fuel cell vehicles.

''(3) ELIGIBLE COMPONENTS.—The term 'eligible component' means any component inherent to any advanced technology motor vehicle, including—

''(A) with respect to any gasoline or diesel-electric new qualified hybrid motor vehicle—

''(i) electric motor or generator;

''(ii) power split device;

''(iii) power control unit;

''(iv) power controls;

''(v) integrated starter generator; or

''(vi) battery;

''(B) with respect to any hydraulic new qualified hybrid motor vehicle—

''(i) accumulator or other energy storage device;

''(ii) hydraulic pump;

''(iii) hydraulic pump-motor assembly;

''(iv) power control unit; and

''(v) power controls;

''(C) with respect to any new advanced lean burn technology motor vehicle—

''(i) diesel engine;

''(ii) turbo charger;

''(iii) fuel injection system; or

''(iv) after-treatment system, such as a particle filter or NOx absorber; and

''(D) with respect to any advanced technology motor vehicle, any other component submitted for approval by the Secretary.

''(4) ELIGIBLE TAXPAYER.—The term 'eligible taxpayer' means any taxpayer if more than 20 percent of the taxpayer's gross receipts for the taxable year is derived from the manufacture of motor vehicles or any component parts of such vehicles.

''(d) ENGINEERING INTEGRATION COSTS.—For purposes of subsection (b)(1)(B), costs for engineering integration are costs incurred prior to the market introduction of advanced technology vehicles for engineering tasks related to—

''(1) establishing functional, structural, and performance requirements for component and subsystems to meet overall vehicle objectives for a specific application,

''(2) designing interfaces for components and subsystems with mating systems within a specific vehicle application,

''(3) designing cost effective, efficient, and reliable manufacturing processes to produce components and subsystems for a specific vehicle application, and

''(4) validating functionality and performance of components and subsystems for a specific vehicle application.

''(e) LIMITATION BASED ON AMOUNT OF TAX.—The credit allowed under subsection (a) for the taxable year shall not exceed the excess of—

''(1) the sum of—

''(A) the regular tax liability (as defined in section 26(b)) for such taxable year, plus

''(B) the tax imposed by section 55 for such taxable year and any prior taxable year beginning after 1986 and not taken into account under section 53 for any prior taxable year, over

''(2) the sum of the credits allowable under subpart A and sections 27, 30, and 30B for the taxable year.

''(f) REDUCTION IN BASIS.—For purposes of this subtitle, if a credit is allowed under this section for any expenditure with respect to any property, the increase in the basis of such property which would (but for this paragraph) result from such expenditure shall be reduced by the amount of the credit so allowed.

''(g) NO DOUBLE BENEFIT.—

''(1) COORDINATION WITH OTHER DEDUCTIONS AND CREDITS.—Except as provided in paragraph (2), the amount of any deduction or other credit allowable under this chapter for any cost taken into account in determining the amount of the credit under subsection (a) shall be reduced by the amount of such credit attributable to such cost.

''(2) RESEARCH AND DEVELOPMENT COSTS.—

''(A) IN GENERAL.—Except as provided in subparagraph (B), any amount described in subsection (b)(1)(C) taken into account in determining the amount of the credit under subsection (a) for any taxable year shall not be taken into account for purposes of determining the credit under section 41 for such taxable year.

''(B) COSTS TAKEN INTO ACCOUNT IN DETERMINING BASE PERIOD RESEARCH EXPENSES.—Any amounts described in subsection (b)(1)(C) taken into account in determining the amount of the credit under subsection (a) for any taxable year which are qualified research expenses (within the meaning of section 41(b)) shall be taken into account in determining base period research expenses for purposes of applying section 41 to subsequent taxable years.

''(h) BUSINESS CARRYOVERS ALLOWED.—If the credit allowable under subsection (a) for a taxable year exceeds the limitation under subsection (e) for such taxable year, such excess (to the extent of the credit allowable with respect to property subject to the allowance for depreciation) shall be allowed as a credit carryback to each of the 15 taxable years immediately preceding the unused credit year and as a carryforward to each of the 20 taxable years immediately following the unused credit year.

''(i) SPECIAL RULES.—For purposes of this section, rules similar to the rules of section 179A(e)(4) and paragraphs (1) and (2) of section 41(f) shall apply.

''(j) ALLOCATION OF CREDIT TO PURCHASERS.—

''(1) ELECTION TO ALLOCATE.—

''(A) IN GENERAL.—In the case of an eligible taxpayer, any portion of the credit determined under subsection (a) for the taxable year may, at the election of such taxpayer, be apportioned among purchasers of qualifying vehicles from the taxpayer in the taxable year (or in any year in which the credit may be carried over).

''(B) QUALIFYING VEHICLES.—For purposes of this subsection, the term 'qualifying vehicle' means an advanced technology vehicle manufactured at a facility described in subsection (b)(1)(A).

''(C) FORM AND EFFECT OF ELECTION.—An election under subparagraph (A) for any taxable year shall be made on a timely filed return for such year. Such election, once made, shall be irrevocable for such taxable year.

''(2) TREATMENT OF TAXPAYER AND PURCHASERS.—The amount of the credit apportioned to any purchaser under paragraph (1)—

''(A) shall not be included in the amount determined under subsection (a) with respect to the eligible taxpayer for the taxable year; and

''(B) shall be treated as an amount determined under subsection (a) for the taxable year of the purchaser which ends in the calendar year of purchase.

''(3) SPECIAL RULES FOR DECREASE IN CREDITS FOR TAXABLE YEAR.—If the amount of the

credit of an eligible taxpayer determined under subsection (a) for a taxable year is less than the amount of such credit shown on the return of the taxpayer for such year, an amount equal to the excess of—

''(A) such reduction, over

''(B) the amount not apportioned to such purchasers under paragraph (1) for the taxable year,

shall be treated as an increase in tax imposed by this chapter on the eligible taxpayer.

''(4) WRITTEN NOTICE TO PURCHASERS.—If any portion of the credit available under subsection (a) is allocated to purchasers under paragraph (1), the eligible taxpayer shall provide any purchaser receiving an allocation written notice of the amount of the allocation. Such notice may be provided either at the time of purchase or at any time not later than 60 days after the close of the calendar year in which the vehicle is purchased.''

''(k) ELECTION NOT TO TAKE CREDIT.—No credit shall be allowed under subsection (a) for any property if the taxpayer elects not to have this section apply to such property.

''(l) REGULATIONS.—The Secretary shall prescribe such regulations as necessary to carry out the provisions of this section.

''(m) TERMINATION.—This section shall not apply to any qualified investment after December 31, 2011.''.

(b) CONFORMING AMENDMENTS.—

(1) Section 1016(a) of the Internal Revenue Code of 1986 is amended by striking ''and'' at the end of paragraph (36), by striking the period at the end of paragraph (37) and inserting '', and'', and by adding at the end the following new paragraph:

''(38) to the extent provided in section 30D(g).''.

(2) Section 6501(m) of such Code is amended by inserting ''30D(k),'' after ''30C(e)(5),''.

(3) The table of sections for subpart B of part IV of subchapter A of chapter 1 of such Code is amended by inserting after the item relating to section 30C the following new item:

''Sec. 30D. Advanced technology motor vehicles manufacturing credit.''.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to amounts incurred in taxable years beginning after December 31, 1999.

By Mr. SALAZAR (for himself, Mr. CHAMBLISS, Ms. COLLINS, and Mr. ALLARD):

S. 769. A bill to amend the Elementary and Secondary Education Act of 1965 to ensure that participants in the Troops to Teachers program may teach at a range of eligible schools; to the Committee on Health, Education, Labor, and Pensions.

Mr. SALAZAR. Mr. President, today I am introducing the Troops to Teachers Improvement Act of 2007, which will help more of our veterans and service members find second careers in our classrooms. This bill will expand the accessibility of this program, so that more military personnel will be able to enroll, receive $5,000 toward their teaching certification, and teach in a school near their home. I am proud to be joined by Senator CHAMBLISS, Senator COLLINS, and Senator ALLARD in introducing this legislation. On the House side, Congressman PETRI and Congresswoman MATSUI have introduced a companion to this bill.

Since it was created in 1994, the Troops to Teachers program has helped place over 10,000 new teachers in classrooms around the country. The program provides guidance, teacher certification assistance, and bonuses for military personnel who give at least three years of service in the classroom.

When Congress established the Troops to Teachers program, it created two levels of bonuses for military personnel and veterans who participate. An individual was eligible for a $5,000 stipend so long as he or she taught in any school in a district that received Title I funding under the Elementary and Secondary Education Act. This meant that an individual could teach three years in any of a vast majority of schools in the country and still be eligible for the $5,000 bonus.

Congress allowed a person to receive an additional $5,000 if he or she taught three years in a school that served a high percentage of disadvantaged students. The total bonus of $10,000 was meant to draw these talented new teachers into schools that needed them most.

For over a decade, this bonus structure was highly successful. In Colorado alone, the program has provided around 80 new hires a year to schools where new teachers are desperately needed.

But in 2005, the Department of Education limited the number of schools that were eligible to participate and therefore made it more difficult for individuals to receive the baseline $5,000 bonus. The Department of Education was able to do this because when the Troops to Teachers program was reauthorized under the No Child Left Behind Act, there was a mistake in the reauthorization language that created confusion about which schools an individual may teach in order to be eligible for the $5,000 bonus. As I pointed out a moment ago, when Congress created the Troops to Teachers program, it said that an individual could receive the bonus if he or she taught in a ''high-need'' school, that is, in any school in a district that received Title 1 funding. In Colorado, that meant that around 98 percent of school districts qualified. But, because Troops to Teachers was mistakenly placed in a section of NCLB with a different definition of ''high need,'' an individual can now only receive the $5,000 bonus if he or she teaches in a school that has more than 10,000 students or has more than 20 percent of its students from families below the poverty line.

As a result of this change, enrollments in the Troops to Teachers program have dwindled over the past two years. Western and rural States, in particular, have been negatively impacted. In Colorado, new hires out of Troops to Teachers have dropped from 79 for the 2003–2004 school year to 43 for the 2006–2007 school year.

This drop-off in new hires from Troops to Teachers is problematic for several reasons. First, we should be finding ways of attracting new teachers to our classrooms, not devising bureaucratic barriers that keep them out. Experts predict that we will need approximately 2 million new teachers in the next decade, and we need teachers who will give more than a year or two of service. Today, half of newcomers to the teaching profession last less than five years. The good news is that Troops to Teachers has an 83 percent retention rate for its teachers. A full 223 of the 343 original participants are still teaching today, more than a decade after the program's creation.

Troops to Teachers also helps fill a need for diversity in the classroom—83 percent of program participants are male, compared to 18 percent of teachers nationally, and 37 percent are ethnic minorities, compared to 15 percent of teachers nationally.

The second problem with the new eligibility criteria is that it disproportionately hurts rural veterans and rural school districts. It's hard to find a school district in western Colorado or on the eastern plains that has 10,000 students. Are we expecting a Troops to Teacher participant living in Yuma County, population 9,789 to drive to Denver to teach in an eligible school there so they can receive the $5,000 stipend?

The third problem with the new criteria is that it hurts retiring service members who want to pursue a second career in education. This country has a long history of providing educational benefits to our men and women in uniform through the 1944 GI Bill and successive legislation. Troops to Teachers furthers this great cause by helping our men and women in uniform extend their education and earn a teaching certificate. With over 1.3 million veterans from Iraq and Afghanistan, many of whom are currently transitioning back to civilian life, we have an opportunity to bring the best and the brightest who are now serving in the military straight into the classrooms, where they can continue to extend their service to their country.

The bill I'm introducing today provides a simple fix to the problems that arose for the Troops to Teachers program under the No Child Left Behind Act. The bill simply says that if there is no school within 50 miles of the home of a Troops to Teachers participant, the individual may teach in any school in a district that receives Title 1 funding and receive the initial $5,000 bonus. This bill will allow thousands of retiring service members in rural communities to take advantage of the Troops to Teachers incentives and transition to a second career in the classroom. I also want to point out that this bill still prioritizes schools that fit the current definition of ''high need''—that is, schools with over 10,000 students or with 20 percent of its students from families below the poverty line—but it also provides an outlet if there are no schools in the area that fit those criteria. This bill does not affect the additional bonus that Troops to Teachers participants have always

been able to receive if they teach in a school with a high percentage of disadvantaged students.

I am hopeful that when we reauthorize the No Child Left Behind Act, we take another look at Troops to Teachers to help make it more accessible to veterans from Iraq and Afghanistan, National Guard members, and reservists. Troops to Teachers is a good program that should be strengthened and supported when it is reauthorized. Yet, we shouldn't wait until then to fix this needless problem that is hampering the program's effectiveness today. I urge my colleagues to support this problem, today, by supporting the quick, straightforward solution that this bill provides.

I ask unanimous consent that the text of this bill be printed in the RECORD.

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

S. 769

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

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Troops to Teachers Improvement Act of 2007''.

SEC. 2. PARTICIPATION AGREEMENT AND FINANCIAL ASSISTANCE UNDER TROOPS TO TEACHERS PROGRAM.

Section 2304 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6674) is amended in subsection (a)(1)(B) by striking ''for not less than 3 school years'' and all that follows through the period at the end and inserting the following: ''for not less than 3 school years, to begin the school year after obtaining that certification or licensing, with a high-need local educational agency or public charter school, as such terms are defined in section 2101 or, if there is no high-need local educational agency or public charter school for which the member is qualified to teach within a 50-mile radius of the member's residence, then under circumstances covered by section 2302(b)(2).''.

By Mr. HARKIN (for himself, Ms. MURKOWSKI, Mr. DURBIN, Mr. VOINOVICH, Mr. MENENDEZ, Ms. CANTWELL, Mr. LIEBERMAN, Mr. CARPER, and Mr. SCHUMER):

S. 771. A bill to amend the Child Nutrition Act of 1966 to improve the nutrition and health of schoolchildren by updating the definition of ''food of minimal nutritional value'' to conform to current nutrition science and to protect the Federal investment in the national school lunch and breakfast programs; to the Committee on Agriculture, Nutrition, and Forestry.

Mr. HARKIN. Mr. President, our Nation faces a public health crisis of the first order. Poor diet and physical inactivity are contributing to growing rates of chronic disease in the U.S. These problems do not just affect adults, but increasingly affect the health of our children as well. Research suggests that one-third of American children born today will develop type II diabetes at some point. For some minority children, the numbers are even more shocking, as high as 50 percent. At the same time, since 1963, rates of obesity have quadrupled among children ages 6 to 11 and tripled among children ages 12 to 19. Even our youngest children are not immune. Since 1971, among children ages 2 to 5, obesity rates have tripled.

There are many reasons for this public health crisis, and accordingly, addressing the crisis will require multiple solutions as well. One place where we can start is with our schools, which have been inundated with foods and drinks having little or no positive nutritional value. A recent study from the Government Accountability office found that 99 percent of high schools, 97 percent of middle schools, and 83 percent of elementary schools sell foods from vending machines, school stores, or a-la-carte lines in the cafeteria. And it is not fresh fruits and vegetables and other healthy foods that are being sold. No, the vast majority of the foods being sold in our schools outside of Federal meal programs are foods that contribute nothing to the health and development of our children and are actually detrimental to them.

Not only does the overconsumption of these foods take a toll on the health of our children, but they also have a negative impact of the investment of taxpayer dollars in the health of our kids. Every year the Federal Government spends nearly $10 billion to reimburse schools for the provision of meals through the National School Lunch Program and School Breakfast Program. In order to receive reimbursement, these meals must meet nutrition standards based upon the Dietary Guidelines for All Americans, the official dietary advice of the U.S. government. However, sales of food elsewhere in our schools do not fall under these guidelines. Therefore, as children consume more and more of the foods typically sold through school vending machines and snack bars, it undermines the nearly $10 billion in federal reimbursements that we spend on nutritionally balanced school meals.

Finally, the heavy selling of candy, soft drinks and other junk food in our schools undermines the guidance, and even the instruction and authority of parents who want to help their children consume sound and balanced diets. The American public agrees. A Robert Wood Johnson Foundation poll from several years ago found that 90 percent of parents would like to see schools remove the typical junk food from vending machines and replace it with healthier alternatives. My bill seeks to restore the role and authority of parents by ensuring that schools provide the healthy, balanced nutrition that contributes to health and development.

What really hurts children and undermines parents is the junk food free-for-all that currently exists in so many of our schools. How does it help kids if the school sells them a 20-ounce soda and a candy bar for lunch when their parents have sent them to school with the expectation that they will have balanced meals from the school lunch program?

Today, along with my colleague Senator MURKOWSKI of Alaska, I will introduce bipartisan legislation to address this problem—and to do what is right for the health of our kids. This bill has broad support in both the education and the public health communities and is supported by the National PTA, the National Education Association, the American Federation of Teachers, the American Medical Association, the Center for Science in the Public Interest, the School Nutrition Association, the Food Research and Action Center, the American Heart Association, the American Dietetic Association, the American Diabetes Association, and the American Academy of Pediatrics, among others.

The Child Nutrition Promotion and School Lunch Protection Act of 2007 does two very simple but important things:

First, it requires the Secretary of Agriculture to initiate a rulemaking process to update nutritional standards for foods sold in schools. Currently, USDA relies upon a very narrow nutritional standard that is nearly 30 years old. Since that definition was formulated, children's diets and dietary risk have changed dramatically. In that time, we have also learned a great deal about the relationship between poor diet and chronic disease. It is time for public policy to catch up with the science.

Second, the bill requires the Secretary of Agriculture to apply the updated definition everywhere on school grounds and throughout the school day. Currently, the Secretary can only issue rules limiting a very narrow class of foods, and then only stop their sales in the actual school cafeteria during the meal period. As a result, a child only needs to walk into the hall outside the cafeteria to buy a lunch consisting of soda, a bag of chips and a candy bar. This is a loophole that is big enough to drive a soft drink delivery truck through—literally. It is time to close it.

The bill is supported in the Senate by a bipartisan group of Senators. Joining me in introducing the bill are Senator MURKOWSKI of Alaska, Senator DURBIN of Illinois, Senator VOINOVICH of Ohio, Senator MENENDEZ of New Jersey, Senator LIEBERMAN of Connecticut, Senator SCHUMER of New York, Senator CANTWELL of Washington, and Senator CARPER of Delaware. The diverse group of supporters of this bill cuts across ideological lines and shows that when the health of our children is at stake, we can put aside our differences in the interest of our children.

This bill, by itself, will not solve the problem of poor diet and rising rates of chronic disease among our children and adults. But it is a start. Scientists predict that—because of obesity and preventable chronic diseases—the current

generation of children could very well be the first in American history to live shorter lives than their parents. If this isn't a wake up call, I don't know what is.

Our children are at risk. The time to act is now. And that's why I am pleased to introduce the Child Nutrition Promotion and School Lunch Protection Act of 2007.

By Mr. KOHL (for himself, Mr. COLEMAN, Mr. FEINGOLD, Mr. VITTER, and Mr. ROCKEFELLER):

S. 772. A bill to amend the Federal antitrust laws to provide expanded coverage and to eliminate exemptions from such laws that are contrary to the public interest with respect to railroads; to the Committee on the Judiciary.

Mr. KOHL. Mr. President, as Chairman of the Senate Antitrust Subcommittee, I believe it is my role to investigate and help end—monopolistic practices that exploit American consumers. In that spirit, I rise today to introduce along with my colleagues, Senators COLEMAN, FEINGOLD, VITTER and ROCKEFELLER, the Railroad Antitrust Enforcement Act of 2007. This legislation will eliminate obsolete antitrust exemptions that protect freight railroads from competition.

Consolidation in the railroad industry, allowed under the exemptions my legislation would repeal, has resulted in only four Class I railroads providing over 90 percent of the nation's freight rail transportation. The lack of competition was recently documented in a Government Accountability Office October 2006 report. That report found that, ''concerns about competition and captivity, in the rail industry, remain as traffic is concentrated in fewer railroads.'' The report also stated that the Surface Transportation Board, the entity charged with ensuring that the industry remains competitive, has failed to do so. In August 2006, the Attorneys General of 17 states and the District sent a letter to Congress citing problems due to a lack of competition and asked that the antitrust exemptions be removed.

The ill-effects of this consolidation are exemplified in the case of ''captive shippers''—industries served by only one railroad. Over the past several years, these captive shippers faced spiking rail rates. They are the victims of the monopolistic practices and price gouging by the single railroad that serves them, price increases which they are forced to pass along into the price of their products, and ultimately, to consumers. And in many cases, the ordinary protections of antitrust law are unavailable to these captive shippers—instead, the railroads are protected by a series of exemptions from the normal rules of antitrust law to which all other industries must abide.

These exemptions have put the American consumer at risk, and in Wisconsin, victims of a lack of railroad competition abound. A coalition has formed, consisting of about 40 affected organizations—Badger CURE. From Dairyland Power Cooperative in La Crosse to Wolf River Lumber in New London, companies in my State are feeling the crunch of years of railroad consolidation. To help offset a 93 percent increase in shipping rates in 2006, Dairyland Power Cooperative had to raise electricity rates by 20 percent. The reliability, efficiency, and affordability of freight rail have all declined, and Wisconsin consumers feel the pinch.

And similar stories exist across the country. That is why I'm joining with my colleagues to introduce the Railroad Antitrust Enforcement Act of 2007. This legislation will force railroads to play by the rules of free competition like all other businesses.

The current antitrust exemptions protect a wide range of railroad industry conduct from scrutiny by governmental antirust enforcers. Railroad mergers and acquisitions are exempt from antitrust law and are reviewed solely by the Surface Transportation Board. Railroads that engage in collective ratemaking are also exempt from antitrust law. Railroads subject to the regulation of the Surface Transportation Board are also exempt from private antitrust lawsuits seeking the termination of anti-competitive practices via injunctive relief. Our bill will eliminate these exemptions.

No good reason exists for them. While railroad legislation in recent decades—including most notably the Staggers Rail Act of 1980—deregulated much railroad rate setting from the oversight of the Surface Transportation Board, these obsolete antitrust exemptions remained in place, insulating a consolidating industry from obeying the rules of fair competition.

Our bill will bring railroad mergers and acquisitions under the purview of the Clayton Act, allowing the Federal Government, State attorneys general and private parties to file suit to enjoin anti-competitive mergers and acquisitions. It will restore the review of these mergers to the agencies where they belong—the Justice Department's Antitrust Division and the Federal Trade Commission. It will eliminate the exemption that prevents FTC's scrutiny of railroad common carriers. It will eliminate the antitrust exemption for railroad collective ratemaking. It will allow State attorneys general and other private parties to sue railroads for treble damages and injunctive relief for violations of the antitrust laws, including collusion that leads to excessive and unreasonable rates.

In sum, by clearing out this thicket of outmoded antitrust exemptions, railroads will be subject to the same laws as the rest of the economy. Government antitrust enforcers will finally have the tools to prevent anticompetitive transactions and practices by railroads. Likewise, private parties will be able to utilize the antitrust laws to deter anti-competitive conduct and to seek redress for their injuries.

It is time to put an end to the abusive practices of the Nation's freight railroads. On the Antitrust Subcommittee, we have seen that in industry after industry, vigorous application of our Nation's antitrust laws is the best way to eliminate barriers to competition, to end monopolistic behavior, to keep prices low and quality of service high. The railroad industry is no different. All those who rely on railroads to ship their products—whether it is an electric utility for its coal, a farmer to ship grain, or a factory to acquire its raw materials or ship out its finished product—deserve the full application of the antitrust laws to end the anti-competitive abuses all too prevalent in this industry today. I urge my colleagues to support the Railroad Antitrust Enforcement Act of 2007.

I ask unanimous consent that the text of the bill be printed in the RECORD.

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

S. 772

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

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Railroad Antitrust Enforcement Act of 2007''.

SEC. 2. INJUNCTIONS AGAINST RAILROAD COMMON CARRIERS.

The proviso in section 16 of the Clayton Act (15 U.S.C. 26) ending with ''Code.'' is amended to read as follows: ''*Provided,* That nothing herein contained shall be construed to entitle any person, firm, corporation, or association, except the United States, to bring suit for injunctive relief against any common carrier that is not a railroad subject to the jurisdiction of the Surface Transportation Board under subtitle IV of title 49, United States Code.''.

SEC. 3. MERGERS AND ACQUISITIONS OF RAILROADS.

The sixth undesignated paragraph of section 7 of the Clayton Act (15 U.S.C. 18) is amended to read as follows:

''Nothing contained in this section shall apply to transactions duly consummated pursuant to authority given by the Secretary of Transportation, Federal Power Commission, Surface Transportation Board (except for agreements described in section 10706 of title 49, United States Code, and transactions described in section 11321 of that title), the Securities and Exchange Commission in the exercise of its jurisdiction under section 10 (of the Public Utility Holding Company Act of 1935), the United States Maritime Commission, or the Secretary of Agriculture under any statutory provision vesting such power in the Commission, Board, or Secretary.''.

SEC. 4. LIMITATION OF PRIMARY JURISDICTION.

The Clayton Act is amended by adding at the end thereof the following:

''SEC. 29. In any civil action against a common carrier railroad under section 4, 4C, 15, or 16 of this Act, the district court shall not be required to defer to the primary jurisdiction of the Surface Transportation Board.''.

SEC. 5. FEDERAL TRADE COMMISSION ENFORCEMENT.

(a) CLAYTON ACT.—Section 11(a) of the Clayton Act (15 U.S.C. 21(a)) is amended by striking ''subject to jurisdiction'' and all that follows through the first semicolon and inserting ''subject to jurisdiction under subtitle IV of title 49, United States Code (except for agreements described in section

10706 of that title and transactions described in section 11321 of that title);''.

(b) FTC ACT.—Section 5(a)(2) of the Federal Trade Commission Act (15 U.S.C. 44(a)(1)) is amended by striking ''common carriers subject'' and inserting ''common carriers, except for railroads, subject''.

SEC. 6. EXPANSION OF TREBLE DAMAGES TO RAIL COMMON CARRIERS.

Section 4 of the Clayton Act (15 U.S.C. 15) is amended by—

(1) redesignating subsections (b) and (c) as subsections (c) and (d), respectively; and

(2) inserting after subsection (a) the following:

''(b) Subsection (a) shall apply to common carriers by rail subject to the jurisdiction of the Surface Transportation Board under subtitle IV of title 49, United States Code, without regard to whether such railroads have filed rates or whether a complaint challenging a rate has been filed.''.

SEC. 7. TERMINATION OF EXEMPTIONS IN TITLE 49.

(a) IN GENERAL.—Section 10706 of title 49, United States Code, is amended—

(1) in subsection (a)—

(A) in paragraph (2)(A), by striking '', and the Sherman Act (15 U.S.C. 1 et seq.),'' and all that follows through ''or carrying out the agreement'' in the third sentence;

(B) in paragraph (4)—

(i) by striking the second sentence; and

(ii) by striking ''However, the'' in the third sentence and inserting ''The''; and

(C) in paragraph (5)(A), by striking '', and the antitrust laws set forth in paragraph (2) of this subsection do not apply to parties and other persons with respect to making or carrying out the agreement''; and

(2) by striking subsection (e) and inserting the following:

''(e) APPLICATION OF ANTITRUST LAWS.—

''(1) IN GENERAL.—Nothing in this section exempts a proposed agreement described in subsection (a) from the application of the Sherman Act (15 U.S.C. 1 et seq.), the Clayton Act (15 U.S.C. 12, 14 et seq.), the Federal Trade Commission Act (15 U.S.C. 41 et seq.), section 73 or 74 of the Wilson Tariff Act (15 U.S.C. 8 and 9), or the Act of June 19, 1936 (15 U.S.C. 13, 13a, 13b, 21a).

''(2) ANTITRUST ANALYSIS TO CONSIDER IMPACT.—In reviewing any such proposed agreement for the purpose of any provision of law described in paragraph (1), the Board and any other reviewing agency shall take into account, among any other considerations, the impact of the proposed agreement on shippers, on consumers, and on affected communities.''.

(b) COMBINATIONS.—Section 11321 of title 49, United States Code, is amended—

(1) in subsection (a)—

(A) by striking ''The authority'' in the first sentence and inserting ''Except as provided in sections 4 (15 U.S.C. 15), 4C (15 U.S.C. 15c), section 15 (15 U.S.C. 25), and section 16 (15 U.S.C. 26) of the Clayton Act (15 U.S.C. 21(a)), the authority''; and

(B) by striking ''is exempt from the antitrust laws and from all other law,'' in the third sentence and inserting ''is exempt from all other law (except the antitrust laws referred to in subsection (c)),''; and

(2) by adding at the end the following:

''(c) APPLICATION OF ANTITRUST LAWS.—

''(1) IN GENERAL.—Nothing in this section exempts a transaction described in subsection (a) from the application of the Sherman Act (15 U.S.C. 1 et seq.), the Clayton Act (15 U.S.C. 12, 14 et seq.), the Federal Trade Commission Act (15 U.S.C. 41 et seq.), section 73 or 74 of the Wilson Tariff Act (15 U.S.C. 8–9), or the Act of June 19, 1936 (15 U.S.C. 13, 13a, 13b, 21a).

''(2) ANTITRUST ANALYSIS TO CONSIDER IMPACT.—In reviewing any such transaction for the purpose of any provision of law described in paragraph (1), the Board and any other reviewing agency shall take into account, among any other considerations, the impact of the transaction on shippers and on affected communities.''.

(c) CONFORMING AMENDMENTS.—

(1) The heading for section 10706 of title 49, United States Code, is amended to read as follows: ''**RATE AGREEMENTS**''.

(2) The item relating to such section in the chapter analysis at the beginning of chapter 107 of such title is amended to read as follows:

''10706. Rate agreements.''.

SEC. 8. EFFECTIVE DATE.

(a) IN GENERAL.—Subject to the provisions of subsection (b), this Act shall take effect on the date of enactment of this Act.

(b) CONDITIONS.—

(1) PREVIOUS CONDUCT.—A civil action under section 4, 15, or 16 of the Clayton Act (15 U.S.C. 15, 25, 26) or complaint under section 5 of the Federal Trade Commission Act (15 U.S.C. 45) may not be filed with respect to any conduct or activity that occurred prior to the date of enactment of this Act that was previously exempted from the antitrust laws as defined in section 1 of the Clayton Act (15 U.S.C. 12) by orders of the Interstate Commerce Commission or the Surface Transportation Board issued pursuant to law.

(2) GRACE PERIOD.—A civil action or complaint described in paragraph (1) may not be filed earlier than 180 days after the date of enactment of this Act with respect to any previously exempted conduct or activity or previously exempted agreement that is continued subsequent to the date of enactment of this Act.

Mr. ROCKEFELLER. Mr. President, I am proud today to join with my colleagues, Senator Kohl, Senator Coleman, Senator Feingold, and Senator Vitter, to introduce the Railroad Antitrust Enforcement Act of 2007. If enacted, this bill would close an incomprehensible legal loophole that has allowed our Nation's freight railroads the unfettered ability to act in anticompetitive ways for too many years. Since before I came to the United States Senate I have been quite stunned at the ability of railroad companies, by virtue of an exemption from our antitrust laws, to ignore the legitimate complaints of their customers, to sidestep the appropriate concerns of elected officials and leaders in the private sector alike, and to consolidate operations and power to the detriment of the consumer.

The Railroad Antitrust Enforcement Act would benefit businesses, employees, and consumers by providing meaningful government oversight where none exists currently. It will give our Nation's shippers—long captive to monopoly abuses courts were powerless to check, the Surface Transportation Board was unwilling to acknowledge—remedies that will make for a more open and competitive freight rail marketplace.

In my home State of West Virginia and in towns all across the country, companies and consumers are negatively impacted by lack of competitive rail transportation options—a phenomenon often referred as a shipper being ''captive'' to one railroad. Because the antitrust exemptions in place allowed railroads to ignore the rules by which virtually all other American corporations are required to operate, railroads have refused to negotiate in good faith with their customers over the costs of shipping important rail-dependent commodities such as coal, bulk chemicals, and grains and other agricultural products. Manufacturers have been left at the mercy of the railroads and are forced to pay exorbitant transportation rates to ship their goods. Many manufacturers struggle to be competitive with competitors here and abroad because they simply do not have real transportation choices. The bottom line, which should come as no surprise to my colleagues, is that if industrial inputs and the fuel used to produce half of our electricity are artificially high in price, consumers are left paying higher prices for just about everything they buy. This continues to have an overwhelmingly negative affect on West Virginia's economy, as industries served by only one carrier face pressures to cut production in the state, or to leave it altogether.

How has this been allowed to come to pass? It will probably come as a shock to members of the Senate, but the railroad industry is exempt from the Nation's antitrust laws related to mergers, acquisitions, and pooling arrangements approved by the Surface Transportation Board (STB). They are also exempt from antitrust laws that would otherwise influence ratemaking. Under the current exemptions, private parties cannot file antitrust suits against railroad companies to halt what in would be for every other industry illegal practices. Under current law, railroads are allowed to continue a wide range of anti-competitive practices that severely inhibit the ability of our Nation's businesses from shipping their goods at reasonable rates. What this Nation has experienced in the more than 25 years since the Staggers Act partially deregulated the freight rail market are not efforts by railroads to modernize their systems, improve efficiency, and upgrade service. Rather, rail carriers have manipulated the system to charge their so-called ''captive'' customers as much as they chose to charge, not what the market would normally bear.

Specifically, the Railroad Antitrust Enforcement Act will alter exemptions in current law to allow for the following: Permit the Justice Department and the Federal Trade Commission (FTC) to review mergers under the Clayton and Sherman Acts, and allow them to bring legal action to block anti-anticompetitive railroad mergers. Remove antitrust exemptions that have allowed railroads to merge, acquire new properties, set rates collectively, and otherwise coordinate policies across the entire freight rail market. Allow State Attorneys-General and other private parties to sue for treble damages for violations of antitrust laws, including for collusive activity leading to excessive and unreasonable

rates. Allow State Attorneys General and private parties to sue for court orders to halt anticompetitive conduct. Expand the jurisdiction of the FTC to allow it to enforce antitrust law in the railroad industry.

By granting consumers and shippers long-denied access to the protections of our antitrust laws with regard to the freight rail industry, the Railroad Antitrust Enforcement Act may make strides toward creating the competitive freight rail marketplace envisioned by Congress when it passed the Staggers Act in 1980. I hope so. However, because I believe rail customers and retail consumers need greater protection still, along with some of my cosponsors today and others, later this month I will be introducing additional, broader rail policy legislation to declare the rights shippers were meant to have, and the responsibilities railroads were meant to have, when Congress passed the Staggers Act.

For the system to work, there must be a meaningful way to seek redress of grievances and punish wrongdoing. The Railroad Antitrust Enforcement Act will go a long way toward correcting some of the glaring problems those of us who pay attention to the rail marketplace have known about for a long time. It will not fix all the problems in the system, but perhaps its provisions will encourage railroads to negotiate with their customers in good faith. The lack of fairness in the current system is devastating to businesses in my state of West Virginia, and to companies and consumers in every part of the country.

I again express my support for the Railroad Antitrust Enforcement Act of 2007, and I urge my colleagues to do the same. This is a problem that affects rural America and urban America, the Grain Belt and the Coalfields, and all points on the compass. Indeed, no American consumer is unaffected by this problem, and all American consumers should take heart: If we enact this bill, help will be on the way.

By Mr. WARNER (for himself, Mr. ROCKEFELLER, Ms. SNOWE, Ms. COLLINS, Mr. LOTT, and Mr. SUNUNU):

S. 773. A bill to amend the Internal Revenue Code of 1986 to allow Federal civilian and military retirees to pay health insurance premiums on a pretax basis and to allow a deduction for TRICARE supplemental premiums; to the Committee on Finance.

Mr. WARNER. Mr. President, I rise today to introduce legislation to provide some relief for our Nation's retired Federal employees from the severe increases in Federal Employee Health Benefit program (FEHBP) premiums. This measure extends premium conversion to Federal and military retirees, allowing them to pay their health insurance premiums with pretax dollars.

