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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:

Forever God, Lord of the beginning and the end, thank You for being our creator and sustainer. Uphold our Senators as they go forth today to do Your work.

Lord, keep them from the detours that prevent them from making real progress and provide for all their needs. Save them from perplexity and fear as You remind them that everything will pass away, but You are eternal. Help them to avoid every sin and to forsake every source of evil.

Give our lawmakers and all of us who work with them Your strength to endure and Your courage to triumph in things great and small that we attempt for the good of all.

We pray in Your majestic 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 assistant legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, DC, March 13, 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.

RESERVATION OF LEADER TIME

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

RECOGNITION OF THE MAJORITY LEADER

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

SCHEDULE

Mr. REID. Mr. President, there will be 60 minutes of morning business today, with the time equally divided between the Republicans and Democrats. Following morning business, the Senate will resume consideration of S. 4, and the managers will be here ready to proceed with amendments, which I understand do not require rollcall votes, and also to clear some managers' amendments.

There will be debate on two Coburn amendments until 11:45 this morning, and the Senate will conduct two rollcall votes.

ORDER OF PROCEDURE

I ask unanimous consent that no second-degree amendments be in order to either Coburn amendment.

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

Mr. REID. Mr. President, at conclusion of the second vote, the Senate will recess for the regular Tuesday party conferences and then return at 2:15 to continue debate on the remaining amendments to S. 4. Other rollcall votes will occur this afternoon.

RECOGNITION OF THE REPUBLICAN LEADER

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

U.S. ATTORNEYS

Mr. MCCONNELL. Mr. President, let me add to the majority leader's observation that with regard to the U.S. attorneys bill this morning, we have copies of a couple of amendments that will be offered to that bill. That should allow us to go forward with the unanimous consent agreement, as I indicated to the majority leader yesterday, which may allow us to vitiate cloture on that measure.

Mr. REID. Mr. President, we agree generally with the amendments. They appear to be reasonable. I think it would be a good way to set this matter aside. We should be able to vitiate cloture. As we speak, the persons interested in the bill are looking at the amendments and, hopefully, the unanimous consent can be done rapidly.

MORNING BUSINESS

The ACTING PRESIDENT pro tempore. Under the previous order, there will now be a period for the transaction of morning business for 60 minutes, with the time to be equally divided between the leaders or their designees, and with Senators permitted to speak therein for up to 10 minutes each.

The Senator from Washington is recognized.

CONDITIONS AT WALTER REED HOSPITAL

Mrs. MURRAY. Mr. President, by now, most Americans have heard about the appalling conditions at Walter Reed, as exposed by the Washington Post articles. Those stories detailed conditions which not one of us should

have to endure, especially our injured troops who have sacrificed so much for this country.

The Washington Post uncovered rooms with mice infestation, moldy walls, and holes in the ceilings. Their series also showed the administration is failing to provide adequate medical care for our injured troops who face inexcusably long waits for the most basic care. If squalid living conditions and lack of adequate medical care are not bad enough, troops face a daunting maze of paperwork for the simplest things.

One serviceman had to show his Purple Heart to even prove he had served in Iraq. Others told us that when they returned from Iraq, their uniforms were caked in dirt and blood, and they were forced to spend endless hours trying to secure new, clean uniforms. A severe shortage of caseworkers means patients endlessly search for answers to routine questions.

Mr. President, our service men and women are not the only ones facing bureaucratic nightmares. We also learned of problems their families face when they try to visit their loved ones at Walter Reed. From a lack of translators for families of Hispanic soldiers, to complicated and outdated forms for hotel reimbursement, relatives find themselves spending countless hours on paperwork—time which could be spent with their injured sons, daughters, husbands, wives, fathers or mothers.

Despite White House efforts, it was eventually revealed that members of this administration had known for years of the problems that plagued Walter Reed.

The President's response to Walter Reed has been slow and more media strategy than substance. Unfortunately for our troops, the administration has tried for weeks to paper over problems instead of offering us real solutions. Days after the first reports, administration officials repeatedly attempted to play down the problems. They painted walls and held press conferences and told America that the problems were overblown. But the press and the American public didn't buy it; they have been misled too many times by this administration. Stories on the President's failure to care for our injured troops continue to appear.

After 2 weeks of endless news on the horrible conditions at Walter Reed, the administration decided fall guys were needed.

First to go was MG George W. Weightman, the head of the hospital. The second—a bit higher on the food chain—was Army Secretary Francis J. Harvey. Finally, yesterday, the administration fired Lieutenant General Kiley, the Army Surgeon General and former head of Walter Reed.

On top of the fall guys, the administration has created numerous commissions to review the care of our injured troops and veterans.

Mr. President, while firing people who were involved in failures and creating panels to review problems are usually positive steps in the right direction, in my view, the administration's history, unfortunately, leads me to be fairly skeptical. For one, while Army Secretary Harvey, Lieutenant General Kiley, and Major General Weightman ignored for years the problems at Walter Reed, the buck stops with the President. As the White House spokesperson said a few weeks ago, the administration has been aware of this for some time.

Real accountability is not just finding fall guys; it is publicly owning up to failures and, even more important, changing course. Moreover, it is unlikely the panels are the solutions they seem to be. In the past 7 years, we have seen many recommendations from many commissions—including those from the 9/11 Commission and the Iraq Study Group—simply be ignored by the White House.

What good are fall guys and commissions if they produce no real change?

It is now undeniable that the administration has failed our troops and veterans. What is needed, and what these men and women deserve, are real solutions that will meet the needs from the battlefield to the VA and everywhere in between. Our forces in battle deserve adequate body and humvee armor, communications gear, and equipment to jam IEDs. What they don't need is another day in the field without those items.

Our injured heroes returning from Iraq deserve adequate mental care, treatment for post-traumatic stress disorder and traumatic brain injury, and they deserve less bureaucratic redtape. What they don't need is another report of the administration's failure to care for them or a White House media strategy to cover those failures.

Our veterans of Iraq deserve benefit checks to be mailed on time so they can provide for their families and are not forced into homelessness. What they don't need is another day without the benefits they deserve.

In the end, what all of our brave men and women need is an end to this administration's excuses. Democrats know what our troops deserve. We know they deserve a Congress that will not hide this administration's mistakes and will, instead, provide solutions. Lastly, Democrats took steps toward that goal.

The HEROES, Honoring and Ensuring Respect for Our Exceptional Soldiers, plan will ensure that our service members no longer fall through the cracks and fail to receive the treatment they deserve. It calls for increased oversight and coordination between the various committees overseeing our troops and our veterans. This effort is especially important because so many of us know the problems at Walter Reed are not unique. Instead, I fear much of the health care system for our troops is broken because we failed to do our job. From poor facilities to long waiting lines to overwhelming redtape, the system is failing our troops.

We need a comprehensive look at this problem and we need comprehensive solutions. Our troops and our families deserve no less.

Mr. President, I was stunned over the weekend to see that some of these brave men and women who have been injured in Iraq are now facing the indignity of being sent back before being cleared for duty.

According to a Salon.com article from March 11, several dozen injured soldiers at Fort Benning, GA, are being sent back to Iraq as part of the President's escalation plan. Those soldiers, the article tells us, have various medical problems that should prevent them from returning to battle. But the President is sending them anyway.

Let me quote directly from the article:

> As the military scrambles to pour more soldiers into Iraq, a unit of the Army's 3rd Infantry Division at Fort Benning, GA, is deploying troops with serious injuries and other medical problems, including GIs who doctors have said are medically unfit for battle. Some are too injured to wear their body armor, according to medical records.
>
> On February 15, Master Sgt. Jenkins and 74 other soldiers with medical conditions from the 3rd Division's 3rd Brigade were summoned to a meeting with the division surgeon and brigade surgeon. These are the men responsible for handling each soldier's ''physical profile,'' an Army document that lists for commanders an injured soldier's physical limitations because of medical problems—from being unable to fire a weapon to the inability to move and dive in three-to-five second increments to avoid enemy fire. Jenkins and other soldiers claim that the division and brigade surgeons summarily downgraded soldiers' profiles, without even a medical exam, in order to deploy them to Iraq. It is a claim division officials deny.

Mr. President, that report is very disconcerting. If it is true, it represents a new outrage and yet another example of how the administration's failure to plan for the war is being taken out on our brave women and men. MSG Ronald Jenkins, who is one of the soldiers who told Salon he was ordered to Iraq even though he has a spine problem that doctors say would be damaged by Army protective gear, said:

> This is not right. This whole thing is about taking care of soldiers. If you are fit to fight, you are fit to fight. If you are not fit to fight, then you are not fit to fight.

I could not agree with Master Sergeant Jenkins more. This whole thing—the war, the buildup, the aftermath—must be about taking care of our soldiers.

Mr. President, far too frequently, taking care of our soldiers has been little more than an afterthought for this administration. Unfortunately, the list of failures we see goes on and on. Stories emerge every single day and, still, with this war, set to enter on Monday its fifth year, this administration has failed to make caring for our troops a top priority.

There has been more than enough time to address problems facing our troops. Unfortunately, but not surprisingly, the administration has failed our Armed Forces.

Mr. President, the administration and Republicans in Congress owe our troops, their families, and our veterans a lot more.

I am not going to sit idly by and wait for them to act, and I am not going to wait for another commission. I am going to continue to be out here on almost a daily basis to talk about it, to fight for our troops, for our veterans, and their families. They deserve nothing less.

I thank the Chair. 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. THOMAS. 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.

HOMELAND SECURITY

Mr. THOMAS. Mr. President, I wanted to talk a little bit about the bill that we are on, the State homeland security formula and the security bill. Certainly, I am hopeful that we will be able to complete that soon. I hope that we can continue to move forward at a little faster pace, perhaps, and do some of the things that need to be done. I understand the complication of many of these bills and the importance of them, but I think we do need to consider some of the things that are ahead of us—immigration, for example, and health care, and some of those kinds of issues that are before us.

This morning, I would like to spend a few minutes on one concern I have in the pending bill which has to do with rural America. During last week's debate, the Senate effectively voted a significant cut for rural States. Now, of course, I understand we have to consider the impact of homeland security, but the idea that rural States are not impacted I certainly don't think is completely true. Under the bill, my State stands to receive roughly $10 million out of $3 billion—$10 million in Wyoming. Some people think all we have is cows and sheep and maybe an oil well or two, but the fact is that we do have a base of energy. As a matter of fact, in some ways that may be one of the most susceptible risks to security. So I do think there needs to be a little more discussion in that respect.

For years now, the States of New York and California have used Wyoming as a poster child for wasteful homeland security because Wyoming receives a per capita amount. The per capita amount is relatively high. Why? Because we have a very small population, half a million compared to 30 or 35 million. So the per capita formula is not an indication of the need for the State. It is easy for New York and California to play with the numbers and sort of mislead the audience by leaving ouy the actual amount of money that Wyoming generally receives. We also rarely hear mentioned that their States, these large States, receive hundreds of millions of dollars through the same program, the homeland security grant program. But that is not even half the story. These same large States conveniently fail to disclose the fact that their States also qualify for funding from the urban grant program, a program that excludes my State and other rural States.

So this is one of those times when you have to take a look at all the States and realize this idea just of population does not work. As we can see on the floor of the Senate, population is not the only condition for having two Senators here, fortunately. In any event, from fiscal year 2003 through 2006, homeland security funding for California has been $1.1 billion and New York received $932 million, compared to Wyoming receiving approximately $20 million its first year. In 4 years that figure has fallen to $10 million.

At any rate, as I am suggesting, there is a certain amount of inequity in terms of the funding formula in this bill. When we do receive Federal assistance, that money goes a long way, of course. Unlike many of our urban counterparts, we make the best use of it and always have, but that doesn't mean that rural areas are not at risk. In fact, as I said, in many ways you can say it might be easier to attack the rural areas than some of the others.

Most people don't know that Wyoming is the largest net exporter of energy in the United States. Our energy powers the Nation and is critical to maintaining our strong national security. So rail lines and transmission lines and refineries are very important not only to our State but to the Nation.

There is no question that the economy favors dense areas. We have debated this, as a system, and I suppose we will continue to do that. As a matter of fact, we had a vote where I think we lost by only one in terms of increasing the basic amount States would receive. Hopefully, we can take another look at this as we go about working with the House.

I would like to also comment on a pending amendment which is inconsistent with the majority's will to prohibit nongermane amendments. I don't recall the 9/11 Commission making this recommendation, but we have an amendment pending that would reroute hazardous materials through our Nation's small towns instead of through big cities. I don't in any way want to infer that it is the intention of this amendment to put small towns in harm's way. Unfortunately, the amendment has been filed and, indeed, will put individuals in rural areas at more risk than those in urban areas.

There is no question that we need to secure the rails. Coming from a State where the economy relies to a large extent on railroads, I know all too well that security is critical to this infrastructure. It certainly is important to us, and we are making significant progress in that regard. The Federal Government and the railroads have agreements targeted at reducing the risk of hazardous materials that are in high-threat urban areas around the Nation, and these arguments didn't happen overnight. I understand that, and that is proper. They are well thought out, with the input from security and industry professionals and all of the experts in Congress. Mandatory rerouting would not eliminate the risks. Instead, it shifts them from one population to another.

Forced rerouting could also foreclose routes that are top performers in terms of overall safety and security and result in increased risk in exposure and reduced safety and security. If we force these trains to reroute, imagine the cost of the goods that will be passed along to the consumer. Railroads are required by the Federal Government to transport hazardous materials. They cannot pick up and abandon a line that is not profitable.

Under this measure, railroads are going to have to build a new track and acquire a lot of land that bypasses major metropolitan areas. Imagine the demand for the use of eminent domain, which is one of the difficulties that we have, of course, and is necessary when you talk about this kind of infrastructure.

Finally, I would like to respond a little bit to some of the arguments that the other side has made with respect to keeping this bill clear of extraneous and nongermane amendments.

Last week, the minority leader requested that the Senate vote on a package of security-related amendments. The majority declined and decided to filibuster the package instead and block consideration. Instead of having these honest debates on amendments to improve the bill, the majority sent out a conflicting message. On the one hand, they argued the amendment to strengthen the security of the country was nongermane and partisan. On the other hand, they argued that a union-backed elective bargaining provision was relevant to our Nation's security and wasn't partisan.

Mr. President, I am very troubled by the inconsistency, particularly on this bill. I know many Members feel the same way. In fact, I would like to reference the comments made on the floor of the Senate last week by the Senator from Michigan, who came to the floor expressing frustration with the lack of progress on the bill. The Senator was concerned about amendments being offered by the Republicans that would strengthen our national security but were not relevant to the 9/11 Commission recommendations. It was stated, and I quote:

I find myself needing to express concern about the place in which we find ourselves at this point—unable to move forward with the final bill and the relevant 9/11 Commission amendments that have been offered because

of an effort by the Senate Republican leader to offer a wide-ranging number of unrelated amendments to the bill.

Unfortunately, this frustration was directed at the wrong side of the aisle. Union collective bargaining is not an issue recommended by the 9/11 Commission and should not be in this bill. It seems to me we are hearing mixed messages from the other side. It appears that they are willing to include provisions backed by the unions but not willing to debate and vote on tough security-related measures such as those contained in the Cornyn amendment.

The amendment offered by the Senator from Texas would do so much more to strengthen our national security than the labor measure, but Members on the other side have aggressively defended that amendment of last week. Of these two measures, there can be no debate as to which provision does more to protect our Nation. The other side of the aisle has it wrong.

I generally agree with what the Senator from Michigan said last week, but you cannot have it both ways when it comes to securing our Nation. If we want to limit this bill to debating and implementing the 9/11 recommendations, let's not compromise national security at the same time by allowing collective bargaining of the TSA screeners. Setting this policy would greatly hinder TSA's flexibility to respond to terrorism threats, flesh intelligence, and emergencies as they arise. TSA needs to have the ability to move the screeners around as schedules and threats change.

TSA was created to be a nimble agency. Let me give some examples of how TSA has proven its ability to quickly respond.

During the August 2006 United Kingdom air bombing threat, TSA screeners were briefed and deployed where they were needed to respond to the threat.

TSA has employed its flexibility to evacuate patients at the Texas VA Hospital in the path of Hurricane Rita and helped with the evacuation of people in New Orleans following Hurricane Katrina.

Last year, when Lebanon erupted into violence and fighting broke out, TSA was able to rapidly respond to expedite the evacuation of thousands of Americans in Lebanon and thousands of legitimate refugees.

TSA deployed 27 of its officers to Cyprus when fighting broke out. TSA was able to quickly respond, assisting airport authorities with verifying passenger identification documents and screening the large volume of evacuees.

This labor-backed provision has nothing to do with enhancing our homeland security, and the President has repeatedly said he will veto the bill if collective bargaining is included. If we are going to be sincere in improving homeland security, that is one thing, but moving forward with collective bargaining for TSA is unexplainable. The 9/11 Commission made a lot of recommendations, most of which I support, but a collective bargaining provision didn't even make the list.

I can only hope that when the bill passes and it goes to conference that conferees will do the right thing and drop the provision. Failure to do so will only delay our effort to strengthen this Nation's security.

Mr. President, I yield the floor.

Mr. KERRY. Mr. President, I ask unanimous consent that the remainder of the time be controlled by this side of the aisle, that I be permitted to speak for 8 minutes, that the Senator from Illinois, Mr. OBAMA, be permitted to speak for 8 minutes, and then we will see how much time we have remaining.

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

EXTENSION OF MORNING BUSINESS

Mr. KERRY. Mr. President, I ask unanimous consent that morning business be extended until the hour of 11:15 in order to accommodate folks on the other side of the aisle.

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

IRAQ

Mr. KERRY. Mr. President, 9 months ago, 13 Senators cast their vote for a 1-year deadline for redeployment of most U.S. troops from Iraq. Our country has been waiting impatiently for Washington to find the right way forward for Iraq and the right policy for our troops. It seemed then, when those 13 votes were cast, as it does now, that was the only way to help Iraq and the Middle East to emerge from a nightmarish war that has delivered chaos where it sought order, fear where it promised freedom, and open-ended escalation where the President promised us mission accomplished. This is a war which has cost us dearly in just about every possible measure of American interest and power.

Today, Democrats stand nearly united behind a strategy for success, a strategy for success that includes a deadline needed to force the Iraqis to stand up for Iraq. A lot has changed in the last 9 months, but I am more convinced than ever that a combination of serious, sustained diplomacy, real diplomacy, leveraged by a 1-year deadline for the redeployment of U.S. troops, is the best way to achieve our goal of stability in Iraq and security in the region.

I listened to administration spokespeople in the last few days as they went on television blasting the Democratic proposal. It is interesting how they continue their habit of just setting up a straw man, putting something out there that has nothing to do with the reality of the program, and then knocking it down. They are fond of saying: a precipitous withdrawal from Iraq would be just terrible to our interests in the region. Let's make it clear. A 1-year date from now, with discretion to the President to leave troops there to finish the training, with discretion to the President to leave troops there to chase al-Qaida, with discretion to the President to leave troops there to protect American facilities and forces, with the ability to have an over-the-horizon presence—a 1-year deadline from today, which would be entering the 6th year of this war, is not a precipitous withdrawal of any kind whatsoever. In fact, there are many people in the country who think that is not soon enough.

The fact is, this administration wants to sow fear in Americans, so they choose to debate something that is not the proposal of those of us who have put this proposal forward. What we propose to do is change the strategy of our mission so we can achieve success.

What we have seen is that this open-endedness you just kind of say we need to do this and we need to do that and we want the Iraqis to stand up and we want the police to do better and Prime Minister Maliki said he is going to deliver—none of that delivers anything. The Iraqi politicians know that as long as there is no deadline, they can take as long as they want to work out whatever power struggles and differences they have. So they are using the presence of American forces as cover for their own goals, for their own desires, until we in the United States say to them: Hey, folks, get serious. Our young people are prepared—obviously, because we have been doing it for 4 years—to put their lives on the line in order to help you have democracy, but you have to grab that democracy, you have to make decisions, and you have to go in and police your neighborhoods.

The only way you are going to change that is by being responsible and demanding something.

It provides the President the discretion to be able to complete the training. What else, after 5 years, would we want to be in Iraq for besides finishing the training and standing up the Iraqi forces and chasing al-Qaida and fighting the legitimate war on terror?

This 1-year deadline is sound policy. It is based on the Iraq Study Group's goal of redeploying U.S. combat forces from Iraq by the first quarter of 2008. It is consistent with the timeframe for transferring control to the Iraqis that was set forth by General Casey and the schedule agreed upon by the Iraqi Government itself.

Even the President has said, under his new strategy, responsibility for security would be transferred to Iraqis before the end of this year. If the President is telling us that responsibility for security can be transferred to the Iraqis by the end of this year, don't we have a right to hold the President accountable for that goal? Don't we have a right to hold the Iraqis accountable for that goal? If the goal is to transfer security to them by the end of this

year, how can you resist the notion that you are going to leave troops there to complete the training, chase al-Qaida, protect American forces, but bring the bulk of our combat forces home so they, indeed, will be standing up for their own security?

The President has said it. The Iraq Study Group has said it. The generals have said it. Now it is time for the Senate to put it on record as part of our effort to support this objective. It is long since time for the Iraqis to assume responsibility for their country. We need this deadline to leverage the Iraqis into making the hard compromises that are necessary.

I might add, no young soldier from the United States or Great Britain ought to be dying so that Iraqi politicians can get more time to squabble, more time to try to strike a better deal for themselves. We ought to be working overtime in order to bring about a compromise that is ultimately the only solution to what is happening in Iraq today.

Even now, we keep hearing the Iraqis are close to a deal on sharing oil revenues. But we still have not seen the final agreement ratified. Without a real deadline to force a deal, there is no telling how long it will take. But we do know that as long as there is no deadline, the Iraqis will believe they can take as long as they want.

We also know American soldiers and Iraqi civilians will continue to die and be maimed while those politicians continue to use the presence of American forces as a cover for their other objectives. We saw that again last weekend, when Iraq's neighbors and key players from the international community finally got together at a conference in Baghdad. The conference was a welcome development. We have been calling for it for several years. It was long overdue. But nothing tangible came out of it because, of course, no preparations and no diplomacy had been carried out leading up to it in order to get something substantive to come out of it. That is precisely why a deadline is so critical and essential, to force everyone to focus on the urgent need to reach a political solution.

The debate—this debate, a debate the Senate needs to have—offers a very clear choice, a choice between a new way forward and the old way that has taken us backward.

I might add, yesterday we saw a little more of that old way as the rhetoric escalated. The Vice President said yesterday, ''When Members speak not of victory but of time limits, deadlines, and other arbitrary measures, they are telling the enemy simply to watch the clock and wait us out.''

First of all, there is nothing arbitrary about a date for next year. The Iraq Study Group put it forward, the President said security responsibility could be transferred by the end of this year, and the generals put it forward. But more importantly, the Vice President of the United States must be the last person in America who believes the enemy is waiting or watching the clock. It is Iraqi politicians who are watching the clock. They are the ones who are delaying and squabbling. The enemy is busy doing what the enemy has been doing.

Moreover, the Vice President lumps things together in the word ''enemy'' here in a very strange way. Yes, the enemy is al-Qaida, and we are focused on al-Qaida. But the fact is that this war in Iraq is fundamentally a civil war now. It is a struggle between Sunni and Shia, and the last I knew, they are Iraqis and they are not our enemy. They are fighting amongst each other for the power and the future of Iraq.

With each day, this administration becomes more detached from the realities.

I believe if you look at the figures, this is not a temporary surge. This weekend, we learned that the President's escalation is going to involve nearly 5,000 more troops than the 21,500 that was initially announced and the Congressional Budget Office estimates that the total could eventually reach 48,000 additional troops total. The original cost estimate was about $5.6 billion but the CBO tell us the final amount could reach nearly five times that much. And it looks more and more like the troop increase could last well into next year.

We also see that most people understand that when the Vice President talks about undermining the troops, there is not one of us here who is not outraged by what has happened to the troops with respect to the lack of adequate armor, the lack of adequate humvees, the lack of adequate support, numbers of personnel and planning, and, most importantly, the treatment of those soldiers when they have come home—a VA budget that is inadequate, a disability system that is dysfunctional, and obviously the treatment we saw recently at Walter Reed.

The Vice President needs to focus on how you really support the troops. The way you really support the troops is to get the policy in Iraq right. We have a policy for success. They have had a 4-year policy of failure that has made Iran stronger, North Korea stronger, Hamas stronger, Hezbollah stronger, weakened our relations in the region, and has certainly not served the interests of our national security.

It is time for the Senate to do what this administration has stubbornly refused to do to recognize that we should honor lives lost with lives saved. That starts by putting aside the hollow rhetoric and straw men that have undermined a real debate for far too long and support a strategy that preserves our core interests in Iraq, in the region, and throughout the world. That is how we support the troops.

Mr. President, we can do better. This resolution we have submitted is a way to do better.

I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Illinois.

Mr. OBAMA. Mr. President, I rise, first, to offer strong words of support for the statement that was just offered by the distinguished Senator from Massachusetts. I also rise today to speak in support of the Iraq resolution the Senate will consider tomorrow.

The news from Iraq is very bad. Last week, a suicide bomber stood outside a bookstore and killed 20 people. Other attacks killed 118 Shia pilgrims. On Sunday, a car bomb went off in central Baghdad, and more than 30 people died. The road from the airport into Baghdad is littered with smoldering debris, craters from improvised explosive devices, and the memories of our sons and daughters.