Access to affordable health care is a critical issue for everyone. While Federal employees enjoy the ability to choose among a wide variety of health plans to best suit their needs, substantial increases in FEHBP premiums threaten to make health insurance coverage cost prohibitive for many Federal employees, their dependents, and Federal retirees.

In response to these cost increases, a Presidential directive issued in 2000 extended premium conversion to current Federal employees who participate in the Federal Employees Health Benefits Program. Premium conversion allows individuals to pay their health insurance premiums with pre-tax dollars. It is a benefit already available to many private sector employees and State and local government employees. While premium conversion does not directly affect the amount of the FEHBP premium, it helps to offset some of the cost by reducing an individual's Federal tax liability. Regrettably, our retired civil servants, who pay the same premiums as Federal employees, do not have this same opportunity.

Extending this benefit to Federal retirees requires a change in the tax law, specifically Section 125 of the Internal Revenue Code. This legislation makes the necessary change in the tax code.

Under the legislation, the benefit is concurrently afforded to our Nation's military retirees to assist them with increasing health care costs.

A number of organizations representing Federal and military retirees, including the National Association of Retired Federal Employees and the Military Coalition, have come out strongly in support of this bill.

My support for this legislation spans four Congresses. In the 109th Congress, my premium conversion bill received considerable bipartisan support with 64 cosponsors. It is my sincere hope that this legislation will be passed by Congress this session. I encourage my colleagues to join me in supporting this critical legislation and to show their support for our Nation's dedicated Federal civilian and military retirees. I ask unanimous consent that the text of the bill be printed in the RECORD.

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

S. 773

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

SECTION 1. PRETAX PAYMENT OF HEALTH INSURANCE PREMIUMS BY FEDERAL CIVILIAN AND MILITARY RETIREES.

(a) IN GENERAL.—Subsection (g) of section 125 of the Internal Revenue Code of 1986 (relating to cafeteria plans) is amended by adding at the end the following new paragraph:

''(5) HEALTH INSURANCE PREMIUMS OF FEDERAL CIVILIAN AND MILITARY RETIREES.—

''(A) FEHBP PREMIUMS.—Nothing in this section shall prevent the benefits of this section from being allowed to an annuitant, as defined in paragraph (3) of section 8901, title 5, United States Code, with respect to a choice between the annuity or compensation referred to in such paragraph and benefits under the health benefits program established by chapter 89 of such title 5.

''(B) TRICARE PREMIUMS.—Nothing in this section shall prevent the benefits of this section from being allowed to an individual receiving retired or retainer pay by reason of being a member or former member of the uniformed services of the United States with respect to a choice between such pay and benefits under the health benefits programs established by chapter 55 of title 10, United States Code.''.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to taxable years beginning after the date of the enactment of this Act.

SEC. 2. DEDUCTION FOR TRICARE SUPPLEMENTAL PREMIUMS.

(a) IN GENERAL.—Part VII of subchapter B of chapter 1 of the Internal Revenue Code of 1986 (relating to additional itemized deductions for individuals) is amended by redesignating section 224 as section 225 and by inserting after section 223 the following new section:

''SEC. 224. TRICARE SUPPLEMENTAL PREMIUMS OR ENROLLMENT FEES.

''(a) ALLOWANCE OF DEDUCTION.—In the case of an individual, there shall be allowed as a deduction the amounts paid during the taxable year by the taxpayer for insurance purchased as supplemental coverage to the health benefits programs established by chapter 55 of title 10, United States Code, for the taxpayer and the taxpayer's spouse and dependents.

''(b) COORDINATION WITH MEDICAL DEDUCTION.—Any amount allowed as a deduction under subsection (a) shall not be taken into account in computing the amount allowable to the taxpayer as a deduction under section 213(a).''.

(b) DEDUCTION ALLOWED WHETHER OR NOT INDIVIDUAL ITEMIZES OTHER DEDUCTIONS.—Subsection (a) of section 62 of the Internal Revenue Code of 1986 (defining adjusted gross income) is amended by redesignating paragraph (19) (as added by section 703(a) of the American Jobs Creation Act of 2004) as paragraph (20) and by inserting after paragraph (20) (as so redesignated) the following new paragraph:

''(21) TRICARE SUPPLEMENTAL PREMIUMS OR ENROLLMENT FEES.—The deduction allowed by section 224.''.

(c) CLERICAL AMENDMENT.—The table of sections for part VII of subchapter B of chapter 1 of the Internal Revenue Code of 1986 is amended by striking the last item and inserting the following new items:

''Sec. 224. TRICARE supplemental premiums or enrollment fees.
''Sec. 225. Cross reference.''.

(d) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after the date of the enactment of this Act.

SEC. 3. IMPLEMENTATION.

(a) FEHBP PREMIUM CONVERSION OPTION FOR FEDERAL CIVILIAN RETIREES.—The Director of the Office of Personnel Management shall take such actions as the Director considers necessary so that the option made possible by section 125(g)(5)(A) of the Internal Revenue Code of 1986 shall be offered beginning with the first open enrollment period, afforded under section 8905(g)(1) of title 5, United States Code, which begins not less than 90 days after the date of the enactment of this Act.

(b) TRICARE PREMIUM CONVERSION OPTION FOR MILITARY RETIREES.—The Secretary of Defense, after consulting with the other administering Secretaries (as specified in section 1073 of title 10, United States Code), shall take such actions as the Secretary considers necessary so that the option made possible by section 125(g)(5)(B) of the Internal Revenue Code of 1986 shall be offered beginning with the first open enrollment period

afforded under health benefits programs established under chapter 55 of such title, which begins not less than 90 days after the date of the enactment of this Act.

By Mr. DURBIN (for himself, Mr. HAGEL, Mr. LUGAR, Mr. KENNEDY, Mr. CRAIG, Mr. LEAHY, Mr. MCCAIN, Mr. LIEBERMAN, Mr. CRAPO, Mr. OBAMA, and Mr. FEINGOLD):

S. 774. A bill to amend the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 to permit States to determine State residency for higher education purposes and to authorize the cancellation of removal and adjustment of status of certain alien students who are long-term United States residents and who entered the United States as children, and for other purposes; to the Committee on the Judiciary.

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

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

S. 774

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

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Development, Relief, and Education for Alien Minors Act of 2007'' or the ''DREAM Act of 2007''.

SEC. 2. DEFINITIONS.

In this Act:

(1) INSTITUTION OF HIGHER EDUCATION.—The term ''institution of higher education'' has the meaning given that term in section 101 of the Higher Education Act of 1965 (20 U.S.C. 1001).

(2) UNIFORMED SERVICES.—The term ''uniformed services'' has the meaning given that term in section 101(a) of title 10, United States Code.

SEC. 3. RESTORATION OF STATE OPTION TO DETERMINE RESIDENCY FOR PURPOSES OF HIGHER EDUCATION BENEFITS.

(a) IN GENERAL.—Section 505 of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (8 U.S.C. 1623) is repealed.

(b) EFFECTIVE DATE.—The repeal under subsection (a) shall take effect as if included in the enactment of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (division C of Public Law 104–208; 110 Stat. 3009–546).

SEC. 4. CANCELLATION OF REMOVAL AND ADJUSTMENT OF STATUS OF CERTAIN LONG-TERM RESIDENTS WHO ENTERED THE UNITED STATES AS CHILDREN.

(a) SPECIAL RULE FOR CERTAIN LONG-TERM RESIDENTS WHO ENTERED THE UNITED STATES AS CHILDREN.—

(1) IN GENERAL.—Notwithstanding any other provision of law and except as otherwise provided in this Act, the Secretary of Homeland Security may cancel removal of, and adjust to the status of an alien lawfully admitted for permanent residence, subject to the conditional basis described in section 5, an alien who is inadmissible or deportable from the United States, if the alien demonstrates that—

(A) the alien has been physically present in the United States for a continuous period of not less than 5 years immediately preceding the date of enactment of this Act, and had not yet reached the age of 16 years at the time of initial entry;

(B) the alien has been a person of good moral character since the time of application;

(C) the alien—

(i) is not inadmissible under paragraph (2), (3), (6)(E), or (10)(C) of section 212(a) of the Immigration and Nationality Act (8 U.S.C. 1182(a)); and

(ii) is not deportable under paragraph (1)(E), (2), or (4) of section 237(a) of the Immigration and Nationality Act (8 U.S.C. 1227(a));

(D) the alien, at the time of application, has been admitted to an institution of higher education in the United States, or has earned a high school diploma or obtained a general education development certificate in the United States; and

(E) the alien has never been under a final administrative or judicial order of exclusion, deportation, or removal, unless the alien—

(i) has remained in the United States under color of law after such order was issued; or

(ii) received the order before attaining the age of 16 years.

(2) WAIVER.—Notwithstanding paragraph (1), the Secretary of Homeland Security may waive the ground of ineligibility under section 212(a)(6)(E) of the Immigration and Nationality Act and the ground of deportability under paragraph (1)(E) of section 237(a) of that Act for humanitarian purposes or family unity or when it is otherwise in the public interest.

(3) PROCEDURES.—The Secretary of Homeland Security shall provide a procedure by regulation allowing eligible individuals to apply affirmatively for the relief available under this subsection without being placed in removal proceedings.

(b) TERMINATION OF CONTINUOUS PERIOD.—For purposes of this section, any period of continuous residence or continuous physical presence in the United States of an alien who applies for cancellation of removal under this section shall not terminate when the alien is served a notice to appear under section 239(a) of the Immigration and Nationality Act (8 U.S.C. 1229(a)).

(c) TREATMENT OF CERTAIN BREAKS IN PRESENCE.—

(1) IN GENERAL.—An alien shall be considered to have failed to maintain continuous physical presence in the United States under subsection (a) if the alien has departed from the United States for any period in excess of 90 days or for any periods in the aggregate exceeding 180 days.

(2) EXTENSIONS FOR EXCEPTIONAL CIRCUMSTANCES.—The Secretary of Homeland Security may extend the time periods described in paragraph (1) if the alien demonstrates that the failure to timely return to the United States was due to exceptional circumstances. The exceptional circumstances determined sufficient to justify an extension should be no less compelling than serious illness of the alien, or death or serious illness of a parent, grandparent, sibling, or child.

(d) EXEMPTION FROM NUMERICAL LIMITATIONS.—Nothing in this section may be construed to apply a numerical limitation on the number of aliens who may be eligible for cancellation of removal or adjustment of status under this section.

(e) REGULATIONS.—

(1) PROPOSED REGULATIONS.—Not later than 180 days after the date of enactment of this Act, the Secretary of Homeland Security shall publish proposed regulations implementing this section. Such regulations shall be effective immediately on an interim basis, but are subject to change and revision after public notice and opportunity for a period for public comment.

(2) INTERIM, FINAL REGULATIONS.—Within a reasonable time after publication of the interim regulations in accordance with paragraph (1), the Secretary of Homeland Security shall publish final regulations implementing this section.

(f) REMOVAL OF ALIEN.—The Secretary of Homeland Security may not remove any alien who has a pending application for conditional status under this Act.

SEC. 5. CONDITIONAL PERMANENT RESIDENT STATUS.

(a) IN GENERAL.—

(1) CONDITIONAL BASIS FOR STATUS.—Notwithstanding any other provision of law, and except as provided in section 6, an alien whose status has been adjusted under section 4 to that of an alien lawfully admitted for permanent residence shall be considered to have obtained such status on a conditional basis subject to the provisions of this section. Such conditional permanent resident status shall be valid for a period of 6 years, subject to termination under subsection (b).

(2) NOTICE OF REQUIREMENTS.—

(A) AT TIME OF OBTAINING PERMANENT RESIDENCE.—At the time an alien obtains permanent resident status on a conditional basis under paragraph (1), the Secretary of Homeland Security shall provide for notice to the alien regarding the provisions of this section and the requirements of subsection (c) to have the conditional basis of such status removed.

(B) EFFECT OF FAILURE TO PROVIDE NOTICE.—The failure of the Secretary of Homeland Security to provide a notice under this paragraph—

(i) shall not affect the enforcement of the provisions of this Act with respect to the alien; and

(ii) shall not give rise to any private right of action by the alien.

(b) TERMINATION OF STATUS.—

(1) IN GENERAL.—The Secretary of Homeland Security shall terminate the conditional permanent resident status of any alien who obtained such status under this Act, if the Secretary determines that the alien—

(A) ceases to meet the requirements of subparagraph (B) or (C) of section 4(a)(1);

(B) has become a public charge; or

(C) has received a dishonorable or other than honorable discharge from the uniformed services.

(2) RETURN TO PREVIOUS IMMIGRATION STATUS.—Any alien whose conditional permanent resident status is terminated under paragraph (1) shall return to the immigration status the alien had immediately prior to receiving conditional permanent resident status under this Act.

(c) REQUIREMENTS OF TIMELY PETITION FOR REMOVAL OF CONDITION.—

(1) IN GENERAL.—In order for the conditional basis of permanent resident status obtained by an alien under subsection (a) to be removed, the alien must file with the Secretary of Homeland Security, in accordance with paragraph (3), a petition which requests the removal of such conditional basis and which provides, under penalty of perjury, the facts and information so that the Secretary may make the determination described in paragraph (2)(A).

(2) ADJUDICATION OF PETITION TO REMOVE CONDITION.—

(A) IN GENERAL.—If a petition is filed in accordance with paragraph (1) for an alien, the Secretary of Homeland Security shall make a determination as to whether the alien meets the requirements set out in subparagraphs (A) through (E) of subsection (d)(1).

(B) REMOVAL OF CONDITIONAL BASIS IF FAVORABLE DETERMINATION.—If the Secretary determines that the alien meets such requirements, the Secretary shall notify the alien of such determination and immediately remove the conditional basis of the status of the alien.

(C) TERMINATION IF ADVERSE DETERMINATION.—If the Secretary determines that the alien does not meet such requirements, the Secretary shall notify the alien of such determination and terminate the conditional permanent resident status of the alien as of the date of the determination.

(3) TIME TO FILE PETITION.—An alien may petition to remove the conditional basis to lawful resident status during the period beginning 180 days before and ending 2 years after either the date that is 6 years after the date of the granting of conditional permanent resident status or any other expiration date of the conditional permanent resident status as extended by the Secretary of Homeland Security in accordance with this Act. The alien shall be deemed in conditional permanent resident status in the United States during the period in which the petition is pending.

(d) DETAILS OF PETITION.—

(1) CONTENTS OF PETITION.—Each petition for an alien under subsection (c)(1) shall contain information to permit the Secretary of Homeland Security to determine whether each of the following requirements is met:

(A) The alien has demonstrated good moral character during the entire period the alien has been a conditional permanent resident.

(B) The alien is in compliance with section 4(a)(1)(C).

(C) The alien has not abandoned the alien's residence in the United States. The Secretary shall presume that the alien has abandoned such residence if the alien is absent from the United States for more than 365 days, in the aggregate, during the period of conditional residence, unless the alien demonstrates that alien has not abandoned the alien's residence. An alien who is absent from the United States due to active service in the uniformed services has not abandoned the alien's residence in the United States during the period of such service.

(D) The alien has completed at least 1 of the following:

(i) The alien has acquired a degree from an institution of higher education in the United States or has completed at least 2 years, in good standing, in a program for a bachelor's degree or higher degree in the United States.

(ii) The alien has served in the uniformed services for at least 2 years and, if discharged, has received an honorable discharge.

(E) The alien has provided a list of each secondary school (as that term is defined in section 9101 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7801)) that the alien attended in the United States.

(2) HARDSHIP EXCEPTION.—

(A) IN GENERAL.—The Secretary of Homeland Security may, in the Secretary's discretion, remove the conditional status of an alien if the alien—

(i) satisfies the requirements of subparagraphs (A), (B), and (C) of paragraph (1);

(ii) demonstrates compelling circumstances for the inability to complete the requirements described in paragraph (1)(D); and

(iii) demonstrates that the alien's removal from the United States would result in exceptional and extremely unusual hardship to the alien or the alien's spouse, parent, or child who is a citizen or a lawful permanent resident of the United States.

(B) EXTENSION.—Upon a showing of good cause, the Secretary of Homeland Security may extend the period of conditional resident status for the purpose of completing the requirements described in paragraph (1)(D).

(e) TREATMENT OF PERIOD FOR PURPOSES OF NATURALIZATION.—For purposes of title III of the Immigration and Nationality Act (8 U.S.C. 1401 et seq.), in the case of an alien who is in the United States as a lawful permanent resident on a conditional basis under this section, the alien shall be considered to have been admitted as an alien lawfully admitted for permanent residence and to be in the United States as an alien lawfully admitted to the United States for permanent residence. However, the conditional basis must be removed before the alien may apply for naturalization.

SEC. 6. RETROACTIVE BENEFITS UNDER THIS ACT.

If, on the date of enactment of this Act, an alien has satisfied all the requirements of subparagraphs (A) through (E) of section 4(a)(1) and section 5(d)(1)(D), the Secretary of Homeland Security may adjust the status of the alien to that of a conditional resident in accordance with section 4. The alien may petition for removal of such condition at the end of the conditional residence period in accordance with section 5(c) if the alien has met the requirements of subparagraphs (A), (B), and (C) of section 5(d)(1) during the entire period of conditional residence.

SEC. 7. EXCLUSIVE JURISDICTION.

(a) IN GENERAL.—The Secretary of Homeland Security shall have exclusive jurisdiction to determine eligibility for relief under this Act, except where the alien has been placed into deportation, exclusion, or removal proceedings either prior to or after filing an application for relief under this Act, in which case the Attorney General shall have exclusive jurisdiction and shall assume all the powers and duties of the Secretary until proceedings are terminated, or if a final order of deportation, exclusion, or removal is entered the Secretary shall resume all powers and duties delegated to the Secretary under this Act.

(b) STAY OF REMOVAL OF CERTAIN ALIENS ENROLLED IN PRIMARY OR SECONDARY SCHOOL.—The Attorney General shall stay the removal proceedings of any alien who—

(1) meets all the requirements of subparagraphs (A), (B), (C), and (E) of section 4(a)(1);

(2) is at least 12 years of age; and

(3) is enrolled full time in a primary or secondary school.

(c) EMPLOYMENT.—An alien whose removal is stayed pursuant to subsection (b) may be engaged in employment in the United States consistent with the Fair Labor Standards Act (29 U.S.C. 201 et seq.) and State and local laws governing minimum age for employment.

(d) LIFT OF STAY.—The Attorney General shall lift the stay granted pursuant to subsection (b) if the alien—

(1) is no longer enrolled in a primary or secondary school; or

(2) ceases to meet the requirements of subsection (b)(1).

SEC. 8. PENALTIES FOR FALSE STATEMENTS IN APPLICATION.

Whoever files an application for relief under this Act and willfully and knowingly falsifies, misrepresents, or conceals a material fact or makes any false or fraudulent statement or representation, or makes or uses any false writing or document knowing the same to contain any false or fraudulent statement or entry, shall be fined in accordance with title 18, United States Code, or imprisoned not more than 5 years, or both.

SEC. 9. CONFIDENTIALITY OF INFORMATION.

(a) PROHIBITION.—Except as provided in subsection (b), no officer or employee of the United States may—

(1) use the information furnished by the applicant pursuant to an application filed under this Act to initiate removal proceedings against any persons identified in the application;

(2) make any publication whereby the information furnished by any particular individual pursuant to an application under this Act can be identified; or

(3) permit anyone other than an officer or employee of the United States Government or, in the case of applications filed under this Act with a designated entity, that designated entity, to examine applications filed under this Act.

(b) REQUIRED DISCLOSURE.—The Attorney General or the Secretary of Homeland Security shall provide the information furnished under this section, and any other information derived from such furnished information, to—

(1) a duly recognized law enforcement entity in connection with an investigation or prosecution of an offense described in paragraph (2) or (3) of section 212(a) of the Immigration and Nationality Act (8 U.S.C. 1182(a)), when such information is requested in writing by such entity; or

(2) an official coroner for purposes of affirmatively identifying a deceased individual (whether or not such individual is deceased as a result of a crime).

(c) PENALTY.—Whoever knowingly uses, publishes, or permits information to be examined in violation of this section shall be fined not more than $10,000.

SEC. 10. EXPEDITED PROCESSING OF APPLICATIONS; PROHIBITION ON FEES.

Regulations promulgated under this Act shall provide that applications under this Act will be considered on an expedited basis and without a requirement for the payment by the applicant of any additional fee for such expedited processing.

SEC. 11. HIGHER EDUCATION ASSISTANCE.

Notwithstanding any provision of the Higher Education Act of 1965 (20 U.S.C. 1001 et seq.), with respect to assistance provided under title IV of the Higher Education Act of 1965 (20 U.S.C. 1070 et seq.), an alien who adjusts status to that of a lawful permanent resident under this Act shall be eligible only for the following assistance under such title:

(1) Student loans under parts B, D, and E of such title IV (20 U.S.C. 1071 et seq., 1087a et seq., 1087aa et seq.), subject to the requirements of such parts.

(2) Federal work-study programs under part C of such title IV (42 U.S.C. 2751 et seq.), subject to the requirements of such part.

(3) Services under such title IV (20 U.S.C. 1070 et seq.), subject to the requirements for such services.

SEC. 12. GAO REPORT.

Not later than seven years after the date of enactment of this Act, the Comptroller General of the United States shall submit a report to the Committee on the Judiciary of the Senate and the Committee on the Judiciary of the House of Representatives setting forth—

(1) the number of aliens who were eligible for cancellation of removal and adjustment of status under section 4(a);

(2) the number of aliens who applied for adjustment of status under section 4(a);

(3) the number of aliens who were granted adjustment of status under section 4(a); and

(4) the number of aliens whose conditional permanent resident status was removed under section 5.

By Mr. CARPER (for himself, Mr. VOINOVICH, Mrs. CLINTON, and Mr. COLEMAN):

S. 775. A bill to establish a National Commission on the Infrastructure of the United States; to the Committee on Environment and Public Works.

Mr. CARPER. Mr. President, today I join my good friend, Sen. GEORGE VOINOVICH, in introducing a bill to study the current state and future needs of our national infrastructure, including rail, airports, wastewater

treatment facilities, waterways and levees.

The American Society of Civil Engineers estimates that $1.6 trillion is needed over a five-year period to bring the Nation's infrastructure to a good condition. Clearly, we need to look at our needs and find a better way to maintain the infrastructure we have, while meeting new demand—all in a way that is fiscally sustainable.

Last Congress, during the debate about the surface transportation reauthorization, we discussed the problems facing our roadways. Poor road conditions cost U.S. motorists $54 billion per year in repairs and operating costs and 3.5 billion hours a year in traffic. Over 27 percent of the Nation's bridges are structurally deficient or functionally obsolete. While transit use increased faster than any other mode of transportation—up 21 percent—between 1993 and 2002, the Federal Transit Administration estimates $14.8 billion is needed annually to maintain conditions.

In Delaware, while population growth grew a robust 23 percent from 1990 to 2003, vehicle travel on our highways increased 38 percent. And driving on roads in need of repair cost Delaware motorists $160 million a year in extra vehicle repairs and operating costs. To take a look at what must be done to maintain our highways and transit as well as address future needs, and ways to pay for all of that, Congress created a commission to study these issues in SAFETEA–LU and report back to Congress with recommendations.

But there are more types of infrastructure in need of attention than just highways and transit. Air travel has reportedly surpassed pre-September 11, 2001, levels and is projected to grow 4.3 percent annually through 2015. Aging wastewater management systems discharge billions of gallons of untreated sewage into U.S. surface waters each year. And the EPA estimates that $390 billion over the next 20 years will be needed to replace existing systems and build new ones to meet increasing demands.

Further, limited rail capacity has created significant chokepoints and delays, as freight rail tonnage is expected to increase at least 50 percent by 2020 and intercity passenger rail ridership has increased to approximately 25 million a year. To accommodate both freight and passenger rail demand, $12–13 billion a year in investments will be needed.

After Hurricane Katrina led to the failure of floodwalls in New Orleans, Congress asked the Corps of Engineers to inspect other flood control structures to identify other repair needs. The Corps found that 146 levees in 28 States, Puerto Rico and the District of Columbia are in danger of failing.

In Delaware, vehicle travel on our highways has increased 38 percent from 1990 to 2003, costing Delaware motorists $160 million a year in extra vehicle repairs and operating costs—$273 per motorist. Delaware also has $304 million in drinking water infrastructure needs over the next 20 years and $288 million in wastewater infrastructure needs.

Understanding the problem and plotting a plan of attack are essential for attracting and maintaining business and investment in our economy and communities. The legislation we are proposing today would give the National Commission on the Infrastructure of the United States until February 15, 2009, to complete a study of the Nation's infrastructure, in consultation with the appropriate Federal, State and local agencies as well as private sector stakeholders. The Commission would study the age and condition of public infrastructure, the capacity to sustain current and anticipated economic development, the methods used to finance public infrastructure, and the return to the economy from public works investment.

Many times, when we debate infrastructure needs, people simply call for additional funds. Unfortunately, the taxpayer is losing confidence in the way we invest their tax dollars. Failures, like the floodwalls in New Orleans, harm confidence in the government's ability to protect communities from natural disasters. The fact that we've made no changes to the Corps' flood control program in the wake of that catastrophic failure has further damaged government credibility.

Increasing traffic in spite of the investment of billions of dollars every year in highways and bridges reduces confidence in government's ability to address traffic congestion. Failure to invest in rail while both freight usage and passenger ridership is at all time highs makes the taxpayer doubt that government is spending their tax dollars according to the needs of the people.

Part of the solution is, likely, greater funding. But the American people need to be confident in the products we provide before they are going to sign a check for more funding. That is why the Commission will study innovative financing, such as tax-credit bonds and private investment. But also, the Commission will study the impact of State and local governments' land use and economic development decisions on Federal infrastructure costs, and provide Congress with some insight as to how the various levels of government can better coordinate to gain greater efficiencies from our infrastructure investment.

Stronger coordination, greater investment and creativity are the keys to maintaining our infrastructure and investing in future needs—as well as a healthy and robust economy. I look forward to guidance from this Commission as to how Congress can better do just that.

By Mr. CRAIG:

S. 777. A bill to repeal the imposition of withholding on certain payments made to vendors by government entities; to the Committee on Finance.

Mr. CRAIG. Mr. President, today I am reintroducing the Withholding Tax Relief Act of 2007, which would repeal Section 511 of the Tax Increase Prevention and Reconciliation Act of 2005.

Last year, Congress answered Americans' calls for tax relief when it passed the Tax Increase Prevention and Reconciliation Act of 2005. The lower taxes on capital gains and dividends—and the higher alternative minimum tax exemption amounts—contained in the legislation assisted small businesses, encouraged the kind of investment that creates jobs and makes our economy grow, and ensured fairer tax treatment for middle-income families who would otherwise be left picking up the bill for a tax intended for the wealthy.

Alongside these essential tax relief provisions, however, conferees quietly inserted Section 511, a last-minute $7 billion tax penalty on government contractors, into the bill. Thus, the bill, whose aim was ''tax increase prevention,'' actually raised taxes. On the same day the President signed the Tax Increase Prevention and Reconciliation Act into law, I introduced the Withholding Tax Relief Act of 2006 and made good on my promise to work to repeal Section 511. Today, I am renewing that promise.

Section 511—the largest revenue-raiser by far in the Tax Increase Prevention and Reconciliation Act—imposes a sweeping new 3 percent tax withholding on all government payments for products and services made by the Federal Government, State governments, and local governments with expenditures of $100 million or more. It affects payments for goods and services under government contracts and payments to any person for a service or product provided to a government entity—for example, Medicare and certain grants—beginning in 2011.

Section 511 will not close the tax gap—or the difference between what American taxpayers owe and what they actually pay—as proponents of the provision argue. Section 511 is estimated to ''increase'' revenue by $7 billion from 2011 to 2015, but raises $6 billion of that amount due solely to accelerated tax receipts and not an actual revenue increase from tax compliance. It generates only $215 million in 2012 and increases slightly in each of the three years thereafter hardly the $290 billion annual tax gap the IRS estimates. Further, Section 511 is based on revenues from government payments with no relationship to a company's taxable income or tax liability. Section 511 hurts honest taxpaying businesses without providing any additional enforcement mechanisms for tax delinquents.

Section 511's costs to businesses are substantial. Although proponents of Section 511 call the 3 percent withholding rate ''low'' and ''conservative,'' in most cases, businesses make substantially less than 3 percent profit on their contracts and sometimes, turn no profit at all. Section 511 will effectively withhold entire paychecks—interest free—thereby impeding the cash

flow of small businesses, eliminating funds that can be used for reinvestment in the business, and forcing companies to pass on the added costs to customers or finance the additional amount.

Section 511 will also impose significant administrative costs on the Federal, State, and local governments—costs so high, in fact, that the Congressional Budget Office (CBO) said the provision constitutes an unfunded mandate on the state and local governments. The projected costs of Section 511, says CBO, will far exceed the allowable $50 million annual threshold.

More than the costs to government, though, Section 511 stands to negatively impact nearly every sector of the economy—from health care and technology to building and transportation—and there is already talk of expanding the provision's reach and accelerating its effective date. What there wasn't talk of, though—at the inception of Section 511—was the provision itself. Congress never debated the merits of an expanded withholding requirement—as a revenue-raiser or as a way to narrow the tax gap—in a committee or on either chamber's floor. If it had, Congress would have realized that it does neither of these things well. Section 511 is the start of years of bad tax policy. We can do better than this, and I urge my colleagues to join me in working to repeal this unfair tax penalty.

I ask unanimous consent that the text of the bill be printed in the RECORD.

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

S. 777

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

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Withholding Tax Relief Act of 2007''.

SEC. 2. REPEAL OF IMPOSITION OF WITHHOLDING ON CERTAIN PAYMENTS MADE TO VENDORS BY GOVERNMENT ENTITIES.

The amendment made by section 511 of the Tax Increase Prevention and Reconciliation Act of 2005 is repealed and the Internal Revenue Code of 1986 shall be applied as if such amendment had never been enacted.

By Mr. KENNEDY (for himself, Mr. BURR, Mr. KERRY, and Mr. SANDERS):

S. 778. A bill to amend title IV of the Elementary and Secondary Education Act of 1965 in order to authorize the Secretary of Education to award competitive grants to eligible entities to recruit, select, train, and support Expanded Learning and After-School Fellows that will strengthen expanded learning initiatives, 21st century community learning center programs, and after-school programs, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

Mr. KENNEDY. Mr. President, today I am introducing the Teaching Fellows for Expanded Learning and After-School Act to tap the idealism, energy, and talent of 2-year and 4-year college graduates to serve as teaching fellows in our Nation's highest need schools.

The Act will establish a new cadre of talented leaders to establish, expand or improve expanded learning initiatives, 21st century community learning center programs and after-school programs. These programs will build essential academic and youth development skills for all students in targeted grade levels in expanded-day programs. They will also assist teachers during the school day in linking the school curriculum more closely with after school programming.

As we know most Olympic athletes train harder when a gold medal is in sight. Employees work overtime when a business launches a breakthrough product. Communities rally to provide material relief and comfort when natural disasters strike. When success matters most, increased effort is essential for achieving a worthy goal, and that fundamental principle can work in education too.

The time has come for the Nation to go the extra mile to meet our education goals and ensure that all children develop the skills they need to participate fully in our economy and in the civic life of their communities. If students are to learn more—the core premise of the No Child Left Behind Act—they must have more time to meet these expectations.

Teaching Fellows recruited under this bill will receive intensive training by experienced high-quality after-school programs and will serve for two years. The Act will also enable Teaching Fellows to pursue a bachelor's or graduate degree in education, in order to give communities a pipeline of leaders ready for future involvement in education and youth development.

For the most part, reform efforts to date have equated education reform with school reform. As a result our attention has been focused on the 1,000 hours a year children are in school, while largely overlooking the 4,000 hours a year when children are awake and out of school.

Teachers must, of course, remain at the heart of our strategy to improve education. But they need help. We need to expand learning time, involve caring adults in the lives of children, and make learning more relevant and engaging, especially for students who are struggling.

The school calendar today is largely a relic of the agrarian age. It fails to respond to the realities that students must develop new skills for modem needs, and that in most families, parents are working during many of the after-school hours. Fourteen million children come back to empty homes after school. Voters across party lines, demographic groups, and geographic areas have said for 5 consecutive years that they overwhelmingly support after-school programs for all. Police chiefs, sheriffs and prosecutors overwhelmingly agree that investing in after-school programs is more effective in reducing youth violence and crime than hiring more police officers or stiff penalties. Diverting less than one percent of at-risk youth from a life of crime would save society several times the cost of the after-school programs. It is time for a new learning day to dawn in our country. Our communities and our citizens need to waken to clear call for involvement and investment in this aspect of public education.

The Teaching Fellows for Expanded Learning and After-School Act draws on the impressive experience of after-school programs and schools that have developed, and tested these ideas and shown they can work. The Act is inspired by the Teaching Fellowship Program created by Citizen Schools, a national network of after-school programs with a track record of significant impact on academic achievement. A rigorous, long-term evaluation has shown that such students outperform their peers on six out of seven measures of school success.

The Act also draws on the superb work of LA's BEST and After-School All-Stars, as well as the experience and innovations of other schools and programs across the country.

Under the Act, the Department of Education will make grants to partnerships between local education agencies and strong community organizations, institutions of higher education, and community learning centers. These partnerships will recruit and place Teaching Fellows to work full-time in high-need schools that serve low-income students. Grants from the Department of Education will be at least $15,000 per Fellow annually, so that recipients can recruit, select, train, and support the Fellows. Fellows will also be able to earn a national service education award for each term of service. Partnerships will be required to obtain non-federal matching funds to leverage the federal government's investment and to involve the private sector in expanding these educational opportunities.

Expanded learning time and after-school programs are the new frontier of education reform in America. Teaching Fellows recruited under the Act will complement the outstanding efforts of classroom teachers and infuse new energy, talent, and idealism in the after-school sector. They will also be an essential resource for the nation's parents, encouraging students to understand their potential and helping them to see the true promise of the American Dream.

This bill is supported by thirty-seven groups representing education and after-school communities. I ask unanimous consent that their letters of support be printed in the RECORD.

There being no objection, the letters were ordered to be printed in the RECORD, as follows:

NATIONAL COLLABORATION FOR YOUTH,
February 16, 2007.

Hon. EDWARD M. KENNEDY,
Hon. RICHARD BURR,
Washington, DC.

DEAR CHAIRMAN KENNEDY AND SENATOR BURR: The National Collaboration for Youth is writing to express its support of the Teaching Fellow for Expanded Learning and After-School (T–FELAS) Act.

T–FELAS will establish a new service teacher corps and expands learning and enrichment opportunities targeted towards the hours after the school day ends. As a group that focuses on youth, and particularly at-risk youth, we know the need for expanded learning and positive youth development experiences in the hours after school. We also know the importance of developing the next generation of youth workers, skilled in youth development practices and viewing public service and youth work as a career, and this bill will strive to do just that.

We applaud the inclusion of youth development language, especially the training in youth development for the Fellows, and acknowledgment of the education youth workers receive through both two- and four-year institutions of higher education that provide accredited coursework in youth development. Furthermore, as part of the evaluation of T-FELAS programs, implementing the interagency reach of the Federal Youth Development Council as a place to disseminate best practices will continue to move the field forward.

We look forward to working with your office and the staff of the Health, Education, Labor and Pensions Committee as this bill progresses towards enactment. Please do not hesitate to contact us if we can be of any assistance.

Thank you for your leadership, and public service.

Sincerely,

America's Promise—The Alliance for Youth, Marguerite Kondracke, President and CEO, American Humanics Inc., Kala M. Stroup Ph.D, President, Big Brothers Big Sisters of America, Judy Vredenburgh, President and CEO, Camp Fire USA, Jill Pasewalk, President and CEO, Communities In Schools, Inc., Daniel Cardinali, President, First Focus, Bruce Lesley, President, Leadership & Renewal Outfitters, Janet R. Wakefield, President and CEO, MENTOR/National Mentoring Partnership, Gail Manza, Executive Director, National 4–H Council, Donald T. Floyd, Jr., President and CEO, National Collaboration for Youth, Irv Katz, President and CEO, National Network For Youth, Victoria Wagner, President and CEO, Search Institute, Peter M. Benson, Ph.D President and CEO, Youth Service America, Steven A. Culbertson, President and CEO.