The civil war in Iraq rages on. The insurgents have started to change their tactics. They hide in buildings and along the streets and wait for our helicopters. They have shot down at least 8 U.S. helicopters in the last month. More of our soldiers are dying or coming home with their bodies broken and their nerves shattered to a VA system completely unprepared for what they need to rebuild their lives.

It is not enough for the President to tell us victory in this war is simply a matter of American resolve. The American people have been extraordinarily resolved. They have seen their sons and daughters killed or wounded in the streets of Fallujah. They have spent hundreds of billions of dollars on this effort—money they know could have been devoted to strengthening our homeland security and our competitive standing as a nation. The failure has not been a failure of resolve. That is not what has led us into chaos. It has been a failure of strategy, and it is time that the strategy change. There is no military solution to the civil war that rages on in Iraq, and it is time for us to redeploy so that a political solution becomes possible.

The news from Iraq is very bad, and it has been that way for at least 4 years. We all wish the land the President and the Vice President speak of exists. We wish there were an Iraq where the insurgency was in its last throes, where the people work with security, where children play outside, where a vibrant new democracy lights up the nighttime sky. We wish for those things, but there is no alternative reality to what we see and read about in the news, to what we have experienced these long 4 years.

I repeat, there is no military solution to this war. At this point, no amount of soldiers can solve the grievances at the heart of someone else's civil war. The Iraqi people—Shia, Sunni, and Kurd—must come to the table and reach a political settlement themselves. If they want peace, they must do the hard work necessary to achieve it.

Our failed strategy in Iraq has strengthened Iran's strategic position, reduced U.S. credibility and influence around the world, and placed Israel and other nations in the region that are friendly to the United States in greater

peril. These are not signs of a well-laid plan. It is time for a profound change.

This is what we are trying to do here today. We are saying it is time to start making plans to redeploy our troops so they can focus on the wider struggle against terrorism, win the war in Afghanistan, strengthen our position in the Middle East, and pressure the Iraqis to reach a political settlement. Even if this effort falls short, we will continue to try to accomplish what the American people asked for last November.

I am glad to see, though, that this new effort is gaining consensus. I commend Senator REID for his efforts. He took the time to listen to so many of us from both Chambers of Congress to help develop this plan.

The decision in particular to again begin a phased redeployment, with the goal of redeploying all our combat forces by March 30, 2008, is the right step. It is a measure the Iraq Study Group spoke of, an idea I borrowed from them, an idea that, in a bill I introduced, now has more than 60 cosponsors from the House and Senate and from both sides of the aisle. They have supported this plan since I announced a similar plan in January.

The decision to allow some U.S. forces to remain in Iraq with a clear mission to protect U.S. and coalition personnel, conduct counterterrorism operations, and to train and equip Iraqi forces is a smart decision. President al-Maliki spoke at a conference and warned that the violence in Iraq could spread throughout the region if it goes unchecked. By maintaining a strong presence in Iraq and the Middle East, as both my bill and the leadership bill does, we can ensure that the chaos does not spread.

I should also add that the decision to begin this phased redeployment within 120 days is a practical one. Our military options have been exhausted. It is time to seek a political solution to this war, and with this decision we send a clear signal to the parties involved that they need to arrive at an accommodation.

While I strongly believe this war never should have been authorized, I believe we must be as careful in ending the war as we were careless getting in. While I prefer my approach as reflected in my bill, I believe this resolution does begin to point U.S. policy and Iraq in the right direction. An end to the war and achieving a political solution to Iraq's civil war will not happen unless we demand it. Peace with stability does not just happen because we wish for it.

It comes when we never give in and never give up and never tire of working toward a life on Earth worthy of our human dignity. The decisions that have been made have led us to this crossroad, in a moment of great peril.

We have a choice. We can continue down the road that has weakened our credibility and damaged our strategic interests in the region or we can turn toward the future. The road will not be smooth. I have to say there will be risks with any approach, but this approach is our last best hope to end this war so we can begin to bring our troops home and begin the hard work of securing our country and our world from the threats we face.

The President has said he will continue down the road toward more troops and more of the same failed policies. The President sought and won authorization from Congress to wage this war from the start. But he is now dismissing and ignoring the will of the American people who are tired of years of watching the human and financial tolls mount.

The news from Iraq is very bad, but it can change if we in this Chamber say ''enough.'' Let this day be the day we begin the painful and difficult work of moving from the crossroad. Let this day be the day we begin pulling toward the future with a responsible conclusion to this painful chapter in our Nation's history. Let this be the day when we finally send a message that is so clear and so emphatic that it cannot be ignored.

I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Iowa.

TAX GAP

Mr. GRASSLEY. Mr. President, the subject today is the tax gap. The tax gap is the difference between what is paid voluntarily in taxes by 85 percent of the American people and what is actually owed by people who do not pay all of the taxes that are legally owed.

The tax gap does not include things that are in the underground economy, nor does it include illegal earnings. The tax gap is certainly not a new issue. We have discussed it on the floor of the Senate many times. It has been an issue for previous administrations as well as this administration. In fact, I suspect the tax gap has been an issue for as long as there has been taxes. However, I would say in recent years the Finance Committee, on which I serve, has certainly brought a new focus to the issue of the tax gap. This has been very much a bipartisan effort. I believe the level of attention given to the tax gap certainly reflects the energy and focus of the new chairman of the committee, Senator MAX BAUCUS from Montana. Chairman BAUCUS should be commended for his work in this area.

I also want to praise the chairman of the Budget Committee, Senator CONRAD of North Dakota, for putting an additional spotlight on the tax gap topic. The Finance Committee has been doing the hard work in this area, encouraging greater research by the Internal Revenue Service, asking for detailed reports and recommendations from the Treasury Department as well as the Congressional Joint Committee on Taxation, investigating specific aspects of the tax gap, holding hearings to explore the details of the tax gap.

Finally, the Finance Committee has been doing the most difficult work of all, actually passing significant legislation that would reduce the money that is not coming in because of the tax gap. This has not been easy. I find the tax gap is one of those issues here in Congress that is a little bit like the weather: Everyone talks about it but no one is doing as much as should be done about it. But the way people talk around here, they view the tax gap as somehow a cure-all for all budget problems. The tax gap can be used to pay for the alternative minimum tax problem; if we want to expand spending on health care, tap into the tax gap; if we want to balance the budget, tap into the tax gap.

Given the amount of faith people have put into it, the tax gap has suddenly become one of those magic elixirs the peddlers used to sell in the Old West. You know how they said it will cure all that ails you. That was the slogan used by those slick salesmen 100 years ago. So the tax gap has become the elixir for all fiscal problems. I am surprised folks do not think the tax gap would cure baldness, as an example. So let's get behind the dreams and get to the real story of the tax gap.

I want to talk about three issues dealing with the tax gap. First, what is the estimate of the tax gap? Second, what are the elements of the tax gap? Finally, what do we actually do in addition to all of those things we have been doing to reduce the tax gap; in other words, to go after that final dollar we know is legally owed but not collected.

First, how is it the tax gap is estimated, and what is it? The Senate Finance Committee's Subcommittee on Taxation and Internal Revenue Service Oversight held a hearing 9 months ago, July 2006. It was chaired by the then-chairman of that subcommittee, Senator KYL. We heard extensive testimony from senior IRS officials about how the tax gap is estimated. The tax gap has been based on reporting compliance efforts known as the Taxpayer Compliance Measurement Program.

As many colleague will recall, these efforts were viewed as too intrusive into the lives of the taxpayers. So the last taxpayer compliance measurement program that was done was back in 1988. Senator BAUCUS and I recognized the need for the updated research and encouraged the Internal Revenue Service to look at research that could provide useful data, useful information, without unduly burdening the honest taxpayer.

The Internal Revenue Service then responded with a national research program. It is important to realize that the national research program only dealt with a portion of the entire tax gap, primarily focusing on individual income taxes and not dealing with corporate tax. There are still significant portions of the tax gap that are then based on that very old material going

back to some studies 20 years ago, particularly in the area of passthrough entities.

I have a chart here that will make reference to some of these portions, significant portions of the tax gap. This is easily brought to focus on the Internal Revenue chart we have here. Remember, this is for tax year 2001, the latest available information. You can see it is only those items in bold that have been updated from the recent national research program, primarily in the area of individual income taxes and self-employment taxes; these areas right here.

It would be nice to have an update on all of this. But in order to get on top of it and get it done quickly, we asked the IRS to focus on these areas. With the colors, you can see it is only the green—underpayment of taxes—that we have high confidence in. The light blue has been recently updated. We have some better sense of what the costs are.

Unfortunately, it is the yellow—the bigger parts of the chart—that is dependent upon the older numbers sometimes going back years and years. That is the yellow portion I have already referred to.

In terms many can better understand, think of the yellow estimates as being the broad side of the barn in terms of accuracy. So there we have it. At the end of the day the tax gap, based on many old estimates, is thought to be $345 billion for tax year 2001. That reflects a noncompliance rate of 16 percent. So basically, 84 percent of the tax dollars are coming in as required by law. We have a tax gap then of a remaining 16 percent.

Now I will turn to what are the elements of the tax gap. Again the chart from the Internal Revenue Service provides a useful blueprint. Nonfiling is about $27 billion. These are the people who do not even file their taxes. Then there is the underreporting of $285 billion. The Internal Revenue Service divides that into four categories: individual taxes at $197 billion; employment taxes, $54 billion; corporate income taxes at $30 billion; and estate tax and excise taxes of $4 billion.

Underpayment of taxes, which is the amount people admit they owe on their tax returns but do not pay on time, happens to be $33 billion.

Clearly individuals make up the biggest part, with individuals underreporting nonbusiness income and business income, and overstating adjustments, deductions, and exemptions being the elements of the tax gap for individuals. A good deal of this is concentrated in the areas of self-employment and schedule C of the tax return.

Now that we have gone through how we measure the tax gap and what makes up the tax gap, the most important thing people want to know is—they do not want a definition of the problem—what can be done to close it? That is what my constituents ask me.

I believe the real question is one I would state this way: What steps can be taken that are effective and will not unduly burden taxpayers? We have to bear in mind most taxpayers do comply, and a significant amount of noncompliance is unintentional. I think all Members recognize that in the zeal to get at the tax gap, we cannot wreck the lives of the honest taxpayers. Most of the taxpayers, 85 percent, are not a problem. We cannot be like the fellow who tears down his house to get at the mouse. Members on the other side should be particularly sensitive to the mindset of not taking on the honest taxpayer when trying to take care of the problem of the 15 percent, given this was effectively what was being promoted in 1994 with the wholesale reform of health care. Proponents in 1994 wanted to change the health care system for 85 percent of the people for whom the system worked to help the 15 percent of the people who did not have health insurance. The voters were right in telling political leaders at that time in 1994 that this did not make any sense. First we need to recognize that the Internal Revenue Service is already, through enforcement, doing quite a bit to deal with the tax gap.

This chart reflects the Internal Revenue Service's testimony before the Budget Committee and estimates the IRS activities will reduce the tax gap, the $345 billion total, by nearly $70 billion by the year 2007. This reflects $17 billion in direct enforcement revenue and the rest in direct compliance effects. So we start with that as the base, the work of the Internal Revenue Service, which is already reducing approximately 20 percent of the tax gap, with Commissioner Everson's statements last year that the Internal Revenue Service could bring in somewhere between $50 billion and $100 billion a year without dramatically changing the relationship between the IRS and taxpayers; in other words, not being more egregious against the honest taxpayer. Well, the IRS is already doing that, according to its Commissioner.

The ACTING PRESIDENT pro tempore. The Senator's time has expired.

Mr. GRASSLEY. Mr. President, I have to have 10 more minutes, maybe less than that.

The ACTING PRESIDENT pro tempore. The Senator will have to propound a unanimous-consent request to that effect.

Ms. COLLINS. Mr. President, I think we have votes that are scheduled at 11:45.

The ACTING PRESIDENT pro tempore. That is correct.

Ms. COLLINS. Perhaps the Presiding Officer could review——

Mr. GRASSLEY. Mr. President, I will complete my statement later, but I wish people would get it straight. If I were told I could come over here and finish my statement, and do it in morning business, I would like to be able to do it; otherwise, I would have waited to do it tonight.

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 legislative clerk read as follows:

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

Pending:

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

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.

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.

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

Coburn amendment No. 294 (to amendment No. 275), to provide that the provisions of the act shall cease to have any force or effect on and after December 31, 2012, to ensure congressional review and oversight of the act.

Kyl modified amendment No. 357 (to amendment No. 275), to amend the data-mining technology reporting requirement to avoid revealing existing patents, trade secrets, and confidential business processes, and to adopt a narrower definition of data-mining in order to exclude routine computer searches.

Biden amendment No. 383 (to amendment No. 275), to require the Secretary of Homeland Security to develop regulations regarding the transportation of high-hazard materials.

Schumer modified amendment No. 367 (to amendment No. 275), to require the Administrator of the Transportation Security Administration to establish and implement a program to provide additional safety measures for vehicles that carry high-hazardous materials.

Stevens amendment No. 299 (to amendment No. 275), to authorize NTIA to borrow against anticipated receipts of the Digital Television Transition and Public Safety Fund to initiate migration to a national IP-enabled emergency network capable of receiving and responding to all citizen-activated emergency communications.

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.

Bond/Rockefeller amendment No. 389 (to amendment No. 275), to provide the sense of the Senate that the Committee on Homeland Security and Governmental Affairs and the Select Committee on Intelligence of the Senate should submit a report on the recommendations of the 9/11 Commission with respect to intelligence reform and congressional intelligence oversight reform.

AMENDMENTS NOS. 294 AND 325

The ACTING PRESIDENT pro tempore. Under the previous order, the

time until 11:45 a.m. shall be for debate on Coburn amendments Nos. 294 and 325, and the time shall be equally divided between Senators COBURN and LIEBERMAN or their designees.

The Senator from Connecticut.

Mr. LIEBERMAN. Mr. President, I yield 5 minutes of our time to Senator BROWN of Ohio. He has a statement to make as in morning business.

The ACTING PRESIDENT pro tempore. The Senator from Ohio.

Mr. BROWN. Mr. President, I ask unanimous consent to speak for 5 minutes as in morning business.

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

Mr. BROWN. Mr. President, I thank my friend from Connecticut.

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

Mr. BROWN. Mr. President, I thank the Senator from Connecticut and yield the floor.

The ACTING PRESIDENT pro tempore. Who yields time?

The Senator from Connecticut.

Mr. LIEBERMAN. Mr. President, I yield 5 minutes of the time on our side to the Senator from Delaware.

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

Mr. CARPER. Mr. President, I thank the chairman.

We heard, a few minutes earlier, from Senator GRASSLEY of Iowa, the ranking Republican on the Finance Committee. He talked at some length about the tax gap, which some suggest may be costing our Treasury roughly $300 billion this year, last year, and next year as well. These are moneys which are believed to be owed but not being collected by the IRS. When we talk about reducing our Nation's budget deficit—something we all know we need to do—among the ways to do it is to close the tax gap.

Another way to do it is to address what are called improper payments. Senator COBURN and I lead a subcommittee in Governmental Affairs and Homeland Security called the Federal Financial Management Subcommittee. We have been exploring the issue of improper payments. We have had for a number of years an improper payments law that says Federal agencies have to not continue making improper payments.

We found out about 2 years ago roughly $50 billion in improper payments were made by Federal agencies—mostly overpayments, some underpayments. Unfortunately, that is just the tip of the iceberg. It turns out improper payments made for the last year have been down to about $41 billion, but it does not include the Department of Defense, it does not include improper payments made by Homeland Security, and it does not include improper payments that crop up in some other parts of our Federal Government.

Senator COBURN and I have been holding hearings. Last year, it was under his leadership as chairman. We held one under my leadership as chairman earlier this month on improper payments. We are going to focus, early this year, particularly on some of the big agencies—Homeland Security, which still does not comply with the law; the Department of Defense, which still does not comply with the law—to provide a strong impetus for them to begin complying with the law or at least to get on the right track.

Senator COBURN has an amendment he has offered, one that is opposed by the National Governors Association and by a number of other groups. What he would attempt to do—and what I think his purpose is; his goal is meritorious—is to compel the Department of Homeland Security to comply with the Improper Payments Act. He does so in a way that holds at risk State and local governments and their ability to receive homeland security grants, really three out of I think the four major grant programs that are handled by Homeland Security that we are discussing today with this bill.

The reason why the National Governors Association and I think other State and local governmental entities are opposing the amendment is because they could be held at risk of not receiving the grants for a lot of fire departments and other first responders and other State and local agencies, through no fault of their own but because the Department of Homeland Security is not complying with the Improper Payments Act.

Senator COBURN was prepared to offer a second-degree amendment, one I think he and his staff worked on with OMB that I think was a far better approach to getting the attention of Homeland Security to comply with the Improper Payments Act. He is not going to be able to offer the second-degree amendment. As a result, we have no choice but to debate and vote on his initial amendment, which we took up in committee. I asked him not to offer it in committee during the markup. He did not, and today his only choice is to offer that same amendment. Unfortunately, I cannot support it.

He is onto a good idea. The idea is we need to put not just Homeland Security but the Department of Defense—and a bunch of other Federal agencies that are not complying with this law—we need to put them under the gun and say: You have to start complying—and to provide pressure, incentives, sticks, carrots to get them in compliance with the law.

I think we will be holding our second hearing later this month on further looking at the Improper Payments Act. We are going to be bringing before us the Department of Homeland Security to find out what is their problem, why are they unable to comply with the law. Do we need to make changes in the law or do they just need to get on the ball? It may be a combination of the two.

To that end, I look forward to working with my colleague, Senator COBURN. I must reluctantly oppose the amendment—not the amendment he wanted to offer. The amendment he wanted to offer, he is not going to have a chance to offer. But the amendment he is offering, I have to oppose.

The ACTING PRESIDENT pro tempore. Who yields time?

The Senator from Oklahoma.

Mr. COBURN. Mr. President, I ask the Presiding Officer to notify me when I have 5 minutes remaining of my time.

The ACTING PRESIDENT pro tempore. The Senator will be so notified.

Mr. COBURN. Mr. President, it is a curious thing that when we have hearings in the Senate, we find out problems and then offer real solutions that have teeth—as Senator CARPER just said, to put them under the gun. Nobody wants to put them under the gun.

This amendment on improper payments gives the Department of Homeland Security 18 months to comply before any State will see any harm from this. The fact is, the States are not without some responsibility because some of the improper payments go to some grants that go in the State.

The American people need to ask: Is the Congress really serious about controlling spending? They are not. This amendment is not going to pass. All we are saying is: Here is a law they were supposed to be in compliance with in 2004. It says: If you are not going to be in compliance with it—they have not, they have not, they have not—we are saying, to be accountable, you have to be transparent, you have to have results. The results are complying with the Improper Payments Act.

We also think there ought to be competition for some of the grants. There is not in this bill. There ought to be a priority set. There ought to be responsiveness. There ought to be spending discipline.

As this amendment goes down—and it will—the Senators are going to reject the very idea of having accountability, the very thing they talk about with earmarks. The reason they cannot give up earmarks is because they cannot let the administration and the agencies manage the money.

But here is a tool to force Homeland Security to manage its money, to hold them accountable and say in 18 months from now, if you have not done the work every other agency of this Government is supposed to have done, then we are going to hold you accountable by cutting off the money. That is tough love. It is putting them under the gun. That is exactly what we need to do.

Do you know what will happen if my amendment is accepted and it comes through? Homeland Security will report its improper payments. But if we do not, I want you to think about what happens when you reject this amendment. What is the consequence for every other agency of the Federal Government to now not comply with the Improper Payments Act? There is no cost in not complying with the Improper Payments Act.

According to the GAO, the following portions of Homeland Security do not meet anywhere close the Improper Payments Act. That is the Customs and Border Protection, that is the Office of Grants and Training. They have not done a thing to be in compliance with this money.

Now, we can look the other way and we can say we are not going to enforce the law, but the next thing I am going to do, as a Senator—if we are not going to enforce the improper payments law, then let's get rid of it. The American people deserve to have the law enforced. It is a good law. It helps us hold the agencies accountable, the very thing that the $26 to $27 billion worth of earmarks says we cannot do.

Now we have an opportunity to do it, and we are going to vote against it. Why? Because we may put something at risk. Well, quality and results depend on us putting this at risk, to force this agency, FEMA, to come into compliance with a law that is on the books with which they have refused to comply.

Senator CARPER mentioned the $40 billion of improper payments. That only represents 40 percent of the Federal Government. There is at least $100 billion of our money—the taxpayers' money—which is being paid out which should not be paid out, and probably $20 billion of it is in the Pentagon. We know the Department of Health and Human Services has not complied with the Improper Payments Act on Medicaid, and that is estimated somewhere between $20 billion and $30 billion. So we know of at least $100 billion.

I want you to think for a minute when you vote against this amendment what you tell every other agency in the Federal Government: There is no consequence whatsoever to not meeting the Improper Payments Act of 2002. There will be no consequence even though we are going to say you have not done it. Here is a way to do it, to force Homeland Security to be accountable and to recognize they have an obligation under the law to report and look at the risk factors.

Now, what does the Improper Payments Act ask agencies to do? Everything we would want done with our own money:

Perform a risk assessment. Is there a risk for improper payments? Homeland Security hasn't even done that.

Develop a statistically valid estimate of improper payments. In other words, go look at it and do a study to see is there potential that money is going out the door that should not go out the door.

Develop a corrective action plan.

Report the results of these activities to us, the Congress, the people's representatives.

By voting against this amendment, you are telling Homeland Security they don't have to comply, that there is no teeth; it will never be done. Why would the Governors Association oppose this? Because they are the monied interest groups that are going to get the money. In fact, some of the problems with the money is the responsibility of the Governors. If I were a Governor, I would not want you checking on my money. It is natural for them to oppose it. But it is normal for us to protect the taxpayers by saying that every agency ought to apply and respond to the law under improper payments. It is simple. We should ask that Homeland Security follow the law.

When you vote against this amendment, what you are telling Homeland Security, the Defense Department, the Department of Health and Human Services, and all of the other departments is that they don't have to comply because now we are going to be toothless and say there are no consequences whatsoever.

Some will say this puts these grants at risk. There are no grants at risk. There is $4.8 billion sitting in the queue right now that won't be spent for 18 months. This bill authorizes another $3.2 billion to follow after that.

If they cannot comply in 18 months, we need to stop and take a timeout and ask: Why can't you tell us where you are spending money that you should not be spending? Why can't you comply with the very simple things this act asks? Why can't they do a risk assessment in 18 months, develop a statistically valid estimate of where the problems are? They cannot do that in 18 months, develop a corrective action plan? They cannot do that in 18 months? They cannot report to us in 18 months?

To oppose this amendment says we don't care about improper payments. It is going to be like a lot of other laws on the books: we don't have standing; I, as a Senator, don't have any standing to sue the Federal Government to make it comply. The reason we won't have standing is because we don't have the courage to do what is right for the American taxpayers.

The last election had a lot to do with spending. This is going to be a vote to say whether we really meant what we said when we said we were going to start taking better care of the American taxpayers' dollars; that we were going to make the Government more accountable, more transparent and efficient. We are going to see a vote against this amendment, and the American people are going to get shortchanged once again because we don't have the courage to go up against the monied interests that get the grants and say we ought to at least have transparency.

There is another tool coming back called the Transparency and Accountability Act of 2006, and the American taxpayers are going to know whether improper payments are made. We are not going to do our job.

I reserve the remainder of my time.

Mr. OBAMA. Mr. President, I rise today in support of the amendment offered by my good friend from Oklahoma that would sunset the provisions of this bill after 5 years.

In general, I think this is a very good bill. But I have serious reservations about the method by which this bill allocates State homeland security grants.

Last week, I came to the floor to offer an amendment to make this funding allocation more based on risk. My amendment was an attempt to meet the 9/11 Commission's recommendation that ''[h]omeland 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.''

That is why my amendment sought to send the most dollars to those areas at the greatest risk of an attack. As compared to the funding formula in the underlying bill, my amendment would have better protected our borders, our ports, our railroads, our subways, our chemical plants, our nuclear power plants, our food supply, and our firefighters, police officers and EMTs.

Unfortunately, my amendment was defeated, as was a similar amendment offered by Senators FEINSTEIN and CORNYN. I think this was an unfortunate mistake by the Senate, and I am hopeful that this mistake will be corrected in conference.

If the funding formula is not fixed, however, I believe it is perfectly appropriate for us to reexamine this issue 5 years from now to ensure that the allocation of homeland security funding provides the necessary resources to communities most at risk.

For this reason, I will support the amendment offered by my colleague from Oklahoma.

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

Mr. LIEBERMAN. Mr. President, may I ask how much time we have on our side?

The ACTING PRESIDENT pro tempore. There is 5 minutes 4 seconds.

Mr. LIEBERMAN. I yield 2 minutes of that time to the Senator from Maine.

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

Ms. COLLINS. Mr. President, I am very sympathetic to the frustration expressed by the Senator from Oklahoma. Our committee, last year, had extensive hearings looking at waste, fraud, and abuse in the spending of funds in the wake of Hurricane Katrina. We documented over a billion dollars of waste or fraudulent spending. So the Senator has put his finger on a very important problem.