NATIONAL AFTERSCHOOL ASSOCIATION,
March 5, 2007.

Hon. EDWARD M. KENNEDY,
Chairman, Senate Committee on Health, Education, Labor and Pensions,
Hon. RICHARD BURR,
U.S. Senate,
Washington, DC.

DEAR CHAIRMAN KENNEDY AND SENATOR BURR: On behalf of the National AfterSchool Association, I am pleased to offer our support for the Teaching Fellows for Expanded Learning and After-School (T-FELAS) Act of 2007. We appreciate your attention to, and support for, the need for quality afterschool programs and for attracting young professionals to the field.

By creating a cadre of talented young people to serve as Fellows in expanded-day and afterschool programs, the T–FELAS Act will help ensure that such programs are infused with well-educated front-line staff who can support students in activities that will enhance their development and success in school. The Fellowships and opportunities to pursue additional education should help attract graduates interested in afterschool work, but who might not be able to enter the field without such supports.

Research shows that more highly-educated and well-trained staff who understand how children develop are the key to high quality afterschool programs. As the leading voice of the afterschool profession, representing over 9,000 afterschool practitioners, administrators, and policymakers, we at the National AfterSchool Association applaud this creative approach to bringing talented new workers into the field. We look forward to working with you both on this initiative and on approaches to address the larger issues of overall compensation and training levels in the field that make long-term retention of staff difficult for afterschool programs.

Thank you again for your leadership in ensuring that well-trained and supportive adults are available to enhance the lives of our young people.

Sincerely yours,

JUDITH N. NEE,
President and CEO.

VOICES FOR NATIONAL SERVICE,
February 23, 2007.

Hon. EDWARD M. KENNEDY,
U.S. Senate,
Washington, DC.

DEAR SENATOR KENNEDY: On behalf of Voices for National Service, we are writing to thank you for sponsoring the Teaching Fellows for Expanded Learning and After School Act of 2007. This legislation addresses a critical need in communities across our country and offers an exciting opportunity to expand national service.

The T–FELAS Act will recruit outstanding college graduates to become Teaching Fellows and to serve in schools and after-school programs that serve low-income students. Through their service, Teaching Fellows will take their first steps along a pathway of service and educational leadership. These dynamic, aspiring educators will earn Segal AmeriCorps Education Awards which will support them as they go on to careers as classroom teachers and after-school leaders. Their experience in linking in-school and after-school learning will play a critical role in advancing academic achievement and expanding educational opportunity.

Voices for National Service is a coalition of national service organizations and state commissions from across the country that provide direct services to communities in need, matching the talents of committed citizens with service opportunities in schools, community centers, senior homes, health clinics, and national parks and recreation areas. Collectively, we reach thousands of Americans in need every day. We are excited to support this important initiative and look forward to contributing to its success. The T–FELAS Act will strengthen public education, create a powerful pipeline of future educational leaders, and move students in schools across the country toward the American Dream of college and career opportunity.

Sincerely,

Karen Baker, Executive Director, California Volunteers; Michael Brown, CEO, City Year, Nelda Brown, Executive Director, National Service-Learning Partnership; Kyle Caldwell, President & CEO, ConnectMichigan Alliance; AnnMaura Connolly, Senior Vice President, City Year; Calvin George, National Director, National Association of Community Health Centers; Jacqueline Johnson, Executive Director, Connecticut Commission for Volunteer Services; Marsha Meeks Kelly, Executive Director, Mississippi Commission for Volunteer Service; Marguerite Kondracke, President & CEO, America's Promise; Michelle Nunn, CEO, Hands On Network; Sally Prouty, President, The Corps Network, Eric Schwarz, President, Citizen Schools; Dorothy Stoneman, President, YouthBuild USA; Marty Weinstein, Chairperson, California AmeriCorps Alliance.

ILLINOIS CENTER FOR VIOLENCE PREVENTION,
February 15, 2007.

Hon. EDWARD M. KENNEDY,
Russell Senate Office Building,
Washington, DC.

DEAR SENATOR KENNEDY: We are writing to express its support of the Teaching Fellow for Expanded Learning and After-School (T-FELAS) Act, which will establish a new service teacher corps and expands learning and enrichment opportunities targeted towards the hours after the school day ends.

The Illinois Center for Violence Prevention (ICVP) is a leader on the issue of out-of-school time programs in the state of Illinois. We have long supported strategies to enhance the quality of out-of-school time services, since high quality programs are able to provide extended learning opportunities and positive youth development experiences for our youth. ICVP coordinates the Illinois After-school Partnership, co-chaired by our state's Department of Human Services and our State Board of Education. The Partnership is working on policy and program enhancements to increase the quality and availability of out-of-school-time opportunities. The Partnership has been examining the professional development needs of the current and future workforce for this field, and is participating in a state-wide effort to increase career pathways for youth workers.

The T-FELAS Act will be a valuable and needed tool that will help develop the next generation of youth workers, versed in essential youth development skills, and who view public service and youth work as a career. We applaud the inclusion of youth development language, especially the training in youth development for the Fellows, and acknowledgment of the education youth workers receive through both two- and four-year institutions of higher education that provide accredited coursework in youth development.

Thank you for your public service and leadership on this issue. Please do not hesitate to contact us if we can be of any assistance.

Sincerely,

DEBBIE BRETAG,
Executive Director.

AFTERSCHOOL ALLIANCE,
February 16, 2007.

Hon. EDWARD M. KENNEDY,
Chairman, Senate Committee on Health, Education, Labor and Pensions, U.S. Senate, Washington, DC.
Hon. RICHARD BURR,
U.S. Senate, Washington, DC.

DEAR CHAIRMAN KENNEDY AND SENATOR BURR: The Afterschool Alliance is very pleased to have the opportunity to express our support for the Teaching Fellows for Expanded Learning and After-School Act of 2007 (T-FELAS). This legislation will expand the federal government's interest in and support for afterschool programs that keep kids safe, improve academic achievement, and

support working families by investing in quality initiatives. On behalf of the advocates, afterschool providers, researchers and parents that make up the Alliance network, thank you for your longstanding support for our goal of Afterschool for All.

Just as having a highly qualified teacher in the classroom leads to student success, having well trained, skilled leadership in afterschool programs ensures that the programs provided contribute to children's academic and social development and give young people the opportunities that will assure their college and workplace readiness in the future. The T-FELAS program will provide partnerships that offer afterschool programs, including the 21st Century Community Learning Centers, the chance to expand the quality and capacity of services offered in targeted communities. It will give individuals the financial support they need to pursue careers in the afterschool field and to put their training and talents to use serving children and families that need their help most.

The Alliance endorses this legislation and looks forward to working with you in the future to translate our common vision of high quality afterschool and expanded learning opportunities for all into reality.

Sincerely,

JODI GRANT,
Executive Director.

FIRST FOCUS,
February 16, 2007.

Hon. EDWARD KENNEDY,
Chairman, Senate Committee on Health, Education, Labor and Pensions, Dirksen Senate Office Building, Washington, DC.
Hon. RICHARD BURR,
Russell Senate Office Building,
Washington, DC.

DEAR CHAIRMAN KENNEDY AND SENATOR BURR: First Focus is pleased to endorse the Teaching Fellows for Expanded Learning and After-School Act of 2007 (T-FELAS).

Quality after-school programs are critical for the nation's young people. After-school programs keep children safe and productive while their parents are at work; however, less than half of parents of 6- to 17-year-olds say there are enough affordable afterschool programs according to a recent study conducted for America's Promise—The Alliance for Youth.

T-FELAS will help to not only expand after-school opportunities for young people, but it will also help to ensure that new and existing after-school opportunities are of high quality. We appreciate the emphasis placed on positive youth development in your legislation, as well as your inclusion of an independent evaluation and the dissemination of best practices through the Federal Youth Development Council. These measures will strengthen outcomes for children and help to ensure that after-school programs throughout the country benefit from the lessons learned by the Expanded Learning and After-School Fellows.

First Focus is a new bipartisan advocacy organization that seeks to make children and their families the first focus of federal budget and policy decisions. T-FELAS is an important way to do so. We are pleased to support your efforts and look forward to working with you.

Sincerely,

BRUCE LESLEY,
President.

NEXT GENERATION YOUTH WORK COALITION,
February 16, 2007.

Hon. EDWARD M. KENNEDY,
Russell Senate Office Building,
Washington, DC.
Hon. RICHARD BURR,
Russell Senate Office Building,
Washington, DC.

DEAR CHAIRMAN KENNEDY AND SENATOR BURR: The Next Generation Youth Work Coalition is writing to express its support of the Teaching Fellow for Expanded Learning and After-School (T–FELAS) Act

T–FELAS will establish a new service teacher corps and expand learning and enrichment opportunities targeted towards the hours after the school day ends. Both of these are much needed improvements that will help ensure that children and youth have the supports they need to succeed.

The Next Generation Youth Work Coalition is a group of individuals and organizations dedicated to developing a strong, diverse after-school and youth development workforce that is stable, prepared, supported and committed to the well-being and empowerment of children and youth, and particularly at-risk youth. We know the need for expanded learning and positive youth development experiences in the hours after school. We know the importance of developing the next generation of youth workers, skilled in youth development practices and viewing public service and youth work as a career. Our research shows that those who chose to work come from varied backgrounds but share a common belief—that they can make a difference.

We applaud the inclusion of youth development language, especially the training in youth development for the Fellows, and acknowledgment of the education youth workers receive through both two- and four-year institutions of higher education that provide accredited coursework in youth development. Furthermore, as part of the evaluation of T–FELAS programs, implementing the interagency reach of the Federal Youth Development Council as a place to disseminate best practices will continue to move the field forward.

We look forward to supporting your office and the staff of the Health, Education, Labor and Pensions Committee as this bill progresses towards enactment. Please do not hesitate to contact Pam Garza if we can be of any assistance: pam@nassembly.org or (202) 347–2080 x15.

Thank you for your leadership on behalf of the youth in our nation.

Sincerely,

KAREN PITTMAN,
Co-Chair.
PAM GARZA,
Co-Chair.
DEB CRAI,
Co-Chair.

FEBRUARY 19, 2007.

Hon. EDWARD M. KENNEDY,
U.S. Senate,
Washington, DC.
Hon. RICHARD BURR,
U.S. Senate,
Washington, DC.

DEAR SENATOR KENNEDY AND SENATOR BURR: On behalf of the board and staff of the Johns Hopkins University Center for Summer Learning, it is my pleasure to express our support for the Teaching Fellows for Expanded Learning and After-School (T–FELAS) bill.

This important legislation would enhance out-of-school time learning opportunities for young people, and provide a new mechanism for recruiting and retaining teachers and staff for such programs. By offering fellowships to recent college graduates who work in after-school and summer programs serving Title I students, the bill would dramatically enhance the quality and amount of learning opportunities available for disadvantaged students. The program would result in a 25–30% increase in the time students spend engaged in learning and improve a wide range of developmental outcomes for youth.

In addition, the legislation would create a talented new group of educators who specialize in motivating young people to learn outside the traditional classroom. The fellows who participate in the program will provide critical linkages between the school day and after-school programs and become dynamic future leaders in the field of education and youth development.

Thank you so much for supporting this legislation and please feel free to contact me directly at (410) 516–6221 if we can provide any assistance to this effort.

Sincerely,

RON FAIRCHILD,
Executive Director,
Center for Summer Learning.

FEBRUARY 15, 2007.

Hon. EDWARD M. KENNEDY,
U.S. Senate,
Washington, DC.

DEAR SENATOR KENNEDY: I am writing in support of the Teaching Fellows for Expanded Learning and After School Act of 2007. The T–FELAS Act addresses a critical need for schools, communities, and working families.

It will dramatically strengthen afterschool and expanded learning time programs and make them full partners in restoring the promise of educational opportunity for all children.

Teachers in our schools are doing their best, but America's traditional 6–hour school day is obsolete. Our students need more learning time, more caring adults involved in their learning, and more relevant, hands-on learning activities that inspire and motivate them.

At Citizen Schools, we have seen firsthand the impact that Teaching Fellows can make. Citizen Schools operates a national network of after-school programs that advance student achievement and mobilize adult volunteers to teach hands-on apprenticeship courses. Our programs blend real-world learning projects with rigorous academic and leadership development activities, preparing students in the middle grades for success in high school, college, the workforce, and civic life. Citizen Schools currently serves 3,000 students and engages 2,400 volunteers in California, Massachusetts, New Jersey, North Carolina and Texas. In Massachusetts our programs operate in Boston, Lowell, Malden, New Bedford, Worcester, and Springfield.

Citizen Schools works intensively with low-income students, most of whom are struggling academically. A rigorous independent evaluation has reported that Citizen Schools' students significantly out-performed a matched comparison group on key metrics of school success and advancement, including grades and standardized test scores.

The Teaching Fellowship program that Citizen Schools has piloted attracts dynamic, aspiring educators and community builders to careers in education. In the morning our Fellows support classroom teachers and in the afternoon they serve as front-line teachers and team leaders at our after-school programs. Teaching Fellows also have the opportunity to earn a Master's Degree in Education, preparing them for careers as teachers and educational leaders.

Teaching Fellows have been the crucial factor in delivering powerful results for our students.

The T–FELAS Act will advance the achievement of our neediest students and open new horizons of opportunity to them. Thank you so much for your leadership in introducing the T–FELAS Act.

Sincerely,

ERIC SCHWARZ,
President and CEO.

SAVE THE CHILDREN,
Washington, DC, February 13, 2007.

Hon. EDWARD M. KENNEDY,
Russell Senate Office Building,
Washington, DC.
Hon. RICHARD BURR,
Russell Senate Office Building,
Washington, DC.

DEAR CHAIRMAN KENNEDY AND SENATOR BURR: I am writing to express Save the Children's support of the Teaching Fellow for Expanded Learning and AfterSchool (T-FELAS) Act, which will expand learning opportunities outside of the school day and establish a new service teacher corps.

Save the Children provides literacy and obesity prevention programs after school and during the summer to children living in poor, often isolated, rural areas. We know the difference these activities make in their lives. Students in our programs are not only safe during the critical hours from 3 to 6 p.m.; they are also doing better in school. Evaluation results from the past three school years found that our literacy program is improving the reading levels of regular participants. Fifty-four percent of the children participating made gains in reading proficiency greater than would be expected if they were just attending school.

We also know first-hand the difficulties of recruiting and retaining trained, dynamic staff. The T-FELAS Act will assist the caring individuals working with high-need children in rural communities improve their qualifications by enabling them to pursue an undergraduate or graduate level degree in education, expanding their opportunities to in public education and youth development programs.

We look forward to working with you and the staff of the Health, Education, Labor and Pensions Committee as this bill progresses towards enactment. Please do not hesitate to contact us if we can be of any assistance.

Sincerely,

MARK K. SHRIVER,
Vice President and Managing Director.

FEBRUARY 15, 2007.

DEAR BRENDA WRIGHT: I am writing in support of the T-Felas bill that Senators Kennedy and Burr are sponsoring. As a provider of high quality after school enrichment I would love to see more awareness of the opportunity for extended learning time and the strides that organizations such as ours have made in the field. We have an incredible opportunity to truly make a positive impact on the lives of these students both academically and behaviorally.

Thank you for your support of this bill.

JERRI FATTICCI,
North Carolina State Director,
Citizen Schools.

WELLESLEY CENTERS FOR WOMEN,
Wellesley, MA, Feb. 16, 2007.

Hon. EDWARD M. KENNEDY,
Russell Senate Office Building,
Washington, DC.
Hon. RICHARD BURR,
Russell Senate Office Building,
Washington, DC.

DEAR SENATOR KENNEDY AND SENATOR BURR: The National Institute on Out-of-School Time is writing to express its support of the Teaching Fellow for Expanded Learning and After-School (T–FELAS) Act.

T–FELAS will help ease the difficulty of recruiting and paying new educators and leaders for high need schools and afterschool programs. NIOST is actively involved in developing increased educational opportunities for people who choose afterschool as their profession and is excited about how T–FELAS will also increase the viability of afterschool as a professional career. Talented front-line educators are needed to serve in expanded learning and after-school environments to help students meet the ever-increasing challenges of the real world.

T–FELAS will encourage and enable qualified people interested in teaching and afterschool to spend time learning in the field while completing their own education. The funding of dynamic Teaching Fellows to administer and improve expanded-day programs and to also assist teachers during the school day is a great plan. Research indicates that relationships between school and afterschool staff can contribute to positive academic and developmental outcomes for youth. The Teaching Fellows have the potential of playing an important role in supporting those relationships.

The National Institute on Out-of-School Time looks forward to watching this bill as it progresses towards enactment. Please do not hesitate to contact us if we can be of any assistance.

Sincerely,

ELLEN GANNETT,
Director, The National Institute on Out-of-School Time.

SEARCH INSTITUTE,
February 14, 2007.

Senator EDWARD KENNEDY,
317 Russell Building,
Washington, DC.

DEAR CHAIRMAN KENNEDY: I am writing to express my strong support for the Teaching Fellows for Expanded Learning and After-School Act. This bill, fondly known as T-FELAS, is an exciting proposal that will recruit, train and place Fellows in expanded learning and after-school environments.

I am particularly gratified to see that the bill ensures that each Fellow will be provided with training on the power of positive relationships and the value of developmental assets. This is so important! Research has consistently shown that increased developmental assets promote academic success, divert youth from risky behavior and give young people the strengths they need to make positive choices in life.

I assure you that providing the Fellows with training in positive youth development and the 40 Developmental Assets will have a dramatic and profound impact on their ability to serve the youth under their care. When Fellows develop sustained, strength-based relationships with children and adolescents, these after-school and summer hours will produce all the positive outcomes we hope to see from our students.

Again, thank you for your service and your efforts to ensure that all youth have an opportunity to thrive!

Best regards,

PETER BENSON, PH.D.,
President.

POLICY STUDIES ASSOCIATES, INC.,
Washington, DC, February 15, 2007.

Senator EDWARD M. KENNEDY,
Chairman, HELP Committee, Hart Senate Building, Washington, DC.

DEAR SENATOR KENNEDY: I am writing in support of your bill to amend ESEA Title II to create the Expanded Learning and After-School Fellows program.

I direct evaluations of large-scale after-school programs in many locations, including Boston, New York City, statewide in New Jersey, and rural America (as sponsored by Save the Children). Our studies have consistently shown the value to youth of staffing these programs with well-educated individuals who have four-year college degrees. Such individuals bring an understanding of the learning process plus an enriched store of background knowledge. Because they have completed a college education, they understand its value and can communicate high standards and the value of hard work to the youth with whom they work.

In one example, from a 2004 multi-year evaluation of programs in New York City sponsored by The After-School Corporation (TASC), I wrote: In sites where at least 25 percent of project staff had a four-year college degree, participants had more positive changes in test scores than in TASC sites with a lower proportion of staff members with such degrees (effect size of 0.14 in math and 0.13 in reading). Staff with college degrees may be better able to see and to exploit the varied learning opportunities embedded within themes and topics adopted by after-school projects.

You or your staff should call on me at any time if I can be helpful with regard to this bill. I can be reached at (202) 939–5323 and at ereisner@policystudies.com.

Sincerely,

ELIZABETH R. REISNER,
Principal.

THE FORUM FOR YOUTH INVESTMENT,
February 19, 2007.

Hon. EDWARD M. KENNEDY,
317 Russell Senate Office Building
Washington, DC.

DEAR SENATOR KENNEDY: The Forum for Youth Investment is writing to express its support of the Teaching Fellows for Expanded Learning and After-School (T–FELAS) Act.

T–FELAS will establish a new service teacher corps and expand learning and enrichment opportunities targeted towards the hours after the school day ends. Both of these are much needed improvements that will help ensure that children and youth have the supports they need to succeed.

The Forum for Youth Investment is committed to ensuring all young people are Ready by 21™—ready for college, work and life. We know the need for expanded learning and positive youth development experiences in the hours after school. We know the importance of developing the next generation of youth workers, skilled in youth development practices and viewing public service and youth work as a career. Our research shows that those who chose to work come from varied backgrounds but share a common belief—that they can make a difference.

We applaud the inclusion of youth development language, especially the training in youth development for the Fellows, and acknowledgment of the education youth workers receive through both two- and four-year institutions of higher education that provide accredited coursework in youth development. Furthermore, as part of the evaluation of T–FELAS programs, implementing the interagency reach of the Federal Youth Development Council as a place to disseminate best practices will continue to move the field forward.

We look forward to supporting your office and the staff of the Health, Education, Labor and Pensions Committee as this bill progresses towards enactment. Please do not hesitate to contact Nicole Yohalem if we can be of any assistance—at nicole@forumfyi.org or (202) 207–3341.

Thank you for your leadership on behalf of the youth in our nation.

Sincerely,

KAREN PITTMAN,
Executive Director,
Forum for Youth Investment.

By Mr. CRAIG:

S. 779. A bill to reauthorize the Secure Rural Schools and Community Self-Determination Act of 2000; to the Committee on Energy and Natural Resources.

Mr. CRAIG. Mr. President, I rise today to introduce a one year only reauthorization of the Secure Rural Schools and Community Self-Determination Act.

For the last six years, this Act has provided critical funding to our rural schools and counties and has built collaboration on the ground through the accomplishments of the Resource Advisory Committees.

Unfortunately Congress has not been able to reauthorize P.L. 106–393 and I do not feel the schools and counties should become victims while we in Congress negotiate a path forward.

Thus, I am introducing this bill today and will work to include it in any legislation that is being considered by the Senate.

The Act has been an enormous success in achieving and even surpassing the goals of Congress. This Act has restored programs for students in rural schools and prevented the closure of numerous isolated rural schools. It has been a primary funding mechanism to provide rural school students with educational opportunities comparable to suburban and urban students. Over 4,400 rural schools receive funds because of this Act.

Next, the Act has allowed rural county road districts and county road departments to address the severe maintenance backlog. Snow removal has been restored for citizens, tourists, and school buses. Bridges have been upgraded and replaced and culverts that are hazardous to fish passage have been upgraded and replaced.

In addition, over 70 Resource Advisory Committees, or RACs have been formed. These RAC's cover our largest 150 forest counties. Nationally these 15-person diverse RAC stakeholder committees have studied and approved over 2,500 projects on Federal forestlands and adjacent public and private lands. These projects have addressed a wide variety of improvements drastically needed on our National Forests. Projects have included fuels reduction, habitat improvement, watershed restoration, road maintenance and rehabilitation, reforestation, campground and trail improvement, and noxious weed eradication.

The accomplishments of this Act over the last few years are positive and substantial. This law should be extended so it can continue to benefit the forest counties, their schools, and continue to contribute to improving the health of our National Forests.

If we do not work to reauthorize this Act, all of the progress of the last six years will be lost. Schools in timber dependant communities will lose a substantial part of their funding. These school districts will have to start making tough budget decisions such as keeping or canceling after school programs, sports programs, music programs, and trying to determine what is the basic educational needs of our children. Next, counties will have to reprioritize road maintenance so that only the essential services of the county are met because that is all they will be able to afford.

By Ms. LANDRIEU:

S. 783. A bill to adjust the boundary of the Barataria Preserve Unit of the Jean Lafitte National Historical Park and Preserve in the State of Louisiana, and for other purposes; to the Committee on Energy and Natural Resources.

Ms. LANDRIEU. Mr. President, I come before the Senate today to re-introduce—with some changes—a bill that I first introduced on April 6, 2004, in the 108th Congress and which I reintroduced in the 109th Congress. This bill will transfer 3,083 acres of Federal land to the Barataria Preserve Unit of the Jean Lafitte National Historical Park, and authorize the Park to purchase up to 821 acres of neighboring private lands from willing sellers. The lands in question contain important freshwater wetlands, and would allow the park boundary to conform to existing waterways and levee corridors.

As of today, the Senate has twice passed—once in the 108th Congress and once in the 109th Congress—a form of this bill by unanimous consent. I trust that few will find anything too objectionable about these provisions in the 110th Congress either. After all, it simply places lands that are already under Federal control under the management authority of the National Park Service, which already manages neighboring lands and helps protect their environmental, cultural and historic integrity.

The first major tract in question is the Bayou aux Carpes wetlands, which were acquired by the Justice Department in 1996 as a result of the settlement of a lawsuit. Although the National Park Service has constructive possession of the deeds, it lacks legal management authority. The area has exemplary natural resource values and has been designated by the Environmental Protection Agency as a wetland of significant value. Most importantly, because of the hydrologic connection between the two areas, the environmental health of the Jean Lafitte Park's Barataria Preserve is dependent on the continued health of the Bayou aux Carpes.

The second major tract is the Bayou Segnette wetlands, which are presently managed by the Army Corps of Engineers. The inclusion of this area in the Barataria Unit will allow for better control over water entering the park from outside sources.

My bill also authorizes the acquisition, from willing sellers, of approximately 821 acres of privately owned lands which are adjacent to the park. Approximately half of this area is designated as jurisdictional wetlands, with limited access and no potential for development. All of this land has been included within the boundary at the request of the owners. This provision was also included in the earlier versions of this bill that were passed in the 108th and 109th Congresses.

Lastly, allow me to explain what is new about this bill: this bill also authorizes the Jean Lafitte National Historic Park and Preserve to acquire the Fleming-Berthoud Plantation—previously known as the Mavis Grove Plantation. This plantation is one of the southernmost early sugar plantations and surrounds a prehistoric Indian mound and historic cemetery on the edge of the bayou, which is one of the most scenic and most photographed cemeteries around New Orleans. Recently, it was highlighted in the recent Cabildo exhibition and book on historic cemeteries of New Orleans.

The original plantation contained more than 10,000 acres and was a large sugar plantation. After floods destroyed area sugar plantations in the 19th century, this was turned into one of the larger cypress tree lumbering plantations. The Berthoud family bought it in the late 19th century and the Fleming family bought it in the early 20th century.

The 1,000-year-old prehistoric Indian mound and historic above-ground tombstone cemetery are relatively well preserved and have been twice declared eligible for the National Register of Historic Places by state officials; though no action has yet been taken on that designation.

Currently, many of the historic plantation structures are unrestored, vacant and in poor condition. But the main plantation house remains in good condition. I have been told that it was photographed for the cover of National Geographic Magazine in the 1930s and has been the setting for close to 10 Hollywood movies.

The other buildings include a 75-foot, 175-year-old brick sugar refining chimney, in relatively good condition; an overseer's Creole style cottage from the mid 1800s cited by historians as a fine early example of island architecture; a 19th Century annex building connected to the original plantation house, now in poor condition; a 1920s house built on the original sugar refinery foundations; an early blacksmith shop and several other barns and buildings, most in poor condition.

My bill will authorize the National Park Service to acquire this land from the family, who I am told support the transaction and the restoration of the land and buildings. I am also told that historic preservation organizations may step forward to provide private funding in support of the National Park Service's acquisition of the land.

In all, I think that this bill marks an important day for Louisiana. We are authorizing the management and preservation of several ecological, cultural and historic gems. I hope that my colleagues will fully support this endeavor as they have in the past.

I ask unanimous consent that the text of the legislation be printed in the RECORD.

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

S. 783

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

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Jean Lafitte National Historical Park and Preserve Boundary Adjustment Act of 2007''.

SEC. 2. JEAN LAFITTE NATIONAL HISTORICAL PARK AND PRESERVE BOUNDARY ADJUSTMENT.

(a) IN GENERAL.—Section 901 of the National Parks and Recreation Act of 1978 (16 U.S.C. 230) is amended in the second sentence by striking ''of approximately twenty thousand acres generally depicted on the map entitled 'Barataria Marsh Unit-Jean Lafitte National Historical Park and Preserve' numbered 90,000B and dated April 1978,'' and inserting ''generally depicted on the map entitled 'Boundary Map, Barataria Preserve Unit, Jean Lafitte National Historical Park and Preserve', numbered _____, and dated _____,''.

(b) ACQUISITION OF LAND.—Section 902 of the National Parks and Recreation Act of 1978 (16 U.S.C. 230a) is amended—

(1) in subsection (a)—

(A) by striking ''(a) Within the'' and all that follows through the first sentence and inserting the following:

''(a) IN GENERAL.—

''(1) BARATARIA PRESERVE UNIT.—

''(A) IN GENERAL.—The Secretary may acquire any land, water, and interests in land and water within the area, as depicted on the map described in section 901, by donation, purchase with donated or appropriated funds, transfer from any other Federal agency, or exchange.

''(B) LIMITATIONS.—

''(i) IN GENERAL.—Any private land located in the area, as depicted on the map described in section 901, may be acquired by the Secretary only with the consent of the owner of the land.

''(ii) BOUNDARY ADJUSTMENT.—On the date on which the Secretary, under subparagraph (A), completes the acquisition of a parcel of private land located in the area, as depicted on the map described in section 901, the boundary of the historical park and preserve shall be adjusted to reflect the acquisition.

''(iii) JURISDICTION OF NATIONAL PARK SERVICE.—Any Federal land acquired in the areas shall be transferred without consideration to the administrative jurisdiction of the National Park Service.

''(iv) EASEMENTS.—To ensure adequate hurricane protection of the communities located in the area, any land in the area identified on the map that is acquired or transferred shall be subject to any easements that have been agreed to by the Secretary and the Secretary of the Army.'';

(B) in the second sentence, by striking ''The Secretary may also'' and inserting the following:

''(2) FRENCH QUARTER.—The Secretary may'';

(C) in the third sentence, by striking ''Lands, waters, and interests therein'' and inserting the following:

''(3) ACQUISITION OF STATE LAND.—Land, water, and interests in land and water''; and

(D) in the fourth sentence, by striking ''In acquiring'' and inserting the following:

''(4) ACQUISITION OF OIL AND GAS RIGHTS.—In acquiring'';

(2) by striking subsections (b) through (f) and inserting the following:

''(b) RESOURCE PROTECTION.—With respect to the land, water, and interests in land and water of the Barataria Preserve Unit, the Secretary shall preserve and protect—

''(1) fresh water drainage patterns;

''(2) vegetative cover;

''(3) the integrity of ecological and biological systems; and

''(4) water and air quality.''; and

(3) by redesignating subsection (g) as subsection (c).

(c) HUNTING, FISHING, AND TRAPPING.—Section 905 of the National Parks and Recreation Act of 1978 (16 U.S.C. 230d) is amended in the first sentence by striking '', except that within the core area and on those lands acquired by the Secretary pursuant to section 902(c) of this title, he'' and inserting ''on land, and interests in land and water managed by the Secretary, except that the Secretary''.

(d) ADMINISTRATION.—Section 906 of the National Parks and Recreation Act of 1978 (16 U.S.C. 230e) is amended—

(1) by striking the first sentence; and

(2) in the second sentence, by striking ''Pending such establishment and thereafter the'' and inserting ''The''.

SEC. 3. REFERENCES IN LAW.

(a) IN GENERAL.—Any reference in a law (including regulations), map, document, paper, or other record of the United States—

(1) to the Barataria Marsh Unit shall be considered to be a reference to the Barataria Preserve Unit; or

(2) to the Jean Lafitte National Historical Park shall be considered to be a reference to the Jean Lafitte National Historical Park and Preserve.

(b) CONFORMING AMENDMENTS.—Title IX of the National Parks and Recreation Act of 1978 (16 U.S.C. 230 et seq.) is amended—

(1) by striking ''Barataria Marsh Unit'' each place it appears and inserting ''Barataria Preserve Unit''; and

(2) by striking ''Jean Lafitte National Historical Park'' each place it appears and inserting ''Jean Lafitte National Historical Park and Preserve''.

By Mr. REID (for himself, Mr. ENSIGN, and Mr. BENNETT):

S. 784. A bill to amend the Nuclear Waste Policy Act of 1982 to require commercial nuclear power plant operators to transfer spent nuclear fuel from the nuclear fuel pools of the operators into spent nuclear fuel dry casks at independent spent fuel storage installations of the operators that are licensed by the Nuclear Regulatory Commission, to convey to the Secretary of Energy title to all such transferred spent nuclear fuel, to provide for the transfer to the Secretary of the independent spent fuel storage installation operating responsibility of each plant together with the license granted by the Commission for the installation, and for other purposes; to the Committee on Environment and Public Works.

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

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

S. 784

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

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Federal Accountability for Nuclear Waste Storage Act of 2007''.

SEC. 2. DRY CASK STORAGE OF SPENT NUCLEAR FUEL.

(a) IN GENERAL.—Title I of the Nuclear Waste Policy Act of 1982 (42 U.S.C. 10121 et seq.) is amended by adding at the end the following:

''Subtitle I—Dry Cask Storage of Spent Nuclear Fuel

''SEC. 185. DRY CASK STORAGE OF SPENT NUCLEAR FUEL.

''(a) DEFINITIONS.—In this section:

''(1) CONTRACTOR.—The term 'contractor' means a person that holds a contract under section 302(a) and is licensed by the Commission to possess spent nuclear power reactor fuel.

''(2) SPENT NUCLEAR FUEL DRY CASK.—The term 'spent nuclear fuel dry cask' means the container (and all the components and systems associated with the container)—

''(A) in which spent nuclear fuel is stored and naturally cooled at an independent spent fuel storage installation that is licensed by the Commission and located at the power reactor site; and

''(B) with a design that is approved by the Commission by license or rule.

''(3) SPENT NUCLEAR FUEL POOL.—The term 'spent nuclear fuel pool' means a water-filled container on a nuclear power reactor site in which spent nuclear fuel rods are stored.

''(b) TRANSFER OF SPENT NUCLEAR FUEL.—

''(1) IN GENERAL.—A contractor shall transfer spent nuclear fuel from spent nuclear fuel pools to spent nuclear fuel dry casks at an independent spent fuel storage installation that is licensed by the Commission and located at the power reactor site in accordance with this section.

''(2) SPENT NUCLEAR FUEL STORED AS OF DATE OF ENACTMENT.—Not later than 6 years after the date of enactment of this section, a contractor shall complete the transfer of all spent nuclear fuel that is stored in spent nuclear fuel pools as of the date of enactment of this section.

''(3) SPENT NUCLEAR FUEL STORED AFTER DATE OF ENACTMENT.—Not later than 6 years after the date on which spent nuclear fuel is discharged from a reactor, a contractor shall complete the transfer of any spent nuclear fuel that is stored in a spent nuclear fuel pool after the date of enactment of this section.

''(4) INADEQUATE FUNDS OR AVAILABILITY.—If funds are not available to complete a transfer under paragraph (2) or (3), or if spent nuclear fuel dry casks suitable for the particular fuel are not available on reasonable terms and conditions, the contractor may apply to the Commission to extend the deadline for the transfer to be completed.

''(5) COMMISSION LICENSING.—

''(A) IN GENERAL.—The transfer under paragraph (2) or (3) shall be to spent nuclear fuel dry casks generally licensed by the Commission.

''(B) GENERALLY LICENSED SPENT NUCLEAR FUEL DRY CASKS UNAVAILABLE.—If generally licensed spent nuclear fuel dry casks described in subparagraph (A) are not available, the deadlines established in paragraphs (2) and (3) may be met by the good faith filing of an application to the Commission for a specific independent spent fuel storage installation license.

''(C) EXPEDITED REVIEW.—The Commission shall expedite the review and decision of the Commission on an application received

under subparagraph (B) in a manner that is consistent with public health and safety, common defense and security, and the right of an interested person to a hearing under the Atomic Energy Act of 1954 (42 U.S.C. 2011 et seq.).

''(c) FUNDING.—The Secretary shall make grants to compensate a contractor for expenses incurred in carrying out subsection (b), including costs associated with—

''(1) licensing and construction of an independent spent fuel storage installation located at the power reactor site;

''(2) fabrication and delivery of spent nuclear fuel dry casks;

''(3) transfers of spent nuclear fuel;

''(4) documentation relating to the transfers;

''(5) security; and

''(6) hardening and other safety or security improvements.

''(d) CONVEYANCE OF TITLE.—

''(1) CERTIFICATION AND CONVEYANCE OF TITLE.—

''(A) CERTIFICATION.—The Commission shall certify to the Secretary when safe and secure transfer of spent nuclear fuel has been carried out under paragraph (2) or (3) of subsection (b).