I am very concerned about the practical impact of the Senator's amendment. The Senator, at one point, had a second-degree amendment, which he has decided not to offer, which addressed part of my concern. The Senator has said this morning that the Department would have 18 months to comply with the provisions of the Improper Payments Act. But, in fact, the

plain language of his amendment says the Secretary shall not award any grants or distribute any grant funds under any grant program under this act until the certification, risk assessment, and estimates that his amendment calls for have been completed. The result of that, because our legislation includes some grant money for interoperability under the Commerce Committee provisions in the bill, for this year, is that it halts those funding programs, those grant programs. The result is to penalize first responders, State and local governments, for the faults that are largely from the Department of Homeland Security. I don't think that is fair. That is why the National Governors Association and the National Emergency Managers Association strongly oppose this amendment.

In addition, the Department has expressed great concern about this amendment. In fact, the Department's Office of General Counsel has written to me that they ''strongly oppose the amendment prohibiting the Secretary from awarding any grant, or distributing any grant funds, until the Secretary has submitted the certifications and other analyses in response to Senator COBURN's amendment.'' So it is not just the Governors and the emergency managers. It is also the Department of Homeland Security that strongly opposes the Coburn amendment.

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

Mr. LIEBERMAN. Mr. President, I want to speak very briefly on what I believe is the first of two amendments offered by the Senator from Oklahoma, amendment No. 294, the sunset of the entire text of the underlying bill, S. 4.

This would sunset all of the provisions of this legislation in 5 years. Obviously, the terrorism threat in the legislation that we have passed since 9/11, particularly in the Homeland Security Act of 2002 and the 9/11 legislation of 2004, will not go away in 5 years. Many parts of this bill amend existing underlying provisions that do not sunset. Thus, if we pass the Coburn amendment No. 294, we would be amending provisions for homeland security grants, information sharing, interoperability. Then in 5 years these homeland security programs would revert back to earlier rules and realities, which we have found in this bill to be inadequate. I think that would be a disruptive and, in many ways, a bizarre result.

If this called for reauthorization, as other legislation does, not immediate sunset, I would say it would be more reasonable to consider. But that is why I oppose Coburn amendment No. 294.

Mr. COBURN. Mr. President, how much time remains?

The ACTING PRESIDENT pro tempore. Six minutes.

Mr. COBURN. For the opposition?

The ACTING PRESIDENT pro tempore. Forty-six seconds.

Mr. COBURN. Mr. President, let me address Senator LIEBERMAN for a minute. The very thing he says he doesn't want to do now, we did exactly on the PATRIOT Act. Why would I want to sunset that? The American people would like to see every piece of legislation that we do that has to do with authorization and spending sunsetted. There are good reasons for that. We don't know what the terrorism situation will be in 5 years. We don't know all of the aspects of what we are dealing with. What we know is that 4 years from now, if this is sunsetted, we will be working on a new bill that is based on the realities of the world at that time.

Instead, what the opposition to this sunset amendment says is what we are doing now we know, without a doubt, is exactly what we need to do in 5 years from now in every area. I would put it to you that none of us knows exactly what we need to do 5 years from now. A sunset won't cause this to lapse. It will cause the Congress to act in year 4 to reauthorize the bill when it expires.

I have 5 minutes left. Let me talk about this. We should get reports on what we have done. We should report and react in a very commonsense way to what this bill has done over the next 4 or 5 years. We should review that. We should then reform what we are doing now so that it has better application and wiser use of resources, and then we should reauthorize.

To oppose sunsetting this speaks of an arrogance that is unbelievable of this body. We cannot know what we need to do 5 years from now in terms of homeland security. We don't know. It is an ever-changing situation. To imply that this will lapse—everybody here knows that is not the fact. We are not about to let it lapse. We are going to do what is necessary for our country.

This amendment tells us that we ought to relook at it because we don't have that kind of wisdom. If we think we do, we should not be here because that means we are going to be making a lot of mistakes. So I will go back to that. Let me go back.

Why would Homeland Security oppose the Improper Payments Act, as read by Senator COLLINS? Because they have not complied. They have no intention of ever complying. The one thing that the 9/11 Commission said that this Congress has not done is to have one committee responsible for oversight of Homeland Security. Senator CARPER and I spent a lot of time last year, as did Senator LIEBERMAN and Senator COLLINS in full committee, and we in our subcommittee, on Oversight of Homeland Security. We found a billion dollars wasted in Katrina. We found tons of improper payments in Homeland Security. We found that, in fact, there is no accountability. There is no accountability in the Department of Homeland Security.

The American public deserves to have the two amendments I have offered today. They deserve to force them to do what the law says on improper payments, and they deserve for us to make a reevaluation 4 years from now on what ought to be different. We ought to reassess what we are doing and reevaluate how we do it, and we ought to say we need to apply more resources to that problem. The American people deserve to know they are getting value for their money. Right now, they are not getting that in homeland security and in multiple areas because we cannot even find out.

So here we are crying that we cannot have earmarks because the agencies are going to run what they want to run. We have an opportunity to not let them run, and we are going to run against it. It is counterintuitive to me that we would be on both sides of this issue.

The fact is, the Federal Government is unaccountable in many ways, and the American people know that. On these two amendments, the American people are going to ask: How did they vote? And they are going to say, once again: What are they thinking? They are protecting the interests they have there now and putting at risk the interests of the next generation—because we don't do something simple like sunset a bill or make an agency comply with improper payments.

What would happen if there was a 1-month delay in grants? Nothing. But what would happen if we got the improper payment data from Homeland Security? Plenty. Then we could act on it and hold them accountable in the appropriations bills. Then we can do our jobs and do something about it.

I withhold the remainder of my time.

Mr. LIEBERMAN. Mr. President, our friend is making some points I agree with, as does Senator COLLINS and most Members. Our problem is that in each of the two amendments, the instrument he has chosen is very blunt. I wish we had more time to work on these. If they don't survive the two votes today, I look forward to going back in committee to work on these generally.

Why do I say they are blunt? The National Governors Association explained why they thought the improper payments would lead to the termination of homeland security grant funding to the States. There are some estimates by the administration that it would threaten Medicare payments. Doing something about this is good, but why have the ultimate punishment be on the beneficiaries?

The same is true of the sunset provision. Incidentally, the money authorizations in this bill are sunsetted. It is different from the PATRIOT Act, where the provisions with the sunset were very controversial. In this bill, I don't think there is any controversy about the underlying proposals.

I still respectfully oppose these two amendments, and I hope that if they don't succeed, my colleague and I can work in the committee to bring forth a

version of both that we can both support.

Mr. COBURN. I inquire of the Chair how much time is remaining.

The ACTING PRESIDENT pro tempore. The Senator from Oklahoma has 1 minute 17 seconds.

Mr. COBURN. Mr. President, I hope the American people will look at these commonsense amendments and look at how their Senators vote. The one way to get things done is to put somebody in a bind. The fact is, this is the law. It is already the law, and we are saying we are going to put some teeth behind the law and make you do it.

I raise one final point. If my colleagues vote against this, what they are saying to every other agency is: There is no consequence to not reporting and doing what you are supposed to do under the Improper Payments Act of 2002. That is the signal we will be sending.

The American people want the signal the other way. With $100 billion of their tax money paid out the door, that is improper, most of it overpayments, and we are saying we are letting one of the biggest agencies of the Federal Government off the hook.

If my colleagues want to vote for that, that is fine, but I hope we are held accountable for that vote in the next election cycle when we claim we want the Government to be efficient, we claim we want it smaller, we claim we want to get good value for the American taxpayer value. These votes surely will not show that, if my colleagues vote against these two amendments.

I yield the floor.

The PRESIDING OFFICER (Mr. WHITEHOUSE). All time has expired.

Under the previous order, the question is on agreeing to amendment No. 294 offered by the Senator from Oklahoma.

Mr. LIEBERMAN. Mr. President, I move to table amendment No. 294 offered by the Senator from Oklahoma, and I ask the vote be taken by the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second? There appears to be a sufficient second.

The clerk will call the roll.

The legislative clerk called the roll.

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

Mr. LOTT. The following Senator was necessarily absent: the Senator from Arizona (Mr. MCCAIN).

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

The result was announced—yeas 60, nays 38, as follows:

[Rollcall Vote No. 70 Leg.]

YEAS—60

Akaka	Bond	Cardin
Baucus	Boxer	Carper
Bayh	Brown	Casey
Bennett	Bunning	Clinton
Biden	Byrd	Cochran
Bingaman	Cantwell	Coleman
Collins	Lautenberg	Rockefeller
Conrad	Levin	Salazar
Dodd	Lieberman	Sanders
Dorgan	Lincoln	Schumer
Durbin	Lott	Smith
Feingold	Menendez	Snowe
Feinstein	Mikulski	Specter
Harkin	Murkowski	Stabenow
Inouye	Murray	Stevens
Kennedy	Nelson (FL)	Tester
Kerry	Nelson (NE)	Voinovich
Klobuchar	Pryor	Webb
Kohl	Reed	Whitehouse
Landrieu	Reid	Wyden

NAYS—38

Alexander	Ensign	Martinez
Allard	Enzi	McCaskill
Brownback	Graham	McConnell
Burr	Grassley	Obama
Chambliss	Gregg	Roberts
Coburn	Hagel	Sessions
Corker	Hatch	Shelby
Cornyn	Hutchison	Sununu
Craig	Inhofe	Thomas
Crapo	Isakson	Thune
DeMint	Kyl	Vitter
Dole	Leahy	Warner
Domenici	Lugar	

NOT VOTING—2

Johnson	McCain

The motion was agreed to.

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

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

AMENDMENT NO. 325

The PRESIDING OFFICER. Under the previous order, there will now be a 2-minute debate equally divided on the Coburn amendment No. 325.

Mr. COBURN. Mr. President, this is a real simple amendment. The improper payments law was passed in 2002. By 2004, all Government agencies were supposed to come under it. The Homeland Security Department has never filed, under the six major agencies, an improper payments report.

People will say: Well, this will cut off funding. No. 1, it would not cut off any funding for 18 months. No. 2, if you vote against this, you are sending a signal to every other agency that they do not have to comply with the improper payments law.

Mr. LIEBERMAN. Mr. President, I intend to move to table this Coburn amendment, and, obviously, I look forward to working with the Senator in our committee.

Basically, the funding on this bill is subjected to the improper payments law. As a letter from the National Governors Association makes clear, the Coburn amendment would effectively, and I quote, ''stop all State homeland security grant expenditures.''

That is unfair, unnecessary, and that is why I will move to table.

Mr. President, I yield back all remaining time on both sides, and I move to table the amendment offered by the Senator from Oklahoma 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 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 were necessarily absent: the Senator from Arizona (Mr. MCCAIN) and the Senator from Alaska (Ms. MURKOWSKI).

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

The result was announced—yeas 66, nays 31, as follows:

[Rollcall Vote No. 71 Leg.]

YEAS—66

Akaka	Domenici	Mikulski
Alexander	Dorgan	Murray
Baucus	Durbin	Nelson (NE)
Bayh	Feinstein	Obama
Bennett	Hagel	Pryor
Biden	Harkin	Reed
Bingaman	Inouye	Reid
Bond	Isakson	Roberts
Boxer	Kennedy	Rockefeller
Brownback	Kerry	Salazar
Byrd	Klobuchar	Sanders
Cantwell	Kohl	Schumer
Cardin	Landrieu	Shelby
Carper	Lautenberg	Snowe
Casey	Leahy	Specter
Clinton	Levin	Stabenow
Cochran	Lieberman	Stevens
Coleman	Lincoln	Sununu
Collins	Lott	Voinovich
Conrad	Lugar	Warner
Crapo	McConnell	Whitehouse
Dodd	Menendez	Wyden

NAYS—31

Allard	Ensign	McCaskill
Brown	Enzi	Nelson (FL)
Bunning	Feingold	Sessions
Burr	Graham	Smith
Chambliss	Grassley	Tester
Coburn	Gregg	Thomas
Corker	Hatch	Thune
Cornyn	Hutchison	Vitter
Craig	Inhofe	Webb
DeMint	Kyl	
Dole	Martinez	

NOT VOTING—3

Johnson	McCain	Murkowski

The motion was agreed to.

Mr. LIEBERMAN. I move to reconsider the vote and to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. LIEBERMAN. Mr. President, we had hoped at this point to offer another consent request to the Senate about several amendments we thought were cleared on both sides. Unfortunately, there is objection on that so we will have to wait.

Pursuant to the consent agreement we passed last week, we are going to final passage on this bill today. When we come back after the party lunches at 2:15, we will begin to dispose of the pending germane amendments in whatever way we can at that time. Then this afternoon we will go to final passage. There definitely will be additional votes this afternoon on this important legislation.

I ask that the Senate stand in recess under the previous order.

RECESS

The PRESIDING OFFICER. Under the previous order, the hour of 12:30 having arrived, the Senate stands in recess until 2:15 p.m.

Thereupon, at 12:34 p.m., the Senate recessed until 2:15 p.m. and reassembled when called to order by the Presiding Officer (Mr. CARPER).

The PRESIDING OFFICER. The Senator from Connecticut is recognized.

IMPROVING AMERICA'S SECURITY ACT OF 2007—Continued

Mr. LIEBERMAN. Mr. President, I say to my colleagues, on the pending legislation, S. 4, the Senate has now used up all the time postcloture so that what stands—if I could put it in a more negative light than I should—before the Senate and the vote on final passage of this important legislation is disposition of the remaining germane amendments and any other matters that can be passed by consent.

We are working on a managers' amendment which would contain the matters about which there is unanimous consent. We are whittling down the number of germane amendments that will need to be voted on. I say to my colleagues we hope to be able soon to announce when the last few votes on amendments and final passage will occur. But they will definitely occur this afternoon.

I thank the Chair, and pending further developments, 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. BIDEN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

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

Mr. BIDEN. Mr. President, I have spoken to the manager of the bill, and I am—with his permission and their permission—going to speak. But as soon as they are ready to reclaim the floor, to close this down, I am prepared to stop at that point, or before.

The PRESIDING OFFICER. Without objection, the Senator is recognized.

AMENDMENT NO. 383

Mr. BIDEN. Mr. President, I know there is not a lot of time, but the amendment that is at the desk, No. 383, that I have—I ask it be called up and be considered.

This is all about rail safety. The Federal Government currently has no say on where 90-ton rail tankers, filled with chlorine or other hazardous chemicals, are shipped around the Nation. The Naval Research Laboratory, at my request, some months ago, issued a report. The context of my inquiry with them was: What would happen if one of these 90-ton chlorine gas tanker cars exploded—for example, where a terrorist put C–2 underneath there in a populated area and blew it up?

What made me think of it was, you may remember almost 2 years ago now, out in North Dakota, one of these tankers leaked, and the end result was a number of adjoining towns, small towns, had to be evacuated because it was so deadly.

So I asked the question of the Naval Research Center. As you know, some of our best scientists in the world are there. I asked: What would happen? What would happen if a 90-ton tanker containing chlorine were to be blown up in a major metropolitan area?

Mr. President, I ask unanimous consent that the report submitted to me be printed in the RECORD.

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

Advanced simulation technology gives us a practical breakthrough for analyzing and treating urban contaminant accidents, pollutant incidents, and in combating Chemical, Biological, and Radiological (CBR) terrorism. Today the nation is striving to develop plans and corresponding procedures to prepare for these contingencies. The ability to construct accurate, easy-to-understand analyses of dangerous contaminant release incidents is an absolutely crucial component of civil defense planning and execution. When decisions have to be made during an actual crisis, essentially infinite speed is required of the predictions and yet the analyses must be performed with high accuracy. When responding to a CBR crisis, waiting even one minute to perform simplified support computations can be far too long for timely situation assessment. State-of-the-art, engineering-quality three-dimensional predictions that one might be more inclined to believe can take hours or days. The answer to this dilemma is to do the most accurate computations possible well ahead of time and then to capture their salient results in a highly compressed database that can be recalled, manipulated, and displayed instantly during a crisis. Dispersion Nomograph™ technology was invented at NRL to provide this capability.

This presentation is based on a portable software tool called CT-Analyst™ that uses dispersion nomographs to combine information from sensors and eyewitness reports to find contaminant sources in an urban maze of buildings, to track airborne contaminant plumes accurately across the city, and to plan evacuation routes. In a crisis, real time users don't have to wait for any of these results because personnel defense plans and strategies can be adapted to current situation assessments with no delay for computing. This presentation uses CT-Analyst to show the evolution of a large contaminant plume caused by the rupture of a railroad tank car adjacent to the Blathersburg Mall.

Detailed, three-dimensional FAST3D–CT simulations (such as shown at left) are compressed by more than a factor of 10,000 to produce compact data structures called Dispersion Nomographs™. These ''nomographs'' allow CT-Analyst™ to make accurate, instantaneous predictions including the effects of buildings (as shown at right). This example shows the situation twenty minutes after a contaminant release occurred at the location marked by the blue star with the wind from 295 degrees at 3 m/s. This CT-Analyst display shows the instantaneous plume at 20 minutes (light red) superimposed on the footprint of the likely contamination region (light gray). The footprint can eventually become contaminated beyond tolerable limits sometime during the scenario. The plume region displayed surrounds the instantaneous plume—with a safety buffer zone. CT-Analyst is in use at a number of locations (see figure), was extended for Operation Iraqi Freedom, and is being modified as a CBR Emergency Assessment System for installation in Navy bases over seas.

Also overlaid on the CT-Analyst display are the results of the backtrack function (sensor readings and observations determining a probable source location as shown in blue and purple). CT-Analyst performs multi-sensor fusion operations based on the very limited information about the contaminant density. A number of sensors are active and operating in automatic (triangles) and manual (circles) modes to register the presence or absence of the agent plume at their location. Red indicates a ''hot'' sensor (something considered dangerous) and blue indicates a ''cold'' reading where the contaminant agent density is below the threshold for detection. Please note that the ''Escape'' function has also been activated in this composite display, projecting optimal evacuation routes. These recommended evacuation routes suggest walking paths for rapid egress from the path of the advancing plume and continue out to the edges of the contamination footprint. This entire assessment takes about 50 milliseconds on a typical windows laptop computer.

The figure above shows the contaminant concentration just three minutes after a railroad tank car accident has occurred along the indicated section of track where the right-of-way turns toward the east as shown by the yellow arrow. A large quantity of contaminant has been released in a couple of minutes. The time is late evening and the brisk breeze, from the southeast in this scenario, blows the cloud up toward a quarter of a million people celebrating Fourth of July on the Mall near the Blatherburg Monument.

The large gray area is the contamination footprint predicted by CT-Analyst™; this area can become highly contaminated in the first half an hour. It is a good idea to get to outside the footprint and stay outside of it until an ''all clear'' is given. The bands of color downwind of the source, originating at the bright blue stars along the track, indicate the contaminant concentration in the cloud moving with the wind toward the upper left. The table tells how to interpret the colors in easily understood terms. The actual numbers, of course, can only be made specific and quantitative when the absolute size of the source is known. Each color marks approximately a factor of two range of concentration values. People breathing yellow green and ''hotter'' colors are in a very deadly situation. Not all colors appear on each figure because the contaminant concentration drops as the plume (cloud) spreads.

The diagonal purple lines in this and the following figures mark general suggested evacuation routes. The gaps in these lines show a kind of ''no man's land'' where the plume will go first and in highest concentration. People should walk briskly away from the center of the advancing plume along the general direction of these evacuation paths skirting around buildings and keeping to reasonable walking routes as required. Don't run and don't get in or stay in a car.

These two figures show the advancing plume at five minutes (left) and ten minutes (right) after the release occurred. Three adjacent blue stars are used to mark the extended region over which this release has occurred from a moving railroad tank car. The yellow arrow indicates the direction of motion along the track and the pink arrow is the prevailing wind direction in each figure. The brisk breeze here is a worst case because slower winds allow much easier evacuation from the affected area and much faster winds dissipate the cloud so quickly that fewer people at any one spot receive critical dosages.

Almost everywhere in the plume after five minutes has elapsed (colored region)

there is a high probability that the contamination will be lethal and almost all of the plume is still lethal at ten minutes. At ten minutes the lethal plume area is spreading at about its maximum rate. If 100,000 people receive critical (lethal) doses in the absence of any defensive action, they are crossing this critical dose threshold at the rate of a hundred people per second. Thus there is an enormous benefit to immediate warning delay and speedy defensive response.

Based on a number of other simulations not shown here and a consistent analytic theory, a warning issued within 3 minutes is possible with an automated sensor network and near complete situation assessment and response should be possible within five minutes. Though many procedural and communication problems remain to be solved, these times should be adopted as goals because so many lives will depend on making these response times as short as possible. Between five minutes and the current goal of issuing a warning in 15 minutes, 60,000 people or more could be critically dosed.

These two figures show the advancing plume in the previous scenario at 15 minutes (left) and 30 minutes (right) after the release has occurred. By 30 minutes the plume has spread laterally about as much as it will but it is still quite toxic and still expanding downwind off the edge of the nomograph. At 30 minutes the plume extends three to four miles downwind, is about 1.5 miles wide at its widest, and is still dangerously toxic as indicated by the large yellow-green region above right. If people are standing or sitting as much as 15 feet apart in all directions at an event on the Mall, there would be well over 100,000 people per square mile. Furthermore, the contaminant plume in this scenario will be dangerous over several square miles. Therefore, in the absence of an early warning and concerted action (rapid evacuation away from the centerline of the plume) over 100,000 people could be seriously harmed or even killed in the first half an hour.

Although this is a dire scenario, the people several miles downwind from the source, in this example a couple miles off the upper left corner of the figures, have plenty of time to walk out of the way of the plume given a warning in five minutes or less. They would have to walk only about ¾ of a mile at most to get completely out of the plume and would have 20 to 25 minutes to do this. Walking is recommended in urban areas since the roadways should be kept open for emergency traffic and will gridlock instantly if everyone tries to leave in their cars at the same time.

The message is clear, walking perpendicular to the wind away from the centerline of the plume is the only effective direction to walk, as indicated automatically by CT-Analyst. There is a wide range of angles, plus or minus 30 degrees, for which this strategy is effective but the effectiveness declines the longer the delay in receiving a warning. For large contaminant sources, simple theory and detailed computer simulations both suggest that 85 to 95% of the people who would otherwise be exposed can avoid exposure, regardless of what the agent is, when the appropriate warning is issued without delay.

What also becomes apparent is that solid information, as well as prompt warning and action, reduces exposure. Knowing the location of the contaminant source, the wind speed, and its direction can save tens of thousands of lives. Combining an integrated city sensor net with accurate models incorporating the unique building/terrain features is the key to defining the centerline of the plume based on source location and thus determining effective escape routes. A CBR Emergency Assessment System must be instantaneous and capable of incorporating changing wind and sensor data as they become available. Only centralized analysis and prompt communication can define the safe routes away from an invisible cloud.

These CBR emergency assessment tools have been used to evaluate and compare a number of possible CBR defense strategies. The model on which this graph is based follows hundreds of thousands of people who begin walking (evacuating) in a specified direction relative to the wind once a warning is issued. The computed contaminant density is integrated to determine each persons dose. This ''warning delay'' is varied to measure the reduced effectiveness of evacuation as the warning delay gets too long. Zero (0) degrees is walking downwind, 90 degrees is across the wind (perpendicular) to the plume centerline, and 180 degrees is walking upwind.

We have shown that plausible accidents or terrorist attacks in an urban environment can put 100,000 people or more at risk in a 15 to 30-minute time span. During this interval several square miles of city can become lethally exposed and people can die at the rate of 100 per second. Clearly there is a very great premium or fast effective response.

The point is—we already have accurate, fast tools based on tested scientific models for computing the detailed airflow and converting these data sets directly to critical civil defense information. An urban CBR Emergency Assessment System (CBREAS) based on this new technology can instantly combine information from eyewitness reports and CBR sensors to locate hidden sources, can estimate regions about to become contaminated, and can predict effective evacuation paths. This new technology faithfully incorporates the 3D structure of urban building mazes and has reasonable sun, wind, and information-display options. The challenge is to harness these tools effectively in the current political climate. If police, fire department personnel, and emergency first responders use this technology to obtain a minute-by-minute situation assessment and implement an action plan, they can reduce exposures, even of large crowds in the open, by 85 to 95% provided that an early warning is issued.

Sales Pitch: The CT-Analyst contaminant transport system is ACCURATE. Plume envelopes are 80–90% as accurate as state-of-the-art 3D computational fluid dynamics. CT-Analyst is VERY FAST with performance 1000 to 10000 times faster than real time. This can make the difference in saving tens of thousands of lives in a real attack. It is also very EASY TO USE. Two hours of training should be adequate. CT-Analyst can also be used for war games, virtual reality training, site defense planning and execution, and sensor network optimization. The CT-Analyst software has stabilized and is very rugged. The software also allows the user to displace plumes by dragging the source across the screen, and can ''backtrack'' to find hidden sources. CT-Analyst will also project optimal evacuation routes.

Mr. BIDEN. Let me summarize the report.

The answer was ''over 100,000 people could be seriously harmed or even killed in the first half an hour.'' Let me say that again. One of these tankers filled with chlorine gas—and there are hundreds, up and down the road, going through major metropolitan areas, from Los Angeles to New York and everywhere in between—what would happen if a terrorist were to explode one of those in a major metropolitan area? The answer was: ''over 100,000 people could be seriously harmed or even killed in the first half an hour.''