''(B) ACCEPTANCE OF TITLE.—On receipt of the certification, the Secretary shall accept the conveyance of title to the spent nuclear fuel dry cask (including the contents of the spent nuclear fuel dry cask) from the contractor.

''(2) RESPONSIBILITY.—

''(A) IN GENERAL.—A conveyance of title under paragraph (1)(B) shall confer on the Secretary full responsibility (including safety, security, and financial responsibility) for the subsequent possession, stewardship, maintenance, monitoring, and ultimate disposition of all spent nuclear fuel transferred to the Secretary.

''(B) LICENSES.—On conveyance of title—

''(i) the general or specific Commission license held by the contractor for the spent nuclear fuel dry cask shall be terminated; and

''(ii) a general license for the spent nuclear fuel dry cask under sections 53 and 81 of the Atomic Energy Act of 1954 (42 U.S.C. 2073, 2111) shall be issued to the Secretary.

''(C) REGULATIONS.—Not later than 5 years after the date of enactment of this section, the Commission shall promulgate regulations that establish the terms and conditions for licenses described in subparagraph (B)(ii).

''(e) ADMINISTRATION.—

''(1) IN GENERAL.—Not later than 5 years after the date of enactment of this section, the Secretary shall establish the capability to carry out subsection (d)(2) in a manner that protects the public health and safety and common defense and security, and complies with all applicable laws.

''(2) CONTRACTS WITH LICENSEES.—

''(A) IN GENERAL.—Subject to subparagraph (B), the Secretary may contract with a holder of the operating license issued by the Commission for 1 or more of the power reactors located on or adjacent to the spent nuclear fuel dry cask for the performance of all or part of the tasks required to carry out subsection (d)(2).

''(B) EFFECT OF CONTRACT.—A contract described in subparagraph (A) shall not relieve the Secretary of the ultimate responsibility of the Secretary under subsection (d)(2) and as a licensee of the Commission.''.

(b) USE OF WASTE FUND.—Section 302(d) of the Nuclear Waste Policy Act of 1982 (42 U.S.C. 10222(d)) is amended—

(1) in paragraph (5), by striking ''and'' at the end;

(2) in paragraph (6), by striking the period at the end and inserting ''; and''; and

(3) by adding at the end the following:

''(7) the costs incurred in carrying out subsections (c) and (e) of section 185.''.

By Mr. DODD (for himself and Mr. LIEBERMAN):

S. 785. A bill to amend title 4 of the United States Code to limit the extent to which States may tax the compensation earned by nonresident telecommuters; to the Committee on Finance.

Mr. DODD. Mr. President, I rise today, together with my colleague Senator LIEBERMAN, to introduce the Telecommuter Tax Fairness Act of 2007.

The Telecommuter Tax Fairness Act of 2007 will end an outdated legal doctrine that unfairly penalizes thousands of workers in Connecticut and across the country whose only offense is that they sometimes work from home.

Technology continues to transform the way business is conducted in America and all over the world. Telecommunications advances such as cell phones, email, the Internet, and mobile networking have not only made Americans more productive, they have also given people greater flexibility in where they can work without compromising productivity. As a result, more Americans now have the freedom to work from home or other alternative offices when their physical presence is not required at their primary place of work.

This option to telecommute offers tremendous benefits for businesses, families, and communities. It helps employers lower costs and raise worker productivity, and individuals better manage the demands of work and family. It also reduces congestion on our roads and rails, and in so doing, lowers pollution.

Despite the many benefits of telecommuting, some states continue to maintain and enforce outdated laws that unfairly penalize people who choose to work from home. New York, in particular, has been among the most aggressive.

Under its so-called ''convenience of the employer'' rule, New York requires out-of-State residents who work for an employer in New York to pay New York taxes on income earned outside the State, even if the State in which the employee is physically present also applies tax to the same income. New York only allows exceptions for cases of ''necessity,'' as opposed to ''convenience,'' and the State has determined that telecommuting falls into the latter, taxable category. While there are several States that have ''convenience of the employer'' rules, no other State applies it with the same rigor as New York.

Under this rule, if a Connecticut resident who normally works in New York—as thousands of Connecticut residents do—chooses to work from home some days, New York forces her to pay taxes for income earned on those days not only to Connecticut, the state in which she is physically present, but also to New York. This rule unfairly subjects the many workers who telecommute from their homes or other sites outside of New York to a double tax on the part of their income earned from home.

According to Connecticut's attorney general, thousands of Connecticut residents alone are affected by this unfair double taxation. However, it isn't only Connecticut residents who are at risk.

Thomas Huckaby is a Tennessee-based computer programmer that telecommuted for a firm in Queens, New York. In 1994 and 1995, Mr. Huckaby spent 75 percent of his time working in Tennessee and the remaining 25 percent working in the Queens office and attempted to apportion his income accordingly. New York, however, sought to tax 100 percent of his income and was successful due to its ''convenience of employer'' rule. On March 29, 2005, the New York Court of Appeals upheld New York's rule in a 4 to 3 decision. The Supreme Court declined to hear his appeal.

A similar story involves Arthur Gray, a New Hampshire resident who worked for the New York office of Cowen & Co. as an investment counselor from 1976 through 1996 and paid New York state income taxes during that time. In 1997, Arthur Gray, per his employer's request, opened and managed an office from his home in New Hampshire. Several times during the year, Mr. Gray worked in New York, but most of his days were spent in New Hampshire. When paying his taxes during this time, he paid New York state income taxes for the days he was in New York, but not for the days he worked in New Hampshire. New York, however, sought to tax 100 percent of his income and was successful due to its ''convenience of the employer'' rule.

These are only two examples of the far-reaching consequences of this ''convenience of employer'' rule. There are thousands of individuals across the country who are adversely impacted by this rule. Most, however, lack the time, money, or energy to take their case to court.

This potential for double taxation is not only unfair, it also discourages people from telecommuting when we should be doing the opposite.

Legislation is needed to protect these honest workers who deserve fair and equitable treatment under the law. The Telecommuter Tax Fairness Act of 2005 accomplishes this by specifically preventing a State from engaging in the current fiction of deeming a nonresident to be in the taxing state when the nonresident is actually working in another state. In doing so, it will eliminate the possibility that citizens will be double-taxed when telecommuting.

Establishing a ''physical presence'' test—as this legislation does—is the most logical basis for determining tax status. If a worker is in a State, and taking advantage of that State's infrastructure, the worker should pay taxes in that State.

Some suggest that the double-taxation quandary can easily be fixed by

having other States provide a tax credit to those telecommuters. However, why should Connecticut, or any other State, be required to allow a credit on income actually earned in the State? If a worker is working in Connecticut, he or she is benefiting from a range of services paid for and maintained by Connecticut, including roads, water, police, fire protection, and communications services. It's only fair that Connecticut ask that worker to help support the services that he or she uses.

This is not just an issue that deals with a small group of citizens from one small state.

Rather, this is an issue that affects workers all over the country. It will only grow more pressing as people and businesses continue to seek to take advantage of new technologies that influence the way we live and work.

I hope our colleagues will favorably consider this legislation.

I ask unanimous consent that the text of the bill be printed in the RECORD.

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

S. 785

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

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Telecommuter Tax Fairness Act of 2007''.

SEC. 2. LIMITATION ON STATE TAXATION OF COMPENSATION EARNED BY NONRESIDENT TELECOMMUTERS.

(a) IN GENERAL.—Chapter 4 of title 4, United States Code, is amended by adding at the end the following new section:

''§ 127. Limitation on State taxation of compensation earned by nonresident telecommuters

''(a) IN GENERAL.—In applying its income tax laws to the compensation of a nonresident individual, a State may deem such nonresident individual to be present in or working in such State for any period of time only if such nonresident individual is physically present in such State for such period and such State may not impose nonresident income taxes on such compensation with respect to any period of time when such nonresident individual is physically present in another State.

''(b) DETERMINATION OF PHYSICAL PRESENCE.—For purposes of determining physical presence, no State may deem a nonresident individual to be present in or working in such State on the grounds that—

''(1) such nonresident individual is present at or working at home for convenience, or

''(2) such nonresident individual's work at home or office at home fails any convenience of the employer test or any similar test.

''(c) DETERMINATION OF PERIODS OF TIME WITH RESPECT TO WHICH COMPENSATION IS PAID.—For purposes of determining the periods of time with respect to which compensation is paid, no State may deem a period of time during which a nonresident individual is physically present in another State and performing certain tasks in such other State to be—

''(1) time that is not normal work time unless such individual's employer deems such period to be time that is not normal work time,

''(2) nonworking time unless such individual's employer deems such period to be nonworking time, or

''(3) time with respect to which no compensation is paid unless such individual's employer deems such period to be time with respect to which no compensation is paid.

''(d) DEFINITIONS.—As used in this section—

''(1) STATE.—The term 'State' means each of the several States (or any subdivision thereof), the District of Columbia, and any territory or possession of the United States.

''(2) INCOME TAX.—The term 'income tax' has the meaning given such term by section 110(c).

''(3) INCOME TAX LAWS.—The term 'income tax laws' includes any statutes, regulations, administrative practices, administrative interpretations, and judicial decisions.

''(4) NONRESIDENT INDIVIDUAL.—The term 'nonresident individual' means an individual who is not a resident of the State applying its income tax laws to such individual.

''(5) EMPLOYEE.—The term 'employee' means an employee as defined by the State in which the nonresident individual is physically present and performing personal services for compensation.

''(6) EMPLOYER.—The term 'employer' means the person having control of the payment of an individual's compensation.

''(7) COMPENSATION.—The term 'compensation' means the salary, wages, or other remuneration earned by an individual for personal services performed as an employee or as an independent contractor.

''(e) NO INFERENCE.—Nothing in this section shall be construed as bearing on—

''(1) any tax laws other than income tax laws,

''(2) the taxation of corporations, partnerships, trusts, estates, limited liability companies, or other entities, organizations, or persons other than nonresident individuals in their capacities as employees or independent contractors,

''(3) the taxation of individuals in their capacities as shareholders, partners, trust and estate beneficiaries, members or managers of limited liability companies, or in any similar capacities, and

''(4) the income taxation of dividends, interest, annuities, rents, royalties, or other forms of unearned income.''.

(b) CLERICAL AMENDMENT.—The table of sections of such chapter 4 is amended by adding at the end the following new item:

''127. Limitation on State taxation of compensation earned by nonresident telecommuters.''.

(c) EFFECTIVE DATE.—The amendments made by this section shall take effect on the date of the enactment of this Act.

By Mr. GRASSLEY (for himself and Mr. FEINGOLD):

S. 786. A bill to amend the Agricultural Marketing Act of 1946 to foster efficient markets and increase competition and transparency among packers that purchased livestock from producers; to the Committee on Agriculture, Nutrition, and Forestry.

Mr. GRASSLEY. Mr. President, Senator FEINGOLD and I have in the past sponsored the Transparency for Independent Livestock Producers Act, or what we have generally referred to as the ''Transparency Act.'' Today we are once again working together in a bipartisan fashion to reintroduce this important legislation.

My sponsorship of the packer ban this Congress is based on the belief that independent producers should have the opportunity to receive a fair price for their livestock. Over the years we have seen widespread consolidation and concentration in the packing industry. Add on the trend toward vertical integration among packers and there is no question why independent producers are losing the opportunity to market their own livestock during profitable cycles in the live meat markets.

The past CEO of a major packer in 1994 explained that the reason packers own livestock is that when the price is high the packers use their own livestock for the lines and when the price is low the packers buy livestock. This means that independent producers are most likely being limited from participating in the most profitable ranges of the live market. This is not good for the survival of the independent producer.

This bipartisan legislation would guarantee that independent producers have a share in the marketplace while assisting the Mandatory Price Reporting system. The proposal would require that 25 percent of a packer's daily kill comes from the spot market.

By requiring a 25 percent spot market purchase daily, the mandatory price reporting system, which has been criticized due to reporting and accuracy problems, would have consistent, reliable numbers being purchased from the spot market, improving the accuracy and transparency of daily prices. In addition, independent livestock producers would be guaranteed a competitive position due to the packers need to fill the daily 25 percent spot/cash market requirement.

The packers required to comply would be the same packers required to report under the Mandatory Price Reporting system. Those are packs that kill either 125,000 head of cattle, 100,000 head of hogs, or 75,000 lambs annually, over a 5 year average.

Packers are arguing that this will hurt their ability to offer contracts to producers, but the fact of the matter is that the majority of livestock contracts pay out on a calculation incorporating Mandatory Price Reporting data. If the Mandatory Price Reporting data is not accurate, or open to possible manipulation because of low numbers on the spot market, contracts are not beneficial tools for producers to manage their risk. This legislative proposal will hopefully give confidence to independent livestock producers by improving the accuracy and viability of the Mandatory Price reporting system and secure fair prices for contracts based on that data.

It's just common sense, when there aren't a lot of cattle and pigs being purchased on the cash market, it's easier for the Mandatory Price reporting data to be inaccurate or manipulated. The majority of livestock production contracts are based on that data, so if that information is wrong, the contract producers suffer.

This legislation will guarantee independent livestock producers market access and a fair price. It will accomplish these goals by making it more

difficult for the Mandatory Price Reporting System to be manipulated because of low numbers being reported by the packs. The Transparency Act is crucial legislation to guarantee livestock producers receive a fair shake at the farm gate and I am looking forward to working on this legislation in a bipartisan fashion.

I ask unanimous consent that the text of the bill be printed in the RECORD.

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

S. 786

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

SECTION 1. SPOT MARKET PURCHASES OF LIVESTOCK BY PACKERS.

Chapter 5 of subtitle B of the Agricultural Marketing Act of 1946 (7 U.S.C. 1636 et seq.) is amended by adding at the end the following:

''SEC. 260. SPOT MARKET PURCHASES OF LIVESTOCK BY PACKERS.

''(a) DEFINITIONS.—In this section:

''(1) COVERED PACKER.—

''(A) IN GENERAL.—The term 'covered packer' means a packer that is required under this subtitle to report to the Secretary each reporting day information on the price and quantity of livestock purchased by the packer.

''(B) EXCLUSION.—The term 'covered packer' does not include a packer that owns only 1 livestock processing plant.

''(2) NONAFFILIATED PRODUCER.—The term 'nonaffiliated producer' means a producer of livestock—

''(A) that sells livestock to a packer;

''(B) that has less than 1 percent equity interest in the packer, which packer has less than 1 percent equity interest in the producer;

''(C) that has no officers, directors, employees, or owners that are officers, directors, employees, or owners of the packer;

''(D) that has no fiduciary responsibility to the packer; and

''(E) in which the packer has no equity interest.

''(3) SPOT MARKET SALE.—

''(A) IN GENERAL.—The term 'spot market sale' means a purchase and sale of livestock by a packer from a producer—

''(i) under an agreement that specifies a firm base price that may be equated with a fixed dollar amount on the date the agreement is entered into;

''(ii) under which the livestock are slaughtered not more than 7 days after the date on which the agreement is entered into; and

''(iii) under circumstances in which a reasonable competitive bidding opportunity exists on the date on which the agreement is entered into.

''(B) REASONABLE COMPETITIVE BIDDING OPPORTUNITY.—For the purposes of subparagraph (A)(iii), circumstances in which a reasonable competitive bidding opportunity shall be considered to exist if—

''(i) no written or oral agreement precludes the producer from soliciting or receiving bids from other packers; and

''(ii) no circumstance, custom, or practice exists that—

''(I) establishes the existence of an implied contract (as determined in accordance with the Uniform Commercial Code); and

''(II) precludes the producer from soliciting or receiving bids from other packers.

''(b) GENERAL RULE.—Of the quantity of livestock that is slaughtered by a covered packer during each reporting day in each plant, the covered packer shall slaughter not less than the applicable percentage specified in subsection (c) of the quantity through spot market sales from nonaffiliated producers.

''(c) APPLICABLE PERCENTAGES.—

''(1) IN GENERAL.—Except as provided in paragraph (2), the applicable percentage shall be 25 percent.

''(2) EXCEPTIONS.—In the case of a covered packer that reported to the Secretary in the 2006 annual report that more than 75 percent of the livestock of the covered packer were captive supply livestock, the applicable percentage shall be the greater of—

''(A) the difference between the percentage of captive supply so reported and 100 percent; and

''(B)(i) during each of calendar years 2008 and 2009, 10 percent;

''(ii) during each of calendar years 20010 and 2011, 15 percent; and

''(iii) during calendar year 2012 and each calendar year thereafter, 25 percent.

''(d) NONPREEMPTION.—Notwithstanding section 259, this section does not preempt any requirement of a State or political subdivision of a State that requires a covered packer to purchase on the spot market a greater percentage of the livestock purchased by the covered packer than is required under this section.

''(e) RELATIONSHIP TO OTHER PROVISIONS.—Nothing in this section affects the interpretation of any other provision of this Act, including section 202.''.

SUBMITTED RESOLUTIONS

SENATE RESOLUTION 95—DESIGNATING MARCH 25, 2006, AS ''GREEK INDEPENDENCE DAY: A NATIONAL DAY OF CELEBRATION OF GREEK AND AMERICAN DEMOCRACY''

Mr. SPECTER (for himself, Mr. ALLARD, Mr. BAYH, Mr. BENNETT, Mr. BIDEN, Mr. BINGAMAN, Mrs. BOXER, Mr. BROWN, Mr. CARPER, Mr. CASEY, Mr. CHAMBLISS, Mrs. CLINTON, Mr. COCHRAN, Mr. CRAIG, Mr. DODD, Mrs. DOLE, Mr. DOMENICI, Mr. DORGAN, Mr. DURBIN, Mr. FEINGOLD, Mrs. FEINSTEIN, Mr. GRASSLEY, Mr. GREGG, Mr. HAGEL, Mr. INOUYE, Mr. ISAKSON, Mr. JOHNSON, Mr. KENNEDY, Mr. KERRY, Mr. KOHL, Ms. LANDRIEU, Mr. LAUTENBERG,, Mr. LEVIN, Mr. LIEBERMAN, Mr. LOTT, Mr. MENENDEZ, Ms. MIKULSKI, Ms. MURKOWSKI, Mr. NELSON of Florida, Mr. OBAMA, Mr. REED, Mr. REID, Mr. ROCKEFELLER, Mr. SCHUMER, Mr. SMITH, Ms. SNOWE, Ms. STABENOW, Mr. STEVENS, Mr. SUNUNU, Mr. THOMAS, Mr. VOINOVICH, Mr. WARNER, Mr. WHITEHOUSE, and Mr. WYDEN) submitted the following resolution; which was referred to the Committee on the Judiciary:

S. RES. 95

Whereas the ancient Greeks developed the concept of democracy, in which the supreme power to govern was vested in the people;

Whereas the Founding Fathers of the United States drew heavily on the political experience and philosophy of ancient Greece in forming our representative democracy;

Whereas Greek Commander in Chief Petros Mavromichalis, a founder of the modern Greek state, said to the citizens of the United States in 1821 that ''it is in your land that liberty has fixed her abode and . . . in imitating you, we shall imitate our ancestors and be thought worthy of them if we succeed in resembling you'';

Whereas Greece played a major role in the World War II struggle to protect freedom and democracy through such bravery as was shown in the historic Battle of Crete, which provided the Axis land war with its first major setback, setting off a chain of events that significantly affected the outcome of World War II;

Whereas the price for Greece in holding our common values in their region was high, as hundreds of thousands of civilians were killed in Greece during World War II;

Whereas, throughout the 20th century, Greece was 1 of only 3 countries in the world, beyond the former British Empire, that allied with the United States in every major international conflict;

Whereas President George W. Bush, in recognizing Greek Independence Day, said, ''Greece and America have been firm allies in the great struggles for liberty. Americans will always remember Greek heroism and Greek sacrifice for the sake of freedom . . . [and] as the 21st Century dawns, Greece and America once again stand united; this time in the fight against terrorism. The United States deeply appreciates the role Greece is playing in the war against terror. . . . America and Greece are strong allies, and we're strategic partners.'';

Whereas President Bush stated that Greece's successful ''law enforcement operations against a terrorist organization [November 17] responsible for three decades of terrorist attacks underscore the important contributions Greece is making to the global war on terrorism'';

Whereas Greece is a strategic partner and ally of the United States in bringing political stability and economic development to the volatile Balkan region, having invested over $10,000,000,000 in the region;

Whereas Greece was extraordinarily responsive to requests by the United States during the war in Iraq, as Greece immediately granted unlimited access to its airspace and the base in Souda Bay, and many ships of the United States that delivered troops, cargo, and supplies to Iraq were refueled in Greece;

Whereas, in August 2004, the Olympic games came home to Athens, Greece, the land of their ancient birthplace 2,500 years ago and the city of their modern revival in 1896;

Whereas Greece received world-wide praise for its extraordinary handling during the 2004 Olympics of over 14,000 athletes from 202 countries and over 2,000,000 spectators and journalists, which it did so efficiently, securely, and with its famous Greek hospitality;

Whereas the unprecedented security effort in Greece for the first Olympics after the attacks on the United States on September 11, 2001, included a record-setting expenditure of over $1,390,000,000 and assignment of over 70,000 security personnel, as well as the utilization of an 8-country Olympic Security Advisory Group that included the United States;

Whereas Greece, located in a region where Christianity meets Islam and Judaism, maintains excellent relations with Muslim nations and Israel;

Whereas the Government of Greece has had extraordinary success in recent years in furthering cross-cultural understanding and reducing tensions between Greece and Turkey;

Whereas Greece and the United States are at the forefront of the effort for freedom, democracy, peace, stability, and human rights;

Whereas those and other ideals have forged a close bond between these 2 nations and their peoples;

Whereas March 25, 2006, marks the 185th anniversary of the beginning of the revolution that freed the Greek people from the Ottoman Empire; and

Whereas it is proper and desirable to celebrate this anniversary with the Greek people and to reaffirm the democratic principles from which these 2 great nations were born: Now, therefore, be it

Resolved, That the Senate—

(1) designates March 25, 2006, as ''Greek Independence Day: A National Day of Celebration of Greek and American Democracy''; and

(2) encourages the people of the United States to observe the day with appropriate ceremonies and activities.

SUBMITTED RESOLUTIONS

SENATE RESOLUTION 96—EXPRESSING THE SENSE OF THE SENATE THAT HARRIETT WOODS WILL BE REMEMBERED AS A PIONEER IN WOMEN'S POLITICS

Mrs. MCCASKILL (for herself, Mr. BOND, Mrs. CLINTON, Mrs. BOXER, Ms. STABENOW, Ms. CANTWELL, Ms. MIKULSKI, Mrs. FEINSTEIN, Mrs. MURRAY, Mrs. LINCOLN, Ms. KLOBUCHAR, Mr. BINGAMAN, Mr. LEVIN, Mr. DODD Mr. OBAMA, and Mr. HARKIN) submitted the following resolution; which was referred to the Committee on the Judiciary:

S. RES. 96

Whereas Harriett Woods, a native of Cleveland, Ohio, launched a 50-year political career with a neighborhood crusade against rattling potholes;

Whereas Harriett Woods, who died of leukemia at the age of 79 on February 8, 2007, had many firsts, including being the first female editor for her college newspaper at the University of Michigan, the first woman on the Missouri Transportation Commission, and the first woman to win statewide office in the State of Missouri as Lieutenant Governor;

Whereas, from 1991 to 1995, Harriett Woods served as president of the National Women's Political Caucus, a bipartisan grassroots organization whose mission is to increase women's participation in the political process at all levels of government; and

Whereas Harriett Woods was integral to the electoral successes of what became known as the Year of the Woman, when in 1992, female candidates won 19 seats in the House of Representatives and 3 seats in the Senate: Now, therefore, be it

Resolved, That it is the sense of the Senate that Harriett Woods will be remembered as a pioneer in women's politics, whose actions and leadership inspired hundreds of women nationwide to participate in the political process and to break gender barriers at every level of government.

Mrs. MCCASKILL. Mr. President, today I am proud to submit as my first piece of legislation as a United States Senator, a resolution to honor the memory of a great woman and a great leader—Harriett Woods.

It is also a privilege to submit this resolution with Senators BOND, MIKULSKI, CLINTON, CANTWELL, MURRAY, STABENOW, LINCOLN, BOXER, FEINSTEIN, KLOBUCHAR, BINGAMAN, LEVIN, OBAMA, HARKIN, and DODD.

Harriett, who died last month at the age of 79 from leukemia, had many firsts in her rich life: she was the first female editor of her college newspaper at the University of Michigan. She was the first woman on the Missouri Transportation Commission and she was the first woman to win statewide office in the State of Missouri when she was elected Lieutenant Governor.

But Harriett's career in public service only tells part of the story. Harriett was a born leader and she used it to inspire hundreds of women across the country to get involved at all levels of government. For 5 years, she served as president of the National Women's Political Caucus, a bipartisan grassroots organization whose mission is to increase women's participation in the political process.

Her struggle to win a U.S. Senate seat in 1982 against Senator John Danforth was the inspiration to the founders of Emily's List, which is dedicated to recruiting and funding viable women candidates. Many thought that Harriett could have won that race, which she lost by a scant 27,247 votes, had she not run out of money.

Harriett was also integral to what became known as the Year of the Woman, when in 1992, female candidates won nineteen seats in the United States House of Representatives and three seats in the United States Senate.

Harriett realized 25 years ago, before most women even considered the notion, that there was only one way women were going to take their seat at the table of political power in our great Nation: by daring to fail, by embracing breathtaking risk, and by standing up to the bouncer at the door of the back room filled with the good old boys who ran for office. When that bouncer told Harriett that she could not come in, she said, just watch me.

And when that same bouncer tried to kick her out of the room, she said just try it. And after she was comfortable in that room, she didn't sit down. She went out and found other women and led them to that room by pure unadulterated leadership.

Harriett wrote a wonderful book about her life as a national political leader. She closed the book with the following:

Somewhere, at this very moment, in some neighborhood in America, a woman very like my younger self is confronting a problem that affects her life, and family. Perhaps it's the need for a playground for her children; maybe it's a threat to clean water from rural animal waste. She has spoken up, but no one is willing to take action. She's never been a public person, and famous woman senators seem a world away. Still, she cares deeply about finding a solution. After agonizing thought, she makes a crucial decision. She will step up to power, and another woman leader will be born.

Many of the women who hold or have held public office, including myself, have Harriett Woods to thank for leading the way. So thank you, Harriett. Thank you on behalf of all the women who will follow you, all the women who will stand on your shoulders.

SENATE RESOLUTION 97—RELATIVE TO THE DEATH OF THOMAS F. EAGLETON, FORMER UNITED STATES SENATOR FOR THE STATE OF MISSOURI

Mr. REID (for himself, Mr. MCCONNELL, Mrs. MCCASKILL, Mr. BOND, Mr. AKAKA, Mr. ALEXANDER, Mr. ALLARD, Mr. BAUCUS, Mr. BAYH, Mr. BENNETT, Mr. BIDEN, Mr. BINGAMAN, Mrs. BOXER, Mr. BROWN, Mr. BROWNBACK, Mr. BUNNING, Mr. BURR, Mr. BYRD, Ms. CANTWELL, Mr. CARDIN, Mr. CARPER, Mr. CASEY, Mr. CHAMBLISS, Mrs. CLINTON, Mr. COBURN, Mr. COCHRAN, Mr. COLEMAN, Ms. COLLINS, Mr. CONRAD, Mr. CORKER, Mr. CORNYN, Mr. CRAIG, Mr. CRAPO, Mr. DEMINT, 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. INOUYE, Mr. ISAKSON, Mr. JOHNSON, Mr. KENNEDY, Mr. KERRY, Ms. KLOBUCHAR, Mr. KOHL, Mr. KYL, Ms. LANDRIEU, Mr. LAUTENBERG, Mr. LEAHY, Mr. LEVIN, Mr. LIEBERMAN, Mrs. LINCOLN, Mr. LOTT, Mr. LUGAR, Mr. MARTINEZ, Mr. MCCAIN, 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. SANDERS, Mr. SCHUMER, Mr. SESSIONS, Mr. SHELBY, Mr. SMITH, Ms. SNOWE, Mr. SPECTER, Ms. STABENOW, Mr. STEVENS, Mr. SUNUNU, Mr. TESTER, Mr. THOMAS, Mr. THUNE, Mr. VITTER, Mr. VOINOVICH, Mr. WARNER, Mr. WEBB, Mr. WHITEHOUSE, and Mr. WYDEN) submitted the following resolution; which was considered and agreed to:

S. RES. 97

Whereas Thomas F. Eagleton spent his 30-year career in elected office dedicating himself to his country and his home state, representing Missouri in the United States Senate for 18 years;

Whereas Thomas F. Eagleton served in the United States Navy from 1948 until 1949;

Whereas Thomas F. Eagleton, a graduate of Amherst College and Harvard University Law School, launched his political career with his election as St. Louis Circuit Attorney in 1956 and was elected Missouri Attorney General in 1960 and Missouri Lieutenant Governor in 1964;

Whereas Thomas F. Eagleton was elected to the United States Senate in 1968, ultimately serving three terms and leaving an imprint on United States history by coauthoring legislation creating the Pell Grant program to provide youth with higher education assistance, helping to create the National Institute on Aging, and leading the charge to designate 8 federally protected wilderness areas in southern Missouri;

Whereas Thomas F. Eagleton continued to contribute to his community, state, and nation following his 1986 retirement by practicing law, teaching college courses, writing political commentaries, and encouraging civility in politics;

Resolved, That the Senate has heard with profound sorrow and deep regret the announcement of the death of the Honorable

Thomas F. Eagleton, former member of the United States Senate.

Resolved, That the Secretary of the Senate communicate these resolutions to the House of Representatives and transmit an enrolled copy thereof to the family of the deceased.

Resolved, That when the Senate stands adjourned today, it stand adjourned as a further mark of respect to the memory of the Honorable Thomas F. Eagleton.

SENATE RESOLUTION 98—PROVIDING FOR MEMBERS ON THE PART OF THE SENATE OF THE JOINT COMMITTEE ON PRINTING AND THE JOINT COMMITTEE OF CONGRESS ON THE LIBRARY

Mrs. FEINSTEIN submitted the following resolution; which was considered and agreed to:

S. RES. 98

Resolved, That the following named Members be, and they are hereby, elected members of the following joint committees of Congress:

JOINT COMMITTEE ON PRINTING: Mrs. Feinstein, Mr. Inouye, Mrs. Murray, Mr. Bennett, and Mr. Chambliss.

JOINT COMMITTEE OF CONGRESS ON THE LIBRARY: Mrs. Feinstein, Mr. Dodd, Mr. Schumer, Mr. Bennett, and Mr. Stevens.

AMENDMENTS SUBMITTED AND PROPOSED

SA 349. Mr. BOND (for himself and Mr. ROCKEFELLER) submitted an amendment intended to be proposed to amendment SA 275 proposed by Mr. REID (for himself, Mr. LIEBERMAN, and Ms. COLLINS) to the bill S. 4, to make the United States more secure by implementing unfinished recommendations of the 9/11 Commission to fight the war on terror more effectively, to improve homeland security, and for other purposes; which was ordered to lie on the table.

SA 350. Mr. BOND (for himself and Mr. ROCKEFELLER) submitted an amendment intended to be proposed to amendment SA 275 proposed by Mr. REID (for himself, Mr. LIEBERMAN, and Ms. COLLINS) to the bill S. 4, supra; which was ordered to lie on the table.

SA 351. Mr. INOUYE (for himself and Mr. STEVENS) submitted an amendment intended to be proposed to amendment SA 275 proposed by Mr. REID (for himself, Mr. LIEBERMAN, and Ms. COLLINS) to the bill S. 4, supra; which was ordered to lie on the table.

SA 352. Mr. MENENDEZ proposed an amendment to amendment SA 275 proposed by Mr. REID (for himself, Mr. LIEBERMAN, and Ms. COLLINS) to the bill S. 4, supra.

SA 353. Mr. BINGAMAN submitted an amendment intended to be proposed to amendment SA 275 proposed by Mr. REID (for himself, Mr. LIEBERMAN, and Ms. COLLINS) to the bill S. 4, supra; which was ordered to lie on the table.

SA 354. Mr. LIEBERMAN (for Mr. MENENDEZ) proposed an amendment to amendment SA 275 proposed by Mr. REID (for himself, Mr. LIEBERMAN, and Ms. COLLINS) to the bill S. 4, supra.

SA 355. Ms. CANTWELL submitted an amendment intended to be proposed to amendment SA 275 proposed by Mr. REID (for himself, Mr. LIEBERMAN, and Ms. COLLINS) to the bill S. 4, supra; which was ordered to lie on the table.

SA 356. Ms. SNOWE (for herself and Mr. ROCKEFELLER) submitted an amendment intended to be proposed to amendment SA 275 proposed by Mr. REID (for himself, Mr. LIEBERMAN, and Ms. COLLINS) to the bill S. 4, supra; which was ordered to lie on the table.

SA 357. Mr. KYL proposed an amendment to amendment SA 275 proposed by Mr. REID (for himself, Mr. LIEBERMAN, and Ms. COLLINS) to the bill S . 4, supra.

SA 358. Mrs. MURRAY submitted an amendment intended to be proposed by her to the bill S. 4, supra; which was ordered to lie on the table.

SA 359. Mr. LAUTENBERG submitted an amendment intended to be proposed to amendment SA 275 proposed by Mr. REID (for himself, Mr. LIEBERMAN, and Ms. COLLINS) to the bill S. 4, supra; which was ordered to lie on the table.

SA 360. Mr. GRAHAM (for himself and Mr. BROWNBACK) submitted an amendment intended to be proposed to amendment SA 275 proposed by Mr. REID (for himself, Mr. LIEBERMAN, and Ms. COLLINS) to the bill S. 4, supra; which was ordered to lie on the table.

SA 361. Mr. LIEBERMAN (for himself and Mr. MCCAIN) submitted an amendment intended to be proposed to amendment SA 275 proposed by Mr. REID (for himself, Mr. LIEBERMAN, and Ms. COLLINS) to the bill S. 4, supra; which was ordered to lie on the table.

SA 362. Mr. KOHL (for himself, Mr. SPECTER, and Mr. LEAHY) submitted an amendment intended to be proposed to amendment SA 275 proposed by Mr. REID (for himself, Mr. LIEBERMAN, and Ms. COLLINS) to the bill S. 4, supra; which was ordered to lie on the table.

SA 363. Mr. ENSIGN proposed an amendment to amendment SA 275 proposed by Mr. REID (for himself, Mr. LIEBERMAN, and Ms. COLLINS) to the bill S. 4, supra.

SA 364. Mrs. HUTCHISON submitted an amendment intended to be proposed to amendment SA 275 proposed by Mr. REID (for himself, Mr. LIEBERMAN, and Ms. COLLINS) to the bill S. 4, supra; which was ordered to lie on the table.

SA 365. Mr. SCHUMER submitted an amendment intended to be proposed to amendment SA 275 proposed by Mr. REID (for himself, Mr. LIEBERMAN, and Ms. COLLINS) to the bill S. 4, supra; which was ordered to lie on the table.

SA 366. Mr. SCHUMER submitted an amendment intended to be proposed to amendment SA 275 proposed by Mr. REID (for himself, Mr. LIEBERMAN, and Ms. COLLINS) to the bill S. 4, supra; which was ordered to lie on the table.

SA 367. Mr. SCHUMER submitted an amendment intended to be proposed to amendment SA 275 proposed by Mr. REID (for himself, Mr. LIEBERMAN, and Ms. COLLINS) to the bill S. 4, supra; which was ordered to lie on the table.

SA 368. Mr. CARPER submitted an amendment intended to be proposed to amendment SA 275 proposed by Mr. REID (for himself, Mr. LIEBERMAN, and Ms. COLLINS) to the bill S. 4, supra; which was ordered to lie on the table.

SA 369. Mr. CARPER submitted an amendment intended to be proposed to amendment SA 275 proposed by Mr. REID (for himself, Mr. LIEBERMAN, and Ms. COLLINS) to the bill S. 4, supra; which was ordered to lie on the table.

SA 370. Mr. BOND submitted an amendment intended to be proposed to amendment SA 275 proposed by Mr. REID (for himself, Mr. LIEBERMAN, and Ms. COLLINS) to the bill S. 4, supra; which was ordered to lie on the table.