Said another way: What happens if one of these is blown up in a freight yard in Philadelphia, PA, right along the Schuylkill River, 10 blocks, 15 blocks from City Hall, the University of Pennsylvania, Drexel University—a very populated area? Within one-half hour, 100,000 people could be seriously harmed or even killed.

How long would it take to evacuate that area? Imagine evacuating downtown New York City, Baltimore, Miami, Seattle—you name the city.

So what is the problem? Well, the problem is—and we have seen in recent reports—insurgents in Iraq are using chlorine in their attacks on civilians. There is little doubt terrorists who are targeting us here at home are paying attention. In these roadside bombs, they are—thank God they have not gotten it down very well yet—but they are injecting chlorine into that carnage they cause because they know the consequence of the dissemination of the highly toxic substance in a populated area.

Nevertheless, we continue to allow these 90-ton—that is a standard: 90-ton—rail tanks containing chlorine and other hazardous chemicals to roll unprotected through the hearts of our largest cities in high-threat areas. We know the rail industry has adamantly opposed any attempt to allow local officials, in conjunction with the Department of Homeland Security and security people, to reroute these tankers.

Now, again, look where this tanker is sitting, as shown in this picture. Do these buildings look familiar to you? This is an actual photograph of a 90-ton chlorine gas tanker car sitting in the direct view—if you look over the top of it, you can see the Hart Building, you can see the Dirksen Building, and you can see the U.S. Capitol.

By the way, I know my friend, the Presiding Officer, a former board member of Amtrak, a guy who has fought very hard to protect Amtrak—we take the train almost every day together back and forth to and from Delaware—I say to my colleagues, go on down to the station this afternoon and follow us down whenever we finish and get on the train. If it is not an Acela, stand in the back car of an Amfleet train. You can look out the back window. Watch as we pull out of the station. Tell me how many cops you see. Tell me how many cameras you see. Tell me how much protection exists there.

Look at this tanker car, shown in this picture, sitting right out there—in the middle of nowhere, in the middle of everywhere.

So, folks, the idea we do not even have as an option the ability of our security people and the mayors and local

officials to suggest these tankers bypass their cities so, God forbid, if something happens, they are not as high a prize of a target—by the way, the less sensational damage able to be done, the less likelihood it will be picked as a target.

Because someone could legitimately argue: BIDEN, you are taking this out of the route—and we have other maps showing the routes of the various alternative routes that could be used to avoid the major cities. Now, they could say: You are going to be going through more rural areas. Yes, serious damage could be done in rural areas, but the prize for the terrorist is much lower. The likelihood of them concluding that instead of coming down from, for example, Newark, NJ, all the way down into Augusta—you can, in fact, reroute these on Norfolk Southern, which goes through much less populated areas.

People legitimately say: Aren't you putting those folks at risk? No matter where these cars are, we are at risk. But again, where is the likely target? Where are terrorists going to risk their lives to be able to go in and do damage? They will do it where the most people are.

So I know the rail industry, as I said, is adamantly opposed to amendment No. 306, and is likely opposed to the updated version we will vote on today. But in the face of such risks, I do not know how we can let their opposition determine whether we go forward.

This amendment is very limited. It simply states the Secretary of Homeland Security, not the rail industry—the rail industry is not the bad guy—should determine the most secure routes for the shipments of the most dangerous chemicals, and that ownership of the track is not to be considered in making this risk-based determination; meaning, if you have something going down on a CSX track that is owned by CSX, they should be able to use and be diverted to a Norfolk Southern track. I could give you examples all across the country, as the Presiding Officer knows.

Again, all I am saying is, let the Department of Homeland Security determine whether the most dangerous chemicals are able to be diverted around the most populated areas in our country. And do not—do not—in fact, use as an impediment the idea the track upon which it is being carried is not owned by the company whose car is on that track.

That is all we are doing, Mr. President. The amendment would apply to only .36 percent—less than a third of a percent—of all the shipments that occur on our rail system. It only applies to through-shipments; it does not apply to the destination city. Some of this stuff goes into large populations, where that is the end point. It doesn't say it cannot go there, but it does say we should reduce the probability of catastrophic damage by allowing them to be rerouted, if that is the judgment of the Department of Homeland Security.

A similar amendment was passed by voice vote in the House Homeland Security Committee today. Not one Republican or Democrat spoke in opposition to this measure. This amendment will ensure that the Senate is on the right side of the issue as well.

Mr. President, I was asked by my colleague from Connecticut, one of the two managers, that he be added as a cosponsor. I ask unanimous consent his name be added.

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

Mr. BIDEN. Mr. President, I understand that a man with whom I hardly disagree, Senator INOUYE, has reservations. I hope he will reconsider those reservations. Again, all we are doing is letting the Department of Homeland Security, in conjunction with local officials, make the judgment whether the risk is so high that it warrants it being rerouted. Of all the cargo on all of the tracks in America, we are talking about .36 of 1 percent, all that is transported on rail. So we are not asking much. The downside of us being mistaken is significant.

I close by quoting from the rail industry's letter opposing this amendment. They say:

> Rerouting would not eliminate the risk, but instead shift it from one population to another.

That is true, but this amendment says the Department of Homeland Security, not the rail industry, should determine how to weigh and respond to this known potentially catastrophic risk. What did we just debate last week on the floor? The allocation of resources for Homeland Security should be going toward the danger lines. There is nothing that is risk free—nothing. It is a little like my friend from Delaware and I have heard so much every time we come up with rail security legislation. We are told we cannot secure every mile of track. That is true, we can't, but there is a big difference with a terrorist taking a single train off a track somewhere in rural America and a terrorist taking a train at 140 miles an hour into the most visited area in Washington, DC, Union Station, at a high speed.

There is a difference between blowing up a tunnel underneath the Chesapeake Bay or the Hudson River and blowing up a tunnel in the middle of some rural area. Terrorists pick targets for the greatest effect. So the idea that we would not reroute—if the Department of Homeland Security determined it made sense—a series of chlorine gas tankers from a major metropolitan area to a more rural area seems to me to be such a silly argument to make.

The idea is, how do we reduce the risk for the most people of the United States of America? Again, I will end where I began. When this was called to my attention some years ago, I went to the Naval Research Laboratory and I asked them—and I have included this in my statement—to tell me what would happen—and, again, it doesn't take much for terrorists to figure out a way to puncture a hole in the bottom or the side of one of these tanks by use of explosives or other devices. The answer was that if that were to occur in a highly populated area, ''over 100,000 could be seriously harmed or even killed in the first half hour.''

Imagine how many people we get to evacuate reasonably so that there is essentially no one left in a half hour. If the gun goes off right now, how long does it take downtown Manhattan or downtown Washington, DC, or Capitol Hill to evacuate people so they are not around? If you don't evacuate—to say it another way—within a half hour, a whole lot more than 100,000 people will be seriously injured or will die.

I know the Senator from Connecticut supports this amendment. I don't know what the view of our colleague from Maine is. I hope they understand how limited this amendment is, how consequential it is. I hope my colleagues, when it comes time to vote, will vote in favor of this amendment.

I thank the Chair and I thank the managers. I yield the floor.

The PRESIDING OFFICER. The Senator from Maine is recognized.

Ms. COLLINS. Mr. President, the amendment offered by the senior Senator from Delaware is actually more under the jurisdiction of the Commerce Committee than the Homeland Security Committee. Nevertheless, in the absence of a member of the Commerce Committee on the Senate floor, I want to express my concern about the amendment.

As I understand it, the effect of the amendment would be to require that hazardous materials on rail cars be routed around high-threat areas, with some exceptions.

The problem is that the Commerce Committee title on rail security already has a section that addresses hazardous materials by requiring a mitigation plan that can include rerouting but only when the homeland security advisory system is at a high or severe level of threat or when specific intelligence indicates that there is a specific or imminent threat.

I think this amendment, while well-intentioned, creates all sorts of practical problems. The Chamber of Commerce, which is rating this as a key vote, lists some of those that I want to read from a letter that we received from the Chamber today. The letter reads:

> The Biden amendment, which would require mandatory rerouting of shipments of hazardous materials around high threat corridors, would not reduce risk to homeland security. It would only reallocate risk among population centers. In fact, the amendment would actually increase risk by either eliminating routes that provide optimal overall safety and security, or by adding hundreds of miles and additional days to the journeys of shipments of hazardous materials via less direct routes.

In other words, if we are causing this hazardous material to be on its journey far longer because it is not going by

the more direct route, that could in fact increase the problems or the chances of the hazardous material being attacked. The letter goes on to point out that the railroads have been working with the Federal Government, with chemical manufacturers, and with consumers to explore the use of coordinated routing arrangements to reduce mileage and time in the transit of highly hazardous materials.

This amendment seems to be going in the opposite direction. Another one of my colleagues has raised the issue of chlorine shipments to wastewater treatment plants. Those shipments need to be made. It raises a lot of practical questions about how to move this material. Another colleague raised the issue to me of whether this would result in more trucks on our highways carrying hazardous materials.

So I think that while I agree with the overall intent of the amendment, I am much more comfortable with the approach taken by the Commerce Committee—a committee which, unfortunately, I don't serve on, so I don't have the level of expertise that its members have in talking about this issue. I do expect some members of the Commerce Committee to come to the floor and debate this issue.

I do want my colleagues to know that the distinguished Senator's amendment is controversial, that it may have unintended consequences. Based on my knowledge of the issue, I hope it will be defeated.

Thank you.

The PRESIDING OFFICER. The Senator from Delaware is recognized.

Mr. BIDEN. Mr. President, I appreciate the comments of the Senator from Maine. She may have misunderstood two aspects of the amendment. One, it doesn't mandatorily require rerouting at all. It says the Department of Homeland Security can reroute, if they determine it should be rerouted.

No. 2, the freight industry, where they made the judgment on how much further in distance it would travel if, in fact, you were to reroute, factored in only that it had to be rerouted on their own tracks. So the idea being that they would not be able to—this happens all the time, where other tracks are used; for example, the Chesapeake using Norfolk Southern track.

No. 3, the Chamber of Commerce is opposed because it costs more money. A lot of these things cost more money. Will it cost more money to be able to reroute up to one-third of 1 percent of the freight on rail? Yes. But I ask the rhetorical question: What will it cost if one of these tankers goes off in a populated area? What will the cost then be to the very businesses that are most concerned about it?

Fourth, this doesn't affect destination. If the chlorine gas tanker car is going to a water treatment facility, it still goes to that facility. Nothing changes. What we could have changed is what we did in Delaware, not use chlorine. There are other means by which water can be purified. We have done it in our home State. That is what you should do. But that doesn't stop this car, or any other car, from going to such a facility.

Let me emphasize again that there is no prohibition on end point distribution. If the car is designed to go to a facility in the center of a city, it goes to the center of the city. There is nothing you can do about that. That is very different than—I am making up these numbers for illustration—you may have one of these tankers going in once a month versus 50 going through the same city in a month or 100 in a month. This is all about percentages. You play the percentages. Again, it is true, rerouting may render cities in North Dakota—well, they would not be rerouted in North Dakota, but I referenced the small towns. There was a chlorine gas tanker car going across the top of the Nation and, thank God, what happened was it went off in a rural part of the world. You were able to evacuate the three cities and nobody died. Had that same thing occurred in the middle of Chicago, you would not be able to evacuate the city. We would not have had time.

So, yes, it is true. Are you going to put a different population at risk? Yes, about one-tenth, one-twentieth, one one-hundredth or one one-thousandth of the population, depending on where it is rerouted. So it is a little bit like saying: Why do we spend so much money worrying about the Sears Tower? It is there, it is big, and it is a target. Is it possible that a terrorist would go into a building that is two stories and blow it up? Yes. Can they fly an aircraft into a rural town grain elevator? Yes. But that is not what we are worried about. They are not likely to do that. They are likely to fly a plane, plant a bomb, do something devastating where the most people are.

So I find it to be a totally disingenuous argument. This is about the bottom line. I measure the bottom line—as I suspect all of us would if we thought about it—in human life.

The bottom line, in terms of the dollars, the impact that would occur in a catastrophic circumstance is if there is a town of 1,000 people and a town of 6 million people, there is a phenomenal difference whether that chlorine gas tanker car gets exploded.

Let me summarize. It is indicated by the Department of Homeland Security again that an explosion of a rail tanker carrying chlorine would kill 17,500 individuals, require the hospitalization of another 100,000—and only then if we evacuate within a half an hour. We can evacuate a city of 1,000 people in half an hour. We cannot evacuate a city of 4 million people in half an hour. So it matters.

If this rail tanker goes off in New York City, my friend from New York is going to be on the floor again pointing out the catastrophic impact. If it goes off in rural Delaware, it will be a tragedy for me and my constituency, but there will be a significant magnitude of difference.

So everything we do in terms of allocation of resources goes in this place to deal with protecting the most people who can be protected: The shipment originates or the point of destination is in the high-threat corridor; no practical alternative routes exist. If they don't exist, it doesn't get rerouted. Rerouting would not increase the likelihood of an attack. It would decrease the likelihood of an attack because people attack targets that have the maximum impact. This would not increase the total number of cars on the track. It would allow the potential for homeland security to reroute them away from the places that would do the most damage.

I thank the Chair and yield the floor.

The PRESIDING OFFICER. The Senator from Maine.

Ms. COLLINS. Mr. President, I do expect additional Members on my side of the aisle to come and debate this issue.

I wish to clarify that the language, as I read it, in the Senator's amendment, is not discretionary, it is mandatory. It does allow for some certain significant exceptions for the Department to make findings on, but it clearly says:

> The regulations issued under this section shall—
>
> (1) except as provided in—
>
> The subsections part—
>
> provide that any rail shipment containing high hazard materials be rerouted around any high threat corridor.

So I don't see it as giving the Department great discretion if that determination is made because of the word ''shall,'' which is not permissive, it is mandatory. There are some exceptions later which the Senator has referred to, such as the origination point or point of destination being within the high-threat corridor. But as I read the amendment, it pretty clearly calls for rerouting.

I wanted to clarify that issue. Maybe I misunderstood the Senator from Delaware, but I thought he was saying it did not require rerouting.

Mr. BIDEN. Mr. President, if the Senator will yield, she is correct, but it only requires the Secretary to do it if he or she concludes that there is a safer way to reroute the shipment. If the conclusion made by the Secretary is that in a high-risk corridor the rerouting would not result in an increased safety margin for the shipment, then he or she need not reroute it. But it is correct, the presumption is, in a high-risk corridor we reroute if it is not a point of destination or origin but only if the determination by the Secretary is that the shipment, in fact, would be safer to be rerouted. It is on page 4 of the amendment. It is section 2, subparagraph E, ''Transportation and Storage of High Hazard Materials through High Threat Corridor'' areas. It says:

> In General.—The standards for the Secretary to grant exceptions under section

(d)(4) shall require a finding by the Secretary that—

(A) the shipment originates or the point of destination is in the high threat corridor;

(B) there is no practical alternative route;

(C) there is an unanticipated, temporary emergency that threatens the lives of persons or property in the high threat corridor;

(D) there would be no harm to persons or property beyond the owners or operator of the railroad in the event of a successful terrorist attack on shipment; or

(E) rerouting would increase the likelihood of a terrorist attack on the shipment.

The bottom line is that it should be left to the discretion of the Secretary to decide not to reroute rather than the privately owned railroad. I thank the Senator for her clarification.

I yield the floor.

Ms. COLLINS. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

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

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

Mr. SCHUMER. Mr. President, I will speak briefly because I know the floor leader for the minority side has people coming to speak to respond to the amendment. I am not speaking on the amendment.

The PRESIDING OFFICER. Without objection, the Senator is recognized.

U.S. ATTORNEYS

Mr. SCHUMER. Mr. President, I rise because I heard Attorney General Gonzales speak about the growing, disheartening, and alarming scandal with the U.S. attorneys. I wish to say, first, that this is a serious issue. In every district in America, the U.S. attorney represents the enforcer of the Federal law without fear or favor. U.S. attorneys over decades have built up a reputation of being not part of politics but, rather, enforcing the law, as they say, without fear or favor.

Over every Justice Department office in every corner of the land is the eagle perched on a branch, with her claw holding a bunch of arrows. When you see that symbol, it denotes strength, but it denotes fairness and impartiality. That fairness, that impartiality has received a serious blow—maybe not a mortal blow because of the resilience of our country, but a serious blow—over what has happened in the Justice Department over the last several months.

What we have had in the past is misstatement after misstatement about what has happened. The story has kept changing, we can't get the truth, and that is why we had no choice but to undertake our own investigation.

Let me say that time and time again we have heard falsehoods. We were told that all seven of the eight U.S. attorneys were fired for performance reasons. It now turns out this was false, as their glowing performance evaluations attest.

We were told by the Attorney General he would ''never, ever make a change for political reasons.'' It now turns out all this was false, as the evidence makes clear this approach was based purely on politics to punish prosecutors who were perceived to be too light on Democrats or too tough on Republicans.

We were told by the Attorney General this was ''an overblown personnel matter.'' It now turns out, however, that far from being a low-level personnel matter, this was a longstanding plan to exact political vendettas or make political payoffs.

We were told the White House was not involved in the plan to fire these U.S. attorneys. It now turns out this was a complete falsehood. Harriet Miers was one of the masterminds of this plan, as demonstrated by numerous e-mails made public today. She communicated extensively with Kyle Sampson about firing of U.S. attorneys. In fact, she originally wanted to fire and replace the top prosecutors in all 93 districts in the country.

We were told that Karl Rove had no involvement in getting his protege appointed U.S. attorney in Arkansas. In fact, there is a letter from the Department of Justice:

The Department is not aware of Karl Rove playing any role in the decision to appoint Mr. Griffin.

Mr. Griffin was the attorney whom they appointed. It now turns out this was a falsehood, as demonstrated by Mr. Sampson's e-mail:

Getting him—

Griffin—

was important to Harriet, Karl, et cetera.

We were told the change to the PATRIOT Act was an innocent attempt to fix a legal loophole, to help the war on terrorism, not a cynical strategy to bypass the Senate's role in serving as a check and balance. It now turns out this, too, was a falsehood—another one—as demonstrated by an e-mail from Mr. Sampson:

I strongly recommend that as a matter of administration, we utilize the new statutory provisions that authorize the AG to make USA appointments.

Mr. Sampson specifically argued that by using these provisions, the administration ''can give far less deference to home State Senators and thereby get (1) our preferred person appointed and (2) do it faster and more efficiently at less political cost to the White House.''

So it has been misstatement after misstatement. To put it delicately, prevarication after prevarication, changes in stories, coverups in stories. And the only reason, frankly, we are getting to the truth is we have the majority, and we have the ability to subpoena and have hearings and investigate.

A few minutes ago, Attorney General Gonzales spoke. I have to say I have no animus toward Attorney General Gonzales. In fact, I like the man. He seems to me to be a genuinely nice man. He doesn't seem to me to be one of these hard popular warriors who populate the administration in such large numbers and, frankly, we have seen in Justice Department appointees throughout the Justice Department in far too great a number. But simply being a nice person, being a ''nice guy'' is not enough, particularly when you are not performing your job.

The Attorney General got up and said:

I am ultimately responsible, but simply claiming responsibility is not enough.

He said:

I was not involved in any memos or discussions of what was going on.

That is his quote.

He said:

Many decisions are delegated.

Mr. President, did the Attorney General not know that eight U.S. attorneys were to be fired? If he didn't know, he shouldn't be Attorney General, plain and simple. That is not a minor personnel decision. That is a major act that has now shaken the integrity of the U.S. Attorney's Offices—not only those in question but all of them—to the core.

To simply say decisions were delegated, that is a sorry excuse. And then, of course, if the Attorney General knew, that one doesn't work either.

The Attorney General has said:

I will do the best I can to maintain the confidence of the American people.

Mr. Attorney General, you have already lost that confidence. It has not simply been on this issue, although this is the straw that has broken the camel's back, and when you sat in a room with Senator LEAHY and Senator FEINSTEIN and Senator SPECTER and myself last Thursday and seemed to give this crisis, most considered crisis, the back of your hand and say it is not terribly important and don't worry, we will fix it without caring about it, my total confidence was shaken, and I believe the others in the room felt the same.

This was, as I said, the straw that broke the camel's back. It was hardly the only decision. On issue after issue, the Attorney General has not stood up for the rule of law, which is his foremost duty. On issue after issue, whether it be wiretaps, whether it be national security letters, whether it be the unitary theory of the Executive, allowing the Executive to do everything with no checks and balances, this Secretary has been a rubberstamp for policies that the courts have found repeatedly unconstitutional.

The Attorney General, unfortunately, in my judgment, misconceives his role. The Attorney General misconceives his role because he still sees himself as counsel to the President, his previous job, where he rubberstamped everything the President did. But when you are the President's counsel, your job is to serve the President, period. When you become Attorney General, you have a higher

duty. That duty is the rule of law—to preserve it, to protect it, to defend it. For whatever reason, the Attorney General doesn't see that as his role. His time in office should be over.

The U.S. attorneys scandal and all the other instances where the Attorney General did not protect the rule of law are just too great a weight for the office to bear. To simply say ''I am responsible'' and not tell people what it is all about makes no sense. We just saw Scooter Libby be convicted. Many said he was a fall guy. We are not going to have another Scooter Libby, another fall guy. Kyle Sampson did many wrong things, and it is very possible he broke the criminal law, but, as Harry Truman said, the buck stops at the top. The buck stops with the Attorney General. It defies belief that his chief of staff was making all these major decisions without his knowledge, particularly when it is clear that at least on a few instances he admits he had phone calls from the President and from others about this issue.

I want to say one other thing, because this issue is not going to go away. This issue is going to stay with us until we find out everything that has happened, for the sake of punishing those who did wrong but also, more importantly, to clear the air and restore the good name of the U.S. attorneys who were fired incorrectly and of the U.S. attorneys—a more numerous group—who were not involved in this issue but whose reputations have been called into question. Tomorrow, if someone is indicted by a U.S. attorney who had no involvement in this scandal and their defense attorney says politics was involved, the public may believe it, given what we have seen happen thus far. So it is our obligation, it is our moral imperative to get to the bottom of this, to clear the air, and to restore the reputation of U.S. Attorney's Offices now and into the future, and that is just what we will do.

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

The PRESIDING OFFICER (Mrs. MCCASKILL). The clerk will call the roll.

The bill 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.

AMENDMENTS NOS. 441, 357, 448, 337, 389, AND 299, EN BLOC

Mr. LIEBERMAN. Madam President, we are making progress in disposing of the final amendments pending as we head toward final passage of S. 4. So at this time, I would like to propound a unanimous consent request that there are a number of pending amendments which I understand can be considered and agreed to without the necessity of a rollcall vote, and two of these amendments will have second-degree amendments.

I now ask unanimous consent that it be in order for the Senate to proceed en bloc to the consideration of the following amendments, that they be agreed to en bloc, and that the motions to reconsider be laid upon the table:

First, the Kyl amendment, No. 357, with a Feingold second-degree amendment, No. 441.

Second, a Schumer amendment, No. 337, with a modification that is at the desk, and with an Ensign second-degree amendment, No. 448.

Third, a Bond amendment, No. 389, with a modification at the desk.

Fourth, and finally, a Stevens amendment, No. 299.

The PRESIDING OFFICER. Is there objection?

Ms. COLLINS. Madam President, these amendments have been cleared on this side of the aisle, and I do not object.

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

The amendment (No. 441), to amendment No. 357, was agreed to, as follows:

(Purpose: To require appropriate reports regarding data mining by the Federal Government)

On page 1, strike ''(1) DATA-MINING.—'' and all that follows through ''(c) REPORTS ON DATA MINING ACTIVITIES BY FEDERAL AGENCIES.—'' on page 2, and insert the following:

(1) DATA MINING.—The term ''data mining'' means a program involving pattern-based queries, searches, or other analyses of 1 or more electronic databases, where—

(A) a department or agency of the Federal Government, or a non-Federal entity acting on behalf of the Federal Government, is conducting the queries, searches, or other analyses to discover or locate a predictive pattern or anomaly indicative of terrorist or criminal activity on the part of any individual or individuals;

(B) the queries, searches, or other analyses are not subject-based and do not use personal identifiers of a specific individual, or inputs associated with a specific individual or group of individuals, to retrieve information from the database or databases; and

(C) the purpose of the queries, searches, or other analyses is not solely—

(i) the detection of fraud, waste, or abuse in a Government agency or program; or

(ii) the security of a Government computer system.

(2) DATABASE.—The term ''database'' does not include telephone directories, news reporting, information publicly available to any member of the public without payment of a fee, or databases of judicial and administrative opinions or other legal research sources.

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

(1) IN GENERAL.—Subsection (d) of this section shall have no force or effect.

(2) REPORTS.—

(A) 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 produced in coordination with the privacy officer of that department or agency, if applicable, and shall be made available to the public, except for an annex described in subparagraph (C).

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

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

(ii) A thorough description of the data mining technology that is being used or will be used, including the basis for determining whether a particular pattern or anomaly is indicative of terrorist or criminal activity.

(iii) A thorough description of the data sources that are being or will be used.

(iv) An assessment of the efficacy or likely efficacy of the data mining activity in providing accurate information consistent with and valuable to the stated goals and plans for the use or development of the data mining activity.

(v) An assessment of the impact or likely impact of the implementation of the data mining activity on the privacy and civil liberties of individuals, including a thorough description of the actions that are being taken or will be taken with regard to the property, privacy, or other rights or privileges of any individual or individuals as a result of the implementation of the data mining activity.

(vi) A list and analysis of the laws and regulations that govern the information being or to be collected, reviewed, gathered, analyzed, or used in conjunction with the data mining activity, to the extent applicable in the context of the data mining activity.

(vii) A thorough discussion of the policies, procedures, and guidelines that are in place or that are to be developed and applied in the use of such data mining activity in order to—

(I) protect the privacy and due process rights of individuals, such as redress procedures; and

(II) ensure that only accurate and complete information is collected, reviewed, gathered, analyzed, or used, and guard against any harmful consequences of potential inaccuracies.

(C) ANNEX.—

(i) IN GENERAL.—A report under subparagraph (A) shall include in an annex any necessary—

(I) classified information;

(II) law enforcement sensitive information;

(III) proprietary business information; or

(IV) trade secrets (as that term is defined in section 1839 of title 18, United States Code).

(ii) AVAILABILITY.—Any annex described in clause (i)—

(I) shall be available, as appropriate, and consistent with the National Security Act of 1947 (50 U.S.C. 401 et seq.), to the Committee on Homeland Security and Governmental Affairs, the Committee on the Judiciary, the Select Committee on Intelligence, the Committee on Appropriations, and the Committee on Banking, Housing, and Urban Affairs of the Senate and the Committee on Homeland Security, the Committee on the Judiciary, the Permanent Select Committee on Intelligence, the Committee on Appropriations, and the Committee on Financial Services of the House of Representatives; and

(II) shall not be made available to the public.

(D) TIME FOR REPORT.—Each report required under subparagraph (A) shall be—

(i) submitted not later than 180 days after the date of enactment of this Act; and

(ii) updated not less frequently than annually thereafter, to include any activity to use or develop data mining engaged in after the date of the prior report submitted under subparagraph (A).

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

The amendment (No. 357), as modified, as amended, was agreed to.

The amendment (No. 337), as modified, was agreed to, as follows:

On page 86, after line 20,:

(c) EXCEPTION.—The limitations under subparagraph (A) shall not apply to activities permitted under the full-time counterterrorism staffing pilot, as described in the Fiscal Year 2007 Program Guidance of the Department for the Urban Area Security Initiative.

The amendment (No. 448), to amendment No. 337, was agreed to, 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)

At the appropriate place, insert 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, upon acceptance of an assignment under this section—

(A) be detailed to a Federal, State, or local government law enforcement agency; and

(B) work under the direct supervision of an officer or agent of that agency.

(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;

(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.

The amendment (No. 337), as modified, as amended, was agreed to.

The amendment (No. 389), as modified, was agreed to, 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 to improve the oversight of 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 Senate adopted Senate Resolution 445 in the 108th Congress to address some of the intelligence oversight recommendations of the 9/11 Commission by abolishing term limits for the members of the Select Committee on Intelligence, clarifying jurisdiction for intelligence-related nominations, and streamlining procedures for the referral of intelligence-related legislation, but other aspects of the 9/11 Commission recommendations regarding intelligence oversight have not been implemented.

(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, or jointly, 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;

(2) review and consider any other suggestions, options, or recommendations for improving intelligence oversight; and

(3) 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.

The amendment (No. 299) was agreed to.

AMENDMENT NO. 448

Mr. ENSIGN. Madam President, I speak today about my amendment to create the law enforcement assistance force. This amendment is a commonsense idea and I hope my colleagues would adopt this amendment.

My amendment proposes the creation of a law enforcement assistance force which is a system for retired law enforcement personnel to apply to DHS, and complete the necessary paperwork and training, before a disaster occurs. Then, when disaster happens, DHS would have a pool of qualified first responders who could be called into action. These volunteers would be detailed to a Federal, State, or local law enforcement agency to work side by side with law enforcement located in affected communities. The amendment also provides that DHS would reimburse volunteers for their costs.

The need for properly trained first responders was never greater than it was immediately after Hurricane Katrina. In the wake of this disaster, I toured the gulf region and saw the devastation firsthand. A situation caused by natural disaster was made worse by the way Federal, State and local government responded. I say this not to criticize anyone but to propose a way to improve how America will respond in the future.

In the aftermath of any disaster, there is an acute need for trained rescue and recovery personnel. These needs are often met by volunteers who, having seen their fellow Americans in need, travel across country to answer the call for help. In the aftermath of Katrina, there was no shortage of volunteers who answered this call. Their willingness to help is a testament to the American spirit. Unfortunately, these volunteers were not used in a way that was equal to their spirit or the needs of the people affected by this storm.

As the media reported, FEMA diverted many volunteer first responders to places outside of the disaster area. Some highly skilled emergency response volunteers were sent to Arkansas to prepare paperwork. Others were

diverted to Atlanta to hand out fliers and still others were forced to attend ''sensitivity training'' seminars. Meanwhile, in the hardest hit areas of the gulf region, people suffered. Many needed basic medical care and supplies. The resources of local first responders and government officials were strained. The local responders needed reinforcements, especially when lawlessness broke out. Responding to a disaster is always a difficult job. But like we advise at-risk communities to take steps to prepare for potential disasters, the Federal Government also has an obligation to prepare in advance as well.

My amendment creates a process to enable FEMA and DHS to put qualified first responders in place in the immediate aftermath of disaster. It will ensure a better Federal response by providing State and local communities with the reinforcements they need. I believe there is a willingness on the part of retired law enforcement to volunteer their experience and expertise in times of crisis. In fact, the idea for this amendment was given to me by a friend of mine, Tom Page, who is a retired Las Vegas Metro Police officer. I thank him for this suggestion and I urge my colleagues to adopt the amendment.

AMENDMENT NO. 389

Mr. BOND. Madam President, I would like to commend Senators LIEBERMAN and COLLINS for all their hard work on S. 4 and I would especially like to thank them for their support of my amendment calling for further congressional review and action with regard to the recommendations of the 9/11 Commission.

The 9/11 Commission identified many shortfalls, some in the intelligence community and some in congressional oversight.

We can never ease the pain and anguish of the 9/11 families resulting from the deaths of their loved ones. It is possible, however, to do everything within our power to ensure more American families are not subjected to a similar nightmare.

We owe it to the 9/11 families as well as the American people to adopt reforms that will improve intelligence collection and dissemination, as well as will improve congressional oversight.

Putting our own house in order may not be popular, but it is the right thing to do.

I look forward to working with the chairman and ranking member, as well as the members of the Homeland Security and Governmental Affairs Committee to continue to improve U.S. intelligence and congressional oversight of U.S. intelligence.

In closing, I would also like to thank Ms. Holly Idelson of Senator LIEBERMAN's staff and Mr. Brandon Milhorn of Senator COLLINS's staff for their assistance to me and my staff. Both of these young people went out of their way to assist us, and I am grateful to them for their courteous demeanor and their professional conduct.

Mr. CHAMBLISS. Madam President, I rise today in support of Senate amendment No. 389 offered by my colleague from Missouri, Senator BOND. It is appropriate that this amendment be offered to the 9/11 bill as it is a first step in implementing one of the few outstanding recommendations made by the 9/11 Commission—to reform congressional oversight of the intelligence community. I am proud to be a cosponsor of this important amendment and thank Senator BOND for his leadership on this issue.

The 9/11 Commission suggested that the rules of the House of Representatives and the Senate lack the power, influence and sustained capability to effectuate oversight of the intelligence community. As such, they recommended that Congress establish one committee in each House of Congress with both authorizing and appropriation authority for the intelligence community or create a joint committee based on the model of the old Joint Committee on Atomic Energy.

Just this year, the House of Representatives amended their rules to create a new panel on the Appropriations Committee with members of both the Intelligence Committee and the Appropriations Committee. While the House provision does not meet the 9/11 Commission recommendation in full, the Senate has not acted at all. As every Member of this body knows, reforming Congress, especially the Senate, can be difficult and will face much resistance. However, the Senate should not be an exception to government reform after September 11, 2001. We should lead by example. We owe the American public and the families of those lost on September 11, 2001 to continue to improve intelligence collection and coordination as well as to improve congressional oversight.

I know many have ideas on reform in the Senate, and we should explore those. We need to find the most effective way to conduct vital, and often difficult, intelligence oversight. That is why this amendment is so important—it asks the Senate Select Committee on Intelligence and the Homeland Security and Governmental Affairs Committee to each review the 9/11 Commission's recommendation. Members of the Senate with expertise in reform and intelligence will review the oversight process and develop recommendations on the most valuable reforms.

In conclusion, I hope all my colleagues will support this amendment and work with the committees in the Senate to improve the congressional oversight process.

Mr. HATCH. Madam President, we certainly know how complicated and even vexing the process of reforming the intelligence community is. On the one hand, we now have in place a new structure, with an overarching office of the Director of National Intelligence, that is responsible for addressing many of the institutional and structural impediments that led to our intelligence community's underperformance in the last years of the 20th century, leaving us more vulnerable to the attacks of September 11. The second and recently confirmed Director of the Office of National Intelligence, Mike McConnell, assumes leadership in a structure that is up and running, if still on its shakedown cruise. In Mike McConnell we have a leader that will take the DNI to the levels of authority and accomplishment we in Congress who created the Office of the DNI intended.

Throughout the IC we have seen many promising developments. Agencies are infused with resources and focus, and they are addressing our priority and hard targets like no other time during my 30 years in the Senate. Mike Hayden at CIA is providing leadership to an organization that is truly beginning to reach out of its petrified structures and mindset of the past to bravely and creatively take on the intelligence challenges of today and tomorrow. As a member of the Intelligence Committee, I make every effort to commend and encourage all of these positive developments, and I know I am joined by most of my colleagues.

That is the good news. The bad news is that intelligence reform has many unfinished aspects. There are still deep cultural problems with the way certain IC organizations, particularly the CIA, work. We still have far to go and addressing the challenge of hard targets, like North Korea and Iran. All of these challenges will take time and leadership to address.

The 9/11 Commission's report on the intelligence failures leading to September 11 also focused how Congress needed to change. The report stated:

> Under the terms of existing rules and resolutions the House and Senate intelligence committees lack the power, influence, and sustained capability to meet this challenge.

The Commission recommended:

> Either Congress should create a joint committee for intelligence . . . or it should create House and Senate committees with combined authorizing and appropriations powers.

We began to improve congressional oversight with S. Res. 445, passed immediately after the Intelligence Reform and Terrorism Prevention Act of 2004. We removed term limits, raised the stature of the committee to an A Committee, and returned to the use of designated staff. But this was tinkering in comparison to the 9/11 Commission's recommendation.

I recognize this is a difficult question, for all of the reasons of congressional resistance and established prerogatives. But I think that we should not abandon addressing the very substantive question of the current structure that greatly limits intelligence committee control over intelligence community appropriations.

Therefore, I am pleased that amendment No. 389 has been accepted to S. 4, and I commend the author of this amendment, the vice chairman of the Senate Select Committee on Intelligence, Senator BOND. I am pleased to

note that this amendment has the cosponsorship of the chairman of the committee, Senator ROCKEFELLER. This amendment requests a joint review of this question be conducted by both the Intelligence and the Homeland Security Committees, and be presented by year's end. This is not a radical proposal, in and of itself, but keeps the Senate focused on an unresolved question, a question whose importance to the question of congressional oversight of our intelligence community cannot be underestimated.

Intelligence reform is an ongoing process. I happen to believe that, when our institutional will flags or is diverted, we should remind ourselves of the costs of intelligence failure, and steel ourselves to the fact that intelligence will play a larger role in our national defense for the foreseeable future. And we should never abandon our oversight of intelligence reform, our dedication to supporting the most dynamic intelligence community, and our responsibility to conducting this oversight in the most effective manner possible.

Mr. LIEBERMAN. Madam President, I thank the Chair and my friend from Maine, and I notify our colleagues that we are working very hard to eliminate the remaining objections on components of the managers' amendment. We anticipate at least one more rollcall vote on one of the pending amendments and then final passage, and hopefully that will happen soon.

Pending that, Madam President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

The Senator from New Hampshire is recognized.

Mr. GREGG. Madam President, while we are waiting here to line up a vote on this amendment and this bill, I will speak briefly relative to my thoughts on how this bill is evolving. Like everyone, I was very impressed with the work of the 9/11 Commission. I think they did a superb job of pointing out what were, unfortunately, very significant problems which we have as a nation relative to our preparedness to fight terrorism. I had the good fortune to chair the Homeland Security Subcommittee of the Appropriations Committee for the last 2 years and spent a considerable time before that working on the accounts of the FBI. We worked hard, honestly, to try to address some of the issues which were raised by the 9/11 Commission and, as a practical matter, the great majority of the issues raised by the 9/11 Commission have been addressed and are moving forward, hopefully, to a constructive resolution.

This bill, although it has the 9/11 Commission imprimatur on it as its name, is more of a clutter—a collection of various ideas, some of which the 9/11 Commission agrees with, some of which I suspect they never even thought of discussing and, as a practical matter, the bill as a whole, in my humble opinion, in its present form would actually end up undermining rather than improving our safety as a nation. There are a number of reasons for that, but at the moment the most significant reason is the unionization language in this bill which essentially says the TSA will become a unionized organization.

When we originally set up the TSA, which was a matter of considerable debate on this floor, that issue was at the essence, at the center, of the discussion as to why and how we were going to set up the TSA. The belief was at the time we set up the TSA and the commitment was at that time that we would not create a unionized organization.

Why was that? It is not that unions do not do good work. Unions do extraordinary work. They have been one of the great forces in American culture for producing and mainstreaming many Americans, from the standpoint of income and social activity, having a group to participate with. They have been an extraordinarily positive force. But the belief was—and it is an accurate belief arrived at after considerable thought and a great deal of debate—that unionizing TSA would be like unionizing the military, to give an example.

The TSA is the front line of our defense relative to protecting airplanes that fly in America today. We know air traffic is the No. 1 source for attack from the al-Qaida interests. We know that they, in their handbooks and their training manuals, constantly come back to the use of aircraft as a weapon, and unfortunately we saw them use it on 9/11.

Having a secure transportation industry, especially in the aircraft area, is absolutely critical to our protecting our Nation from acts of terrorism. That is why we put in place the TSA. They are the front line of securing our air transportation system in this country. They are like a military force. Their purpose is to be moved around quickly to areas of weakness. Their purpose is to make sure they execute efficiently the review of people getting on aircraft to make sure those people are appropriately screened.

You cannot have incompetence. You can't have inefficiency. You can't have poorly trained people or people who do not sort of get with the program. You must have a very disciplined, focused group of individuals managing the security at our airports. That is the goal we were hoping to accomplish with the TSA.

It was fully understood, because I was involved in the debate, that when we set up the TSA it would not be unionized because union rules inherently create delay and they create stricture and straitjackets and make it very difficult to manage different issues that have to be managed aggressively and with fluidity by the leadership of the TSA and the TSA teams on the ground.

To create a unionized TSA will take away that flexibility, that efficiency. It will take away the ability to assure the people who are doing the screening will be the best we can get and they are doing it in the most effective way that can be done. In my opinion, putting this language in this bill, if it were to pass, would undermine security generally.

There are other issues with this bill which I can assure you, in my reading of the 9/11 Commission report, they did not think of in the terms this bill is structured: specifically, the formula for the distribution of funds. I chaired the Appropriations subcommittee which had responsibility for distributing funds relative to terrorist activity in this country. We do have this pool of funds which is distributed to all the States and all the regions in this country under a formula. My opinion is if you want to effectively use that money, it should be threat based. That should be the No. 1 priority and the No. 1 criterion. Is the money going where the threat is highest?

We know there are certain targets in this country which are high-threat areas: New York City, the subway system specifically, but a lot of parts of New York City; Los Angeles; Washington, DC. These are clearly high-priority targets when you are talking about terrorists. Terrorists have goals. One of their goals is to destroy our culture and kill as many Americans as they can, according to al-Qaida, but another is to make a statement internationally. That is why they picked the World Trade Center. That was a recognized international symbol.

I know there are places in New Hampshire that are probably susceptible to terrorist attack. I am sure they are. But the fact is, it is unlikely, if you are ordering priorities, that most of them are going to be very high on a priority list for terror attack—certainly one structured by an al-Qaida type organization. They may be from domestic terrorism; that is different—domestic terrorism such as hit Oklahoma City. But if there were a structured terrorist attack from an Islamic fundamentalist group, we can prioritize what is the terrorist threat and what is not the terrorist threat.

The money should go to the threat. Now how does that affect New Hampshire? It means New Hampshire would get less money. As the chairman of an Appropriations subcommittee, I had responsibility for this area up until this year, when I switched over to foreign affairs accounts. I strongly promoted the program of putting the money where the threat was, to the disadvantage of New Hampshire, because I felt that was the way it should be done.

Now this bill comes along and tries to reorder that in a way that essentially says every State, every community will get, for lack of a better word,

''walking around money'' for purposes of buying security, to the detriment of the high-threat areas. We only have so much money.

Once we have secured the high-threat areas and we are fairly comfortable, then we can start distributing it maybe more broadly and without any accountability for threat. But initially the distribution should be based on threat.

Yes, every State should get some, but it should not be under the formula that is in this bill. It should be a much lower absolute commitment of dollars and a much higher commitment of dollars in the threat area. This is what bothers me about this bill.

In addition, there is the ability of people to get access to classified intelligence briefings and materials. This is playing with fire when we start significantly expanding access to this type of material. Because it is this material falling into the wrong hands by accident, which it might be, or just oversight, because it is in so many hands, because it is expanded by this bill and going into so many hands, that if it falls into the wrong places, people can trace the source, and protecting these sources of where we get intelligence is absolutely the most critical thing we have to do. If we have a good source of intelligence on how people want to attack us, protecting that source is absolutely essential.

Some of the intelligence material that will be released under this bill—with good intentions, but, unfortunately, the Congress tends to be a sieve, and no matter how aggressively people try to protect that information, it seems to get out—could easily expand the number of people available who have access to this information to a point where the security of the administration will come into question.

So these are very serious issues relative to this bill. The most serious is the unionization of a nonunion, lean, effective organization which would protect our transportation system, especially air traffic; the failure to put the money on the target which is threatened; and the issue of expanding the availability of very sensitive intelligence information in a way that might undermine the sources of that information.

Those are the reservations I have about this bill. That is why I will not be able to support the bill when it comes up for final passage should it be in its present form.

I yield the floor.

The PRESIDING OFFICER. The Senator from Connecticut.

Mr. LIEBERMAN. Madam President, we are coming to the moment when we adopt the managers' amendment and proceed to final passage. I want to respond to some of the things said by my friend from New Hampshire.

The PRESIDING OFFICER. Without objection, the Senator may proceed.

Mr. LIEBERMAN. In response to my friend from New Hampshire, two things: One is, S. 4 is a direct response not just to the original 9/11 Commission in 2004, which was the basis of the Intelligence Reform Terrorism Prevention Act of that year, but it is a response directly to the appeal the 9/11 Commission issued in December of 2005 that there was unfinished business.

That appeal was not only seconded but echoed and amplified by the various organizations representing families who lost loved ones on 9/11 in the terrorist attack of that day.

So this legislation before the Senate now, about to go to final amendment consideration and adoption, includes improvements in information sharing—the critical question of connecting the dots before the terrorists can strike us so we can stop them from doing so. It creates a new dedicated grant fund to support interoperable communications equipment—complicated words which simply mean whether in a crisis, a potential terrorist attack, or a natural disaster such as Katrina, our firefighters, our police officers, our emergency responders can talk to each other as they were not able to do on 9/11.

This is a balanced, progressive recommendation to solve once and for all by legislation the ongoing dispute about how to distribute homeland security grant funding. We have improved the security requirements of the so-called visa waiver program. We have strengthened the Privacy and Civil Liberties Board and done much else. There is a lot constructive here. One of the parts of this legislation that I believe still should be the least controversial and, frankly, not the most important but an act of fairness consistent with our effort to improve homeland security, was simply to give the transportation security officers at the Transportation Security Agency, who now can join a union but cannot collectively bargain, the same right to collectively bargain in very limited areas without the right to strike, the same rights that most other employees at the Department of Homeland Security, including law enforcement personnel, have and continue to have, without impeding their carrying out of their law enforcement public safety functions. That includes the Border Patrol, obviously at the Capitol that includes our Capitol Police, and throughout America it includes firefighters and police officers.

It is unfortunate that is so much the focus of discussion about this bill because this bill is a direct response to the appeals of the 9/11 Commissioners and the 9/11 families to take constructive action to respond to the statements that the Commission itself made in 2004 and again in 2005: America is safer than it was on 9/11/01 but not yet safe enough.

This bill, which is not controversial and ought to receive nonpartisan support, will make the people of America, in an age of terrorism, safer yet than they have been before. It is why I strongly urge my colleagues across party lines to support final passage of the legislation.

I hope soon to be able to propound a series of unanimous consent agreements. I am waiting for final clearance from my ranking member. As soon as that happens I will rise to do so.

AMENDMENT NO. 448

I ask unanimous consent that notwithstanding its adoption, the Ensign amendment No. 448 be considered a first-degree amendment, agreed to, and that it be inserted at the appropriate place in the bill.

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

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

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

REQUESTED RESIGNATIONS OF SEVEN UNITED STATES ATTORNEYS

Mr. SPECTER. Madam President, I have sought recognition to comment about the events in the Department of Justice over the course of the past 10 days, with respect to the request for the resignations of seven United States attorneys and the disclosures that the FBI was improperly using national security letters.

With respect to the matter about the request for resignations of the United States attorneys, I believe it is important for the Judiciary Committee to proceed with its inquiry to find out exactly what happened. There is no doubt—I think it is undisputed—that the Attorney General has the authority to replace United States attorneys. There is a serious question if they are replaced for improper motives.

We know when President Clinton was elected, one of his first acts in early 1993, when he took office, was to replace all 93 of the United States attorneys. I had the occasion recently to discuss this with the Attorney General of Pennsylvania, Tom Corbett, who was a U.S. attorney at that time for the Western District of Pennsylvania. In 1993, he had the position in the United States attorneys organization to make those telephone calls. That was handled in due course, and nobody challenged the President's authority to replace United States attorneys.

Now, questions have arisen as to whether United States attorneys were replaced improperly—for example, the question has been raised as to U.S. Attorney Lam in the Southern District of California, in San Diego, and whether she was replaced because of her conviction of former Congressman Duke Cunningham, now serving an 8-year sentence, and whether she was about to investigate other people who were politically powerful.

Ms. Lam was questioned about that. I asked her whether she considered the

request for her resignation to be inappropriate. She said she was surprised by it. I pressed her for her own conclusion. I think we may need more by way of inquiry to examine what her performance ratings were to see if there was a basis for her being asked to resign.

We had a situation with Mr. Cummins, who was a U.S. attorney in the Eastern District of Arkansas. He received a telephone call, which he then relayed to other dismissed United States attorneys, and he did it by e-mail very shortly after the telephone call. The question I had for Mr. Cummins was, what was said? The e-mail did not contain the language of the caller from the Department of Justice. It had Mr. Cummins' sense, or feelings, that it was a warning. After little discussion, one lawyer to another, he said it may have been friendly advice. Well, that perhaps requires a little more analysis, if not a little more inquiry.

Then we have the situation with the U.S. attorney from New Mexico, where, according to the news reports—and we have to find this out from the actual witnesses—there had been concerns expressed by people in New Mexico as to whether he was doing his job properly. On those concerns—at least according to the press—we have to find this out from the witnesses. Those calls, according to members of the press, or according to what has been reported in the press, were relayed to White House officials, and they passed them on to the Department of Justice.

We have to look at that and ask ourselves the question of whether there is impropriety in that. If the Department of Justice is to evaluate whether a United States attorney ought to be retained, is it relevant as to what people think about him or her? The comments may require that we look at whether he was doing the job. Those are matters we have yet to determine. So when we have declarations made on the Senate floor that are conclusory, condemning the Department of Justice for what it has done, I say that is premature.

When the issue came up about the hearing that was a week ago today, in my capacity as ranking member of the committee, I was asked to waive the 7-day rule, and I agreed to do so. I agreed to do so because I thought it was important to move ahead promptly. When Senator LEAHY has raised the issue about other witnesses coming in, I think he is correct on that. The issue was raised about bringing in former White House Counsel Harriet Miers, issues were raised about bringing in people from the Department of Justice and other people in the office of the White House Counsel. I think that ought to be done. I do not think it is necessary to subpoena them. We will see.

Before subpoenas ought to be issued, or before there even ought to be an issue raised about subpoenas, we ought to make a determination as to whether people are willing to come in voluntarily. When you talk about subpoenas, the first public reaction is: Why do they have to be subpoenaed? Why don't they come in voluntarily? Do they have something to hide? The next inference or question is: Are they guilty of something that they have to be subpoenaed?

So let us proceed in the regular course of business. I was a district attorney for some 8 years and an assistant DA before that, and I have been on the Judiciary Committee for 27 years. The regular way to do business is to ask people to come in. If they refuse, then you can talk about subpoenas and you can get tough if it is necessary to do that.