SA 371. Mr. KOHL submitted an amendment intended to be proposed to amendment SA 275 proposed by Mr. REID (for himself, Mr. LIEBERMAN, and Ms. COLLINS) to the bill S. 4, supra; which was ordered to lie on the table.

SA 372. Mr. FEINGOLD (for himself, Mr. CRAIG, Ms. MURKOWSKI, Mr. SPECTER, Mr. SALAZAR, Mr. DURBIN, Mr. SUNUNU, Mr. LEAHY, and Mr. HAGEL) submitted an amendment intended to be proposed to amendment SA 275 proposed by Mr. REID (for himself, Mr. LIEBERMAN, and Ms. COLLINS) to the bill S. 4, supra; which was ordered to lie on the table.

TEXT OF AMENDMENTS

SA. 349. Mr. BOND (for himself and Mr. ROCKEFELLER) submitted an amendment intended to be proposed to amendment SA 275 proposed by Mr. REID (for himself, Mr. LIEBERMAN, and Ms. COLLINS) to the bill S. 4, to make the United States more secure by implementing unfinished recommendations of the 9/11 Commission to fight the war on terror more effectively, to improve homeland security, and for other purposes; which was ordered to be on the table; as follows:

On page 237, strike line 16 and all that follows through page 239, line 4, and insert the following:

(c) NATIONAL INTELLIGENCE PROGRAM DEFINED.—In this section, the term ''National Intelligence Program'' has the meaning given that term in section 3(6) of the National Security Act of 1947 (50 U.S.C. 401a(6)).

SA. 350. Mr. BOND (for himself and Mr. ROCKEFELLER) submitted an amendment intended to be proposed to amendment SA 275 proposed by Mr. REID (for himself, Mr. LIEBERMAN, and Ms. COLLINS) to the bill S. 4, to make the United States more secure by implementing unfinished recommendations of the 9/11 Commission to fight the war on terror more effectively, to improve homeland security, and for other purposes; which was ordered to be on the table; as follows:

On page 239, line 15, insert ''(1)'' after ''REQUESTS OF COMMITTEES.—''.

On page 239, line 19, strike ''15 days'' and insert ''30 days''.

On page 239, beginning on line 22, strike ''the Permanent'' and all that follows through ''information relates'' on page 240, line 1, and insert ''or the Permanent Select Committee on Intelligence of the House of Representatives''.

On page 240, between lines 3 and 4, insert the following:

''(2) A committee making a request under paragraph (1) may specify a greater number of days for submittal to such committee of information in response to such request than is otherwise provided for under that paragraph.

SA. 351. Mr. INOUYE (for himself and Mr. STEVENS) submitted an amendment intended to be proposed to amendment SA 275 proposed by Mr. REID (for himself, Mr. LIEBERMAN, and Ms. COLLINS) to the bill S. 4, to make the United States more secure by implementing unfinished recommendations of the 9/11 Commission to fight the war on terror more effectively, to improve homeland security, and for other purposes; which was ordered to be on the table; as follows:

On page 4, strike the item relating to section 1366 and insert the following:

Sec. 1366. In-line baggage system deployment.

On page 5, after the item relating to section 1376, insert the following:

Sec. 1377. Model ports-of-entry.
Sec. 1378. Law enforcement biometric credential.
Sec. 1379. International registered traveler program.
Sec. 1380. Employee retention internship program.

On page 5, strike the items relating to sections 1381 through 1384 and insert the following:

Sec. 1391. Interoperable emergency communications.
Sec. 1392. Rule of construction.
Sec. 1393. Cross border interoperability reports.
Sec. 1394. Extension of short quorum.

On page 330, beginning in line 7, strike ''paragraph (2);'' and insert ''subsection (g);''.

On page 332, strike lines 21 and 22 and insert the following:

SEC. 1366. IN-LINE BAGGAGE SYSTEM DEPLOYMENT.

On page 337, line 5, strike ''fully implement'' and insert ''begin full implementation of''.

On page 342, line 9, strike ''47135(m));'' and insert ''47134(m));''

On page 342, line 21, strike ''47135(m)).'' and insert ''47134(m)).''

On page 343, beginning in line 9, strike ''to the Transportation Security Administration before entering United States airspace; and'' and insert ''at the same time as, and in conjunction with, advance notification requirements for Customs and Border Protection before entering United States airspace; and''.

On page 344, beginning with line 14, strike through line 12 on page 345 and insert the following:

SEC. 1376. NATIONAL EXPLOSIVES DETECTION CANINE TEAM TRAINING CENTER.

(a) IN GENERAL.—

(1) INCREASED TRAINING CAPACITY.—Within 180 days after the date of enactment of this Act, the Secretary of Homeland Security shall begin to increase the capacity of the Department of Homeland Security's National Explosives Detection Canine Team Program at Lackland Air Force Base to accommodate the training of up to 200 canine teams annually by the end of calendar year 2008.

(2) EXPANSION DETAILED REQUIREMENTS.—The expansion shall include upgrading existing facilities, procurement of additional canines, and increasing staffing and oversight commensurate with the increased training and deployment capabilities required by paragraph (1).

(3) ULTIMATE EXPANSION.—The Secretary shall continue to increase the training capacity and all other necessary program expansions so that by December 31, 2009, the number of canine teams sufficient to meet the Secretary's homeland security mission, as determined by the Secretary on an annual basis, may be trained at this facility.

(b) ALTERNATIVE TRAINING CENTERS.—Based on feasibility and to meet the ongoing demand for quality explosives detection canines teams, the Secretary shall explore the options of creating the following:

(1) A standardized Transportation Security Administration approved canine program that private sector entities could use to provide training for additional explosives detection canine teams. For any such program, the Secretary—

(A) may coordinate with key stakeholders, including international, Federal, State, local, private sector and academic entities, to develop best practice guidelines for such a standardized program;

(B) shall require specific training criteria to which private sector entities must adhere as a condition of participating in the program; and

(C) shall review the status of these private sector programs on at least an annual basis.

(2) Expansion of explosives detection canine team training to at least 2 additional national training centers, to be modeled after the Center of Excellence established at Lackland Air Force Base.

(c) DEPLOYMENT.—The Secretary—

(1) shall use the additional explosives detection canine teams as part of the Department's layers of enhanced mobile security across the Nation's transportation network and to support other homeland security programs, as deemed appropriate by the Secretary; and

(2) may make available explosives detection canine teams to all modes of transportation, for areas of high risk or to address specific threats, on an as-needed basis and as otherwise deemed appropriate by the Secretary.

(d) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Secretary of Homeland Security such sums as may be necessary to carry out this section.

SEC. 1377. MODEL PORTS-OF-ENTRY.

(a) IN GENERAL.—The Secretary of Homeland Security shall—

(1) establish a model ports-of-entry program for the purpose of providing a more efficient and courteous international visitor screening process in order to facilitate and promote travel to the United States; and

(2) implement the program initially at the 12 United States international airports with the greatest average annual number of arriving foreign visitors.

(b) PROGRAM ELEMENTS.—The program shall include—

(1) enhanced queue management in the Federal Inspection Services area leading up to primary inspection;

(2) customer service training for Customs and Border Protection officers (including training in greeting arriving visitors) developed in consultation with the Department of Commerce and the United States Travel and Tourism Advisory Board, customer service ratings for such officers' periodic or annual reviews, and a requirement that officers provide a self-addressed, postpaid customer comment form; and

(3) instructional videos, in English and such other languages as the Secretary determines appropriate, in the Federal Inspection Services area that explain the United States inspection process and feature national, regional, or local welcome videos.

(c) ADDITIONAL CUSTOMS AND BORDER PATROL OFFICERS FOR HIGH VOLUME PORTS.—Before the end of fiscal year 2008, the Secretary of Homeland Security shall employ an additional 200 Customs and Border Protection officers to address staff shortages at the 12 busiest international gateway airports in the United States.

(d) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Secretary of Homeland Security such sums as may be necessary to carry out this section.

SEC. 1378. LAW ENFORCEMENT BIOMETRIC CREDENTIAL.

(a) IN GENERAL.—Paragraph (6) of section 44903(h) of title 49, United States Code, is amended to read as follows:

''(6) USE OF BIOMETRIC TECHNOLOGY FOR ARMED LAW ENFORCEMENT TRAVEL.—

''(A) IN GENERAL.—Not later than 1 year after the date of enactment of the Improving America's Security Act of 2007, the Secretary of Homeland Security shall—

''(i) consult with the Attorney General concerning implementation of this paragraph;

''(ii) issue any necessary rulemaking to implement this paragraph; and

''(iii) establishing a national registered armed law enforcement program for law enforcement officers needing to be armed when traveling by air.

''(B) PROGRAM REQUIREMENTS.—The program shall—

''(i) establish a credential or a system that incorporates biometric technology and other applicable technologies;

''(ii) provide a flexible solution for law enforcement officers who need to be armed when traveling by air on a regular basis and for those who need to be armed during temporary travel assignments;

''(iii) be coordinated with other uniform credentialing initiatives including the Homeland Security Presidential Directive 12;

''(iv) be applicable for all Federal, State, local, tribal and territorial government law enforcement agencies; and

''(v) establish a process by which the travel credential or system may be used to verify the identity, using biometric technology, of a Federal, State, local, tribal, or territorial law enforcement officer seeking to carry a weapon on board an aircraft, without unnecessarily disclosing to the public that the individual is a law enforcement officer.

''(C) PROCEDURES.—In establishing the program, the Secretary shall develop procedures—

''(i) to ensure that only Federal, State, local, tribal, and territorial government law enforcement officers with a specific need to be armed when traveling by air are issued a law enforcement travel credential;

''(II) to preserve the anonymity of the armed law enforcement officer without calling undue attention to the individual's identity;

''(iii) to resolve failures to enroll, false matches, and false non-matches relating to use of the law enforcement travel credential or system; and

''(iv) to invalidate any law enforcement travel credential or system that is lost, stolen, or no longer authorized for use.

''(D) FUNDING.—There are authorized to be appropriated to the Secretary such sums as may be necessary to carry out this paragraph.''.

(b) REPORT.—Within 180 days after implementing the national registered armed law enforcement program required by section 44903(h)(6) of title 49, United States Code, the Secretary of Homeland Security shall transmit a report to the Senate Committee on Commerce, Science, and Transportation. If the Secretary has not implemented the program within 180 days after the date of enactment of this Act, the Secretary shall issue a report to the Committee within 180 days explaining the reasons for the failure to implement the program within the time required by that section, and a further report within each successive 180-day period until the program is implemented explaining the reasons for such further delays in implementation until the program is implemented. The Secretary shall submit each report required by this subsection in classified format.

SEC. 1379. INTERNATIONAL REGISTERED TRAVELER PROGRAM.

(a) IN GENERAL.—Section 7208(k)(3) of the Intelligence Reform and Terrorism Prevention Act of 2004 (8 U.S.C. 1365b(k)(3)) is amended to read as follows:

''(3) INTERNATIONAL REGISTERED TRAVELER PROGRAM.—

''(A) IN GENERAL.—The Secretary of Homeland Security shall establish an international registered traveler program that incorporates available technologies, such as biometrics and e-passports,and security threat assessments to expedite the screening and processing of international travelers, including United States Citizens and residents, who enter and exit the United States. The program shall be coordinated with the US VISIT program, other pre-screening initiatives, and the visa waiver program within the Department of Homeland Security.

''(B) FEES.—The Secretary may impose a fee for the program and may modify the fee from time to time. The fee may not exceed

the aggregate costs associated with the program and shall be credited to the Department of Homeland Security for purposes of carrying out the program. Amounts so credited shall remain available until expended.

''(C) RULEMAKING.—Within 180 days after the date of enactment of the Improving America's Security Act of 2007, the Secretary shall initiate a rulemaking to establish the program, criteria for participation, and the fee for the program.

''(D) IMPLEMENTATION.—Not later than 1 year after the date of enactment of the Improving America's Security Act of 2007, the Secretary shall establish a phased-implementation of a biometric-based international registered traveler program in conjunction with the US VISIT entry and exit system, other pre-screening initiatives, and the visa waiver program within the Department of Homeland Security at United States airports with the highest volume of international travelers.

''(E) PARTICIPATION.—The Secretary shall ensure that the international registered traveler program includes as many participants as practicable by—

''(i) establishing a reasonable cost of enrollment;

''(ii) making program enrollment convenient and easily accessible; and

''(iii) providing applicants with clear and consistent eligibility guidelines.

''(F) TECHNOLOGIES.—The Secretary shall coordinate with the Secretary of State to define a schedule for their respective departments for the deployment of appropriate technologies to begin capturing applicable and sufficient biometrics from visa applicants and individuals seeking admission to the United States, if such visa applicant or individual has not previously provided such information, at each consular location and port of entry. The Secretary of Homeland Security shall also coordinate with the Secretary of State regarding the feasibility of allowing visa applicants or individuals to enroll in the International Registered Traveler program at consular offices.''.

SEC. 1380. EMPLOYEE RETENTION INTERNSHIP PROGRAM.

The Assistant Secretary of Homeland Security (Transportation Security Administration), shall establish a pilot program at a small hub airport, a medium hub airport, and a large hub airport (as those terms are defined in paragraphs (42), (31), and (29), respectively, of section 40102 of title 49, United States Code) for training students to perform screening of passengers and property under section 44901 of title 49, United States Code. The program shall be an internship for preemployment training of final-year students from public and private secondary schools located in nearby communities. Under the program, participants shall be—

(1) compensated for training and services time while participating in the program: and

(2) required to agree, as a condition of participation in the program, to accept employment as a screener upon successful completion of the internship and upon graduation from the secondary school.

On page 345, strike lines 15 and 16, and insert the following:

SEC. 1391. INTEROPERABLE EMERGENCY COMMUNICATIONS.

On page 358, strike line 19 and insert the following:

SEC. 1392. RULE OF CONSTRUCTION.

On page 359, strike line 7 and insert the following:

SEC. 1393. CROSS BORDER INTEROPERABILITY REPORTS.

On page 361, strike line 14 and insert the following:

SEC. 1394. EXTENSION OF SHORT QUORUM.

SA 352. Mr. MENENDEZ proposed an amendment to amendment SA 275 proposed by Mr. REID (for himself, Mr. LIEBERMAN, and Ms. COLLINS) to the bill S. 4, to make the United States more secure by implementing unfinished recommendations of the 9/11 Commission to fight the war on terror more effectively, to improve homeland security, and for other purposes; as follows:

On page 219, between lines 7 and 8, insert the following:

SEC. 804. PLAN FOR 100 PERCENT SCANNING OF CARGO CONTAINERS.

(a) IN GENERAL.—Not later than 180 days after the date of the enactment of this Act, the Secretary shall develop an initial plan to scan 100 percent of the cargo containers destined for the United States before such containers arrive in the United States.

(b) PLAN CONTENTS.—The plan developed under this section shall include—

(1) specific annual benchmarks for—

(A) the percentage of cargo containers destined for the United States that are scanned at a foreign port; and

(B) the percentage of cargo containers originating in the United States and destined for a foreign port that are scanned in a port in the United States before leaving the United States;

(2) annual increases in the benchmarks described in paragraph (1) until 100 percent of the cargo containers destined for the United States are scanned before arriving in the United States;

(3) the use of existing programs, including the Container Security Initiative established by section 205 of the Security and Accountability For Every Port Act of 2006 (6 U.S.C. 945) and the Customs–Trade Partnership Against Terrorism established by subtitle B of title II of such Act (6 U.S.C. 961 et seq.), to reach the benchmarks described in paragraph (1); and

(4) the use of scanning equipment, personnel, and technology to reach the goal of 100 percent scanning of cargo containers.

SA 353. Mr. BINGAMAN submitted an amendment intended to be proposed to amendment SA 275 proposed by Mr. REID (for himself, Mr. LIEBERMAN, and Ms. COLLINS) to the bill S. 4, to make the United States more secure by implementing unfinished recommendations of the 9/11 Commission to fight the war on terror more effectively, to improve homeland security, and for other purposes; which was ordered to be on the table; as follows:

On page 150, line 10, after ''section 1016'' insert ''and information use, collection, storage, and disclosure''.

SA 354. Mr. LIEBERMAN (for Mr. MENENDEZ) proposed an amendment to amendment SA 275 proposed by Mr. REID (for himself, Mr. LIEBERMAN, and Ms. COLLINS) to the bill S. 4, to make the United States more secure by implementing unfinished recommendations of the 9/11 Commission to fight the war on terror more effectively, to improve homeland security, and for other purposes; which was ordered to be on the table; as follows:

On page 219, between lines 7 and 8, insert the following:

SEC. 804. PLAN FOR 100 PERCENT SCANNING OF CARGO CONTAINERS.

Section 232(c) of the Security and Accountability For Every Port Act (6 U.S.C. 982(c)) is amended—

(1) by striking ''Not later'' and inserting the following:

''(1) IN GENERAL.—Not later''; and

(2) by inserting at the end the following new paragraph:

''(2) PLAN FOR 100 PERCENT SCANNING OF CARGO CONTAINERS.—

''(A) IN GENERAL.—The first report under paragraph (1) shall include an initial plan to scan 100 percent of the cargo containers destined for the United States before such containers arrive in the United States.

''(B) PLAN CONTENTS.—The plan under paragraph (A) shall include—

''(i) specific annual benchmarks for the percentage of cargo containers destined for the United States that are scanned at a foreign port;

''(ii) annual increases in the benchmarks described in clause (i) until 100 percent of the cargo containers destined for the United States are scanned before arriving in the United States;

''(iii) the use of existing programs, including the Container Security Initiative established by section 205 and the Customs–Trade Partnership Against Terrorism established by subtitle B, to reach the benchmarks described in clause (i); and

''(iv) the use of scanning equipment, personnel, and technology to reach the goal of 100 percent scanning of cargo containers.

''(C) SUBSEQUENT REPORTS.—Each report under paragraph (1) after the intial report shall include an assessment of the progress toward implementing the plan under subparagraph (A).''.

SA 355. Ms. CANTWELL submitted an amendment intended to be proposed to amendment SA 275 proposed by Mr. REID (for himself, Mr. LIEBERMAN, and Ms. COLLINS) to the bill S. 4, to make the United States more secure by implementing unfinished recommendations of the 9/11 Commission to fight the war on terror more effectively, to improve homeland security, and for other purposes; which was ordered to lie on the table; as follows:

On page 111, line 10, before the semicolon insert ''regarding equipment and software''.

On page 113, between lines 23 and 24, insert the following:

''(G) the extent to which a grant would minimize the need for local government agencies to replace communications equipment;

On page 122, between lines 20 and 21, insert the following:

(d) SAFECOM.—Not later than 6 months after the date of enactment of this Act, the Secretary shall revise the recommended grant guidance for emergency response communications and interoperability grants under the SAFECOM Program of the Department to ensure that it—

(1) is technology neutral;

(2) supports a system-of-systems approach; and

(3) is representative of open-standards based software and equipment.

(e) EVALUATION OF DEPARTMENT OF DEFENSE COMMUNICATIONS SYSTEMS.—Section 1803(d) of the Homeland Security Act of 2002 (6 U.S.C. 573(d)) is amended by striking paragraph (4) and inserting the following:

''(4) a list of best practices relating to the ability to continue to communicate and to

provide and maintain interoperable emergency communications in the event of natural disasters, acts of terrorism, or other man-made disasters, including—

''(A) an evaluation, in consultation with the Secretary of Defense, of technological approaches used by the Armed Forces of the United States to achieve interoperable communications and the applicability of such approaches to addressing the interoperable emergency communications needs of Federal agencies and State, local, and tribal governments; and

''(B) an evaluation of the feasibility and desirability of the Department developing, on its own or in conjunction with the Department of Defense, a mobile communications capability, modeled on the Army Signal Corps, that could be deployed to support emergency communications at the site of natural disasters, acts of terrorism, or other man-made disasters.''.

On page 124, line 7, after ''equipment'' insert ''and software''.

On page 124, line 8, after ''identity'' insert ''equipment and software''.

On page 124, line 14, after ''training'' insert '', software,''.

On page 124, line 18, after ''equipment'' insert ''and software''.

SA 356. Ms. SNOWE (for herself and Mr. ROCKEFELLER) submitted an amendment intended to be proposed to amendment SA 275 proposed by Mr. REID (for himself, Mr. LIEBERMAN, and Ms. COLLINS) to the bill S. 4, to make the United States more secure by implementing unfinished recommendations of the 9/11 Commission to fight the war on terror more effectively, to improve homeland security, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ___. INSPECTOR GENERAL OF THE INTELLIGENCE COMMUNITY.

(a) ESTABLISHMENT.—(1) Title I of the National Security Act of 1947 (50 U.S.C. 402 et seq.) is amended by inserting after section 103G the following new section:

''INSPECTOR GENERAL OF THE INTELLIGENCE COMMUNITY

''SEC. 103H. (a) OFFICE OF INSPECTOR GENERAL OF INTELLIGENCE COMMUNITY.—There is within the Office of the Director of National Intelligence an Office of the Inspector General of the Intelligence Community.

''(b) PURPOSE.—The purpose of the Office of the Inspector General of the Intelligence Community is to—

''(1) create an objective and effective office, appropriately accountable to Congress, to initiate and conduct independently investigations, inspections, and audits relating to—

''(A) the programs and operations of the intelligence community;

''(B) the elements of the intelligence community within the National Intelligence Program; and

''(C) the relationships between the elements of the intelligence community within the National Intelligence Program and the other elements of the intelligence community;

''(2) recommend policies designed—

''(A) to promote economy, efficiency, and effectiveness in the administration and implementation of such programs and operations, and in such relationships; and

''(B) to prevent and detect fraud and abuse in such programs, operations, and relationships;

''(3) provide a means for keeping the Director of National Intelligence fully and currently informed about—

''(A) problems and deficiencies relating to the administration and implementation of such programs and operations, and to such relationships; and

''(B) the necessity for, and the progress of, corrective actions; and

''(4) in the manner prescribed by this section, ensure that the congressional intelligence committees are kept similarly informed of—

''(A) significant problems and deficiencies relating to the administration and implementation of such programs and operations, and to such relationships; and

''(B) the necessity for, and the progress of, corrective actions.

''(c) INSPECTOR GENERAL OF INTELLIGENCE COMMUNITY.—(1) There is an Inspector General of the Intelligence Community, who shall be the head of the Office of the Inspector General of the Intelligence Community, who shall be appointed by the President, by and with the advice and consent of the Senate.

''(2) The nomination of an individual for appointment as Inspector General shall be made—

''(A) without regard to political affiliation;

''(B) solely on the basis of integrity, compliance with the security standards of the intelligence community, and prior experience in the field of intelligence or national security; and

''(C) on the basis of demonstrated ability in accounting, financial analysis, law, management analysis, public administration, or auditing.

''(3) The Inspector General shall report directly to and be under the general supervision of the Director of National Intelligence.

''(4) The Inspector General may be removed from office only by the President. The President shall immediately communicate in writing to the congressional intelligence committees the reasons for the removal of any individual from the position of Inspector General.

''(d) DUTIES AND RESPONSIBILITIES.—Subject to subsections (g) and (h), it shall be the duty and responsibility of the Inspector General of the Intelligence Community—

''(1) to provide policy direction for, and to plan, conduct, supervise, and coordinate independently, the investigations, inspections, and audits relating to the programs and operations of the intelligence community, the elements of the intelligence community within the National Intelligence Program, and the relationships between the elements of the intelligence community within the National Intelligence Program and the other elements of the intelligence community to ensure they are conducted efficiently and in accordance with applicable law and regulations;

''(2) to keep the Director of National Intelligence fully and currently informed concerning violations of law and regulations, violations of civil liberties and privacy, and fraud and other serious problems, abuses, and deficiencies that may occur in such programs and operations, and in such relationships, and to report the progress made in implementing corrective action;

''(3) to take due regard for the protection of intelligence sources and methods in the preparation of all reports issued by the Inspector General, and, to the extent consistent with the purpose and objective of such reports, take such measures as may be appropriate to minimize the disclosure of intelligence sources and methods described in such reports; and

''(4) in the execution of the duties and responsibilities under this section, to comply with generally accepted government auditing standards.

''(e) LIMITATIONS ON ACTIVITIES.—(1) The Director of National Intelligence may prohibit the Inspector General of the Intelligence Community from initiating, carrying out, or completing any investigation, inspection, or audit if the Director determines that such prohibition is necessary to protect vital national security interests of the United States.

''(2) If the Director exercises the authority under paragraph (1), the Director shall submit an appropriately classified statement of the reasons for the exercise of such authority within seven days to the congressional intelligence committees.

''(3) The Director shall advise the Inspector General at the time a report under paragraph (2) is submitted, and, to the extent consistent with the protection of intelligence sources and methods, provide the Inspector General with a copy of such report.

''(4) The Inspector General may submit to the congressional intelligence committees any comments on a report of which the Inspector General has notice under paragraph (3) that the Inspector General considers appropriate.

''(f) AUTHORITIES.—(1) The Inspector General of the Intelligence Community shall have direct and prompt access to the Director of National Intelligence when necessary for any purpose pertaining to the performance of the duties of the Inspector General.

''(2)(A) The Inspector General shall have access to any employee, or any employee of a contractor, of any element of the intelligence community whose testimony is needed for the performance of the duties of the Inspector General.

''(B) The Inspector General shall have direct access to all records, reports, audits, reviews, documents, papers, recommendations, or other material which relate to the programs and operations with respect to which the Inspector General has responsibilities under this section.

''(C) The level of classification or compartmentation of information shall not, in and of itself, provide a sufficient rationale for denying the Inspector General access to any materials under subparagraph (B).

''(D) Failure on the part of any employee, or any employee of a contractor, of any element of the intelligence community to cooperate with the Inspector General shall be grounds for appropriate administrative actions by the Director or, on the recommendation of the Director, other appropriate officials of the intelligence community, including loss of employment or the termination of an existing contractual relationship.

''(3) The Inspector General is authorized to receive and investigate complaints or information from any person concerning the existence of an activity constituting a violation of laws, rules, or regulations, or mismanagement, gross waste of funds, abuse of authority, or a substantial and specific danger to the public health and safety. Once such complaint or information has been received from an employee of the Federal Government—

''(A) the Inspector General shall not disclose the identity of the employee without the consent of the employee, unless the Inspector General determines that such disclosure is unavoidable during the course of the investigation or the disclosure is made to an official of the Department of Justice responsible for determining whether a prosecution should be undertaken; and

''(B) no action constituting a reprisal, or threat of reprisal, for making such complaint may be taken by any employee in a position to take such actions, unless the

complaint was made or the information was disclosed with the knowledge that it was false or with willful disregard for its truth or falsity.

''(4) The Inspector General shall have authority to administer to or take from any person an oath, affirmation, or affidavit, whenever necessary in the performance of the duties of the Inspector General, which oath, affirmation, or affidavit when administered or taken by or before an employee of the Office of the Inspector General of the Intelligence Community designated by the Inspector General shall have the same force and effect as if administered or taken by or before an officer having a seal.

''(5)(A) Except as provided in subparagraph (B), the Inspector General is authorized to require by subpoena the production of all information, documents, reports, answers, records, accounts, papers, and other data and documentary evidence necessary in the performance of the duties and responsibilities of the Inspector General.

''(B) In the case of departments, agencies, and other elements of the United States Government, the Inspector General shall obtain information, documents, reports, answers, records, accounts, papers, and other data and evidence for the purpose specified in subparagraph (A) using procedures other than by subpoenas.

''(C) The Inspector General may not issue a subpoena for or on behalf of any other element of the intelligence community, including the Office of the Director of National Intelligence.

''(D) In the case of contumacy or refusal to obey a subpoena issued under this paragraph, the subpoena shall be enforceable by order of any appropriate district court of the United States.

''(g) COORDINATION AMONG INSPECTORS GENERAL OF INTELLIGENCE COMMUNITY.—(1) In the event of a matter within the jurisdiction of the Inspector General of the Intelligence Community that may be subject to an investigation, inspection, or audit by both the Inspector General of the Intelligence Community and an Inspector General, whether statutory or administrative, with oversight responsibility for an element or elements of the intelligence community, the Inspector General of the Intelligence Community and such other Inspector or Inspectors General shall expeditiously resolve which Inspector General shall conduct such investigation, inspection, or audit.

''(2) The Inspector General conducting an investigation, inspection, or audit covered by paragraph (1) shall submit the results of such investigation, inspection, or audit to any other Inspector General, including the Inspector General of the Intelligence Community, with jurisdiction to conduct such investigation, inspection, or audit who did not conduct such investigation, inspection, or audit.

''(3)(A) If an investigation, inspection, or audit covered by paragraph (1) is conducted by an Inspector General other than the Inspector General of the Intelligence Community, the Inspector General of the Intelligence Community may, upon completion of such investigation, inspection, or audit by such other Inspector General, conduct under this section a separate investigation, inspection, or audit of the matter concerned if the Inspector General of the Intelligence Community determines that such initial investigation, inspection, or audit was deficient in some manner or that further investigation, inspection, or audit is required.

''(B) This paragraph shall not apply to the Inspector General of the Department of Defense or to any other Inspector General within the Department of Defense.

''(h) STAFF AND OTHER SUPPORT.—(1) The Inspector General of the Intelligence Community shall be provided with appropriate and adequate office space at central and field office locations, together with such equipment, office supplies, maintenance services, and communications facilities and services as may be necessary for the operation of such offices.

''(2)(A) Subject to applicable law and the policies of the Director of National Intelligence, the Inspector General shall select, appoint, and employ such officers and employees as may be necessary to carry out the functions of the Inspector General. The Inspector General shall ensure that any officer or employee so selected, appointed, or employed has security clearances appropriate for the assigned duties of such officer or employee.

''(B) In making selections under subparagraph (A), the Inspector General shall ensure that such officers and employees have the requisite training and experience to enable the Inspector General to carry out the duties of the Inspector General effectively.

''(C) In meeting the requirements of this paragraph, the Inspector General shall create within the Office of the Inspector General of the Intelligence Community a career cadre of sufficient size to provide appropriate continuity and objectivity needed for the effective performance of the duties of the Inspector General.

''(3)(A) Subject to the concurrence of the Director, the Inspector General may request such information or assistance as may be necessary for carrying out the duties and responsibilities of the Inspector General from any department, agency, or other element of the United States Government.

''(B) Upon request of the Inspector General for information or assistance under subparagraph (A), the head of the department, agency, or element concerned shall, insofar as is practicable and not in contravention of any existing statutory restriction or regulation of the department, agency, or element, furnish to the Inspector General, or to an authorized designee, such information or assistance.

''(C) The Inspector General of the Intelligence Community may, upon reasonable notice to the head of any element of the intelligence community, conduct, as authorized by this section, an investigation, inspection, or audit of such element and may enter into any place occupied by such element for purposes of the performance of the duties of the Inspector General.

''(i) REPORTS.—(1)(A) The Inspector General of the Intelligence Community shall, not later than January 31 and July 31 of each year, prepare and submit to the Director of National Intelligence a classified, and, as appropriate, unclassified semiannual report summarizing the activities of the Office of the Inspector General of the Intelligence Community during the immediately preceding 6-month periods ending December 31 (of the preceding year) and June 30, respectively.

''(B) Each report under this paragraph shall include, at a minimum, the following:

''(i) A list of the title or subject of each investigation, inspection, or audit conducted during the period covered by such report, including a summary of the progress of each particular investigation, inspection, or audit since the preceding report of the Inspector General under this paragraph.

''(ii) A description of significant problems, abuses, and deficiencies relating to the administration and implementation of programs and operations of the intelligence community, and in the relationships between elements of the intelligence community, identified by the Inspector General during the period covered by such report.

''(iii) A description of the recommendations for corrective or disciplinary action made by the Inspector General during the period covered by such report with respect to significant problems, abuses, or deficiencies identified in clause (ii).

''(iv) A statement whether or not corrective or disciplinary action has been completed on each significant recommendation described in previous semiannual reports, and, in a case where corrective action has been completed, a description of such corrective action.

''(v) A certification whether or not the Inspector General has had full and direct access to all information relevant to the performance of the functions of the Inspector General.

''(vi) A description of the exercise of the subpoena authority under subsection (f)(5) by the Inspector General during the period covered by such report.

''(vii) Such recommendations as the Inspector General considers appropriate for legislation to promote economy, efficiency, and effectiveness in the administration and implementation of programs and operations undertaken by the intelligence community, and in the relationships between elements of the intelligence community, and to detect and eliminate fraud and abuse in such programs and operations and in such relationships.

''(C) Not later than the 30 days after the date of receipt of a report under subparagraph (A), the Director shall transmit the report to the congressional intelligence committees together with any comments the Director considers appropriate.

''(2)(A) The Inspector General shall report immediately to the Director whenever the Inspector General becomes aware of particularly serious or flagrant problems, abuses, or deficiencies relating to the administration and implementation of programs or operations of the intelligence community or in the relationships between elements of the intelligence community.

''(B) The Director shall transmit to the congressional intelligence committees each report under subparagraph (A) within seven calendar days of receipt of such report, together with such comments as the Director considers appropriate.

''(3) In the event that—

''(A) the Inspector General is unable to resolve any differences with the Director affecting the execution of the duties or responsibilities of the Inspector General;

''(B) an investigation, inspection, or audit carried out by the Inspector General focuses on any current or former intelligence community official who—

''(i) holds or held a position in an element of the intelligence community that is subject to appointment by the President, whether or not by and with the advice and consent of the Senate, including such a position held on an acting basis;

''(ii) holds or held a position in an element of the intelligence community, including a position held on an acting basis, that is appointed by the Director of National Intelligence; or

''(iii) holds or held a position as head of an element of the intelligence community or a position covered by subsection (b) or (c) of section 106;

''(C) a matter requires a report by the Inspector General to the Department of Justice on possible criminal conduct by a current or former official described in subparagraph (B);

''(D) the Inspector General receives notice from the Department of Justice declining or approving prosecution of possible criminal conduct of any current or former official described in subparagraph (B); or

''(E) the Inspector General, after exhausting all possible alternatives, is unable to obtain significant documentary information in the course of an investigation, inspection, or audit,

the Inspector General shall immediately notify and submit a report on such matter to the congressional intelligence committees.

''(4) Pursuant to title V, the Director shall submit to the congressional intelligence committees any report or findings and recommendations of an investigation, inspection, or audit conducted by the Office of the Inspector General which has been requested by the Chairman or Vice Chairman or Ranking Minority Member of either committee.

''(5)(A) An employee of an element of the intelligence community, an employee assigned or detailed to an element of the intelligence community, or an employee of a contractor to the intelligence community who intends to report to Congress a complaint or information with respect to an urgent concern may report such complaint or information to the Inspector General.

''(B) Not later than the end of the 14-calendar day period beginning on the date of receipt from an employee of a complaint or information under subparagraph (A), the Inspector General shall determine whether the complaint or information appears credible. Upon making such a determination, the Inspector General shall transmit to the Director a notice of that determination, together with the complaint or information.

''(C) Upon receipt of a transmittal from the Inspector General under subparagraph (B), the Director shall, within seven calendar days of such receipt, forward such transmittal to the congressional intelligence committees, together with any comments the Director considers appropriate.

''(D)(i) If the Inspector General does not find credible under subparagraph (B) a complaint or information submitted under subparagraph (A), or does not transmit the complaint or information to the Director in accurate form under subparagraph (B), the employee (subject to clause (ii)) may submit the complaint or information to Congress by contacting either or both of the congressional intelligence committees directly.

''(ii) An employee may contact the congressional intelligence committees directly as described in clause (i) only if the employee—

''(I) before making such a contact, furnishes to the Director, through the Inspector General, a statement of the employee's complaint or information and notice of the employee's intent to contact the congressional intelligence committees directly; and

''(II) obtains and follows from the Director, through the Inspector General, direction on how to contact the congressional intelligence committees in accordance with appropriate security practices.

''(iii) A member or employee of one of the congressional intelligence committees who receives a complaint or information under clause (i) does so in that member or employee's official capacity as a member or employee of such committee.