I regret I could not be here when Senator SCHUMER was on the floor earlier today. He has made public statements about the Attorney General politicizing the office. Well, that may be Senator SCHUMER's opinion, his judgment. But let's get down to specific facts as to what is involved in the politicization. We are all working here in a political field. I, frankly, have a concern to see Senator PETE DOMENICI on the Web site of the Democratic Senate Campaign Committee. I have a little concern about some of the statements that have been made by Members of this body, rushing to judgment, before we have had these witnesses in.

There has been a request for witnesses from the administration, from the White House. Well, why condemn the parties and condemn the Department until we have found out what the facts are? My view, as I expressed last Thursday in the Judiciary Committee's executive session, has been to tone down the rhetoric. We are now on the heels of the issue of the request for resignations of the United States attorneys.

We have the disclosures that the Federal Bureau of Investigation had misused the national security letters. We gave them broader powers in the PATRIOT Act. We broadened the powers from cases involving foreign powers to national security matters generally. We put in a provision as to exigent circumstances, which means an emergency. Until we find, at least preliminarily, that the FBI used the exigent category more broadly—in some situations, they were to get statements on probable cause for the judicial authorization. In giving the FBI these broader powers under the—Madam President, the Senate is not in order.

The PRESIDING OFFICER. The Senate will be in order.

Mr. SPECTER. We gave the FBI these broader powers under the PATRIOT Act because of the importance of fighting terrorism, and that is a major problem of the United States today, an enormous problem worldwide. We are concerned that where the FBI exercises these greater powers there has to be an appropriate regard for civil liberties and for constitutional rights. If it weren't for the fact we inserted in the reauthorization the authority of the inspector general to make these audits, we would not have found out what was going on.

So then in evaluating what the Department of Justice has done, I think it is important to look thoroughly at the issues raised by the inspector general. It is a thick volume. We are going to need oversight hearings. Senator LEAHY, chairman of the Judiciary Committee, already announced that. I think we may have to go further and consider changing the authority of the FBI under the PATRIOT Act. If they do not use the powers within the confines the Congress has prescribed and the President authorized, then we may have to limit their power.

There are serious issues that confront the Department of Justice at this time and the Judiciary Committee, in its oversight capacity and investigative capacity, has the full authority of power to find out what the facts are, and we will speak plainly. I will have no hesitation in making a factually based judgment if they have acted improperly.

Let us see the background of the firing of these U.S. attorneys, and let us see what the details are on the national security letters and what the Department of Justice does to correct the situation.

I yield the floor.

The PRESIDING OFFICER. The Senator from Connecticut is recognized.

AMENDMENT NO. 291; AMENDMENT NO. 293, AS MODIFIED; AMENDMENT NO. 341; AMENDMENT NO. 323; AMENDMENT NO. 290, AS FURTHER MODIFIED; AMENDMENT NO. 368; AMENDMENT NO. 392; AMENDMENT NO. 332, AS MODIFIED; AMENDMENT NO. 391; AMENDMENT NO. 431; AMENDMENT NO. 348; AMENDMENT NO. 404; AMENDMENT NO. 388, AS MODIFIED; AMENDMENT NO. 411, AS MODIFIED; AMENDMENT NO. 456; AMENDMENT NO. 414, AS MODIFIED; AMENDMENT NO. 412, AS MODIFIED; AMENDMENT NO. 354, AS MODIFIED

Mr. LIEBERMAN. Madam President, I am very happy to indicate to our colleagues we have reached agreement on a series of unanimous consent requests that will allow us to move to final passage.

I ask unanimous consent that the pending amendment be set aside and the Senate proceed to the consideration of a series of amendments, which have been cleared on our side and by Senator COLLINS on her side. The amendments are as follows:

Sununu amendment No. 291; Grassley amendment No. 293, with a modification; Coleman amendment No. 341; Feinstein amendment No. 323; Salazar amendment No. 290, with a further modification; Carper amendment No. 368; Akaka amendment No. 392; Lieberman amendment No. 332, with a modification; Lieberman-Collins amendment No. 391; Lieberman-Collins amendment No. 431; Wyden-Bond amendment No. 348; Byrd amendment No. 404; Pryor amendment No. 388, with a modification; Lieberman-McCain amendment No. 411, with a modification; Landrieu amendment No. 456;

Coleman amendment No. 414, with a modification; Inouye-Stevens-Lieberman amendment No. 412, with a modification; Menendez amendment No. 354, with a modification.

I ask unanimous consent that these amendments be agreed to en bloc; that the motions to reconsider be laid on the table, en bloc; that any statements thereon be printed in the RECORD as if read; and that consideration of these items appear separately in the RECORD.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

The amendments were agreed to, as follows:

AMENDMENT NO. 291

(Purpose: To ensure that the emergency communications and interoperability communications grant program does not exclude Internet Protocol-based interoperable solutions)

On page 121, between lines 2 and 3, insert the following:

''(k) RULE OF CONSTRUCTION.—Nothing in this section shall be construed or interpreted to preclude the use of funds under this section by a State for interim or long-term Internet Protocol-based interoperable solutions, notwithstanding compliance with the Project 25 standard.''.

AMENDMENT NO. 293, AS MODIFIED

At the end, add the following:

TITLE __MODERNIZATION OF THE AMERICAN NATIONAL RED CROSS

SEC. __01. SHORT TITLE.

This title may be cited as the ''The American National Red Cross Governance Modernization Act of 2007''.

SEC. __02. FINDINGS; SENSE OF CONGRESS.

(a) FINDINGS.—Congress makes the following findings:

(1) Substantive changes to the Congressional Charter of The American National Red Cross have not been made since 1947.

(2) In February 2006, the board of governors of The American National Red Cross (the ''Board of Governors'') commissioned an independent review and analysis of the Board of Governors' role, composition, size, relationship with management, governance relationship with chartered units of The American National Red Cross, and whistleblower and audit functions.

(3) In an October 2006 report of the Board of Governors, entitled ''American Red Cross Governance for the 21st Century'' (the ''Governance Report''), the Board of Governors recommended changes to the Congressional Charter, bylaws, and other governing documents of The American National Red Cross to modernize and enhance the effectiveness of the Board of Governors and governance structure of The American National Red Cross.

(4) It is in the national interest to create a more efficient governance structure of The American National Red Cross and to enhance the Board of Governors' ability to support the critical mission of The American National Red Cross in the 21st century.

(5) It is in the national interest to clarify the role of the Board of Governors as a governance and strategic oversight board and for The American National Red Cross to amend its bylaws, consistent with the recommendations described in the Governance Report, to clarify the role of the Board of Governors and to outline the areas of its responsibility, including—

(A) reviewing and approving the mission statement for The American National Red Cross;

(B) approving and overseeing the corporation's strategic plan and maintaining strategic oversight of operational matters;

(C) selecting, evaluating, and determining the level of compensation of the corporation's chief executive officer;

(D) evaluating the performance and establishing the compensation of the senior leadership team and providing for management succession;

(E) overseeing the financial reporting and audit process, internal controls, and legal compliance;

(F) holding management accountable for performance;

(G) providing oversight of the financial stability of the corporation;

(H) ensuring the inclusiveness and diversity of the corporation;

(I) providing oversight of the protection of the brand of the corporation; and

(J) assisting with fundraising on behalf of the corporation.

(6)(A) The selection of members of the Board of Governors is a critical component of effective governance for The American National Red Cross, and, as such, it is in the national interest that The American National Red Cross amend its bylaws to provide a method of selection consistent with that described in the Governance Report.

(B) The new method of selection should replace the current process by which—

(i) 30 chartered unit-elected members of the Board of Governors are selected by a non-Board committee which includes 2 members of the Board of Governors and other individuals elected by the chartered units themselves;

(ii) 12 at-large members of the Board of Governors are nominated by a Board committee and elected by the Board of Governors; and

(iii) 8 members of the Board of Governors are appointed by the President of the United States.

(C) The new method of selection described in the Governance Report reflects the single category of members of the Board of Governors that will result from the implementation of this title:

(i) All Board members (except for the chairman of the Board of Governors) would be nominated by a single committee of the Board of Governors taking into account the criteria outlined in the Governance Report to assure the expertise, skills, and experience of a governing board.

(ii) The nominated members would be considered for approval by the full Board of Governors and then submitted to The American National Red Cross annual meeting of delegates for election, in keeping with the standard corporate practice whereby shareholders of a corporation elect members of a board of directors at its annual meeting.

(7) The United States Supreme Court held The American National Red Cross to be an instrumentality of the United States, and it is in the national interest that the Congressional Charter confirm that status and that any changes to the Congressional Charter do not affect the rights and obligations of The American National Red Cross to carry out its purposes.

(8) Given the role of The American National Red Cross in carrying out its services, programs, and activities, and meeting its various obligations, the effectiveness of The American National Red Cross will be promoted by the creation of an organizational ombudsman who—

(A) will be a neutral or impartial dispute resolution practitioner whose major function will be to provide confidential and informal assistance to the many internal and external stakeholders of The American National Red Cross;

(B) will report to the chief executive officer and the audit committee of the Board of Governors; and

(C) will have access to anyone and any documents in The American National Red Cross.

(b) SENSE OF CONGRESS.—It is the sense of Congress that—

(1) charitable organizations are an indispensable part of American society, but these organizations can only fulfill their important roles by maintaining the trust of the American public;

(2) trust is fostered by effective governance and transparency, which are the principal goals of the recommendations of the Board of Governors in the Governance Report and this title;

(3) Federal and State action play an important role in ensuring effective governance and transparency by setting standards, rooting out violations, and informing the public; and

(4) while The American National Red Cross is and will remain a Federally chartered instrumentality of the United States, and it has the rights and obligations consistent with that status, The American National Red Cross nevertheless should maintain appropriate communications with State regulators of charitable organizations and should cooperate with them as appropriate in specific matters as they arise from time to time.

SEC. __03. ORGANIZATION.

Section 300101 of title 36, United States Code, is amended—

(1) in subsection (a), by inserting ''a Federally chartered instrumentality of the United States and'' before ''a body corporate and politic''; and

(2) in subsection (b), by inserting at the end the following new sentence: ''The corporation may conduct its business and affairs, and otherwise hold itself out, as the 'American Red Cross' in any jurisdiction.''.

SEC. __04. PURPOSES.

Section 300102 of title 36, United States Code, is amended—

(1) by striking ''and'' at the end of paragraph (3);

(2) by striking the period at the end of paragraph (4) and inserting ''; and''; and

(3) by adding at the end the following paragraph:

''(5) to conduct other activities consistent with the foregoing purposes.''.

SEC. __05. MEMBERSHIP AND CHAPTERS.

Section 300103 of title 36, United States Code, is amended—

(1) in subsection (a), by inserting '', or as otherwise provided,'' before ''in the bylaws'';

(2) in subsection (b)(1)—

(A) by striking ''board of governors'' and inserting ''corporation''; and

(B) by inserting ''policies and'' before ''regulations related''; and

(3) in subsection (b)(2)—

(A) by inserting ''policies and'' before ''regulations shall require''; and

(B) by striking ''national convention'' and inserting ''annual meeting''.

SEC. __06. BOARD OF GOVERNORS.

Section 300104 of title 36, United States Code, is amended to read as follows:

''§ 300104. Board of governors

''(a) BOARD OF GOVERNORS.—

''(1) IN GENERAL.—The board of governors is the governing body of the corporation with all powers of governing and directing, and of overseeing the management of the business and affairs of, the corporation.

''(2) NUMBER.—The board of governors shall fix by resolution, from time to time, the number of members constituting the entire board of governors, provided that—

''(A) as of March 31, 2009, and thereafter, there shall be no fewer than 12 and no more than 25 members; and

''(B) as of March 31, 2012, and thereafter, there shall be no fewer than 12 and no more than 20 members constituting the entire board.

Procedures to implement the preceding sentence shall be provided in the bylaws.

''(3) APPOINTMENT.—The governors shall be appointed or elected in the following manner:

''(A) CHAIRMAN.—

''(i) IN GENERAL.—The board of governors, in accordance with procedures provided in the bylaws, shall recommend to the President an individual to serve as chairman of the board of governors. If such recommendation is approved by the President, the President shall appoint such individual to serve as chairman of the board of governors.

''(ii) VACANCIES.—Vacancies in the office of the chairman, including vacancies resulting from the resignation, death, or removal by the President of the chairman, shall be filled in the same manner described in clause (i).

''(iii) DUTIES.—The chairman shall be a member of the board of governors and, when present, shall preside at meetings of the board of governors and shall have such other duties and responsibilities as may be provided in the bylaws or a resolution of the board of governors.

''(B) OTHER MEMBERS.—

''(i) IN GENERAL.—Members of the board of governors other than the chairman shall be elected at the annual meeting of the corporation in accordance with such procedures as may be provided in the bylaws.

''(ii) VACANCIES.—Vacancies in any such elected board position and in any newly created board position may be filled by a vote of the remaining members of the board of governors in accordance with such procedures as may be provided in the bylaws.

''(b) TERMS OF OFFICE.—

''(1) IN GENERAL.—The term of office of each member of the board of governors shall be 3 years, except that—

''(A) the board of governors may provide under the bylaws that the terms of office of members of the board of governors elected to the board of governors before March 31, 2012, may be less than 3 years in order to implement the provisions of subparagraphs (A) and (B) of subsection (a)(2); and

''(B) any member of the board of governors elected by the board to fill a vacancy in a board position arising before the expiration of its term may, as determined by the board, serve for the remainder of that term or until the next annual meeting of the corporation.

''(2) STAGGERED TERMS.—The terms of office of members of the board of governors (other than the chairman) shall be staggered such that, by March 31, 2012, and thereafter, ⅓ of the entire board (or as near to ⅓ as practicable) shall be elected at each successive annual meeting of the corporation with the term of office of each member of the board of governors elected at an annual meeting expiring at the third annual meeting following the annual meeting at which such member was elected.

''(3) TERM LIMITS.—No person may serve as a member of the board of governors for more than such number of terms of office or years as may be provided in the bylaws.

''(c) COMMITTEES AND OFFICERS.—The board—

''(1) may appoint, from its own members, an executive committee to exercise such powers of the board when the board is not in session as may be provided in the bylaws;

''(2) may appoint such other committees or advisory councils with such powers as may be provided in the bylaws or a resolution of the board of governors;

''(3) shall appoint such officers of the corporation, including a chief executive officer, with such duties, responsibilities, and terms of office as may be provided in the bylaws or a resolution of the board of governors; and

''(4) may remove members of the board of governors (other than the chairman), officers, and employees under such procedures as may be provided in the bylaws or a resolution of the board of governors.

''(d) ADVISORY COUNCIL.—

''(1) ESTABLISHMENT.—There shall be an advisory council to the board of governors.

''(2) MEMBERSHIP; APPOINTMENT BY PRESIDENT.—

''(A) IN GENERAL.—The advisory council shall be composed of no fewer than 8 and no more than 10 members, each of whom shall be appointed by the President from principal officers of the executive departments and senior officers of the Armed Forces whose positions and interests qualify them to contribute to carrying out the programs and purposes of the corporation.

''(B) MEMBERS FROM THE ARMED FORCES.—At least 1, but not more than 3, of the members of the advisory council shall be selected from the Armed Forces.

''(3) DUTIES.—The advisory council shall advise, report directly to, and meet, at least 1 time per year with the board of governors, and shall have such name, functions and be subject to such procedures as may be provided in the bylaws.

''(e) ACTION WITHOUT MEETING.—Any action required or permitted to be taken at any meeting of the board of governors or of any committee thereof may be taken without a meeting if all members of the board or committee, as the case may be, consent thereto in writing, or by electronic transmission and the writing or writings or electronic transmission or transmissions are filed with the minutes of proceedings of the board or committee. Such filing shall be in paper form if the minutes are maintained in paper form and shall be in electronic form if the minutes are maintained in electronic form.

''(f) VOTING BY PROXY.—

''(1) IN GENERAL.—Voting by proxy is not allowed at any meeting of the board, at the annual meeting, or at any meeting of a chapter.

''(2) EXCEPTION.—The board may allow the election of governors by proxy during any emergency.

''(g) BYLAWS.—

''(1) IN GENERAL.—The board of governors may—

''(A) at any time adopt bylaws; and

''(B) at any time adopt bylaws to be effective only in an emergency.

''(2) EMERGENCY BYLAWS.—Any bylaws adopted pursuant to paragraph (1)(B) may provide special procedures necessary for managing the corporation during the emergency. All provisions of the regular bylaws consistent with the emergency bylaws remain effective during the emergency.

''(h) DEFINITIONS.—For purposes of this section—

''(1) the term 'entire board' means the total number of members of the board of governors that the corporation would have if there were no vacancies; and

''(2) the term 'emergency' shall have such meaning as may be provided in the bylaws.''.

SEC. __07. POWERS.

Paragraph (a)(1) of section 300105 of title 36, United States Code, is amended by striking ''bylaws'' and inserting ''policies''.

SEC. __08. ANNUAL MEETING.

Section 300107 of title 36, United States Code, is amended to read as follows:

''§ 300107. Annual meeting

''(a) IN GENERAL.—The annual meeting of the corporation is the annual meeting of delegates of the chapters.

''(b) TIME OF MEETING.—The annual meeting shall be held as determined by the board of governors.

''(c) PLACE OF MEETING.—The board of governors is authorized to determine that the annual meeting shall not be held at any place, but may instead be held solely by means of remote communication subject to such procedures as are provided in the bylaws.

''(d) VOTING.—

''(1) IN GENERAL.—In matters requiring a vote at the annual meeting, each chapter is entitled to at least 1 vote, and voting on all matters may be conducted by mail, telephone, telegram, cablegram, electronic mail, or any other means of electronic or telephone transmission, provided that the person voting shall state, or submit information from which it can be determined, that the method of voting chosen was authorized by such person.

''(2) ESTABLISHMENT OF NUMBER OF VOTES.—

''(A) IN GENERAL.—The board of governors shall determine on an equitable basis the number of votes that each chapter is entitled to cast, taking into consideration the size of the membership of the chapters, the populations served by the chapters, and such other factors as may be determined by the board.

''(B) PERIODIC REVIEW.—The board of governors shall review the allocation of votes at least every 5 years.''.

SEC. __09. ENDOWMENT FUND.

Section 300109 of title 36, United States Code is amended—

(1) by striking ''nine'' from the first sentence thereof; and

(2) by striking the second sentence and inserting the following: ''The corporation shall prescribe policies and regulations on terms and tenure of office, accountability, and expenses of the board of trustees.''.

SEC. __10. ANNUAL REPORT AND AUDIT.

Subsection (a) of section 300110 of title 36, United States Code, is amended to read as follows:

''(a) SUBMISSION OF REPORT.—As soon as practicable after the end of the corporation's fiscal year, which may be changed from time to time by the board of governors, the corporation shall submit a report to the Secretary of Defense on the activities of the corporation during such fiscal year, including a complete, itemized report of all receipts and expenditures.''.

SEC. __11. COMPTROLLER GENERAL OF THE UNITED STATES AND OFFICE OF THE OMBUDSMAN.

(a) IN GENERAL.—Chapter 3001 of title 36, United States Code, is amended by redesignating section 300111 as section 300113 and by inserting after section 300110 the following new sections:

''§ 300111. Authority of the Comptroller General of the United States

''The Comptroller General of the United States is authorized to review the corporation's involvement in any Federal program or activity the Government carries out under law.

''§ 300112. Office of the Ombudsman

''(a) ESTABLISHMENT.—The corporation shall establish an Office of the Ombudsman with such duties and responsibilities as may be provided in the bylaws or a resolution of the board of governors.

''(b) REPORT.—

''(1) IN GENERAL.—The Office of the Ombudsman shall submit annually to the appropriate Congressional committees a report

concerning any trends and systemic matters that the Office of the Ombudsman has identified as confronting the corporation.

''(2) APPROPRIATE CONGRESSIONAL COMMITTEES.—For purposes of paragraph (1), the appropriate Congressional committees are the following committees of Congress:

''(A) SENATE COMMITTEES.—The appropriate Congressional committees of the Senate are—

''(i) the Committee on Finance;

''(ii) the Committee on Foreign Relations;

''(iii) the Committee on Health, Education, Labor, and Pensions;

''(iv) the Committee on Homeland Security and Governmental Affairs; and

''(v) the Committee on the Judiciary.

''(B) HOUSE COMMITTEES.—The appropriate Congressional committees of the House of Representatives are—

''(i) the Committee on Energy and Commerce;

''(ii) the Committee on Foreign Affairs;

''(iii) the Committee on Homeland Security;

''(iv) the Committee on the Judiciary; and

''(v) the Committee on Ways and Means.''.

(b) CLERICAL AMENDMENT.—The table of sections for chapter 3001 of title 36, United States Code, is amended by striking the item relating to section 300111 and inserting the following:

''300111. Authority of the Comptroller General of the United States.
''300112. Office of the Ombudsman.
''300113. Reservation of right to amend or repeal.''.

AMENDMENT NO. 341

(Purpose: To provide for an additional program requirement for the border interoperability demonstration project)

On page 124, line 16, strike ''and'' after the semicolon.

On page 124, line 18, strike the period and insert ''; and''.

On page 124, between lines 18 and 19, insert the following:

(9) identify solutions to facilitate communications between emergency response providers in communities of differing population densities.

AMENDMENT NO. 290, AS MODIFIED FURTHER

At the appropriate place, insert the following:

SEC. ___. QUADRENNIAL HOMELAND SECURITY REVIEW.

(a) IN GENERAL.—

(1) ESTABLISHMENT.—Not later than the end of fiscal year 2008, the Secretary shall establish a national homeland security strategy.

(2) REVIEW.—Four years after the establishment of the national homeland security strategy, and every 4 years thereafter, the Secretary shall conduct a comprehensive examination of the national homeland security strategy.

(3) SCOPE.—In establishing or reviewing the national homeland security strategy under this subsection, the Secretary shall conduct a comprehensive examination of interagency cooperation, preparedness of Federal response assets, infrastructure, budget plan, and other elements of the homeland security program and policies of the United States with a view toward determining and expressing the homeland security strategy of the United States and establishing a homeland security program for the 20 years following that examination.

(4) REFERENCE.—The establishment or review of the national homeland security strategy under this subsection shall be known as the ''quadrennial homeland security review''.

(5) CONSULTATION.—Each quadrennial homeland security review under this subsection shall be conducted in consultation with the Attorney General of the United States, the Secretary of State, the Secretary of Defense, the Secretary of Health and Human Services, and the Secretary of the Treasury.

(b) CONTENTS OF REVIEW.—Each quadrennial homeland security review shall—

(1) delineate a national homeland security strategy consistent with the most recent National Response Plan prepared under Homeland Security Presidential Directive-5 or any directive meant to replace or augment that directive;

(2) describe the interagency cooperation, preparedness of Federal response assets, infrastructure, budget plan, and other elements of the homeland security program and policies of the United States associated with the national homeland security strategy required to execute successfully the full range of missions called for in the national homeland security strategy delineated under paragraph (1); and

(3) identify—

(A) the budget plan required to provide sufficient resources to successfully execute the full range of missions called for in that national homeland security strategy at a low-to-moderate level of risk; and

(B) any additional resources required to achieve such a level of risk.

(c) LEVEL OF RISK.—The assessment of the level of risk for purposes of subsection (b)(3) shall be conducted by the Director of National Intelligence.

(d) REPORTING.—

(1) IN GENERAL.—The Secretary shall submit a report regarding each quadrennial homeland security review to Congress and shall make the report publicly available on the Internet. Each such report shall be submitted and made available on the Internet not later than September 30 of the year in which the review is conducted.

(2) CONTENTS OF REPORT.—Each report submitted under paragraph (1) shall include—

(A) the results of the quadrennial homeland security review;

(B) the threats to the assumed or defined national homeland security interests of the United States that were examined for the purposes of the review and the scenarios developed in the examination of those threats;

(C) the status of cooperation among Federal agencies in the effort to promote national homeland security;

(D) the status of cooperation between the Federal Government and State governments in preparing for emergency response to threats to national homeland security; and

(E) any other matter the Secretary considers appropriate.

(e) RESOURCE PLAN.—Not later than 30 days after the date of enactment of this Act, the Secretary shall provide to Congress and make publicly available on the Internet a detailed resource plan specifying the estimated budget and number of staff members that will be required for preparation of the initial quadrennial homeland security review.

AMENDMENT NO. 323

(Purpose: To provide for the inclusion of executive level training in certain curriculum for training)

On page 23, strike lines 11 through 15, and insert the following:

(a) CURRICULUM.—The Secretary, acting through the Chief Intelligence Officer, shall—

(1) develop curriculum for the training of State, local, and tribal government officials relating to the handling, review, and development of intelligence material; and

(2) ensure that the curriculum includes executive level training.

AMENDMENT NO. 368

(Purpose: To make funds available for the activities of the Public Interest Declassification Board)

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.''.

AMENDMENT NO. 392

(Purpose: To provide for the Secretary to ensure that chemical, biological, radiological, and nuclear detection equipment and technologies are integrated as appropriate with other border security systems and detection technologies, and for other purposes)

At the end of title XV, add the following:

SEC. _____. INTEGRATION OF DETECTION EQUIPMENT AND TECHNOLOGIES.

(a) IN GENERAL.—The Secretary shall have responsibility for ensuring that chemical, biological, radiological, and nuclear detection equipment and technologies are integrated as appropriate with other border security systems and detection technologies.

(b) REPORT.—Not later than 6 months after the date of enactment of this Act, the Secretary shall submit a report to Congress that contains a plan to develop a departmental technology assessment process to determine and certify the technology readiness levels of chemical, biological, radiological, and nuclear detection technologies before the full deployment of such technologies within the United States.

AMENDMENT NO. 332, AS MODIFIED

On page 54, strike line 5 and all that follows through page 57, line 9, and insert the following:

''(a) GRANTS AUTHORIZED.—The Secretary, through the Administrator, may award grants to State, local, and tribal governments for the purposes of this title.

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

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

''(2) The Urban Search and Rescue Grant Program authorized under the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5121 et seq.).

''(3) Grants to protect critical infrastructure, including port security grants authorized under section 70107 of title 46, United States Code, and the grants authorized in title XIII and XIV of the Improving America's Security Act of 2007.

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

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

''(c) RELATIONSHIP TO OTHER LAWS.—

''(1) IN GENERAL.—The grant programs authorized under this title shall supercede all grant programs authorized under section 1014 of the USA PATRIOT Act (42 U.S.C. 3714).

''(2) PROGRAM INTEGRITY.—Each grant program under this title, section 1809 of this

Act, or section 662 of the Post-Katrina Emergency Management Reform Act of 2006 (6 U.S.C. 763) shall include, consistent with the Improper Payments Information Act of 2002 (31 U.S.C. 3321 note), policies and procedures for—

''(A) identifying activities funded under any such grant program that are susceptible to significant improper payments; and

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

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

''(d) MINIMUM PERFORMANCE REQUIREMENTS.—

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

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

''(B) conduct, in coordination with State, regional, local, and tribal governments receiving grants under this title, section 1809 of this Act, or section 662 of the Post-Katrina Emergency Management Reform Act of 2006 (6 U.S.C. 763), simulations and exercises to test the minimum performance requirements established under subparagraph (A) for—

On page 66, between lines 19 and 20, insert the following:

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

''(1) for fiscal year 2007, such sums as are necessary;

''(2) for each of fiscal years 2008, 2009, and 2010, $1,278,639,000; and

''(3) for fiscal year 2011, and each fiscal year thereafter, such sums as are necessary.

On page 77, strike line 3 and all that follows through page 80, line 7, and insert the following:

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

''(1) for fiscal year 2007, such sums as are necessary;

''(2) for each of fiscal years 2008, 2009, and 2010, $913,180,500; and

''(3) for fiscal year 2011, and each fiscal year thereafter, such sums as are necessary.

''SEC. 2005. TERRORISM PREVENTION.

On page 84, strike line 19 and insert the following:

''SEC. 2006. RESTRICTIONS ON USE OF FUNDS.

On page 85, line 25, strike ''611(j)(8)'' and insert ''611(j)(9)''.

On page 86, line 2, strike ''5196(j)(8))'' and insert ''5196(j)(9))''.

On page 87, strike line 22 and insert the following:

''SEC. 2007. ADMINISTRATION AND COORDINATION.

On page 89, line 7, strike ''under this title'' and insert ''under section 2003 or 2004''.

On page 91, strike line 16 and insert the following:

''SEC. 2008. ACCOUNTABILITY.

On page 94, lines 13 and 14, strike ''the Homeland Security Grant Program'' and insert ''grants made under this title''.

On page 97, strike lines 7 and 8 and insert the following:

''SEC. 2009. AUDITING.

''(a) AUDITS OF GRANTS.—

On page 104, strike line 7 and all that follows through page 105, line 9, and insert the following:

''(d) DEFINITION.—In this section, the term 'Emergency Management Performance Grants Program' means the Emergency Management Performance Grants Program under section 662 of the Post-Katrina Emergency Management Reform Act of 2006 (6 U.S.C. 763; Public Law 109-295).

''SEC. 2010. SENSE OF THE SENATE.

''It is the sense of the Senate that, in order to ensure that the Nation is most effectively able to prevent, prepare for, protect against, respond to, recovery from, and mitigate against all hazards, including natural disasters, acts of terrorism, and other man-made disasters—

''(1) the Department should administer a coherent and coordinated system of both terrorism-focused and all-hazards grants, the essential building blocks of which include—

''(A) the Urban Area Security Initiative and State Homeland Security Grant Program established under this title (including funds dedicated to law enforcement terrorism prevention activities);

''(B) the Emergency Communications Operability and Interoperable Communications Grants established under section 1809; and

''(C) the Emergency Management Performance Grants Program authorized under section 662 of the Post-Katrina Emergency Management Reform Act of 2006 (6 U.S.C. 763); and

''(2) to ensure a continuing and appropriate balance between terrorism-focused and all-hazards preparedness, the amounts appropriated for grants under the Urban Area Security Initiative, State Homeland Security Grant Program, and Emergency Management Performance Grants Program in any fiscal year should be in direct proportion to the amounts authorized for those programs for fiscal year 2008 under the amendments made by titles II and IV, as applicable, of the Improving America's Security Act of 2007.''.

On page 106, strike lines 1 through 9, and insert the following:

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

''TITLE XIX—DOMESTIC NUCLEAR DETECTION OFFICE

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

''TITLE XX—HOMELAND SECURITY GRANTS

''Sec. 2001. Definitions.
''Sec. 2002. Homeland Security Grant Program.
''Sec. 2003. Urban Area Security Initiative.
''Sec. 2004. State Homeland Security Grant Program.
''Sec. 2005. Terrorism prevention.
''Sec. 2006. Restrictions on use of funds.
''Sec. 2007. Administration and coordination.
''Sec. 2008. Accountability.
''Sec. 2009. Auditing.
''Sec. 2010. Sense of the Senate.''.

TITLE III—COMMUNICATIONS OPERABILITY AND INTEROPERABILITY

On page 126, between lines 14 and 15, insert the following:

TITLE IV—EMERGENCY MANAGEMENT PERFORMANCE GRANTS PROGRAM

SEC. 401. EMERGENCY MANAGEMENT PERFORMANCE GRANTS PROGRAM.

Section 622 of the Post-Katrina Emergency Management Reform Act of 2006 (6 U.S.C. 763) is amended to read as follows:

''SEC. 622. EMERGENCY MANAGEMENT PERFORMANCE GRANTS PROGRAM.

''(a) DEFINITIONS.—In this section:

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

''(2) STATE.—The term 'State' has the meaning given that term in section 101 of the Homeland Security Act of 2002 (6 U.S.C. 101).

''(b) IN GENERAL.—There is an Emergency Management Performance Grants Program to make grants to States to assist State, local, and tribal governments in preparing for, responding to, recovering from, and mitigating against all hazards.

''(c) APPLICATION.—

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

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

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

''(1) BASELINE AMOUNT.—

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

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

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

''(3) CONSISTENCY IN ALLOCATION.—Notwithstanding paragraphs (1) and (2), in any fiscal year in which the appropriation for grants under this section is equal to or greater than the appropriation for Emergency Management Performance Grants in fiscal year 2007, no State shall receive an amount under this section for that fiscal year less than the amount that State received in fiscal year 2007.

''(e) ALLOWABLE USES.—Grants awarded under this section may be used to prepare for, respond to, recover from, and mitigate against all hazards through—

''(1) any activity authorized under title VI or section 201 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5195 et seq. and 5131);

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

''(3) any other activity approved by the Administrator that will improve the emergency management capacity of State, local, or tribal governments to coordinate, integrate, and enhance preparedness for, response to, recovery from, or mitigation against all-hazards.

''(f) COST SHARING.—

''(1) IN GENERAL.—Except as provided in subsection (i), the Federal share of the costs of an activity carried out with a grant under this section shall not exceed 50 percent.

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

''(g) DISTRIBUTION OF FUNDS.—The Administrator shall not delay distribution of grant funds to States under this section solely because of delays in or timing of awards of other grants administered by the Department.

''(h) LOCAL AND TRIBAL GOVERNMENTS.—

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

''(2) INDIAN TRIBES.—States shall be responsible for allocating grant funds received under this section to tribal governments in order to help those tribal communities improve their capabilities in preparing for, responding to, recovering from, or mitigating against all hazards. Tribal governments shall be eligible for funding directly from the States, and shall not be required to seek funding from any local government.

''(i) EMERGENCY OPERATIONS CENTERS IMPROVEMENT PROGRAM.—

''(1) IN GENERAL.—The Administrator may award grants to States under this section to plan for, equip, upgrade, or construct all-hazards State, local, or regional emergency operations centers.

''(2) REQUIREMENTS.—No grant awards under this section (including for the activities specified under this subsection) shall be used for construction unless such construction occurs under terms and conditions consistent with the requirements under section 611(j)(9) of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5196(j)(9).

''(3) COST SHARING.—

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

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

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

''(1) for fiscal year 2007, such sums as are necessary;

''(2) for each of fiscal years 2008, 2009, and 2010, $913,180,500; and

''(3) for fiscal year 2011, and each fiscal year thereafter, such sums as are necessary.''.

AMENDMENT NO. 391

(Purpose: To improve the guidelines for fusion centers operated by State or local governments, to improve the awarding and administration of homeland security grants, and for other purposes)

On page 37, line 5, strike ''within the scope'' and all that follows through ''(6 U.S.C. 485)'' on line 8 and insert ''and intelligence''.

On page 37, lines 9 and 10, strike ''local emergency response providers'' and insert ''local government agencies (including emergency response providers)''.

On page 37, line 25, strike ''and''.

On page 38, line 3, strike the period and insert ''; and''.

On page 38, between lines 3 and 4, insert the following:

''(9) incorporate emergency response providers, and, as appropriate, the private sector, into all relevant phases of the intelligence and fusion process through full time representatives or liaison officers.

On page 63, line 13, before the semicolon, insert the following: ''the inclusion of which will enhance regional efforts to prevent, prepare for, protect against, respond to, and recover from acts of terrorism''.

On page 66, strike lines 3 through 8 and insert the following:

''(2) STATE DISTRIBUTION OF FUNDS.—

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

''(B) FUNDS RETAINED.—A State shall provide each relevant eligible metropolitan area with an accounting of the items or services on which any funds retained by the State under subparagraph (A) were expended.

On page 82, line 4, strike ''or other'' and insert ''and other''.

On page 83, line 15, before the semicolon, insert the following: '', including through review of budget requests for those programs''.

On page 90, between lines 4 and 5, insert the following:

''(3) EXISTING PLANNING COMMITTEES.—Nothing in this subsection may be construed to require that any State or metropolitan area create a planning committee if that State or metropolitan area has established and uses a multijurisdictional planning committee or commission that meets the requirements of this subsection.

AMENDMENT NO. 431

(Purpose: To clarify the coordination of the accreditation and certification program for the private sector, and for other purposes)

On page 194, lines 18 and 19, strike ''and each private sector advisory council created under section 102(f)(4)'' and insert ''each private sector advisory council created under section 102(f)(4), and appropriate private sector advisory groups such as sector coordinating councils and information sharing and analysis centers''.

On page 195, line 12, strike ''the American National Standards Institute and'' and insert ''representatives of organizations that coordinate or facilitate the development of and use of voluntary consensus standards''.

On page 195, lines 14 through 16, strike ''and each private sector advisory council created under section 102(f)(4)'' and insert '', each private sector advisory council created under section 102(f)(4), and appropriate private sector advisory groups such as sector coordinating councils and information sharing and analysis centers''.

On page 196, line 21, strike ''and'' after the semicolon.

On page 196, strike lines 17–23 and insert the following:

''(C) consider the unique nature of various sectors within the private sector, including preparedness, business continuity standards, or best practices, established—

''(i) under any other provision of Federal law; or

''(ii) by any sector-specific agency, as defined under Homeland Security Presidential Directive-7; and

''(D) coordinate the program, as appropriate, with—

''(i) other Department private sector related programs; and

''(ii) preparedness and business continuity programs in other Federal agencies.

On page 201, between lines 9 and 10, insert the following:

''(e) COMPLIANCE BY ENTITIES SEEKING CERTIFICATION.—Any entity seeking certification under this section shall comply with all applicable statutes, regulations, directives, policies, and industry codes of practice in meeting certification requirements.

On page 201, line 10, strike ''(e)'' and insert ''(f)''.

On page 201, line 13, strike ''(f)'' and insert ''(g)''.

On page 201, line 18, strike ''(g)'' and insert ''(h)''.

On page 202, strike lines 20 through 24, and insert the following:

SEC. 706. RULE OF CONSTRUCTION.

Nothing in this title may be construed to supercede any preparedness or business continuity standards, requirements, or best practices established—

(1) under any other provision of Federal law; or

(2) by any sector-specific agency, as defined under Homeland Security Presidential Directive-7.

AMENDMENT NO. 348

(Purpose: To require that a redacted version of the Executive Summary of the Office of Inspector General Report on Central Intelligence Agency Accountability Regarding Findings and Conclusions of the Joint Inquiry into Intelligence Community Activities Before and After the Terrorist Attacks of September 11, 2001 is made available to the public)

At the appropriate place, insert the following:

SEC. _____. AVAILABILITY OF THE EXECUTIVE SUMMARY OF THE REPORT ON CENTRAL INTELLIGENCE AGENCY ACCOUNTABILITY REGARDING THE TERRORIST ATTACKS OF SEPTEMBER 11, 2001.

(a) PUBLIC AVAILABILITY.—Not later than 30 days after the date of the enactment of this Act, the Director of the Central Intelligence Agency shall prepare and make available to the public a version of the Executive Summary of the report entitled the ''Office of Inspector General Report on Central Intelligence Agency Accountability Regarding Findings and Conclusions of the Joint Inquiry into Intelligence Community Activities Before and After the Terrorist Attacks of September 11, 2001'' issued in June 2005 that is declassified to the maximum extent possible, consistent with national security.

(b) REPORT TO CONGRESS.—The Director of the Central Intelligence Agency shall submit to Congress a classified annex to the redacted Executive Summary made available under subsection (a) that explains the reason that any redacted material in the Executive Summary was withheld from the public.

AMENDMENT NO. 404

(Purpose: To require the Secretary of Homeland Security to notify Congress not later than 30 days before waiving any eligibility requirement under the visa waiver program established under section 217 of the Immigration and Nationality Act)

On page 133, line 20, strike ''(C)'' and insert the following:

(C) in subsection (d), by adding at the end the following: ''The Secretary of Homeland Security may not waive any eligibility requirement under this section unless the Secretary notifies the appropriate congressional committees not later than 30 days before the effective date of such waiver.'';

(D)

AMENDMENT NO. 388, AS MODIFIED

On page 105, after line 9, insert the following:

SEC. 203. EQUIPMENT TECHNICAL ASSISTANCE TRAINING

(a) SENSE OF THE SENATE.—It is the Sense of the Senate that the Department of Homeland Security shall conduct no fewer than 7,500 trainings annually through the Domestic Preparedness Equipment Technical Assistance Program.

(b) REPORT.—The Secretary of Homeland Security shall report no later than September 30 annually to the Senate Homeland Security and Governmental Affairs Committee, the House Homeland Security Committee, Senate Appropriations Subcommittee on Homeland Security, and the

House Appropriations Subcommittee on Homeland Security—

(1) on the number of trainings conducted that year through the Domestic Preparedness Equipment Technical Assistance Program; and

(2) if the number of trainings conducted that year is less than 7,500, an explanation of why fewer trainings were needed.

AMENDMENT NO. 411, AS MODIFIED

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.

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) EXCEPTION.—A Democracy Fellow may not be assigned to any congressional office until the Secretary of Defense certifies to the Committee on Armed Services and the Committee on Foreign Relations of the Senate and the Committee on Armed Services and the Committee on Foreign Affairs of the House of Representatives that the request of the Commander of the United States Central Command for the Department of State for personnel and foreign service officers has been fulfilled.

SEC. 1613. TRANSPARENCY OF UNITED STATES BROADCASTING TO ASSIST IN OVERSIGHT AND ENSURE PROMOTION OF HUMAN RIGHTS AND DEMOCRACY IN INTERNATIONAL BROADCASTS.

(a) TRANSCRIPTS.—The Broadcasting Board of Governors shall transcribe into English all original broadcasting content.

(b) PUBLIC TRANSPARENCY.—The Broadcasting Board of Governors shall post all English transcripts from its broadcasting content on a publicly available website within 30 days of the original broadcast.

(c) BROADCASTING CONTENT DEFINED.—In this section, the term ''broadcasting content'' includes programming produced or broadcast by United State international broadcasters, including—

(1) Voice of America;

(2) Alhurra;

(3) Radio Sawa;

(4) Radio Farda;

(5) Radio Free Europe/Radio Liberty;

(6) Radio Free Asia; and

(7) The Office of Cuba Broadcasting.

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.

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.

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. SENSE OF CONGRESS ON ADVANCE DEMOCRACY AWARD.

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.

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.—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.

(b) SENSE OF CONGRESS ON INTERNATIONAL CENTER FOR DEMOCRATIC TRANSITION.—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.

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.

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.

AMENDMENT NO. 456

(Purpose: To require the Secretary of Homeland Security to include levees in the list of critical infrastructure sectors)

At the appropriate place, insert ''The Secretary shall include levees in the Department's list of critical infrastructure sectors.

AMENDMENT NO. 414, AS MODIFIED

Insert at the appropriate place:

(a) DEMONSTRATION PROJECT.—Not later than 120 days after the date of enactment of this Act, the Secretary shall—

(1) establish a demonstration project to conduct demonstrations of security management systems that—

(A) shall use a management system standards approach; and

(B) may be integrated into quality, safety, environmental and other internationally adopted management systems; and

(2) enter into 1 or more agreements with a private sector entity to conduct such demonstrations of security management systems.

AMENDMENT NO. 412, AS MODIFIED

(Purpose: To provide for model ports of entry and modify the international registered traveler program)

On page 2, after the item relating to section 405, insert the following:

Sec. 406. Model ports-of-entry.

On page 148, between lines 7 and 8, insert the following:

SEC. 406. 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 welcoming international arrival process in order to facilitate and promote business and tourist travel to the United States, while also improving security; and

(2) implement the program initially at the 20 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) assistance for foreign travelers once they have been admitted to the United States, in consultation, as appropriate, with relevant governmental and nongovernmental entities; 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 PROTECTION OFFICERS FOR HIGH VOLUME PORTS.—Subject to the availability of appropriations, before the end of fiscal year 2008 the Secretary of Homeland Security shall employ not less than an additional 200 Customs and Border Protection officers to address staff shortages at the 20 United States international airports with the highest average number of foreign visitors arriving annually.

AMENDMENT NO. 354, AS MODIFIED

Beginning with line 1 on page 1, strike through the end of the amendment and insert the following:

At the appropriate place, insert the following:

SEC. ____. 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'';

(2) by resetting the left margin of the text thereof 2 ems from the left margin; and

(3) by inserting at the end thereof the following:

''(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 subparagraph (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, unless the Secretary explains in writing to the appropriate congressional committees that inadequate progress has been made in meeting the criteria in section 232(b) for expanded scanning to be practical or feasible;

''(iii) an analysis of how to effectively incorporate 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) an analysis of the scanning equipment, personnel, and technology necessary to reach the goal of 100 percent scanning of cargo containers.

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

AMENDMENTS NOS. 423, 424, 340, 307, 358, 359, 394, 415, AND 371 EN BLOC

Mr. LIEBERMAN. Madam President, on behalf of the Commerce Committee, I ask unanimous consent that the pending amendment be set aside and the Senate proceed en bloc to the consideration of a series of amendments which have been cleared by the chair and ranking member of the Commerce Committee, Senators INOUYE and STEVENS.

The amendments are as follows: Inouye-Stevens amendment No. 423 with a modification; Inouye-Stevens amendment No. 424 with a modification; Rockefeller amendment No. 340; Kerry amendment No. 307; Murray amendment No. 358 with a modification; Lautenberg amendment No. 359 with a modification; Cardin amendment No. 394.

On behalf of the Banking Committee, Senators DODD and SHELBY, I ask that the following amendments within their jurisdiction which they have cleared also be considered: Dodd amendment No. 415, Kohl amendment No. 371 with a modification.

Madam President, I ask unanimous consent that these amendments be agreed to en bloc, the motions to reconsider be laid upon the table, en bloc, that any statements thereon be printed in the RECORD, and that the consideration of these amendments appear separately in the RECORD.

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

The amendments (Nos. 340, 307, 394, and 415) were agreed to, as follows:

AMENDMENT NO. 340 TO AMENDMENT NO. 275

(Purpose: To reinstate the State registration fee system for commercial motor vehicles until the Unified Carrier Registration System Plan Agreement is fully implemented)

On page 4, strike the item relating to section 1336 and insert the following:

Sec. 1336. Unified carrier registration system plan agreement.

Sec. 1337. Authorization of appropriations.

On page 298, strike line 8 and insert the following:

SEC. 1336. UNIFIED CARRIER REGISTRATION SYSTEM PLAN AGREEMENT.

(a) IN GENERAL.—Notwithstanding section 4305(a) of the SAFETEA–LU Act (Public Law 109–59)—

(1) section 14504 of title 49, United States Code, as that section was in effect on December 31, 2006, is re-enacted, effective as of January 1, 2007; and

(2) no fee shall be collected pursuant to section 14504a of title 49, United States Code, until 30 days after the date, as determined by the Secretary of Transportation, on which—

(A) the unified carrier registration system plan and agreement required by that section has been fully implemented; and

(B) the fees have been set by the Secretary under subsection (d)(7)(B) of that section.

(b) REPEAL OF SECTION 14504.—Section 14504 of title 49, United States Code, as re-enacted by this Act, is repealed effective on the date on which fees may be collected under section 14504a of title 49, United States Code, pursuant to subsection (a)(2) of this section.

SEC. 1337. AUTHORIZATION OF APPROPRIATIONS.

AMENDMEND NO. 307 TO AMENDMENT NO. 275

(Purpose: To modify the criteria that the Secretary of Homeland Security will use to develop a hazardous material tracking pilot program for motor carriers)

On page 305, strike lines 8 through 15 and insert the following:

(v) technology that allows the installation by a motor carrier of concealed electronic devices on commercial motor vehicles that can be activated by law enforcement authorities and alert emergency response resources to locate and recover high hazard materials in the event of loss or theft of such materials and consider the addition of this type of technology to the required communications technology attributes under paragraph (1).

AMENDMENT NO. 394 TO AMENDMENT NO. 275

(Purpose: To require Amtrak contracts and leases involving the State of Maryland to be governed by the laws of the District of Columbia)

On page 299, between lines 2 and 3, insert the following:

SEC. 1337. APPLICABILITY OF DISTRICT OF COLUMBIA LAW TO CERTAIN AMTRAK CONTRACTS.

Section 24301 of title 49, United States Code, is amended by adding at the end the following:

''(o) APPLICABILITY OF DISTRICT OF COLUMBIA LAW.—Any lease or contract entered into between the National Railroad Passenger Corporation and the State of Maryland, or any department or agency of the State of Maryland, after the date of the enactment of this subsection shall be governed by the laws of the District of Columbia.''.

AMENDMENT NO. 415 TO AMENDMENT NO. 275

(Purpose: To amend title X, with respect to critical infrastructure protection efforts by Federal departments and agencies)

On page 233, strike lines 8 through 15.

On page 233, line 16, strike ''(c)'' and insert ''(b)''.

On page 233, line 19, strike ''(d)'' and insert ''(c)''.

On page 234, strike lines 17 through 21 and insert the following:

(2) CLASSIFIED INFORMATION.—

(A) IN GENERAL.—The Secretary shall submit with each report under this subsection a classified annex containing information required to be submitted under this subsection that cannot be made public.

(B) RETENTION OF CLASSIFICATION.—The classification of information required to be provided to Congress, the Department, or any other department or agency under this section by a sector-specific agency, including the assignment of a level of classification of such information, shall be binding on Congress, the Department, and that other Federal agency.

On page 235, line 21, strike ''private sector'' and all that follows through page 236, line 4 and insert ''private sector.''.

On page 236, line 8, insert ''a report'' after ''submit''.

On page 236, beginning on line 11, strike ''a report'' and insert the following: '', and to each Committee of the Senate and the House of Representatives having jurisdiction over the critical infrastructure or key resource addressed by the report,''.

On page 236, strike lines 18 and 19 and insert the following:

''(2) CLASSIFIED INFORMATION.—

''(A) IN GENERAL.—The report under this subsection may contain a classified annex.

''(B) RETENTION OF CLASSIFICATION.—The classification of information required to be provided to Congress, the Department, or any other department or agency under this section by a sector-specific agency, including the assignment of a level of classification of such information, shall be binding on Congress, the Department, and that other Federal agency.''.

On page 236, after line 23, insert the following:

SEC. 1004. PRIORITIES AND ALLOCATIONS.

Not later than 6 months after the last day of fiscal year 2007, and for each year thereafter, the Secretary, in cooperation with the Secretary of Commerce, the Secretary of Transportation, the Secretary of Defense, and the Secretary of Energy shall submit to the Committee on Banking, Housing, and Urban Affairs and the Committee on Homeland Security and Governmental Affairs of the Senate and the Committee on Financial Services and the Committee on Homeland Security of the House of Representatives a report that details the actions taken by the Federal Government to ensure, in accordance with subsections (a) and (c) of section 101 of the Defense Production Act of 1950 (50 U.S.C. App. 2071), the preparedness of industry—

(1) to reduce interruption of critical infrastructure operations during a terrorist attack, natural catastrophe, or other similar national emergency; and

(2) to minimize the impact of such catastrophes, as so described in section 1001(a)(1).