''(E) The Inspector General shall notify an employee who reports a complaint or information to the Inspector General under this paragraph of each action taken under this paragraph with respect to the complaint or information. Such notice shall be provided not later than 3 days after any such action is taken.

''(F) An action taken by the Director or the Inspector General under this paragraph shall not be subject to judicial review.

''(G) In this paragraph, the term 'urgent concern' means any of the following:

''(i) A serious or flagrant problem, abuse, violation of law or Executive order, or deficiency relating to the funding, administration, or operation of an intelligence activity involving classified information, but does not include differences of opinions concerning public policy matters.

''(ii) A false statement to Congress, or a willful withholding from Congress, on an issue of material fact relating to the funding, administration, or operation of an intelligence activity.

''(iii) An action, including a personnel action described in section 2302(a)(2)(A) of title 5, United States Code, constituting reprisal or threat of reprisal prohibited under subsection (f)(3)(B) in response to an employee's reporting an urgent concern in accordance with this paragraph.

''(H) In support of this paragraph, Congress makes the findings set forth in paragraphs (1) through (6) of section 701(b) of the Intelligence Community Whistleblower Protection Act of 1998 (title VII of Public Law 105–272; 5 U.S.C. App. 8H note).

''(6) In accordance with section 535 of title 28, United States Code, the Inspector General shall report to the Attorney General any information, allegation, or complaint received by the Inspector General relating to violations of Federal criminal law that involves a program or operation of an element of the intelligence community, or in the relationships between the elements of the intelligence community, consistent with such guidelines as may be issued by the Attorney General pursuant to subsection (b)(2) of such section. A copy of each such report shall be furnished to the Director.

''(j) SEPARATE BUDGET ACCOUNT.—The Director of National Intelligence shall, in accordance with procedures to be issued by the Director in consultation with the congressional intelligence committees, include in the National Intelligence Program budget a separate account for the Office of Inspector General of the Intelligence Community.

''(k) CONSTRUCTION OF DUTIES REGARDING ELEMENTS OF INTELLIGENCE COMMUNITY.—Except as resolved pursuant to subsection (g), the performance by the Inspector General of the Intelligence Community of any duty, responsibility, or function regarding an element of the intelligence community shall not be construed to modify or effect the duties and responsibilities of any other Inspector General, whether statutory or administrative, having duties and responsibilities relating to such element.''.

(2) The table of contents in the first section of the National Security Act of 1947 is amended by inserting after the item relating to section 103G the following new item:

''Sec. 103H. Inspector General of the Intelligence Community.''.

(b) REPEAL OF SUPERSEDED AUTHORITY TO ESTABLISH POSITION.—Section 8K of the Inspector General Act of 1978 (5 U.S.C. App.) is repealed.

(c) EXECUTIVE SCHEDULE LEVEL IV.—Section 5315 of title 5, United States Code, is amended by adding at the end the following new item:

''Inspector General of the Intelligence Community.''.

SA 357. Mr. KYL proposed an amendment to amendment SA 275 proposed by Mr. REID (for himself, Mr. LIEBERMAN, and Ms. COLLINS) to the bill S. 4, to make the United States more secure by implementing unfinished recommendations of the 9/11 Commission to fight the war on terror more effectively, to improve homeland security, and for other purposes; as follows:

At page 174, strike line 1 and all that follows through page 175, line 18, and insert the following:

The terms ''data-mining'' and ''database'' have the same meaning as in 126(b) of Public Law 109–177.

(c) REPORTS ON DATA MINING ACTIVITIES BY FEDERAL AGENCIES.—

(1) REQUIREMENT FOR REPORT.—The head of each department or agency of the Federal Government that is engaged in any activity to use or develop data mining shall submit a report to Congress on all such activities of the department or agency under the jurisdiction of that official. The report shall be made available to the public, except for a classified annex described in paragraph (2)(H).

(2) CONTENT OF REPORT.—Each report submitted under paragraph (1) shall include, for each activity to use or develop data mining, the following information:

(A) A thorough description of the data mining activity, its goals, and, where appropriate, the target dates for the deployment of the data mining activity.

(B) A thorough description, consistent with the protection of existing patents, proprietary business processes, trade secrets, and intelligence sources and methods, of the data mining technology that is being used or will be used, including the basis for determining whether a particular pattern or anomaly is indicative of terrorist or criminal activity.

SA 358. Mrs. MURRAY submitted an amendment intended to be proposed by her to the bill S. 4, to make the United States more secure by implementing unfinished recommendations of the 9/11 Commission to fight the war on terror more effectively, to improve homeland security, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ____. PILOT PROJECT TO REDUCE THE NUMBER OF TRANSPORTATION SECURITY OFFICERS AT AIRPORT EXIT LANES.

(a) IN GENERAL.—The Administrator of the Transportation Security Administration (referred to in this section as the ''Administrator'') shall conduct a pilot program to identify technological solutions for reducing the number of Transportation Security Administration employees at airport exit lanes.

(b) PROGRAM COMPONENTS.—In conducting the pilot program under this section, the Administrator shall—

(1) utilize different technologies that protect the integrity of the airport exit lanes from unauthorized entry; and

(2) work with airport officials to deploy such technologies in multiple configurations at selected airports at which at least 75 percent of the exits are not co-located with a screening checkpoint.

(c) REPORTS.—

(1) INITIAL REPORT.—Not later than 90 days after the enactment of this Act, the Administrator shall submit a report to the congressional committees set forth in paragraph (3) that describes—

(A) the airports selected to participate in the pilot program;

(B) the potential savings from implementing the technologies at selected airport exits; and

(C) the types of configurations expected to be deployed at such airports.

(2) FINAL REPORT.—Not later than 1 year after the technologies are deployed at the airports participating in the pilot program, the Administrator shall submit a final report to the congressional committees described in paragraph (3) that describes—

(A) the security measures deployed;
(B) the projected cost savings; and
(C) the efficacy of the program and its applicability to other airports in the United States.
(3) CONGRESSIONAL COMMITTEES.—The reports required under this subsection shall be submitted to—
(A) the Committee on Commerce, Science, and Transportation of the Senate;
(B) the Committee on Appropriations of the Senate;
(C) the Committee on Homeland Security and Governmental Affairs of the Senate;
(D) the Committee on Homeland Security of the House of Representatives; and
(E) the Committee on Appropriations of the House of Representatives.
(d) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated $6,000,000 for each of the fiscal years 2008 and 2009 to carry out this section.

SA 359. Mr. LAUTENBERG submitted an amendment intended to be proposed to amendment SA 275 proposed by Mr. REID (for himself, Mr. LIEBERMAN, and Ms. COLLINS) to the bill S. 4, to make the United States more secure by implementing unfinished recommendations of the 9/11 Commission to fight the war on terror more effectively, to improve homeland security, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ———. DHS INSPECTOR GENERAL REPORT ON HIGHWAY WATCH GRANT PROGRAM.

Within 90 days after the date of enactment of this Act, the Inspector General of the Department of Homeland Security shall submit a report to the Senate Committee on Commerce, Science, and Transportation on the Trucking Security Grant Program for fiscal years 2004 and 2005 that—
(1) addresses the grant announcement, application, receipt, review, award, monitoring, and closeout processes; and
(2) states the amount obligated or expended under the program for fiscal years 2004 and 2005 for—
(A) infrastructure protection;
(B) training;
(C) equipment;
(D) educational materials;
(E) program administration;
(E) marketing; and
(F) other functions.

SA 360. Mr. GRAHAM (for himself and Mr. BROWNBACK) submitted an amendment intended to be proposed to amendment SA 275 proposed by Mr. REID (for himself, Mr. LIEBERMAN, and Ms. COLLINS) to the bill S. 4, to make the United States more secure by implementing unfinished recommendations of the 9/11 Commission to fight the war on terror more effectively, to improve homeland security, and for other purposes; which was ordered to be on the table; as follows:

At the end of title XV, add the following new section:

SEC. 1505. SENSE OF CONGRESS ON THE NUCLEAR PROGRAM OF IRAN.

(a) FINDINGS.—Congress makes the following findings:
(1) President of Iran Mahmoud Ahmadinejad refuses to abandon the uranium enrichment program of the Government of Iran, and continues to work towards advancing that program.
(2) The United Nations Security Council unanimously passed Security Council Resolution 1737 on December 23, 2006, which imposed sanctions on trade and expertise related to the nuclear infrastructure of Iran and the transfer to Iran of International Atomic Energy Agency technical aid.
(3) United Nations Security Council Resolution 1737 (2006) states that if Iran refuses to comply with the Resolution within 60 days, the Security Council ''shall adopt further appropriate measures under Article 41 of Chapter VII of the Charter of the United Nations to persuade Iran to comply with this resolution and the requirements of the IAEA, and underlines that further decisions will be required should such additional measures be necessary''.
(4) According to a report issued by the International Atomic Energy Agency on February 21, 2007, Iran failed to comply with United Nations Resolution 1737 within 60 days.
(5) The refusal of the Government of Iran to comply with International Atomic Energy Agency orders to prove the peaceful intent of its nuclear program and with United Nations Security Council Resolution 1737 (2006) indicates that the efforts of the Government of Iran toward uranium enrichment are not for peaceful means.
(6) The Government of Iran has contributed to instability in the Middle East and has shown itself unwilling to use its influence to support peaceful transformation in the region, including through the following actions:
(A) The Government of Iran has demonstrated its ability to strike United States military forces and allies in the Middle East with missiles.
(B) Weapons produced in Iran have moved into Iraq and other countries in the region in support of violent religious extremism, a practice which the Government of Iran is either incapable or unwilling to stop.
(C) President Ahmadinejad continues to assert that Israel will be ''wiped off the map'' and consistently denies the existence of the holocaust, as evidenced through hosting an ''International Conference to Review the Global Vision of the Holocaust'' on December 11, 2006.
(7) John Michael McConnell, Director of National Intelligence, indicated in a hearing of the Committee on Armed Services of the Senate on February 27, 2007, that economic sanctions on Iran uniformly applied by the international community could have a major effect on the economy of Iran.
(8) The placement and implementation of sanctions on countries such as North Korea and Libya have made progress in bringing about change.
(9) Despite the release of an internal European Union document dated February 7, 2007, which indicated that European Union officials believe that preventing Iran from developing a nuclear weapon is not likely, on February 12, 2007 the European Union agreed, in compliance with United Nations Security Council Resolution 1737 (2006), to impose limited sanctions on Iran in order to prevent the sale of materials and technology that could be used in Iran's nuclear program.
(10) Full economic sanctions on the part of the entire international community have not been applied to Iran.

(b) SENSE OF CONGRESS.—It is the sense of Congress that—
(1) the nuclear program of the Government of Iran continues to be of grave concern and should be considered a serious threat to the United States and its military forces and personnel in the Middle East, and to United States allies and interests in Europe, the Middle East, and Asia;
(2) as a result of the failure of Iran to comply with United Nations Security Resolution 1737 (2006), the United Nations Security Council should implement additional sanctions in order to persuade Iran to comply with requirements imposed by the International Atomic Energy Agency;
(3) full economic sanctions, uniformly imposed by the entire international community, including Russia and China, offer the best opportunity to bring about significant change in Iran to prevent the development of a nuclear weapon in Iran; and
(4) the elimination of the threat of a nuclear Iran is in the long term interest of the people of Iran, the region, and the world.

SA 361. Mr. LIEBERMAN (for himself and Mr. MCCAIN) submitted an amendment intended to be proposed to amendment SA 275 proposed by Mr. REID (for himself, Mr. LIEBERMAN, and Ms. COLLINS) to the bill S. 4, to make the United States more secure by implementing unfinished recommendations of the 9/11 Commission to fight the war on terror more effectively, to improve homeland security, and for other purposes; which was ordered to lie on the table; as follows:

At the end, add the following new title:

TITLE XVI—ADVANCEMENT OF DEMOCRATIC VALUES

SECTION 1601. SHORT TITLE.

This title may be cited as the ''Advance Democratic Values, Address Non-democratic Countries, and Enhance Democracy Act of 2007'' or the ''ADVANCE Democracy Act of 2007''.

SEC. 1602. FINDINGS.

Congress finds that in order to support the expansion of freedom and democracy in the world, the foreign policy of the United States should be organized in support of transformational diplomacy that seeks to work through partnerships to build and sustain democratic, well-governed states that will respect human rights and respond to the needs of their people and conduct themselves responsibly in the international system.

SEC. 1603. STATEMENT OF POLICY.

It should be the policy of the United States—
(1) to promote freedom and democracy in foreign countries as a fundamental component of the foreign policy of the United States;
(2) to affirm internationally recognized human rights standards and norms and to condemn offenses against those rights;
(3) to use instruments of United States influence to support, promote, and strengthen democratic principles, practices, and values, including the right to free, fair, and open elections, secret balloting, and universal suffrage;
(4) to protect and promote fundamental freedoms and rights, including the freedom of association, of expression, of the press, and of religion, and the right to own private property;
(5) to protect and promote respect for and adherence to the rule of law;
(6) to provide appropriate support to nongovernmental organizations working to promote freedom and democracy;
(7) to provide political, economic, and other support to countries that are willingly undertaking a transition to democracy;
(8) to commit to the long-term challenge of promoting universal democracy; and
(9) to strengthen alliances and relationships with other democratic countries in

order to better promote and defend shared values and ideals.

SEC. 1604. DEFINITIONS.

In this title:

(1) ANNUAL REPORT ON ADVANCING FREEDOM AND DEMOCRACY.—The term ''Annual Report on Advancing Freedom and Democracy'' refers to the annual report submitted to Congress by the Department of State pursuant to section 665(c) of the Foreign Relations Authorization Act, Fiscal Year 2003 (Public Law 107–228; 22 U.S.C. 2151n note), in which the Department reports on actions taken by the United States Government to encourage respect for human rights and democracy.

(2) ASSISTANT SECRETARY.—The term ''Assistant Secretary'' means the Assistant Secretary of State for Democracy, Human Rights, and Labor.

(3) COMMUNITY OF DEMOCRACIES AND COMMUNITY.—The terms ''Community of Democracies'' and ''Community'' mean the association of democratic countries committed to the global promotion of democratic principles, practices, and values, which held its First Ministerial Conference in Warsaw, Poland, in June 2000.

(4) DEPARTMENT.—The term ''Department'' means the Department of State.

(5) UNDER SECRETARY.—The term ''Under Secretary'' means the Under Secretary of State for Democracy and Global Affairs.

Subtitle A—Liaison Officers and Fellowship Program to Enhance the Promotion of Democracy

SEC. 1611. DEMOCRACY LIAISON OFFICERS.

(a) IN GENERAL.—The Secretary of State shall establish and staff Democracy Liaison Officer positions, under the supervision of the Assistant Secretary, who may be assigned to the following posts:

(1) United States missions to, or liaison with, regional and multilateral organizations, including the United States missions to the European Union, African Union, Organization of American States and any other appropriate regional organization, Organization for Security and Cooperation in Europe, the United Nations and its relevant specialized agencies, and the North Atlantic Treaty Organization.

(2) Regional public diplomacy centers of the Department.

(3) United States combatant commands.

(4) Other posts as designated by the Secretary of State.

(b) RESPONSIBILITIES.—Each Democracy Liaison Officer should—

(1) provide expertise on effective approaches to promote and build democracy;

(2) assist in formulating and implementing strategies for transitions to democracy; and

(3) carry out other responsibilities as the Secretary of State and the Assistant Secretary may assign.

(c) NEW POSITIONS.—The Democracy Liaison Officer positions established under subsection (a) should be new positions that are in addition to existing officer positions with responsibility for other human rights and democracy related issues and programs.

(d) RELATIONSHIP TO OTHER AUTHORITIES.—Nothing in this section may be construed as removing any authority or responsibility of a chief of mission or other employee of a diplomatic mission of the United States provided under any other provision of law, including any authority or responsibility for the development or implementation of strategies to promote democracy.

(e) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Secretary of State such sums as may be necessary to carry out the responsibilities described in subsection (b), including hiring additional staff to carry out such responsibilities.

SEC. 1612. DEMOCRACY FELLOWSHIP PROGRAM.

(a) REQUIREMENT FOR PROGRAM.—The Secretary of State shall establish a Democracy Fellowship Program to enable Department officers to gain an additional perspective on democracy promotion abroad by working on democracy issues in congressional committees with oversight over the subject matter of this title, including the Committee on Foreign Relations and the Committee on Appropriations of the Senate and the Committee on Foreign Affairs and the Committee on Appropriations of the House of Representatives, and in nongovernmental organizations involved in democracy promotion.

(b) SELECTION AND PLACEMENT.—The Assistant Secretary shall play a central role in the selection of Democracy Fellows and facilitate their placement in appropriate congressional offices and nongovernmental organizations.

(c) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Secretary of State such sums as may be necessary to carry out the responsibilities under subsection (a), including hiring additional staff to carry out such responsibilities.

Subtitle B—Annual Report on Advancing Freedom and Democracy

SEC. 1621. ANNUAL REPORT.

(a) REPORT TITLE.—Section 665(c) of the Foreign Relations Authorization Act, Fiscal Year 2003 (Public Law 107–228; 22 U.S.C. 2151n note) is amended in the first sentence by inserting ''entitled the Advancing Freedom and Democracy Report'' before the period at the end.

(b) SCHEDULE FOR SUBMISSION.—If a report entitled the Advancing Freedom and Democracy Report pursuant to section 665(c) of the Foreign Relations Authorization Act, Fiscal Year 2003, as amended by subsection (a), is submitted under such section, such report shall be submitted not later than 90 days after the date of submission of the report required by section 116(d) of the Foreign Assistance Act of 1961 (22 U.S.C. 2151n(d)).

(c) CONFORMING AMENDMENT.—Section 665(c) of the Foreign Relations Authorization Act, Fiscal Year 2003 (Public Law 107–228; 2151n note) is amended by striking ''30 days'' and inserting ''90 days''.

SEC. 1622. SENSE OF CONGRESS ON TRANSLATION OF HUMAN RIGHTS REPORTS.

It is the sense of Congress that the Secretary of State should continue to ensure and expand the timely translation of Human Rights and International Religious Freedom reports and the Annual Report on Advancing Freedom and Democracy prepared by personnel of the Department of State into the principal languages of as many countries as possible. Translations are welcomed because information on United States support for universal enjoyment of freedoms and rights serves to encourage individuals around the globe seeking to advance the cause of freedom in their countries.

Subtitle C—Advisory Committee on Democracy Promotion and the Internet Website of the Department of State

SEC. 1631. ADVISORY COMMITTEE ON DEMOCRACY PROMOTION.

(a) SENSE OF CONGRESS.—Congress commends the Secretary of State for creating an Advisory Committee on Democracy Promotion, and it is the sense of Congress that the Committee should play a significant role in the Department's transformational diplomacy by advising the Secretary of State regarding United States efforts to promote democracy and democratic transition in connection with the formulation and implementation of United States foreign policy and foreign assistance.

(b) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to the Secretary of State for the purpose of implementing the Advisory Committee on Democracy Promotion $1,000,000 for each of fiscal years 2008, 2009, and 2010.

SEC. 1632. SENSE OF CONGRESS ON THE INTERNET WEBSITE OF THE DEPARTMENT OF STATE.

It is the sense of Congress that—

(1) the Secretary of State should continue and further expand the Secretary's existing efforts to inform the public in foreign countries of the efforts of the United States to promote democracy and defend human rights through the Internet website of the Department of State;

(2) the Secretary of State should continue to enhance the democracy promotion materials and resources on that Internet website, as such enhancement can benefit and encourage those around the world who seek freedom; and

(3) such enhancement should include where possible and practical, translated reports on democracy and human rights prepared by personnel of the Department, narratives and histories highlighting successful nonviolent democratic movements, and other relevant material.

Subtitle D—Training in Democracy and Human Rights; Promotions

SEC. 1641. SENSE OF CONGRESS ON TRAINING IN DEMOCRACY AND HUMAN RIGHTS.

It is the sense of Congress that—

(1) the Secretary of State should continue to enhance and expand the training provided to foreign service officers and civil service employees on how to strengthen and promote democracy and human rights; and

(2) the Secretary of State should continue the effective and successful use of case studies and practical workshops addressing potential challenges, and work with non-state actors, including nongovernmental organizations that support democratic principles, practices, and values.

SEC. 1642. ADVANCE DEMOCRACY AWARD.

(a) SENSE OF CONGRESS.—It is the sense of Congress that—

(1) the Secretary of State should further strengthen the capacity of the Department to carry out result-based democracy promotion efforts through the establishment of awards and other employee incentives, including the establishment of an annual award known as Outstanding Achievements in Advancing Democracy, or the ADVANCE Democracy Award, that would be awarded to officers or employees of the Department; and

(2) the Secretary of State should establish the procedures for selecting recipients of such award, including any financial terms, associated with such award.

(b) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Secretary of State such sums as may be necessary to fund the award described in subsection (a), including costs associated with travel of the recipient to Washington, DC.

SEC. 1643. PROMOTIONS.

The precepts for selection boards responsible for recommending promotions of foreign service officers, including members of the senior foreign service, should include consideration of a candidate's experience or service in promotion of human rights and democracy.

SEC. 1644. PROGRAMS BY UNITED STATES MISSIONS IN FOREIGN COUNTRIES AND ACTIVITIES OF CHIEFS OF MISSION.

It is the sense of Congress that each chief of mission should provide input on the actions described in the Advancing Freedom and Democracy Report submitted under section 665(c) of the Foreign Relations Authorization Act, Fiscal Year 2003 (Public Law

107–228; 22 U.S.C. 2151n note), as amended by section 1621, and should intensify democracy and human rights promotion activities.

Subtitle E—Alliances With Democratic Countries

SEC. 1651. ALLIANCES WITH DEMOCRATIC COUNTRIES.

(a) ESTABLISHMENT OF AN OFFICE FOR THE COMMUNITY OF DEMOCRACIES.—

(1) IN GENERAL.—The Secretary of State should, and is authorized to, establish an Office for the Community of Democracies with the mission to further develop and strengthen the institutional structure of the Community of Democracies, develop interministerial projects, enhance the United Nations Democracy Caucus, manage policy development of the United Nations Democracy Fund, and enhance coordination with other regional and multilateral bodies with jurisdiction over democracy issues.

(2) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Secretary of State such sums as may be necessary for establishing and maintaining the Office of the Community of Democracies.

(b) INTERNATIONAL CENTER FOR DEMOCRATIC TRANSITION.—

(1) SENSE OF CONGRESS.—It is the sense of Congress that the International Center for Democratic Transition, an initiative of the Government of Hungary, serves to promote practical projects and the sharing of best practices in the area of democracy promotion and should be supported by, in particular, other European countries with experiences in democratic transitions, the United States, and private individuals.

(2) AUTHORIZATION OF APPROPRIATIONS.—

(A) IN GENERAL.—There is authorized to be appropriated for a grant to the International Center for Democratic Transition $1,000,000 for each of fiscal years 2008, 2009, and 2010.

(B) AVAILABILITY OF FUNDS.—Amounts appropriated pursuant to the authorization of appropriations in this paragraph shall remain available until expended.

Subtitle F—Funding for Promotion of Democracy

SEC. 1661. SENSE OF CONGRESS ON THE UNITED NATIONS DEMOCRACY FUND.

It is the sense of Congress that the United States should work with other countries to enhance the goals and work of the United Nations Democracy Fund, an essential tool to promote democracy, and in particular support civil society in their efforts to help consolidate democracy and bring about transformational change.

SEC. 1662. THE HUMAN RIGHTS AND DEMOCRACY FUND.

(a) PURPOSE.—The purpose of the Human Rights and Democracy Fund should be to support innovative programming, media, and materials designed to uphold democratic principles, support and strengthen democratic institutions, promote human rights and the rule of law, and build civil societies in countries around the world.

(b) AUTHORIZATION OF APPROPRIATIONS.—

(1) IN GENERAL.—There are authorized to be appropriated to the Human Rights and Democracy Fund to carry out the purposes of this section $100,000,000 for fiscal year 2008 and $150,000,000 for fiscal year 2009.

(2) AVAILABILITY OF FUNDS.—Amounts appropriated pursuant to the authorization of appropriation in this subsection shall remain available until expended.

SA 362. Mr. KOHL (for himself, Mr. SPECTER, and Mr. LEAHY) submitted an amendment intended to be proposed to amendment SA 275 proposed by Mr. REID (for himself, Mr. LIEBERMAN, and Ms. COLLINS) to the bill S. 4, to make the United States more secure by implementing unfinished recommendations of the 9/11 Commission to fight the war on terror more effectively, to improve homeland security, and for other purposes; which was ordered to lie on the table; as follows:

On page 389, after line 13, add the following:

TITLE ____.—CIGARETTE TRAFFICKING

SEC. ___01. SHORT TITLE; FINDINGS; PURPOSE.

(a) SHORT TITLE.—This title may be cited as the ''Prevent All Cigarette Trafficking Act of 2007'' or ''PACT Act''.

(b) FINDINGS.—Congress finds that—

(1) the sale of illegal cigarettes and smokeless tobacco products significantly reduces Federal, State, and local government revenues, with Internet sales alone accounting for billions of dollars of lost Federal, State, and local tobacco tax revenue each year;

(2) Hezbollah, Hamas, al Qaeda, and other terrorist organizations have profited from trafficking in illegal cigarettes or counterfeit cigarette tax stamps;

(3) terrorist involvement in illicit cigarette trafficking will continue to grow because of the large profits such organizations can earn;

(4) the sale of illegal cigarettes and smokeless tobacco over the Internet, and through mail, fax, or phone orders, make it cheaper and easier for children to obtain tobacco products;

(5) the majority of Internet and other remote sales of cigarettes and smokeless tobacco are being made without adequate precautions to protect against sales to children, without the payment of applicable taxes, and without complying with the nominal registration and reporting requirements in existing Federal law;

(6) unfair competition from illegal sales of cigarettes and smokeless tobacco is taking billions of dollars of sales away from law-abiding retailers throughout the United States;

(7) with rising State and local tobacco tax rates, the incentives for the illegal sale of cigarettes and smokeless tobacco have increased;

(8) the number of active tobacco investigations being conducted by the Bureau of Alcohol, Tobacco, Firearms, and Explosives rose to 452 in 2005;

(9) the number of Internet vendors in the United States and in foreign countries that sell cigarettes and smokeless tobacco to buyers in the United States has increased from only about 40 in 2000 to more than 500 in 2005; and

(10) the intrastate sale of illegal cigarettes and smokeless tobacco over the Internet has a substantial effect on interstate commerce.

(c) PURPOSES.—It is the purpose of this title to—

(1) require Internet and other remote sellers of cigarettes and smokeless tobacco to comply with the same laws that apply to law-abiding tobacco retailers;

(2) create strong disincentives to illegal smuggling of tobacco products;

(3) provide government enforcement officials with more effective enforcement tools to combat tobacco smuggling;

(4) make it more difficult for cigarette and smokeless tobacco traffickers to engage in and profit from their illegal activities;

(5) increase collections of Federal, State, and local excise taxes on cigarettes and smokeless tobacco; and

(6) prevent and reduce youth access to inexpensive cigarettes and smokeless tobacco through illegal Internet or contraband sales.

SEC. ___02. COLLECTION OF STATE CIGARETTE AND SMOKELESS TOBACCO TAXES.

(a) DEFINITIONS.—The Act of October 19, 1949 (15 U.S.C. 375 et seq.; commonly referred to as the ''Jenkins Act'') (referred to in this title as the ''Jenkins Act''), is amended by striking the first section and inserting the following:

''SECTION 1. DEFINITIONS.

''As used in this Act, the following definitions apply:

''(1) ATTORNEY GENERAL.—The term 'attorney general', with respect to a State, means the attorney general or other chief law enforcement officer of the State, or the designee of that officer.

''(2) CIGARETTE.—

''(A) IN GENERAL.—For purposes of this Act, the term 'cigarette' shall—

''(i) have the same meaning given that term in section 2341 of title 18, United States Code; and

''(ii) include 'roll-your-own tobacco' (as that term is defined in section 5702 of the Internal Revenue Code of 1986).

''(B) EXCEPTION.—For purposes of this Act, the term 'cigarette' does not include a 'cigar,' as that term is defined in section 5702 of the Internal Revenue Code of 1986.

''(3) COMMON CARRIER.—The term 'common carrier' means any person (other than a local messenger service or the United States Postal Service) that holds itself out to the general public as a provider for hire of the transportation by water, land, or air of merchandise, whether or not the person actually operates the vessel, vehicle, or aircraft by which the transportation is provided, between a port or place and a port or place in the United States.

''(4) CONSUMER.—The term 'consumer' means any person that purchases cigarettes or smokeless tobacco, but does not include any person lawfully operating as a manufacturer, distributor, wholesaler, or retailer of cigarettes or smokeless tobacco.

''(5) DELIVERY SALE.—The term 'delivery sale' means any sale of cigarettes or smokeless tobacco to a consumer if—

''(A) the consumer submits the order for such sale by means of a telephone or other method of voice transmission, the mails, or the Internet or other online service, or the seller is otherwise not in the physical presence of the buyer when the request for purchase or order is made; or

''(B) the cigarettes or smokeless tobacco are delivered by use of a common carrier, private delivery service, or the mails, or the seller is not in the physical presence of the buyer when the buyer obtains possession of the cigarettes or smokeless tobacco.

''(6) DELIVERY SELLER.—The term 'delivery seller' means a person who makes a delivery sale.

''(7) INDIAN COUNTRY.—The term 'Indian country' has the meaning given that term in section 1151 of title 18, United States Code, except that within the State of Alaska that term applies only to the Metlakatla Indian Community, Annette Island Reserve.

''(8) INDIAN TRIBE.—The term 'Indian tribe', 'tribe', or 'tribal' refers to an Indian tribe as defined in section 4(e) of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450b(e)) or as listed pursuant to section 104 of the Federally Recognized Indian Tribe List Act of 1994 (25 U.S.C. 479a–1).

''(9) INTERSTATE COMMERCE.—The term 'interstate commerce' means commerce between a State and any place outside the State, commerce between a State and any Indian country in the State, or commerce between points in the same State but through any place outside the State or through any Indian country.

''(10) PERSON.—The term 'person' means an individual, corporation, company, association, firm, partnership, society, State government, local government, Indian tribal government, governmental organization of such government, or joint stock company.

''(11) STATE.—The term 'State' means each of the several States of the United States, the District of Columbia, the Commonwealth of Puerto Rico, or any territory or possession of the United States.

''(12) SMOKELESS TOBACCO.—The term 'smokeless tobacco' means any finely cut, ground, powdered, or leaf tobacco, or other product containing tobacco, that is intended to be placed in the oral or nasal cavity or otherwise consumed without being combusted.

''(13) TOBACCO TAX ADMINISTRATOR.—The term 'tobacco tax administrator' means the State, local, or tribal official duly authorized to collect the tobacco tax or administer the tax law of a State, locality, or tribe, respectively.

''(14) USE.—The term 'use', in addition to its ordinary meaning, means the consumption, storage, handling, or disposal of cigarettes or smokeless tobacco.''.

(b) REPORTS TO STATE TOBACCO TAX ADMINISTRATORS.—Section 2 of the Jenkins Act (15 U.S.C. 376) is amended—

(1) by striking ''cigarettes'' each place it appears and inserting ''cigarettes or smokeless tobacco'';

(2) in subsection (a)—

(A) in the matter preceding paragraph (1)—

(i) by inserting ''CONTENTS.—''after ''(a)''

(ii) by striking ''or transfers'' and inserting '', transfers, or ships'';

(iii) by inserting '', locality, or Indian country of an Indian tribe'' after ''a State'';

(iv) by striking ''to other than a distributor licensed by or located in such State,''; and

(v) by striking ''or transfer and shipment'' and inserting '', transfer, or shipment'';

(B) in paragraph (1)—

(i) by striking ''with the tobacco tax administrator of the State'' and inserting ''with the Attorney General of the United States and with the tobacco tax administrators of the State and place''; and

(ii) by striking ''; and'' and inserting the following: '', as well as telephone numbers for each place of business, a principal electronic mail address, any website addresses, and the name, address, and telephone number of an agent in the State authorized to accept service on behalf of such person;'';

(C) in paragraph (2), by striking ''and the quantity thereof.'' and inserting ''the quantity thereof, and the name, address, and phone number of the person delivering the shipment to the recipient on behalf of the delivery seller, with all invoice or memoranda information relating to specific customers to be organized by city or town and by zip code; and''; and

(D) by adding at the end the following:

''(3) with respect to each memorandum or invoice filed with a State under paragraph (2), also file copies of such memorandum or invoice with the tobacco tax administrators and chief law enforcement officers of the local governments and Indian tribes operating within the borders of the State that apply their own local or tribal taxes on cigarettes or smokeless tobacco.'';

(3) in subsection (b)—

(A) by inserting ''PRESUMPTIVE EVIDENCE.—'' after ''(b)'';

(B) by striking ''(1) that'' and inserting ''that''; and

(C) by striking '', and (2)'' and all that follows and inserting a period; and

(4) by adding at the end the following:

''(c) USE OF INFORMATION.—A tobacco tax administrator or chief law enforcement officer who receives a memorandum or invoice under paragraph (2) or (3) of subsection (a) shall use such memorandum or invoice solely for the purposes of the enforcement of this Act and the collection of any taxes owed on related sales of cigarettes and smokeless tobacco, and shall keep confidential any personal information in such memorandum or invoice not otherwise required for such purposes.''.

(c) REQUIREMENTS FOR DELIVERY SALES.—The Jenkins Act is amended by inserting after section 2 the following:

''SEC. 2A. DELIVERY SALES.

''(a) IN GENERAL.—With respect to delivery sales into a specific State and place, each delivery seller shall comply with—

''(1) the shipping requirements set forth in subsection (b);

''(2) the recordkeeping requirements set forth in subsection (c);

''(3) all State, local, tribal, and other laws generally applicable to sales of cigarettes or smokeless tobacco as if such delivery sales occurred entirely within the specific State and place, including laws imposing—

''(A) excise taxes;

''(B) licensing and tax-stamping requirements;

''(C) restrictions on sales to minors; and

''(D) other payment obligations or legal requirements relating to the sale, distribution, or delivery of cigarettes or smokeless tobacco; and

''(4) the tax collection requirements set forth in subsection (d).

''(b) SHIPPING AND PACKAGING.—

''(1) REQUIRED STATEMENT.—For any shipping package containing cigarettes or smokeless tobacco, the delivery seller shall include on the bill of lading, if any, and on the outside of the shipping package, on the same surface as the delivery address, a clear and conspicuous statement providing as follows: 'CIGARETTES/SMOKELESS TOBACCO: FEDERAL LAW REQUIRES THE PAYMENT OF ALL APPLICABLE EXCISE TAXES, AND COMPLIANCE WITH APPLICABLE LICENSING AND TAX-STAMPING OBLIGATIONS'.

''(2) FAILURE TO LABEL.—Any shipping package described in paragraph (1) that is not labeled in accordance with that paragraph shall be treated as nondeliverable matter by a common carrier or other delivery service, if the common carrier or other delivery service knows or should know the package contains cigarettes or smokeless tobacco. If a common carrier or other delivery service believes a package is being submitted for delivery in violation of paragraph (1), it may require the person submitting the package for delivery to establish that it is not being sent in violation of paragraph (1) before accepting the package for delivery. Nothing in this paragraph shall require the common carrier or other delivery service to open any package to determine its contents.

''(3) WEIGHT RESTRICTION.—A delivery seller shall not sell, offer for sale, deliver, or cause to be delivered in any single sale or single delivery any cigarettes or smokeless tobacco weighing more than 10 pounds.

''(4) AGE VERIFICATION.—

''(A) IN GENERAL.—Notwithstanding any other provision of law, a delivery seller who mails or ships tobacco products—

''(i) shall not sell, deliver, or cause to be delivered any tobacco products to a person under the minimum age required for the legal sale or purchase of tobacco products, as determined by the applicable law at the place of delivery;

''(ii) shall use a method of mailing or shipping that requires—

''(I) the purchaser placing the delivery sale order, or an adult who is at least the minimum age required for the legal sale or purchase of tobacco products, as determined by the applicable law at the place of delivery, to sign to accept delivery of the shipping container at the delivery address; and

''(II) the person who signs to accept delivery of the shipping container to provide proof, in the form of a valid, government-issued identification bearing a photograph of the individual, that the person is at least the minimum age required for the legal sale or purchase of tobacco products, as determined by the applicable law at the place of delivery; and

''(iii) shall not accept a delivery sale order from a person without—

''(I) obtaining the full name, birth date, and residential address of that person; and

''(II) verifying the information provided in subclause (I), through the use of a commercially available database or aggregate of databases, consisting primarily of data from government sources, that are regularly used by government and businesses for the purpose of age and identity verification and authentication, to ensure that the purchaser is at least the minimum age required for the legal sale or purchase of tobacco products, as determined by the applicable law at the place of delivery.

''(B) LIMITATION.—No database being used for age and identity verification under subparagraph (A)(iii) shall be in the possession or under the control of the delivery seller, or be subject to any changes or supplementation by the delivery seller.

''(c) RECORDS.—

''(1) IN GENERAL.—Each delivery seller shall keep a record of any delivery sale, including all of the information described in section 2(a)(2), organized by the State, and within such State, by the city or town and by zip code, into which such delivery sale is so made.

''(2) RECORD RETENTION.—Records of a delivery sale shall be kept as described in paragraph (1) in the year in which the delivery sale is made and for the next 4 years.

''(3) ACCESS FOR OFFICIALS.—Records kept under paragraph (1) shall be made available to tobacco tax administrators of the States, to local governments and Indian tribes that apply their own local or tribal taxes on cigarettes or smokeless tobacco, to the attorneys general of the States, to the chief law enforcement officers of such local governments and Indian tribes, and to the Attorney General of the United States in order to ensure the compliance of persons making delivery sales with the requirements of this Act.

''(d) DELIVERY.—

''(1) IN GENERAL.—Except as provided in paragraph (2), no delivery seller may sell or deliver to any consumer, or tender to any common carrier or other delivery service, any cigarettes or smokeless tobacco pursuant to a delivery sale unless, in advance of the sale, delivery, or tender—

''(A) any cigarette or smokeless tobacco excise tax that is imposed by the State in which the cigarettes or smokeless tobacco are to be delivered has been paid to the State;

''(B) any cigarette or smokeless tobacco excise tax that is imposed by the local government of the place in which the cigarettes or smokeless tobacco are to be delivered has been paid to the local government; and

''(C) any required stamps or other indicia that such excise tax has been paid are properly affixed or applied to the cigarettes or smokeless tobacco.

''(2) EXCEPTION.—Paragraph (1) does not apply to a delivery sale of smokeless tobacco if the law of the State or local government of the place where the smokeless tobacco is to be delivered requires or otherwise provides that delivery sellers collect the excise tax

from the consumer and remit the excise tax to the State or local government, and the delivery seller complies with the requirement.

''(e) LIST OF UNREGISTERED OR NONCOMPLIANT DELIVERY SELLERS.—

''(1) IN GENERAL.—

''(A) INITIAL LIST.—Not later than 90 days after this subsection goes into effect under the Prevent All Cigarette Trafficking Act of 2007, the Attorney General of the United States shall compile a list of delivery sellers of cigarettes or smokeless tobacco that have not registered with the Attorney General, pursuant to section 2(a) or that are otherwise not in compliance with this Act, and—

''(i) distribute the list to—

''(I) the attorney general and tax administrator of every State;

''(II) common carriers and other persons that deliver small packages to consumers in interstate commerce, including the United States Postal Service; and

''(III) at the discretion of the Attorney General of the United States, to any other persons; and

''(ii) publicize and make the list available to any other person engaged in the business of interstate deliveries or who delivers cigarettes or smokeless tobacco in or into any State.

''(B) LIST CONTENTS.—To the extent known, the Attorney General of the United States shall include, for each delivery seller on the list described in subparagraph (A)—

''(i) all names the delivery seller uses in the transaction of its business or on packages delivered to customers;

''(ii) all addresses from which the delivery seller does business or ships cigarettes or smokeless tobacco;

''(iii) the website addresses, primary e-mail address, and phone number of the delivery seller; and

''(iv) any other information that the Attorney General determines would facilitate compliance with this subsection by recipients of the list.

''(C) UPDATING.—The Attorney General of the United States shall update and distribute the list at least once every 4 months, and may distribute the list and any updates by regular mail, electronic mail, or any other reasonable means, or by providing recipients with access to the list through a nonpublic website that the Attorney General of the United States regularly updates.

''(D) STATE, LOCAL, OR TRIBAL ADDITIONS.—The Attorney General of the United States shall include in the list under subparagraph (A) any noncomplying delivery sellers identified by any State, local, or tribal government under paragraph (5), and shall distribute the list to the attorney general or chief law enforcement official and the tax administrator of any government submitting any such information and to any common carriers or other persons who deliver small packages to consumers identified by any government pursuant to paragraph (5).

''(E) CONFIDENTIALITY.—The list distributed pursuant to subparagraph (A) shall be confidential, and any person receiving the list shall maintain the confidentiality of the list but may deliver the list, for enforcement purposes, to any government official or to any common carrier or other person that delivers tobacco products or small packages to consumers. Nothing in this section shall prohibit a common carrier, the United States Postal Service, or any other person receiving the list from discussing with the listed delivery sellers the delivery sellers' inclusion on the list and the resulting effects on any services requested by such listed delivery seller.

''(2) PROHIBITION ON DELIVERY.—

''(A) IN GENERAL.—Commencing on the date that is 60 days after the date of the initial distribution or availability of the list under paragraph (1)(A), no person who receives the list under paragraph (1), and no person who delivers cigarettes or smokeless tobacco to consumers, shall knowingly complete, cause to be completed, or complete its portion of a delivery of any package for any person whose name and address are on the list, unless—

''(i) the person making the delivery knows or believes in good faith that the item does not include cigarettes or smokeless tobacco;

''(ii) the delivery is made to a person lawfully engaged in the business of manufacturing, distributing, or selling cigarettes or smokeless tobacco; or

''(iii) the package being delivered weighs more than 100 pounds and the person making the delivery does not know or have reasonable cause to believe that the package contains cigarettes or smokeless tobacco.

''(B) IMPLEMENTATION OF UPDATES.—Commencing on the date that is 30 days after the date of the distribution or availability of any updates or corrections to the list under paragraph (1), all recipients and all common carriers or other persons that deliver cigarettes or smokeless tobacco to consumers shall be subject to subparagraph (A) in regard to such corrections or updates.

''(3) SHIPMENTS FROM PERSONS ON LIST.—

''(A) IN GENERAL.—In the event that a common carrier or other delivery service delays or interrupts the delivery of a package it has in its possession because it determines or has reason to believe that the person ordering the delivery is on a list distributed under paragraph (1)—

''(i) the person ordering the delivery shall be obligated to pay—

''(I) the common carrier or other delivery service as if the delivery of the package had been timely completed; and

''(II) if the package is not deliverable, any reasonable additional fee or charge levied by the common carrier or other delivery service to cover its extra costs and inconvenience and to serve as a disincentive against such noncomplying delivery orders; and

''(ii) if the package is determined not to be deliverable, the common carrier or other delivery service shall, in its discretion, either provide the package and its contents to a Federal, State, or local law enforcement agency or destroy the package and its contents.

''(B) RECORDS.—A common carrier or other delivery service shall maintain, for a period of 5 years, any records kept in the ordinary course of business relating to any deliveries interrupted pursuant to this paragraph and provide that information, upon request, to the Attorney General of the United States or to the attorney general or chief law enforcement official or tax administrator of any State, local, or tribal government.

''(C) CONFIDENTIALITY.—Any person receiving records under subparagraph (B) shall use such records solely for the purposes of the enforcement of this Act and the collection of any taxes owed on related sales of cigarettes and smokeless tobacco, and the person receiving records under subparagraph (B) shall keep confidential any personal information in such records not otherwise required for such purposes.

''(4) PREEMPTION.—

''(A) IN GENERAL.—No State, local, or tribal government, nor any political authority of 2 or more State, local, or tribal governments, may enact or enforce any law or regulation relating to delivery sales that restricts deliveries of cigarettes or smokeless tobacco to consumers by common carriers or other delivery services on behalf of delivery sellers by—

''(i) requiring that the common carrier or other delivery service verify the age or identity of the consumer accepting the delivery by requiring the person who signs to accept delivery of the shipping container to provide proof, in the form of a valid, government-issued identification bearing a photograph of the individual, that such person is at least the minimum age required for the legal sale or purchase of tobacco products, as determined by either State or local law at the place of delivery;

''(ii) requiring that the common carrier or other delivery service obtain a signature from the consumer accepting the delivery;

''(iii) requiring that the common carrier or other delivery service verify that all applicable taxes have been paid;

''(iv) requiring that packages delivered by the common carrier or other delivery service contain any particular labels, notice, or markings; or

''(v) prohibiting common carriers or other delivery services from making deliveries on the basis of whether the delivery seller is or is not identified on any list of delivery sellers maintained and distributed by any entity other than the Federal Government.

''(B) RELATIONSHIP TO OTHER LAWS.—Nothing in this paragraph shall be construed to prohibit, expand, restrict, or otherwise amend or modify—

''(i) section 14501(c)(1) or 41713(b)(4) of title 49, United States Code;

''(ii) any other restrictions in Federal law on the ability of State, local, or tribal governments to regulate common carriers; or

''(iii) any provision of State, local, or tribal law regulating common carriers that falls within the provisions of chapter 49 of the United States Code, sections 14501(c)(2) or 41713(b)(4)(B).

''(C) STATE LAWS PROHIBITING DELIVERY SALES.—Nothing in the Prevent All Cigarette Trafficking Act of 2007, or the amendments made by that Act, may be construed to preempt or supersede State laws prohibiting the delivery sale, or the shipment or delivery pursuant to a delivery sale, of cigarettes or smokeless tobacco to individual consumers.

''(5) STATE, LOCAL, AND TRIBAL ADDITIONS.—

''(A) IN GENERAL.—Any State, local, or tribal government shall provide the Attorney General of the United States with—

''(i) all known names, addresses, website addresses, and other primary contact information of any delivery seller that offers for sale or makes sales of cigarettes or smokeless tobacco in or into the State, locality, or tribal land but has failed to register with or make reports to the respective tax administrator, as required by this Act, or that has been found in a legal proceeding to have otherwise failed to comply with this Act; and

''(ii) a list of common carriers and other persons who make deliveries of cigarettes or smokeless tobacco in or into the State, locality, or tribal lands.

''(B) UPDATES.—Any government providing a list to the Attorney General of the United States under subparagraph (A) shall also provide updates and corrections every 4 months until such time as such government notifies the Attorney General of the United States in writing that such government no longer desires to submit such information to supplement the list maintained and distributed by the Attorney General of the United States under paragraph (1).

''(C) REMOVAL AFTER WITHDRAWAL.—Upon receiving written notice that a government no longer desires to submit information under subparagraph (A), the Attorney General of the United States shall remove from the list under paragraph (1) any persons that are on the list solely because of such government's prior submissions of its list of noncomplying delivery sellers of cigarettes or smokeless tobacco or its subsequent updates and corrections.

''(6) DEADLINE TO INCORPORATE ADDITIONS.—The Attorney General of the United States shall—

''(A) include any delivery seller identified and submitted by a State, local, or tribal government under paragraph (5) in any list or update that is distributed or made available under paragraph (1) on or after the date that is 30 days after the date on which the information is received by the Attorney General of the United States; and

''(B) distribute any such list or update to any common carrier or other person who makes deliveries of cigarettes or smokeless tobacco that has been identified and submitted by another government, pursuant to paragraph (5).

''(7) NOTICE TO DELIVERY SELLERS.—Not later than 14 days prior to including any delivery seller on the initial list distributed or made available under paragraph (1), or on any subsequent list or update for the first time, the Attorney General of the United States shall make a reasonable attempt to send notice to the delivery seller by letter, electronic mail, or other means that the delivery seller is being placed on such list or update, with that notice citing the relevant provisions of this Act.

''(8) LIMITATIONS.—

''(A) IN GENERAL.—Any common carrier or other person making a delivery subject to this subsection shall not be required or otherwise obligated to—

''(i) determine whether any list distributed or made available under paragraph (1) is complete, accurate, or up-to-date;

''(ii) determine whether a person ordering a delivery is in compliance with this Act; or

''(iii) open or inspect, pursuant to this Act, any package being delivered to determine its contents.

''(B) ALTERNATE NAMES.—Any common carrier or other person making a delivery subject to this subsection shall not be required or otherwise obligated to make any inquiries or otherwise determine whether a person ordering a delivery is a delivery seller on the list under paragraph (1) who is using a different name or address in order to evade the related delivery restrictions, but shall not knowingly deliver any packages to consumers for any such delivery seller who the common carrier or other delivery service knows is a delivery seller who is on the list under paragraph (1) but is using a different name or address to evade the delivery restrictions of paragraph (2).

''(C) PENALTIES.—Any common carrier or person in the business of delivering packages on behalf of other persons shall not be subject to any penalty under section 14101(a) of title 49, United States Code, or any other provision of law for—

''(i) not making any specific delivery, or any deliveries at all, on behalf of any person on the list under paragraph (1);

''(ii) not, as a matter of regular practice and procedure, making any deliveries, or any deliveries in certain States, of any cigarettes or smokeless tobacco for any person or for any person not in the business of manufacturing, distributing, or selling cigarettes or smokeless tobacco; or

''(iii) delaying or not making a delivery for any person because of reasonable efforts to comply with this Act.

''(D) OTHER LIMITS.—Section 2 and subsections (a), (b), (c), and (d) of this section shall not be interpreted to impose any responsibilities, requirements, or liability on common carriers.

''(f) PRESUMPTION.—For purposes of this Act, a delivery sale shall be deemed to have occurred in the State and place where the buyer obtains personal possession of the cigarettes or smokeless tobacco, and a delivery pursuant to a delivery sale is deemed to have been initiated or ordered by the delivery seller.''.

(d) PENALTIES.—The Jenkins Act is amended by striking section 3 and inserting the following:

''SEC. 3. PENALTIES.

''(a) CRIMINAL PENALTIES.—

''(1) IN GENERAL.—Except as provided in paragraph (2), whoever violates any provision of this Act shall be guilty of a felony and shall be imprisoned not more than 3 years, fined under title 18, United States Code, or both.

''(2) EXCEPTIONS.—

''(A) GOVERNMENTS.—Paragraph (1) shall not apply to a State, local, or tribal government.

''(B) DELIVERY VIOLATIONS.—A common carrier or independent delivery service, or employee of a common carrier or independent delivery service, shall be subject to criminal penalties under paragraph (1) for a violation of section 2A(e) only if the violation is committed intentionally—

''(i) as consideration for the receipt of, or as consideration for a promise or agreement to pay, anything of pecuniary value; or

''(ii) for the purpose of assisting a delivery seller to violate, or otherwise evading compliance with, section 2A.

''(b) CIVIL PENALTIES.—

''(1) IN GENERAL.—Except as provided in paragraph (3), whoever violates any provision of this Act shall be subject to a civil penalty in an amount not to exceed—

''(A) in the case of a delivery seller, the greater of—

''(i) $5,000 in the case of the first violation, or $10,000 for any other violation; or

''(ii) for any violation, 2 percent of the gross sales of cigarettes or smokeless tobacco of such person during the 1-year period ending on the date of the violation.

''(B) in the case of a common carrier or other delivery service, $2,500 in the case of a first violation, or $5,000 for any violation within 1 year of a prior violation.

''(2) RELATION TO OTHER PENALTIES.—A civil penalty under paragraph (1) for a violation of this Act shall be imposed in addition to any criminal penalty under subsection (a) and any other damages, equitable relief, or injunctive relief awarded by the court, including the payment of any unpaid taxes to the appropriate Federal, State, local, or tribal governments.

''(3) EXCEPTIONS.—

''(A) DELIVERY VIOLATIONS.—An employee of a common carrier or independent delivery service shall be subject to civil penalties under paragraph (1) for a violation of section 2A(e) only if the violation is committed intentionally—

''(i) as consideration for the receipt of, or as consideration for a promise or agreement to pay, anything of pecuniary value; or

''(ii) for the purpose of assisting a delivery seller to violate, or otherwise evading compliance with, section 2A.

''(B) OTHER LIMITATIONS.—No common carrier or independent delivery service shall be subject to civil penalties under paragraph (1) for a violation of section 2A(e) if—

''(i) the common carrier or independent delivery service has implemented and enforces effective policies and practices for complying with that section; or

''(ii) an employee of the common carrier or independent delivery service who physically receives and processes orders, picks up packages, processes packages, or makes deliveries, takes actions that are outside the scope of employment of the employee in the course of the violation, or that violate the implemented and enforced policies of the common carrier or independent delivery service described in clause (i).''.

(e) ENFORCEMENT.—The Jenkins Act is amended by striking section 4 and inserting the following:

''SEC. 4. ENFORCEMENT.

''(a) IN GENERAL.—The United States district courts shall have jurisdiction to prevent and restrain violations of this Act and to provide other appropriate injunctive or equitable relief, including money damages, for such violations.

''(b) AUTHORITY OF THE ATTORNEY GENERAL.—The Attorney General of the United States shall administer and enforce the provisions of this Act.

''(c) STATE, LOCAL, AND TRIBAL ENFORCEMENT.—

''(1) IN GENERAL.—

''(A) STANDING.—A State, through its attorney general (or a designee thereof), or a local government or Indian tribe that levies a tax subject to section 2A(a)(3), through its chief law enforcement officer (or a designee thereof), may bring an action in a United States district court to prevent and restrain violations of this Act by any person (or by any person controlling such person) or to obtain any other appropriate relief from any person (or from any person controlling such person) for violations of this Act, including civil penalties, money damages, and injunctive or other equitable relief.

''(B) SOVEREIGN IMMUNITY.—Nothing in this Act shall be deemed to abrogate or constitute a waiver of any sovereign immunity of a State or local government or Indian tribe against any unconsented lawsuit under this Act, or otherwise to restrict, expand, or modify any sovereign immunity of a State or local government or Indian tribe.

''(2) PROVISION OF INFORMATION.—A State, through its attorney general, or a local government or Indian tribe that levies a tax subject to section 2A(a)(3), through its chief law enforcement officer (or a designee thereof), may provide evidence of a violation of this Act by any person not subject to State, local, or tribal government enforcement actions for violations of this Act to the Attorney General of the United States or a United States attorney, who shall take appropriate actions to enforce the provisions of this Act.

''(3) USE OF PENALTIES COLLECTED.—

''(A) IN GENERAL.—There is established a separate account in the Treasury known as the 'PACT Anti-Trafficking Fund'. Notwithstanding any other provision of law and subject to subparagraph (B), an amount equal to 50 percent of any criminal and civil penalties collected by the United States Government in enforcing the provisions of this Act shall be transferred into the PACT Anti-Trafficking Fund and shall be available to the Attorney General of the United States for purposes of enforcing the provisions of this Act and other laws relating to contraband tobacco products.

''(B) ALLOCATION OF FUNDS.—Of the amount available to the Attorney General under subparagraph (A), not less than 50 percent shall be made available only to the agencies and offices within the Department of Justice that were responsible for the enforcement actions in which the penalties concerned were imposed or for any underlying investigations.

''(4) NONEXCLUSIVITY OF REMEDY.—

''(A) IN GENERAL.—The remedies available under this section and section 3 are in addition to any other remedies available under Federal, State, local, tribal, or other law.

''(B) STATE COURT PROCEEDINGS.—Nothing in this Act shall be construed to expand, restrict, or otherwise modify any right of an authorized State official to proceed in State court, or take other enforcement actions, on the basis of an alleged violation of State or other law.

''(C) TRIBAL COURT PROCEEDINGS.—Nothing in this Act shall be construed to expand, restrict, or otherwise modify any right of an authorized Indian tribal government official to proceed in tribal court, or take other enforcement actions, on the basis of an alleged violation of tribal law.

''(D) LOCAL GOVERNMENT ENFORCEMENT.—Nothing in this Act shall be construed to expand, restrict, or otherwise modify any right of an authorized local government official to proceed in State court, or take other enforcement actions, on the basis of an alleged violation of local or other law.

''(d) PERSONS DEALING IN TOBACCO PRODUCTS.—Any person who holds a permit under section 5712 of the Internal Revenue Code of 1986 (regarding permitting of manufacturers and importers of tobacco products and export warehouse proprietors) may bring an action in a United States district court to prevent and restrain violations of this Act by any person (or by any person controlling such person) other than a State, local, or tribal government.

''(e) NOTICE.—

''(1) PERSONS DEALING IN TOBACCO PRODUCTS.—Any person who commences a civil action under subsection (d) shall inform the Attorney General of the United States of the action.

''(2) STATE, LOCAL, AND TRIBAL ACTIONS.—It is the sense of Congress that the attorney general of any State, or chief law enforcement officer of any locality or tribe, that commences a civil action under this section should inform the Attorney General of the United States of the action.

''(f) PUBLIC NOTICE.—

''(1) IN GENERAL.—The Attorney General of the United States shall make available to the public, by posting such information on the Internet and by other appropriate means, information regarding all enforcement actions undertaken by the Attorney General or United States attorneys, or reported to the Attorney General, under this section, including information regarding the resolution of such actions and how the Attorney General and the United States attorney have responded to referrals of evidence of violations pursuant to subsection (c)(2).

''(2) REPORTS TO CONGRESS.—The Attorney General shall submit to Congress each year a report containing the information described in paragraph (1).''.

SEC. ___03. TREATMENT OF CIGARETTES AND SMOKELESS TOBACCO AS NONMAILABLE MATTER.

Section 1716 of title 18, United States Code, is amended—

(1) by redesignating subsections (j) and (k) as subsections (k) and (l), respectively; and

(2) by inserting after subsection (i) the following:

''(j) TOBACCO PRODUCTS.—

''(1) PROHIBITION.—

''(A) IN GENERAL.—Except as provided in subparagraphs (C) and (C), all cigarettes (as that term is defined in section 1(2) of the Act of October 19, 1949 (15 U.S.C. 375; commonly referred to as the 'Jenkins Act')) and smokeless tobacco (as that term is defined in section 1(12) of that Act), are nonmailable and shall not be deposited in or carried through the mails. The United States Postal Service shall not accept for delivery or transmit through the mails any package that it knows or has reasonable cause to believe contains any cigarettes or smokeless tobacco made nonmailable by this subsection.

''(B) REASONABLE CAUSE TO BELIEVE.—For purposes of this section, notification to the United States Postal Service by the Attorney General, a United States attorney, or a State Attorney General that an individual or entity is primarily engaged in the business of transmitting cigarettes or smokeless tobacco made nonmailable by this section shall constitute reasonable cause to believe that any packages presented to the United States Postal Service by such individual or entity contain nonmailable cigarettes or smokeless tobacco.

''(C) CIGARS.—Subparagraph (A) shall not apply to cigars (as that term is defined in section 5702(a) of the Internal Revenue Code of 1986).

''(D) GEOGRAPHIC EXCEPTION.—Subparagraph (A) shall not apply to mailings within or into any State that is not contiguous with at least 1 other State of the United States. For purposes of this paragraph, 'State' means any of the 50 States or the District of Columbia.

''(2) PACKAGING EXCEPTIONS INAPPLICABLE.—Subsection (b) shall not apply to any tobacco product made nonmailable by this subsection.

''(3) SEIZURE AND FORFEITURE.—Any cigarettes or smokeless tobacco made nonmailable by this subsection that are deposited in the mails shall be subject to seizure and forfeiture, and any tobacco products so seized and forfeited shall either be destroyed or retained by Government officials for the detection or prosecution of crimes or related investigations and then destroyed.

''(4) ADDITIONAL PENALTIES.—In addition to any other fines and penalties imposed by this chapter for violations of this section, any person violating this subsection shall be subject to an additional penalty in the amount of 10 times the retail value of the nonmailable cigarettes or smokeless tobacco, including all Federal, State, and local taxes.

''(5) USE OF PENALTIES.—There is established a separate account in the Treasury known as the 'PACT Postal Service Fund'. Notwithstanding any other provision of law, an amount equal to 50 percent of any criminal and civil fines or monetary penalties collected by the United States Government in enforcing the provisions of this subsection shall be transferred into the PACT Postal Service Fund and shall be available to the Postmaster General for the purpose of enforcing the provisions of this subsection.''.

SEC. ___04. COMPLIANCE WITH MODEL STATUTE OR QUALIFYING STATUTE.

(a) IN GENERAL.—A Tobacco Product Manufacturer or importer may not sell in, deliver to, or place for delivery sale, or cause to be sold in, delivered to, or placed for delivery sale in a State that is a party to the Master Settlement Agreement, any cigarette manufactured by a Tobacco Product Manufacturer that is not in full compliance with the terms of the Model Statute or Qualifying Statute enacted by such State requiring funds to be placed into a qualified escrow account under specified conditions, or any regulations promulgated pursuant to such statute.

(b) JURISDICTION TO PREVENT AND RESTRAIN VIOLATIONS.—

(1) IN GENERAL.—The United States district courts shall have jurisdiction to prevent and restrain violations of subsection (a) in accordance with this subsection.

(2) INITIATION OF ACTION.—A State, through its attorney general, may bring an action in the United States district courts to prevent and restrain violations of subsection (a) by any person (or by any person controlling such person).

(3) ATTORNEY FEES.—In any action under paragraph (2), a State, through its attorney general, shall be entitled to reasonable attorney fees from a person found to have willfully and knowingly violated subsection (a).

(4) NONEXCLUSIVITY OF REMEDIES.—The remedy available under paragraph (2) is in addition to any other remedies available under Federal, State, or other law. No provision of this title or any other Federal law shall be held or construed to prohibit or preempt the Master Settlement Agreement, the Model Statute (as defined in the Master Settlement Agreement), any legislation amending or complementary to the Model Statute in effect as of June 1, 2006, or any legislation substantially similar to such existing, amending, or complementary legislation hereinafter enacted.

(5) OTHER ENFORCEMENT ACTIONS.—Nothing in this subsection shall be construed to prohibit an authorized State official from proceeding in State court or taking other enforcement actions on the basis of an alleged violation of State or other law.

(6) AUTHORITY OF THE ATTORNEY GENERAL.—The Attorney General of the United States may administer and enforce subsection (a).

(c) DEFINITIONS.—In this section the following definitions apply:

(1) DELIVERY SALE.—The term ''delivery sale'' means any sale of cigarettes or smokeless tobacco to a consumer if—

(A) the consumer submits the order for such sale by means of a telephone or other method of voice transmission, the mails, or the Internet or other online service, or the seller is otherwise not in the physical presence of the buyer when the request for purchase or order is made; or

(B) the cigarettes or smokeless tobacco are delivered by use of a common carrier, private delivery service, or the mails, or the seller is not in the physical presence of the buyer when the buyer obtains possession of the cigarettes or smokeless tobacco.

(2) IMPORTER.—The term ''importer'' means each of the following:

(A) SHIPPING OR CONSIGNING.—Any person in the United States to whom nontaxpaid tobacco products manufactured in a foreign country, Puerto Rico, the Virgin Islands, or a possession of the United States are shipped or consigned.

(B) MANUFACTURING WAREHOUSES.—Any person who removes cigars or cigarettes for sale or consumption in the United States from a customs-bonded manufacturing warehouse.

(C) UNLAWFUL IMPORTING.—Any person who smuggles or otherwise unlawfully brings tobacco products into the United States.

(3) MASTER SETTLEMENT AGREEMENT.—The term ''Master Settlement Agreement'' means the agreement executed November 23, 1998, between the attorneys general of 46 States, the District of Columbia, the Commonwealth of Puerto Rico, and 4 territories of the United States and certain tobacco manufacturers.

(4) MODEL STATUTE; QUALIFYING STATUTE.—The terms ''Model Statute'' and ''Qualifying Statute'' means a statute as defined in section IX(d)(2)(e) of the Master Settlement Agreement.

(5) TOBACCO PRODUCT MANUFACTURER.—The term ''Tobacco Product Manufacturer'' has the meaning given that term in section II(uu) of the Master Settlement Agreement.

SEC. ___05. INSPECTION BY BUREAU OF ALCOHOL, TOBACCO, FIREARMS AND EXPLOSIVES OF RECORDS OF CERTAIN CIGARETTE AND SMOKELESS TOBACCO SELLERS.

(a) IN GENERAL.—Any officer of the Bureau of Alcohol, Tobacco, Firearms and Explosives may, during normal business hours, enter the premises of any person described in subsection (b) for the purposes of inspecting—

(1) any records or information required to be maintained by such person under the provisions of law referred to in subsection (d); or

(2) any cigarettes or smokeless tobacco kept or stored by such person at such premises.

(b) COVERED PERSONS.—Subsection (a) applies to any person who engages in a delivery

sale, and who ships, sells, distributes, or receives any quantity in excess of 10,000 cigarettes, or any quantity in excess of 500 single-unit consumer-sized cans or packages of smokeless tobacco, within a single month.

(c) RELIEF.—

(1) IN GENERAL.—The district courts of the United States shall have the authority in a civil action under this subsection to compel inspections authorized by subsection (a).

(2) VIOLATIONS.—Whoever violates subsection (a) or an order issued pursuant to paragraph (1) shall be subject to a civil penalty in an amount not to exceed $10,000 for each violation.

(d) COVERED PROVISIONS OF LAW.—The provisions of law referred to in this subsection are—

(1) the Act of October 19, 1949 (15 U.S.C. 375; commonly referred to as the ''Jenkins Act'');

(2) chapter 114 of title 18, United States Code; and

(3) this title.

(e) DELIVERY SALE DEFINED.—In this section, the term ''delivery sale'' has the meaning given that term in 2343(e) of title 18, United States Code, as amended by this title.

SEC. ___06. EXCLUSIONS REGARDING INDIAN TRIBES AND TRIBAL MATTERS.

(a) IN GENERAL.—Nothing in this title or the amendments made by this title is intended nor shall be construed to affect, amend, or modify—

(1) any agreements, compacts, or other intergovernmental arrangements between any State or local government and any government of an Indian tribe (as that term is defined in section 4(e) of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450b(e)) relating to the collection of taxes on cigarettes or smokeless tobacco sold in Indian country (as that term is defined in section 1151 of title 18, United States Code);

(2) any State laws that authorize or otherwise pertain to any such intergovernmental arrangements or create special rules or procedures for the collection of State, local, or tribal taxes on cigarettes or smokeless tobacco sold in Indian country;

(3) any limitations under existing Federal law, including Federal common law and treaties, on State, local, and tribal tax and regulatory authority with respect to the sale, use, or distribution of cigarettes and smokeless tobacco by or to Indian tribes or tribal members or in Indian country;

(4) any existing Federal law, including Federal common law and treaties, regarding State jurisdiction, or lack thereof, over any tribe, tribal members, or tribal reservations; and

(5) any existing State or local government authority to bring enforcement actions against persons located in Indian country.

(b) COORDINATION OF LAW ENFORCEMENT.—Nothing in this title or the amendments made by this title shall be construed to inhibit or otherwise affect any coordinated law enforcement effort by 1 or more States or other jurisdictions, including Indian tribes, through interstate compact or otherwise, that—

(1) provides for the administration of tobacco product laws or laws pertaining to interstate sales or other sales of tobacco products;

(2) provides for the seizure of tobacco products or other property related to a violation of such laws; or

(3) establishes cooperative programs for the administration of such laws.

(c) TREATMENT OF STATE AND LOCAL GOVERNMENTS.—Nothing in this title or the amendments made by this title is intended, and shall not be construed to, authorize, deputize, or commission States or local governments as instrumentalities of the United States.

(d) ENFORCEMENT WITHIN INDIAN COUNTRY.—Nothing in this title or the amendments made by this title is intended to prohibit, limit, or restrict enforcement by the Attorney General of the United States of the provisions herein within Indian country.

(e) AMBIGUITY.—Any ambiguity between the language of this section or its application and any other provision of this title shall be resolved in favor of this section.

SEC. ___07. EFFECTIVE DATE.

(a) IN GENERAL.—Except as provided in subsection (b), this title shall take effect on the date that is 90 days after the date of enactment of this Act.

(b) BATFE AUTHORITY.—Section ___05 shall take effect on the date of enactment of this Act.

SEC. ___08. SEVERABILITY.

If any provision of this title, or an amendment made by this title, or the application thereof to any person or circumstance is held invalid, the remainder of the title and the application of it to any other person or circumstance shall not be affected thereby.

SA 363. Mr. ENSIGN proposed an amendment to amendment SA 275 proposed by Mr. REID (for himself, Mr. LIEBERMAN, and Ms. COLLINS) to the bill S. 4, to make the United States more secure by implementing unfinished recommendations of the 9/11 Commission to fight the war on terror more effectively, to improve homeland security, and for other purposes; as follows:

On page 389, after line 13, add the following:

SEC. 15___. LAW ENFORCEMENT ASSISTANCE FORCE.

(a) ESTABLISHMENT.—The Secretary shall establish a Law Enforcement Assistance Force to facilitate the contributions of retired law enforcement officers and agents during major disasters.

(b) ELIGIBLE PARTICIPANTS.—An individual may participate in the Law Enforcement Assistance Force if that individual—

(1) has experience working as an officer or agent for a public law enforcement agency and left that agency in good standing;

(2) holds current certifications for firearms, first aid, and such other skills determined necessary by the Secretary;

(3) submits to the Secretary an application, at such time, in such manner, and accompanied by such information as the Secretary may reasonably require, that authorizes the Secretary to review the law enforcement service record of that individual; and

(4) meets such other qualifications as the Secretary may require.

(c) LIABILITY; SUPERVISION.—Each eligible participant shall—

(1) be protected from civil liability to the same extent as employees of the Department; and

(2) upon acceptance of an assignment under this section—

(A) be detailed to a Federal, State, or local government law enforcement agency;

(B) work under the direct supervision of an officer or agent of that agency; and

(C) notwithstanding any State or local law requiring specific qualifications for law enforcement officers, be deputized to perform the duties of a law enforcement officer.

(d) MOBILIZATION.—

(1) IN GENERAL.—In the event of a major disaster, the Secretary, after consultation with appropriate Federal, State, and local government law enforcement agencies, may request eligible participants to volunteer to assist the efforts of those agencies responding to such emergency and assign each willing participant to a specific law enforcement agency.

(2) ACCEPTANCE.—If the eligible participant accepts an assignment under this subsection, that eligible participant shall agree to remain in such assignment for a period equal to not less than the shorter of—

(A) the period during which the law enforcement agency needs the services of such participant; or

(B) 30 days; or

(C) such other period of time agreed to between the Secretary and the eligible participant.

(3) REFUSAL.—An eligible participant may refuse an assignment under this subsection without any adverse consequences.

(e) EXPENSES.—

(1) IN GENERAL.—Each eligible participant shall be allowed travel expenses, including per diem in lieu of subsistence, at rates authorized for employees of agencies under subchapter I of chapter 57 of title 5, United States Code, while carrying out an assignment under subsection (d).

(2) SOURCE OF FUNDS.—Expenses incurred under paragraph (1) shall be paid from amounts appropriated to the Federal Emergency Management Agency.

(f) TERMINATION OF ASSISTANCE.—The availability of eligible participants of the Law Enforcement Assistance Force shall continue for a period equal to the shorter of—

(1) the period of the major disaster; or

(2) 1 year.

(g) DEFINITIONS.—In this section—

(1) the term ''eligible participant'' means an individual participating in the Law Enforcement Assistance Force;

(2) the term ''Law Enforcement Assistance Force'' means the Law Enforcement Assistance Force established under subsection (a); and

(3) the term ''major disaster'' has the meaning given that term in section 102 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5122).

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

SA 364. Mrs. HUTCHISON submitted an amendment intended to be proposed to amendment SA 275 proposed by Mr. REID (for himself, Mr. LIEBERMAN, and Ms. COLLINS) to the bill S. 4, to make the United States more secure by implementing unfinished recommendations of the 9/11 Commission to fight the war on terror more effectively, to improve homeland security, and for other purposes; which was ordered to lie on the table; as follows:

On page 138, between lines 6 and 7, insert the following:

SEC. 401A. INCREASING THE DOMESTIC SUPPLY OF NURSES AND PHYSICAL THERAPISTS.

(a) REPORT.—

(1) IN GENERAL.—Not later than January 1, 2008, the Secretary of Health and Human Services shall submit to Congress a report on the shortage of nurses and physical therapists educated in the United States.

(2) CONTENTS.—The report required by paragraph (1) shall—

(A) include information from the most recent 3 years for which data are available;

(B) provide separate data for each occupation and for each State;

(C) separately identify the nurses and physical therapists receiving initial licenses in each State and the nurses and physical therapists licensed by endorsement from other States;

(D) identify, from among the nurses and physical therapists receiving initial licenses in each year, the number of such nurses and physical therapists who received professional educations in the United States and the number of such nurses and physical therapists who received professional educations outside the United States;

(E) to the extent possible, identify, by State of residence and the country in which each nurse or physical therapist received a professional education, the number of nurses and physical therapists who received professional educations in any of the 5 countries from which the highest number of nurses and physical therapists emigrated to the United States;

(F) identify the barriers to increasing the supply of nursing faculty in the United States, domestically trained nurses, and domestically trained physical therapists;

(G) recommend strategies for Federal and State governments to reduce such barriers, including strategies that address barriers that prevent health care workers, such as home health aides and nurse's assistants, from advancing to become registered nurses;

(H) recommend amendments to Federal law to reduce the barriers identified in subparagraph (F);

(I) recommend Federal grants, loans, and other incentives that would increase the supply of nursing faculty and training facilities for nurses in the United States, and recommend other steps to increase the number of nurses and physical therapists who receive professional educations in the United States;

(J) identify the effects of emigration by nurses on the health care systems in the countries of origin of such nurses;

(K) recommend amendments to Federal law to minimize the effects of shortages of nurses in the countries of origin of nurses who immigrate to the United States; and

(L) report on the level of Federal investment determined under subsection (b)(1) to be necessary to eliminate the shortage of nurses and physical therapists in the United States.

(b) CONSULTATION.—The Secretary of Health and Human Services shall—

(1) enter into a contract with the Institute of Medicine of the National Academies to determine the level of Federal investment under titles VII and VIII of the Public Health Service Act (42 U.S.C. 292 et seq.) that would be necessary to eliminate the shortage of nurses and physical therapists in the United States by January 1, 2015; and

(2) consult with other agencies in working with ministers of health or other appropriate officials of the 5 countries from which the highest number of nurses and physical therapists emigrated, as reported under subsection (a)(2)(E), to—

(A) address shortages of nurses and physical therapists in such countries caused by emigration; and

(B) provide the technical assistance needed to reduce further shortages of nurses and physical therapists in such countries.

(c) RECAPTURE OF UNUSED EMPLOYMENT-BASED IMMIGRANT VISAS.—Section 106(d) of the American Competitiveness in the Twenty-first Century Act of 2000 (Public Law 106–313; 8 U.S.C. 1153 note) is amended—

(1) in paragraph (1)—

(A) by inserting ''1996, 1997,'' after ''available in fiscal year''; and

(B) by inserting ''group I,'' after ''schedule A,'';

(2) in paragraph (2)(A), by inserting ''1996, 1997, and'' after ''available in fiscal years''; and

(3) by adding at the end the following:

''(4) PETITIONS.—The Secretary of Homeland Security shall provide a process for reviewing and acting upon petitions with respect to immigrants described in schedule A not later than 30 days after the date on which a completed petition has been filed.''.

SA 365. Mr. SCHUMER submitted an amendment intended to be proposed to amendment SA 275 proposed by Mr. REID (for himself, Mr. LIEBERMAN, and Ms. COLLINS) to the bill S. 4, to make the United States more secure by implementing unfinished recommendations of the 9/11 Commission to fight the war on terror more effectively, to improve homeland security, and for other purposes; which was ordered to lie on the table; as follows:

On page 148, between lines 7 and 8, insert the following:

SEC. 406. IMPLEMENTATION OF THE WESTERN HEMISPHERE TRAVEL INITIATIVE.

(a) IMPLEMENTATION OF THE WESTERN HEMISPHERE TRAVEL INITIATIVE AFTER JUNE 1, 2009.—Section 7209(b)(1)(A) of the Intelligence Reform and Terrorism Prevention Act of 2004 (Public Law 108–458; 8 U.S.C. 1185 note) is amended—

(1) by striking ''not later than three months'' and inserting ''not earlier than 6 months'';

(2) by striking ''subsection (B)'' and inserting ''subparagraph (B)''; and

(3) by striking ''whichever is earlier'' and inserting ''whichever is later''.

(b) ISO STANDARDS FOR CARD READERS.—Section 7209(b)(1)(B) of the Intelligence Reform and Terrorism Prevention Act of 2004 (Public Law 108–458; 8 U.S.C. 1185 note) is amended—

(1) in clause (vi), by striking ''and'';

(2) in clause (vii), by striking the period and inserting ''; and''; and

(3) by inserting after clause (vii) the following new clause:

''(viii) the National Institute of Standards and Technology certifies that the Departments of Homeland Security and State have selected card readers that meet or exceed such security standards as the International Organization for Standardization may establish.''.

(c) APPLICATION OF THE WESTERN HEMISPHERE TRAVEL INITIATIVE TO CHILDREN.—Section 7209(b)(2) of the Intelligence Reform and Terrorism Prevention Act of 2004 (Public Law 108–458; 8 U.S.C. 1185 note) is amended—

(1) by striking ''The plan'' and inserting the following:

''(A) IN GENERAL.—Except as provided in subparagraph (B), the plan''; and

(2) by inserting after subparagraph (A), as redesignated, the following new subparagraph:

''(B) APPLICATION TO CHILDREN.—The plan developed under paragraph (1) shall allow a citizen of the United States or Canada to travel from Canada into the United States without carrying or producing the documents described in paragraph (1) if such citizen—

''(i) carries and produces a certified copy of such citizen's birth certificate; and

''(ii) either—

''(I) has not attained age 16 and is traveling with the consent of such citizen's parent or guardian; or

''(II) has attained age 16, but has not attained age 19, and is traveling—

''(aa) with the consent of such citizen's parent or guardian;

''(bb) with a group of other such citizens who have attained age 16, but have not attained age 19, including a public or private school group, a religious group, a social or cultural organization, or a youth athletics organization; and

''(cc) under the supervision of an adult carrying the documents described in paragraph (1) for such adult.''.

(d) IMPROVING REGISTERED TRAVELER PROGRAM.—

(1) CREATION OF REMOTE ENROLLMENT CENTERS.—The Secretary of Homeland Security, in consultation with appropriate representatives of the Government of Canada, shall create a minimum of 6 remote enrollment centers for the registered traveler program authorized under section 286(q) of the Immigration and Nationality Act (8 U.S.C. 1356(q)), commonly referred to as the NEXUS program.

(2) CREATION OF MOBILE ENROLLMENT CENTERS.—The Secretary of Homeland Security, in consultation with appropriate representatives of the Government of Canada, shall create a minimum of 4 mobile enrollment centers for the program described in paragraph (1). Such mobile enrollment centers shall be used to accept and process applications in areas currently underserved by such programs. The Secretary shall work with State and local authorities in determining the locations of such mobile enrollment centers.

(3) ONLINE APPLICATION PROCESS.—The Secretary of Homeland Security shall design an online application process for the program described in paragraph (1). Such process shall permit individuals to securely submit their applications online and schedule a security interview at the nearest enrollment center.

(4) PROMOTING ENROLLMENT.—

(A) CREATING INCENTIVES FOR ENROLLMENT.—In order to encourage applications for the program described in paragraph (1), the Secretary of Homeland Security shall develop a plan to charge participants a fee that is as low as practicable for each card issued. The fee for the first renewal application for participation in such program shall be waived. The Secretary shall submit to the Committee on Homeland Security of the House of Representatives and the Committee on Homeland Security and Governmental Affairs of the Senate a report that explains the reasons for the fee that is established.

(B) PUBLICITY CAMPAIGN.—The Secretary shall carry out a program to educate the public regarding the benefits of the program described in paragraph (1).

(5) TRAVEL DOCUMENT FOR TRAVEL INTO UNITED STATES.—For purposes of the plan required under section 7209(b) of the Intelligence Reform and Terrorism Prevention Act of 2004 (Public Law 108–458; 8 U.S.C. 1185 note), an identification card issued to a participant in the program described in paragraph (1) shall be considered a document sufficient on its own when produced to denote identity and citizenship for travel into the United States by United States citizens and by categories of individuals for whom documentation requirements have previously been waived under section 212(d)(4)(B) of the Immigration and Nationality Act (8 U.S.C. 1182(d)(4)(B)).

SA 366. Mr. SCHUMER submitted an amendment intended to be proposed to amendment SA 275 proposed by Mr. REID (for himself, Mr. LIEBERMAN, and Ms. COLLINS) to the bill S. 4, to make the United States more secure by implementing unfinished recommendations of the 9/11 Commission to fight the war on terror more effectively, to improve homeland security, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ___. MEDICAL ISOTOPE PRODUCTION.

Section 134 b. of the Atomic Energy Act of 1954 (42 U.S.C. 2160d(b)) is amended—

(1) in paragraph (1), by striking subparagraph (D);

(2) by striking paragraph (2);

(3) in paragraph (3), by striking ''paragraph (2)'' and inserting ''this section'';

(4) in paragraph (4)—

(A) in subparagraph (A)(iv), by striking ''cost differential in medical isotope production in the reactors and target processing facilities if the products'' and inserting ''cost differential of radiopharmaceuticals to patients if the radiopharmaceuticals''; and

(B) by striking subparagraph (B) and inserting the following:

''(B) FEASIBILITY.—For the purpose of this subsection, the use of low enriched uranium to produce medical isotopes shall be determined to be feasible if it could be accomplished without a large percentage increase in the cost of radiopharmaceuticals to patients.'';

(5) in paragraph (5), by striking ''(4)(B)(iii)'' and inserting ''(4)(B)'';

(6) in paragraph (6), by striking ''(4)(B)(iii)'' and inserting ''(4)(B)''; and

(7) in paragraph (7), by striking ''subsection'' and inserting ''section for highly enriched uranium for medical isotope production''.

SA 367. Mr. SCHUMER submitted an amendment intended to be proposed to amendment SA 275 proposed by Mr. REID (for himself, Mr. LIEBERMAN, and Ms. COLLINS) to the bill S. 4, to make the United States more secure by implementing unfinished recommendations of the 9/11 Commission to fight the war on terror more effectively, to improve homeland security, and for other purposes; which was ordered to lie on the table; as follows:

On page 303, strike line 12 and all that follows through page 305, line 18, and insert the following:

of Transportation, shall develop a program to facilitate the tracking of motor carrier shipments of high hazard materials, as defined in this title, and to equip vehicles used in such shipments with technology that provides—

(A) frequent or continuous communications;

(B) vehicle position location and tracking capabilities;

(C) a feature that allows a driver of such vehicles to broadcast an emergency message; and

(D) a feature that can be concealed and installed by a motor carrier on a commercial motor vehicle and can be activated by a law enforcement authority to disable the vehicle and alert emergency response resources to locate and recover high hazard materials in the event of loss or theft of such materials.

(2) CONSIDERATIONS.—In developing the program required by paragraph (1), the Secretary shall—

(A) consult with the Secretary of Transportation to coordinate the program with any ongoing or planned efforts for motor carrier or high hazardous materials tracking at the Department of Transportation;

(B) take into consideration the recommendations and findings of the report on the Hazardous Material Safety and Security Operation Field Test released by the Federal Motor Carrier Safety Administration on November 11, 2004; and

(C) evaluate—

(i) any new information related to the cost and benefits of deploying and utilizing tracking technology for motor carriers transporting high hazard materials not included in the Hazardous Material Safety and Security Operation Field Test Report released by the Federal Motor Carrier Safety Administration on November 11, 2004;

(ii) the ability of tracking technology to resist tampering and disabling;

(iii) the capability of tracking technology to collect, display, and store information regarding the movement of shipments of high hazard materials by commercial motor vehicles; and

(iv) the appropriate range of contact intervals between the tracking technology and a commercial motor vehicle transporting high hazard materials.

(b) REGULATIONS.—Not later than 1 year after the date of the enactment of this Act, the Secretary, through the Transportation Security Administration, shall promulgate regulations to carry out the provisions of subsection (a).

(c) FUNDING.—There are authorized to be appropriated to the Secretary to carry out this section, $7,000,000 for each of fiscal years 2008, 2009, and 2010, of which—

(1) $3,000,000 per year may be used for equipment; and

(2) $1,000,000 per year may be used for operations.

SA 368. Mr. CARPER submitted an amendment intended to be proposed to amendment SA 275 proposed by Mr. REID (for himself, Mr. LIEBERMAN, and Ms. COLLINS) to the bill S. 4, to make the United States more secure by implementing unfinished recommendations of the 9/11 Commission to fight the war on terror more effectively, to improve homeland security, and for other purposes; which was ordered to lie on the table; as follows:

At the end of title XI, add the following:

SEC. 1104. AVAILABILITY OF FUNDS FOR THE PUBLIC INTEREST DECLASSIFICATION BOARD.

Section 21067 of the Continuing Appropriations Resolution, 2007 (division B of Public Law 109-289; 120 Stat. 1311), as amended by Public Law 109–369 (120 Stat. 2642), Public Law 109–383 (120 Stat. 2678), and Public Law 110–5, is amended by adding at the end the following new subsection:

''(c) From the amount provided by this section, the National Archives and Records Administration may obligate monies necessary to carry out the activities of the Public Interest Declassification Board.''.

SA 369. Mr. CARPER submitted an amendment intended to be proposed to amendment SA 275 proposed by Mr. REID (for himself, Mr. LIEBERMAN, and Ms. COLLINS) to the bill S. 4, to make the United States more secure by implementing unfinished recommendations of the 9/11 Commission to fight the war on terror more effectively, to improve homeland security, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

TITLE ____—PROTECTION OF FIREFIGHTERS

SEC. __01. SHORT TITLE.

This title may be cited as the ''Volunteer Firefighter and EMS Personnel Job Protection Act''.

SEC. __02. DEFINITIONS.

In this title:

(1) EMERGENCY.—The term ''emergency'' has the meaning given such term in section 102 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5122).

(2) MAJOR DISASTER.—The term ''major disaster'' has the meanings given such term in section 102 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5122).

(3) QUALIFIED VOLUNTEER FIRE DEPARTMENT.—The term ''qualified volunteer fire department'' has the meaning given such term in section 150(e) of the Internal Revenue Code of 1986.

(4) VOLUNTEER EMERGENCY MEDICAL SERVICES.—The term ''volunteer emergency medical services'' means emergency medical services performed on a voluntary basis for a fire department or other emergency organization.

(5) VOLUNTEER FIREFIGHTER.—The term ''volunteer firefighter'' means an individual who is a member in good standing of a qualified volunteer fire department.

SEC. __03. TERMINATION OF EMPLOYMENT OF VOLUNTEER FIREFIGHTERS AND EMERGENCY MEDICAL PERSONNEL PROHIBITED.

(a) TERMINATION PROHIBITED.—No employee may be terminated, demoted, or in any other manner discriminated against in the terms and conditions of employment because such employee is absent from or late to the employee's employment for the purpose of serving as a volunteer firefighter or providing volunteer emergency medical services as part of a response to an emergency or major disaster.

(b) DEPLOYMENT.—The prohibition in subsection (a) shall apply to an employee serving as a volunteer firefighter or providing volunteer emergency medical services if such employee—

(1) is specifically deployed to respond to the emergency or major disaster in accordance with a coordinated national deployment system such as the Emergency Management Assistance Compact or a pre-existing mutual aid agreement; or

(2) is a volunteer firefighter who—

(A) is a member of a qualified volunteer fire department that is located in the State in which the emergency or major disaster occurred;

(B) is not a member of a qualified fire department that has a mutual aid agreement with a community affected by such emergency or major disaster; and

(C) has been deployed by the emergency management agency of such State to respond to such emergency or major disaster.

(c) LIMITATIONS.—The prohibition in subsection (a) shall not apply to an employee who—

(1) is absent from the employee's employment for the purpose described in subsection (a) for more than 14 days per calendar year;

(2) responds on the emergency or major disaster without being officially deployed as described in subsection (b); or

(3) fails to provide the written verification described in subsection (e) within a reasonable period of time.

(d) WITHHOLDING OF PAY.—An employer may reduce an employee's regular pay for any time that the employee is absent from the employee's employment for the purpose described in subsection (a).

(e) VERIFICATION.—An employer may require an employee to provide a written verification from the official of the Federal Emergency Management Agency supervising the Federal response to the emergency or major disaster or a local or State official managing the local or State response to the emergency or major disaster that states—

(1) the employee responded to the emergency or major disaster in an official capacity; and

(2) the schedule and dates of the employee's participation in such response.

(f) REASONABLE NOTICE REQUIRED.—An employee who may be absent from or late to the

employee's employment for the purpose described in subsection (a) shall—

(1) make a reasonable effort to notify the employee's employer of such absence; and

(2) continue to provide reasonable notifications over the course of such absence.

SEC. __04. RIGHT OF ACTION.

(a) RIGHT OF ACTION.—An individual who has been terminated, demoted, or in any other manner discriminated against in the terms and conditions of employment in violation of the prohibition described in section __03 may bring, in a district court of the United States of appropriate jurisdiction, a civil action against individual's employer seeking—

(1) reinstatement of the individual's former employment;

(2) payment of back wages;

(3) reinstatement of fringe benefits; and

(4) if the employment granted seniority rights, reinstatement of seniority rights.

(b) LIMITATION.—The individual shall commence a civil action under this section not later than 1 year after the date of the violation of the prohibition described in section __03.

SEC. __05. STUDY AND REPORT.

(a) STUDY.—The Secretary of Labor shall conduct a study on the impact that this title could have on the employers of volunteer firefighters or individuals who provide volunteer emergency medical services and who may be called on to respond to an emergency or major disaster.

(b) REPORT.—Not later than 12 months after the date of the enactment of this Act, the Secretary of Labor shall submit to the appropriate congressional committees a report on the study conducted under subsection (a).

(c) APPROPRIATE CONGRESSIONAL COMMITTEES.—In this section, the term ''appropriate congressional committees'' means the Committee on Health, Education, Labor, and Pensions and the Committee on Small Business and Entrepreneurship of the Senate and the Committee on Education and the Workforce and the Committee on Small Business of the House of Representatives.

SA. 370. Mr. BOND submitted an amendment intended to be proposed to amendment SA 275 proposed by Mr. REID (for himself, Mr. LIEBERMAN, and Ms. COLLINS) to the bill S. 4, to make the United States more secure by implementing unfinished recommendations of the 9/11 Commission to fight the war on terror more effectively, to improve homeland security, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ___. SENSE OF THE SENATE REGARDING A REPORT ON THE 9/11 COMMISSION RECOMMENDATIONS WITH RESPECT TO INTELLIGENCE REFORM AND CONGRESSIONAL INTELLIGENCE OVERSIGHT REFORM.

(a) FINDINGS.—Congress makes the following findings:

(1) The National Commission on Terrorist Attacks Upon the United States (referred to in this section as the ''9/11 Commission'') conducted a lengthy review of the facts and circumstances relating to the terrorist attacks of September 11, 2001, including those relating to the intelligence community, law enforcement agencies, and the role of congressional oversight and resource allocation.

(2) In its final report, the 9/11 Commission found that—

(A) congressional oversight of the intelligence activities of the United States is dysfunctional;

(B) under the rules of the Senate and the House of Representatives in effect at the time the report was completed, the committees of Congress charged with oversight of the intelligence activities lacked the power, influence, and sustained capability to meet the daunting challenges faced by the intelligence community of the United States;

(C) as long as such oversight is governed by such rules of the Senate and the House of Representatives, the people of the United States will not get the security they want and need;

(D) a strong, stable, and capable congressional committee structure is needed to give the intelligence community of the United States appropriate oversight, support, and leadership; and

(E) the reforms recommended by the 9/11 Commission in its final report will not succeed if congressional oversight of the intelligence community in the United States is not changed.

(3) The 9/11 Commission recommended structural changes to Congress, including recommending that the committees of Congress that are charged with oversight of the intelligence community be provided with the authority to authorize and appropriate funds for intelligence activities.

(4) Congress has enacted some of the recommendations made by the 9/11 Commission and is considering implementing additional recommendations of the 9/11 Commission.

(5) The House of Representatives, under the leadership of the Speaker of the House, has implemented structural changes within that body with respect to oversight of intelligence.

(6) The Senate has not passed a resolution that expressly grants and carefully limits the authority of the Select Committee on Intelligence of the Senate to both authorize and appropriate funds for activities carried out by the intelligence community, as recommended by the 9/11 Commission.

(b) SENSE OF THE SENATE.—It is the sense of the Senate that the Committee on Homeland Security and Governmental Affairs and the Select Committee on Intelligence of the Senate each should—

(1) undertake a review of the recommendations made in the final report of the 9/11 Commission with respect to intelligence reform and congressional intelligence oversight reform; and

(2) not later than December 21, 2007, submit to the Senate a report that includes the recommendations of the Committee, if any, for carrying out such reforms.

SA. 371. Mr. KOHL submitted an amendment intended to be proposed to amendment SA 275 proposed by Mr. REID (for himself, Mr. LIEBERMAN, and Ms. COLLINS) to the bill S. 4, to make the United States more secure by implementing unfinished recommendations of the 9/11 Commission to fight the war on terror more effectively, to improve homeland security, and for other purposes; which was ordered to be on the table; as follows:

On page 91, between lines 15 and 16, insert the following:

''(f) EMERGENCY PLANNING FOR THE ELDERLY.—

''(1) DEFINITION.—In this subsection, the term 'emergency' has meaning given that term in section 102 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5122).

''(2) PLANNING.—

''(A) IN GENERAL.—The Secretary shall ensure that any emergency planning program or activity that receives funds under a grant administered by the Department specifically takes into account the evacuation, transportation, health care needs, and other needs of the elderly in the event of an emergency or major disaster.

''(B) CONSIDERATIONS.—In carrying out subparagraph (A), the Secretary shall consider—

''(i) the input of geriatricians and other gerontology experts; and

''(ii) congressional hearing records on emergency planning for the elderly.

''(3) TRAINING.—The Secretary shall ensure that any program or activity to train emergency response providers (including law enforcement officers) regarding responding to an emergency or major disaster that receives funds under a grant administered by the Department includes specific training components on the needs of the elderly.

''(4) EXERCISES.—The Secretary shall ensure that each exercise designed to prepare for responding to an emergency or major disaster conducted with funds received under a grant administered by the Department includes, as a component of the exercise, responding to the needs of the elderly.

''(5) EDUCATION.—The Secretary shall—

''(A) develop consumer education materials specifically designed to assist the elderly in preparing themselves for any sort of emergency; and

''(B) develop and distribute templates to local governments (including emergency management agencies and community-based service providers) that can be tailored to each community.

SA. 372. Mr. FEINGOLD (for himself, Mr. CRAIG, Ms. MURKOWSKI, Mr. SPECTER, Mr. SALAZAR, Mr. DURBIN, Mr. SUNUNU, Mr. LEAHY, and Mr. HAGEL) submitted an amendment intended to be proposed to amendment SA 275 proposed by Mr. REID (for himself, Mr. LIEBERMAN, and Ms. COLLINS) to the bill S. 4, to make the United States more secure by implementing unfinished recommendations of the 9/11 Commission to fight the war on terror more effectively, to improve homeland security, and for other purposes; which was ordered to lie on the table; as follows:

At the end of the bill, add the following:

TITLE _____—WARRANTS, ORDERS, AND NATIONAL SECURITY LETTERS

SEC. ___01. LIMITATION ON REASONABLE PERIOD FOR DELAY.

Section 3103a(b)(3) of title 18, United States Code, is amended by striking ''30 days'' and inserting ''7 days''.

SEC. ___02. JUDICIAL REVIEW OF FISA ORDERS AND NATIONAL SECURITY LETTERS.

(a) FISA.—Section 501(f)(2) of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1861(f)(2)) is amended—

(1) in subparagraph (A)—

(A) in clause (i)—

(i) by striking ''a production order'' the first place that term appears and inserting ''a production order or nondisclosure order''; and

(ii) by striking ''Not less than 1 year'' and all that follows through the end of the clause; and

(B) in clause (ii), by striking ''production order or nondisclosure''; and

(2) in subparagraph (C), by striking clause (ii) and redesignating clause (iii) as clause (ii).

(b) JUDICIAL REVIEW OF NATIONAL SECURITY LETTERS.—Section 3511(b) of title 18, United States Code, is amended—

(1) in paragraph (2), by striking ''If, at the time of the petition,'' and all that follows through the end of the paragraph; and

(2) in paragraph (3), by striking ''If the recertification that disclosure may'' and all that follows through ''made in bad faith.''.

SEC. ___03. FACTUAL BASIS FOR REQUESTED ORDER.

Section 501(b)(2)(A) of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1861(b)(2)(A)) is amended to read as follows:

''(A) a statement of facts showing that there are reasonable grounds to believe that the records or other things sought—

''(i) are relevant to an authorized investigation (other than a threat assessment) conducted in accordance with subsection (a)(2) to obtain foreign intelligence information not concerning a United States person or to protect against international terrorism or clandestine intelligence activities; and

''(ii) either—

''(I) pertain to a foreign power or an agent of a foreign power;

''(II) are relevant to the activities of a suspected agent of a foreign power who is the subject of such authorized investigation; or

''(III) pertain to an individual in contact with, or known to, a suspected agent of a foreign power; and''.

SEC. ___04. NATIONAL SECURITY LETTER SUNSET.

Section 102 of the USA PATRIOT Improvement and Reauthorization Act of 2005 (Public Law 109-177; 120 Stat. 194) is amended by adding at the end the following:

''(c) OTHER SUNSETS.—

''(1) IN GENERAL.—Effective December 31, 2009, the following provisions are amended so that they read as they read on February 27, 2006:

''(A) Section 2709 of title 18, United States Code.

''(B) Sections 626 and 627 of the Fair Credit Reporting Act (15 U.S.C. 1681u and 1681v).

''(C) Section 1114 of the Right to Financial Privacy Act (12 U.S.C. 3414).

''(D) Section 802 of the National Security Act of 1947 (50 U.S.C. 436).

''(2) EXCEPTION.—With respect to any particular foreign intelligence investigation that began before the date on which the provisions referred to in paragraph (1) cease to have effect, or with respect to any particular offense or potential offense that began or occurred before the date on which such provisions cease to have effect, such provisions shall continue in effect.''.

NOTICES OF HEARINGS/MEETINGS

COMMITTEE ON SMALL BUSINESS AND ENTREPRENEURSHIP

Mr. KERRY. Mr. President, I would like to inform Members that the Committee will hold a hearing entitled ''Small Business Solutions for Combating Climate Change,'' on Thursday, March 8, 2007 at 10 a.m. in Russell 428A.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON AGRICULTURE, NUTRITION, AND FORESTRY

Mr. LIEBERMAN. Mr. President, I ask unanimous consent that the Committee on Agriculture, Nutrition, and Forestry be authorized to conduct a hearing during the session of the Senate on Tuesday, March 6, 2007, at 9:30 a.m. in SH–216, Senate Hart Office Building. The subject of this committee hearing will be ''Child Nutrition and the School Setting.''

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

COMMITTEE ON ARMED SERVICES

Mr. LIEBERMAN. Mr. President, I ask unanimous consent that the Committee on Armed Services be authorized to meet during the session of the Senate on Tuesday, March 6, at 9:30 a.m., in open session to receive testimony on care, living conditions, and administration of outpatients at Walter Reed Army Medical Center.

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

COMMITTEE ON COMMERCE, SCIENCE, AND TRANSPORTATION

Mr. LIEBERMAN. Mr. President, I ask unanimous consent that the Committee on Commerce, Science, and Transportation be authorized to hold a hearing during the session of the Senate on Tuesday, March 6, 2007, at 10:30 a.m., in room 253 of the Russell Senate Office Building. The purpose of the hearing is to review the Corporate Average Fuel Economy Program.

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

COMMITTEE ON FOREIGN RELATIONS

Mr. LIEBERMAN. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the Senate on Tuesday, March 6, 2007, at 2:15 p.m. to hold a business meeting.

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

COMMITTEE ON HEALTH, EDUCATION, LABOR, AND PENSIONS

Mr. LIEBERMAN. Mr. President, I ask unanimous consent that the Committee on Health, Education, Labor, and Pensions be authorized to hold a hearing during the session of the Senate on Tuesday, March 6, 2007 at 10 a.m. in SD–430.

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

COMMITTEE ON THE JUDICIARY

Mr. LIEBERMAN. Mr. President, I ask unanimous consent that the Committee on the Judiciary be authorized to meet to conduct a hearing on ''Preserving Prosecutorial Independence: Is the Department of Justice Politicizing the Hiring and Firing of U.S. Attorneys?—Part II'' on Tuesday, March 6, 2007 at 10 a.m. in Dirksen Senate Office Building Room 226.

Witness List:

H.E. ''Bud'' Cummins, III, Former U.S. Attorney, Eastern District of Arkansas, Little Rock, AR.

David C. Iglesias, Former U.S. Attorney, District of New Mexico, Albuquerque, NM.

Carol Lam, Former U.S. Attorney, Southern District of California, San Diego, CA.

John McKay, Former U.S. Attorney, Western District of Washington, Seattle, WA.

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

COMMITTEE ON VETERANS' AFFAIRS

Mr. LIEBERMAN. Mr. President, I ask unanimous consent the Committee on Veterans' Affairs be authorized to meet during the session of the Senate on Tuesday, March 6, 2007 at 9:30 a.m. in the Cannon Caucus Room, to hear the legislative presentation of the Veterans of Foreign Wars.

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

SELECT COMMITTEE ON INTELLIGENCE

Mr. LIEBERMAN. Mr. President, I ask unanimous consent that the Select Committee on Intelligence be authorized to meet during the session of the Senate on March 6, 2007 at 2:30 p.m. to hold a closed hearing.

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

EXECUTIVE SESSION

Mr. REID. Mr. President, I ask unanimous consent that the Senate proceed to executive session to consider the nomination of Ryan C. Crocker to be Ambassador to Iraq. This was reported out of the Foreign Relations Committee earlier today. I ask unanimous consent that the nomination be confirmed, a motion to reconsider be laid upon the table, that any statements be printed at the appropriate place in the RECORD, the President be immediately notified of the Senate's action, and that the Senate return to legislative session.

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

The nomination considered and confirmed is as follows:

Ryan C. Crocker, of Washington, a Career Member of the Senior Foreign Service with the Personal Rank of Career Ambassador, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Republic of Iraq.

LEGISLATIVE SESSION

The PRESIDING OFFICER. The Senate will now return to legislative session.

RELATIVE TO THE DEATH OF THOMAS F. EAGLETON

Mr. REID. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of S. Res. 97 submitted earlier today.

The PRESIDING OFFICER. The clerk will report the resolution by title.

The assistant legislative clerk read as follows:

A resolution (S. Res. 97) relative to the death of Thomas F. Eagleton, former United States Senator for the State of Missouri.

There being no objection, the Senate proceeded to consider the resolution.

Mr. REID. I ask unanimous consent that the resolution be agreed to, the preamble be agreed to, the motion to reconsider be laid upon table, and any statements be printed at the appropriate place in the RECORD as if given, with no intervening action or debate.

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

The resolution (S. Res. 97) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

Whereas Thomas F. Eagleton spent his 30–year career in elected office dedicating himself to his country and his home state, representing Missouri in the United States Senate for 18 years;

Whereas Thomas F. Eagleton served in the United States Navy from 1948 until 1949;

Whereas Thomas F. Eagleton, a graduate of Amherst College and Harvard University Law School, launched his political career with his election as St. Louis Circuit Attorney in 1956 and was elected Missouri Attorney General in 1960 and Missouri Lieutenant Governor in 1964;

Whereas Thomas F. Eagleton was elected to the United States Senate in 1968, ultimately serving three terms and leaving an imprint on United States history by co-authoring legislation creating the Pell Grant program to provide youth with higher education assistance, helping to create the National Institute on Aging, and leading the charge to designate 8 federally-protected wilderness areas in southern Missouri;

Whereas Thomas F. Eagleton continued to contribute to his community, state, and nation following his 1986 retirement by practicing law, teaching college courses, writing political commentaries, and encouraging civility in politics;

Resolved, That the Senate has heard with profound sorrow and deep regret the announcement of the death of the Honorable Thomas F. Eagleton, former member of the United States Senate.

Resolved, That the Secretary of the Senate communicate these resolutions to the House of Representatives and transmit an enrolled copy thereof to the family of the deceased.

Resolved, That when the Senate stands adjourned today, it stand adjourned as a further mark of respect to the memory of the Honorable Thomas F. Eagleton.

MEMBERSHIP OF THE JOINT COMMITTEE ON PRINTING AND THE JOINT COMMITTEE ON THE LIBRARY

Mr. REID. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of S. Res. 98.

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

The clerk will report.

The assistant legislative clerk read as follows:

A resolution (S. Res. 98) providing for members on the part of the Senate of the Joint Committee on Printing and the Joint Committee of Congress on the Library.

There being no objection, the Senate proceeded to consider the resolution.

Mr. REID. Mr. President, I ask unanimous consent that the resolution be agreed too, the motion to reconsider be laid on the table, and that any statements relating thereto be printed at the appropriate place in the RECORD as if given, with no intervening action or debate.

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

The resolution (S. Res. 98) was agreed to, as follows:

S. RES. 98

Resolved, That the following named Members be, and they are hereby, elected members of the following joint committees of Congress:

JOINT COMMITTEE ON PRINTING: Mrs. Feinstein, Mr. Inouye, Mrs. Murray, Mr. Bennett, and Mr. Chambliss.

JOINT COMMITTEE OF CONGRESS ON THE LIBRARY: Mrs. Feinstein, Mr. Dodd, Mr. Schumer, Mr. Bennett, and Mr. Stevens.

ORDERS FOR WEDNESDAY, MARCH 7, 2007

Mr. REID. Mr. President, I ask unanimous consent that when the Senate completes its business today, it stand adjourned until 9:30 a.m. Wednesday morning, March 7; that on Wednesday following the prayer and the pledge, the Journal of the proceedings be approved to date, the morning hour be deemed to have expired, the time for the two leaders be reserved for their use later in the day; that the Senate then return to S. 4 and the McCaskill amendment No. 316 and the Collins amendment No. 342 and debate them concurrently until 10 a.m., with the time equally divided and controlled between Senators MCCASKILL and COLLINS or their designees, and that no amendments be in order to either amendment prior to the vote; that at 10 a.m., without further intervening action or debate, the Senate proceed to vote in relation to the McCaskill amendment; that upon disposition of that amendment, the Senate vote in relation to the Collins amendment; that there be 2 minutes equally divided between the votes; and that following the second vote, the Senate proceed as a body to the House of Representatives for the joint meeting to hear an address by the King of Jordan; that the Senate then stand in recess subject to the call of the Chair.

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

ADJOURNMENT UNTIL 9:30 A.M. TOMORROW

Mr. REID. Mr. President, if there is no further business to come before the Senate today, and the Republican leader has no business to be brought before the Senate, I ask unanimous consent that the Senate stand adjourned under the provisions of S. Res. 97, as a further mark of respect to our late colleague, former Senator Thomas Eagleton.

There being no objection, the Senate, at 7:43 p.m., adjourned until Wednesday, March 7, 2007, at 9:30 a.m.

CONFIRMATION

Executive nomination confirmed by the Senate Tuesday, March 6, 2007:

DEPARTMENT OF STATE

RYAN C. CROCKER, OF WASHINGTON, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE WITH THE RANK PERSONAL RANK OF CAREER AMBASSADOR, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE REPUBLIC OF IRAQ.

THE ABOVE NOMINATION WAS APPROVED SUBJECT TO THE NOMINEE'S COMMITMENT TO RESPOND TO REQUESTS TO APPEAR AND TESTIFY BEFORE ANY DULY CONSTITUTED COMMITTEE OF THE SENATE.