The amendment (No. 423), as modified, was agreed to, as follows:

AMENDMENT NO. 423 AS MODIFIED

On page 203, beginning with line 4, strike through line 5 on page 215 and insert the following:

SEC. 801. TRANSPORTATION SECURITY STRATEGIC PLANNING.

(a) IN GENERAL.—Section 114(t)(1)(B) of title 49, United States Code, is amended to read as follows:

''(B) transportation modal and intermodal security plans addressing risks, threats, and vulnerabilities for aviation, bridge, tunnel, commuter rail and ferry, highway, maritime, pipeline, rail, mass transit, over-the-road bus, and other public transportation infrastructure assets.''.

(b) CONTENTS OF THE NATIONAL STRATEGY FOR TRANSPORTATION SECURITY.—Section 114(t)(3) of such title is amended—

(1) in subparagraph (B), by inserting '', based on risk assessments conducted by the Secretary of Homeland Security (including assessments conducted under section 1321 or 1403 of the Improving America's Security Act of 2007 or any provision of law amended by such title),'' after ''risk based priorities'';

(2) in subparagraph (D)—

(A) by striking ''and local'' and inserting '', local, and tribal''; and

(B) by striking ''private sector cooperation and participation'' and inserting ''cooperation and participation by private sector entities'';

(3) in subparagraph (E)—

(A) by striking ''response'' and inserting ''prevention, response,''; and

(B) by inserting ''and threatened and executed acts of terrorism outside the United States to the extent such acts affect United States transportation systems'' before the period at the end;

(4) in subparagraph (F), by adding at the end the following: ''Transportation security research and development projects shall be based, to the extent practicable, on such prioritization. Nothing in the preceding sentence shall be construed to require the termination of any research or development project initiated by the Secretary of Homeland Security before the date of enactment of the Improving America's Security Act of 2007.''; and

(5) by adding at the end the following:

''(G) Short- and long-term budget recommendations for Federal transportation security programs, which reflect the priorities of the National Strategy for Transportation Security.

''(H) Methods for linking the individual transportation modal security plans and the programs contained therein, and a plan for addressing the security needs of intermodal transportation hubs.

''(I) Transportation security modal and intermodal plans, including operational recovery plans to expedite, to the maximum extent practicable, the return to operation of an adversely affected transportation system following a major terrorist attack on that system or another catastrophe. These plans shall be coordinated with the resumption of trade protocols required under section 202 of the SAFE Port Act (6 U.S.C. 942).''.

(c) PERIODIC PROGRESS REPORTS.—Section 114(t)(4) of such title is amended—

(1) in subparagraph (C)—

(A) in clause (i), by inserting '', including the transportation modal security plans'' before the period at the end; and

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

''(ii) CONTENT.—Each progress report submitted under this subparagraph shall include the following:

''(I) Recommendations for improving and implementing the National Strategy for Transportation Security and the transportation modal and intermodal security plans that the Secretary of Homeland Security, in consultation with the Secretary of Transportation, considers appropriate.

''(II) An accounting of all grants for transportation security, including grants for research and development, distributed by the Secretary of Homeland Security in the most recently concluded fiscal year and a description of how such grants accomplished the goals of the National Strategy for Transportation Security.

''(III) An accounting of all—

''(aa) funds requested in the President's budget submitted pursuant to section 1105 of title 31 for the most recently concluded fiscal year for transportation security, by mode; and

''(bb) personnel working on transportation security by mode, including the number of contractors.

''(iii) WRITTEN EXPLANATION OF TRANSPORTATION SECURITY ACTIVITIES NOT DELINEATED IN THE NATIONAL STRATEGY FOR TRANSPORTATION SECURITY.—At the end of each year, the Secretary of Homeland Security shall submit to the appropriate congressional committees a written explanation of any activity inconsistent with, or not clearly delineated in, the National Strategy for Transportation Security, including the amount of funds to be expended for the activity and the number of personnel involved.''; and

(2) in subparagraph (E), by striking ''Select''.

(d) PRIORITY STATUS.—Section 114(t)(5)(B) of such title is amended—

(1) in clause (iii), by striking ''and'' at the end;

(2) by redesignating clause (iv) as clause (v); and

(3) by inserting after clause (iii) the following:

''(iv) the transportation sector specific plan required under Homeland Security Presidential Directive–7; and''.

(e) COORDINATION AND PLAN DISTRIBUTION.—Section 114(t) of such title is amended by adding at the end the following:

''(6) COORDINATION.—In carrying out the responsibilities under this section, the Secretary of Homeland Security, in consultation with the Secretary of Transportation, shall consult, as appropriate, with Federal, State, and local agencies, tribal governments, private sector entities (including nonprofit employee labor organizations), institutions of higher learning, and other entities.

''(7) PLAN DISTRIBUTION.—The Secretary of Homeland Security shall make available an unclassified version of the National Strategy for Transportation Security, including its component transportation modal security plans, to Federal, State, regional, local and tribal authorities, transportation system owners or operators, private sector stakeholders (including non-profit employee labor organizations), institutions of higher learning, and other appropriate entities.''.

SEC. 802. TRANSPORTATION SECURITY INFORMATION SHARING.

(a) IN GENERAL.—Section 114 of title 49, United States Code, is amended by adding at the end the following:

''(u) TRANSPORTATION SECURITY INFORMATION SHARING PLAN.—

''(1) ESTABLISHMENT OF PLAN.—The Secretary of Homeland Security, in consultation with the program manager of the information sharing environment established under section 1016 of the Intelligence Reform and Terrorism Prevention Act of 2004 (6 U.S.C. 485), the Secretary of Transportation, and public and private stakeholders, shall establish a Transportation Security Information Sharing Plan. In establishing the plan, the Secretary shall gather input on the development of the Plan from private and public stakeholders and the program manager of the information sharing environment established under section 1016 of the Intelligence Reform and Terrorism Prevention Act of 2004 (6 U.S.C. 485).

''(2) PURPOSE OF PLAN.—The Plan shall promote sharing of transportation security information between the Department of Homeland Security and public and private stakeholders.

''(3) CONTENT OF PLAN.—The Plan shall include—

''(A) a description of how intelligence analysts within the Department of Homeland Security will coordinate their activities within the Department and with other Federal, State, and local agencies, and tribal governments, including coordination with existing modal information sharing centers and the center established under section 1406 of the Improving America's Security Act of 2007;

''(B) the establishment of a point of contact, which may be a single point of contact, for each mode of transportation within the Department of Homeland Security for its sharing of transportation security information with public and private stakeholders, including an explanation and justification to the appropriate congressional committees if the point of contact established pursuant to this subparagraph differs from the agency within the Department that has the primary authority, or has been delegated such authority by the Secretary, to regulate the security of that transportation mode;

''(C) a reasonable deadline by which the Plan will be implemented; and

''(D) a description of resource needs for fulfilling the Plan.

''(4) COORDINATION WITH THE INFORMATION SHARING ENVIRONMENT.—The Plan shall be—

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

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

''(5) REPORTS TO CONGRESS.—

''(A) IN GENERAL.—Not later than 180 days after the date of enactment of this subsection, the Secretary shall submit to the appropriate congressional committees a report containing the Plan.

''(B) ANNUAL REPORT.—Not later than 1 year after the date of enactment of this subsection, the Secretary shall submit to the appropriate congressional committees an annual report on updates to and the implementation of the Plan.

''(6) SURVEY.—

''(A) IN GENERAL.—The Secretary shall conduct a biennial survey of the satisfaction of the recipients of transportation intelligence reports disseminated under the Plan, and include the results of the survey as part of the annual report to be submitted under paragraph (5)(B).

''(B) INFORMATION SOUGHT.—The survey conducted under subparagraph (A) shall seek information about the quality, speed, regularity, and classification of the transportation security information products disseminated from the Department of Homeland Security to public and private stakeholders.

''(7) SECURITY CLEARANCES.—The Secretary shall, to the greatest extent practicable, take steps to expedite the security clearances needed for public and private stakeholders to receive and obtain access to classified information distributed under this section as appropriate.

''(8) CLASSIFICATION OF MATERIAL.—The Secretary, to the greatest extent practicable, shall provide public and private stakeholders with specific and actionable information in an unclassified format.

''(9) DEFINITIONS.—In this subsection:

''(A) APPROPRIATE CONGRESSIONAL COMMITTEES.—The term 'appropriate congressional committees' has the meaning given that term in subsection (t), but shall also include the Senate Committee on Banking, Housing, and Urban Development.

''(B) PLAN.—The term 'Plan' means the Transportation Security Information Sharing Plan established under paragraph (1).

''(C) PUBLIC AND PRIVATE STAKEHOLDERS.—The term 'public and private stakeholders' means Federal, State, and local agencies, tribal governments, and appropriate private entities.

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

''(E) TRANSPORTATION SECURITY INFORMATION.—The term 'transportation security information' means information relating to the risks to transportation modes, including aviation, bridge and tunnel, mass transit, passenger and freight rail, ferry, highway, maritime, pipeline, and over-the-road bus transportation.''.

(b) CONGRESSIONAL OVERSIGHT OF SECURITY ASSURANCE FOR PUBLIC AND PRIVATE STAKEHOLDERS.—

(1) IN GENERAL.—Except as provided in paragraph (2), the Secretary shall provide a semiannual report to the Committee on Homeland Security and Governmental Affairs, the Committee on Commerce, Science, and Transportation, and the Committee on Banking, Housing, and Urban Development of the Senate and the Committee on Homeland Security and the Committee on Transportation and Infrastructure of the House of Representatives that—

(A) identifies the job titles and descriptions of the persons with whom such information is to be shared under the transportation security information sharing plan established under section 114(u) of title 49, United States Code, as added by this Act,

and explains the reason for sharing the information with such persons;

(B) describes the measures the Secretary has taken, under section 114(u)(7) of that title, or otherwise, to ensure proper treatment and security for any classified information to be shared with the public and private stakeholders under the plan; and

(C) explains the reason for the denial of transportation security information to any stakeholder who had previously received such information.

(2) NO REPORT REQUIRED IF NO CHANGES IN STAKEHOLDERS.—The Secretary is not required to provide a semiannual report under paragraph (1) if no stakeholders have been added to or removed from the group of persons with whom transportation security information is shared under the plan since the end of the period covered by the last preceding semiannual report.

The amendment (No. 424), as modified, was agreed to as follows:

AMENDMENT NO. 424, AS MODIFIED

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. Law enforcement biometric credential.

Sec. 1378. Employee retention internship program.

On page 5, after the item relating to section 1384, insert the following:

Sec. 1385. Requiring reports to be submitted to certain committees.

On page 254, line 11, strike ''Administration,'' and insert ''Administration and other agencies within the Department,''.

On page 254, line 12, insert ''Federal'' after ''appropriate''.

On page 267, line 11, strike ''through the'' and insert ''in consultation with''.

On page 267, line 19, strike ''and, through the Secretary of Transportation, to Amtrak,'' and insert ''and to Amtrak''

On page 269, strike lines 20 through 23 and insert the following:

(d) CONDITIONS.—Grants awarded by the Secretary to Amtrak under subsection (a) shall be disbursed to Amtrak through the Secretary of Transportation. The Secretary of Transportation may not disburse such funds unless Amtrak meets the conditions set forth in section 1322(b) of this title.

On page 269, line 19, after the period insert ''Not later than 240 days after the date of enactment of this Act, the Secretary shall provide a report to the Committees on Commerce, Science and Transportation and Homeland Security and Governmental Affairs in the Senate and the Committee on Homeland Security in the House on the feasibility and appropriateness of requiring a non-federal match for the grants authorized in subsection (a).''.

On page 281, beginning in line 24, strike ''terrorists.'' and insert ''terrorists, including observation and analysis.''.

On page 286, line 7, strike the closing quotation marks and the second period.

On page 286, between lines 7 and 8, insert the following:

''(f) PROCESS FOR REPORTING PROBLEMS.—

''(1) ESTABLISHMENT OF REPORTING PROCESS.—The Secretary shall establish, and provide information to the public regarding, a process by which any person may submit a report to the Secretary regarding railroad security problems, deficiencies, or vulnerabilities.

''(2) CONFIDENTIALITY.—The Secretary shall keep confidential the identity of a person who submits a report under paragraph (1) and any such report shall be treated as a record containing protected information to the extent that it does not consist of publicly available information.

''(3) ACKNOWLEDGMENT OF RECEIPT.—If a report submitted under paragraph (1) identifies the person making the report, the Secretary shall respond promptly to such person and acknowledge receipt of the report.

''(4) STEPS TO ADDRESS PROBLEMS.—The Secretary shall review and consider the information provided in any report submitted under paragraph (1) and shall take appropriate steps under this title to address any problems or deficiencies identified.

''(5) RETALIATION PROHIBITED.—No employer may discharge any employee or otherwise discriminate against any employee with respect to the compensation to, or terms, conditions, or privileges of the employment of, such employee because the employee (or a person acting pursuant to a request of the employee) made a report under paragraph (1).''.

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 338, strike lines 1 through 4 and insert the following:

''(1) ESTABLISHMENT.—The Secretary shall establish an Office of Appeals and Redress to implement, coordinate, and execute the process established by the Secretary pursuant to subsection (a). The Office shall include representatives from the Transportation Security Administration, U.S. Customs and Border Protection, and other agencies or offices as appropriate.

On page 338, line 19, strike ''and''.

On page 339, line 3, strike ''positives.' ''. and insert ''positives; and''.

On page 339, between lines 3 and 4, insert the following:

''(C) require air carriers and foreign air carriers take action to properly and automatically identify passengers determined, under the process established under subsection (a), to have been wrongly identified.''.

On page 339, line 21, strike ''utilizing appropriate records in'' and insert ''as well as''.

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.

SEC. 1377. 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.

(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. 1378. 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 perform only those security responsibilities determined to be appropriate for their age and in accordance with applicable law and shall be compensated for training and services time while participating in the program.

On page 361, after line 22, insert the following:

SEC. 1385. REQUIRING REPORTS TO BE SUBMITTED TO CERTAIN COMMITTEES.

(a) SENATE COMMERCE, SCIENCE, AND TRANSPORTATION COMMITTEE.—The Committee on Commerce, Science, and Transportation of the Senate shall receive the reports required by the following provisions of law in the same manner and to the same extent that the reports are to be received by the Committee on Homeland Security and Governmental Affairs of the Senate:

(1) Section 1016(j)(1) of the Intelligence Reform and Terrorist Prevention Act of 2004 (6 U.S.C. 485(j)(1)).

(2) Section 121(c) of this Act.

(3) Section 2002(e)(3) of the Homeland Security Act of 2002, as added by section 202 of this Act.

(4) Subsections (a) and (b)(2)(B)(ii) of section 2009 of the Homeland Security Act of 2002, as added by section 202 of this Act.

(5) Section 302(d) of this Act.

(6) Section 7215(d) of the Intelligence Reform and Terrorism Prevention Act of 2004 (6 U.S.C. 123(d)).

(7) Section 7209(b)(1)(C) of the Intelligence Reform and Terrorism Prevention Act of 2004 (8 U.S.C. 1185 note).

(8) Section 504(c) of this Act.

(9) Section 705 of this Act.

(10) Section 803(d) of this Act.

(11) Section 510(a)(7) of the Homeland Security Act of 2002 (6 U.S.C. 320(a)(7)).

(12) Section 510(b)(7) of the Homeland Security Act of 2002 (6 U.S.C. 320(b)(7)).

(13) Section 1002(b) of this Act.

(b) SENATE COMMITTEE ON HOMELAND SECURITY AND GOVERNMENTAL AFFAIRS.—The Committee on Homeland Security and Governmental Affairs of the Senate shall receive the reports required by the following provisions of law in the same manner and to the same extent that the reports are to be received by the Committee on Commerce, Science, and Transportation of the Senate:

(1) Section 1321(c) of this Act.

(2) Section 1323(f)(3)(A) of this Act.

(3) Section 1328 of this Act.

(4) Section 1329(d) of this Act.

(5) Section 114(v)(4)(A)(i) of title 49, United States Code.

(6) Section 1341(a)(7) of this Act.

(7) Section 1341(b)(2) of this Act.

(8) Section 1345 of this Act.

(9) Section 1346(f) of this Act.

(10) Section 1347(f)(1) of this Act.

(11) Section 1348(d)(1) of this Act.

(12) Section 1366(b)(3) of this Act.

(13) Section 1372(b) of this Act.

(14) Section 1375 of this Act.

(15) Section 3006(i) of the Digital Television Transition and Public Safety Act of 2005 (47 U.S.C. 309 note).

(16) Section 1381(c) of this Act.

(17) Subsections (a) and (b) of section 1383 of this Act.

The amendment (No. 358), as modified, was agreed to as follows:

AMENDMENT NO. 358, AS MODIFIED

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 a selected airport or airports at which some of the exits are not co-located with a screening checkpoint.

(c) REPORTS.—

(1) INITIAL BRIEFING.—Not later than 180 days after the enactment of this Act, the Administrator shall conduct a briefing 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;

(C) the types of configurations expected to be deployed at such airports; and

(D) the expected financial contribution from each airport.

(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) USE OF EXISTING FUNDS.—Provisions contained within this section will be executed using existing funds.

The amendment (No. 359), as modified, was agreed to as follows:

AMENDMENT NO. 359, AS MODIFIED

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 and Committee on Homeland Security and Governmental Affairs 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.

The amendment (No. 371), as modified, was agreed to as follows:

AMENDMENT NO. 371, AS MODIFIED, TO AMENDMENT NO. 275

On page 370, line 10, after ''workers'', insert ''the elderly''.

AMENDMENTS NOS. 321 AND 336, WITHDRAWN

AMENDMENT NO. 367, AS FURTHER MODIFIED

Mr. LIEBERMAN. Madam President, I now ask unanimous consent that amendments Nos. 321 and 336 be withdrawn and that amendment No. 367 be further modified with the changes at the desk and that the amendment be considered and agreed to and the motion to reconsider be laid upon the table.

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

The amendment (No. 367), as further modified, was agreed to 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; and

(C) a feature that allows a driver of such vehicles to broadcast an emergency message.

(2) CONSIDERATIONS.—In developing the program required by paragraph (1), the Secretary shall—

(A) consult with the Secretary of Transportation to coordinate the program with any ongoing or planned efforts for motor carrier or high hazardous materials tracking at the Department of Transportation;

(B) take into consideration the recommendations and findings of the report on the Hazardous Material Safety and Security Operation Field Test released by the Federal Motor Carrier Safety Administration on November 11, 2004; and

(C) evaluate—

(i) any new information related to the costs and benefits of deploying, equipping, and utilizing tracking technology, including portable 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;

(iv) the appropriate range of contact intervals between the tracking technology and a commercial motor vehicle transporting high hazard materials;

(v) technology that allows the installation by a motor carrier of concealed and portable electronic devices on commercial motor vehicles that can be activated by law enforcement authorities 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; and

(vi) whether installation of the technology described in clause (v) should be incorporated into the program under paragraph (1);

(vii) the cost, benefit, and practicality of such technology described in (v) in the context of the overall benefit to national security, including commerce in transportation; and

(viii) other systems the secretary determined appropriate.

(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.

(d) REPORT.—Within 1 year after the issuance of regulations under subsection (b), the Secretary shall issue a report to the Senate Committee on Commerce, Science, and Transportation, the Senate Committee on Homeland Security and Governmental Affairs and the House Committee on Homeland Security on the program developed and evaluation carried out under this section.

(e) LIMITATION.—The Secretary may not mandate the installation or utilization of the technology described under (a)(2)(C)(v) without additional congressional action on that matter.

Mr. LIEBERMAN. Madam President, I now ask unanimous consent that following adoption of the substitute amendment and the bill has been read a third time, there then be 20 minutes for debate prior to the vote on passage of the bill, and that each of the following be afforded 5 minutes: Senators COLLINS, LIEBERMAN, MCCONNELL, and REID.

The PRESIDING OFFICER. Is there objection?

Ms. COLLINS. Reserving the right to object, I may have missed the complete unanimous-consent request because I did not have that final page of the agreement. Will the Senator inform me whether there is a vote ordered on the Biden amendment.

Mr. LIEBERMAN. Yes, Madam President. I thank my friend from Maine. I am sorry she didn't get this page. What I will do after this unanimous-consent request, hopefully, is agreed to, setting 20 minutes of debate and final passage, is to ask what the pending business is, which is the Biden amendment, and then I will urge action on the amendment.

The PRESIDING OFFICER. Is there objection?

Ms. COLLINS. I have no objection.

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

AMENDMENT NO. 383

Mr. LIEBERMAN. Madam President, what is the pending amendment?

The PRESIDING OFFICER. Amendment No. 383 offered by Senator BIDEN.

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

The PRESIDING OFFICER. Is there a sufficient second?

Ms. COLLINS. Madam President, I move to table the Biden amendment.

The PRESIDING OFFICER. First, is there a sufficient second?

There appears to be a sufficient second.

The yeas and nays were ordered.

Ms. COLLINS. Madam President, I move to table the Biden amendment, and I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second on the motion to table?

There appears to be a sufficient second.

The question is on agreeing to the motion. The clerk will call the roll.

The legislative clerk called the roll.

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

Mr. LOTT. The following Senator was necessarily absent: the Senator from Arizona (Mr. MCCAIN).

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

The result was announced—yeas 73, nays 25, as follows:

[Rollcall Vote No. 72 Leg.]

YEAS—73

Akaka	Bingaman	Cantwell
Alexander	Bond	Cardin
Allard	Brownback	Chambliss
Baucus	Bunning	Clinton
Bennett	Burr	Coburn
Cochran	Hutchison	Salazar
Coleman	Inhofe	Sanders
Collins	Inouye	Schumer
Conrad	Isakson	Sessions
Corker	Kyl	Shelby
Cornyn	Landrieu	Smith
Craig	Leahy	Snowe
Crapo	Lincoln	Stabenow
DeMint	Lott	Stevens
Dole	Lugar	Sununu
Domenici	Martinez	Tester
Dorgan	McConnell	Thomas
Ensign	Mikulski	Thune
Enzi	Murkowski	Vitter
Graham	Murray	Voinovich
Grassley	Nelson (FL)	Warner
Gregg	Nelson (NE)	Webb
Hagel	Pryor	Wyden
Harkin	Roberts	
Hatch	Rockefeller	

NAYS—25

Bayh	Feingold	McCaskill
Biden	Feinstein	Menendez
Boxer	Kennedy	Obama
Brown	Kerry	Reed
Byrd	Klobuchar	Reid
Carper	Kohl	Specter
Casey	Lautenberg	Whitehouse
Dodd	Levin	
Durbin	Lieberman	

NOT VOTING—2

Johnson	McCain

The motion was agreed to.

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

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. Without objection, the substitute amendment, as amended, is agreed to.

The substitute amendment (No. 275), as amended, was agreed to.

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

The bill was ordered to be engrossed for a third reading and was read the third time.

IMPLEMENTED RECOMMENDATION

Mr. BAUCUS. Madam President, I note that the underlying legislation contains a sense of the Senate resolution that the Senate should implement the recommendation of the 9/11 Commission to ''create a single, principal point of oversight and review for homeland security.'' This provision was added during committee markup by the Homeland Security and Governmental Affairs Committee. I would ask my colleague, hasn't the Senate already implemented this recommendation?

Mr. GRASSLEY. Indeed, we have. Near the end of the 108th Congress we passed S. Res. 445, which created the Committee on Homeland Security and Governmental Affairs as the principal point of oversight and review for homeland security in the Senate.

Mr. BAUCUS. I appreciate the Senator's recollection. S. Res. 445 established the Committee on Homeland Security and Governmental Affairs. It also provided that the newly established committee would have referral and oversight of all matters relating to the Department of Homeland Security, with certain exceptions. One of those exceptions was with respect to functional oversight of customs revenue or commercial functions performed by any personnel of the Department of Homeland Security. Does the Senator recall the basis for that exception?

Mr. GRASSLEY. Indeed, I do. This is an issue that goes back to the creation of the Department of Homeland Security and passage of the Homeland Security Act of 2002. The Finance Committee held a hearing in July 2002, followed by a letter to the chairman and ranking member of the Governmental Affairs Committee. We stressed the importance of preserving the revenue collection and trade facilitation functions of the U.S. Customs Service, even as that agency moved into the Department of Homeland Security with an added national security focus.

Mr. BAUCUS. I appreciate the Senator's recollection of our efforts on this issue. I would add that following that hearing and our letter, we worked closely with the Committee on Governmental Affairs to develop text that would keep intact the commercial functions of the Customs Service. Under the final legislation, authorities vested in the Secretary of the Treasury relating to customs revenue functions remained with the Secretary of the Treasury unless delegated to the Secretary of Homeland Security. By order of the Secretary, dated May 15, 2003, Treasury Order 100–16, the Secretary of the Treasury delegated to the Secretary of Homeland Security general authority over customs revenue functions, subject to certain exceptions that preserved Treasury's oversight of the Customs Service with respect to policy matters and the authority to issue regulations and determinations. That delegation of authority remains in place to this day.

Mr. GRASSLEY. Yes. And I believe we can both agree that our efforts were successful in preserving the revenue functions, commercial functions, and commercial operations of the Customs Service within the Department of Homeland Security, including oversight of those functions and commercial operations within the Committee on Finance.

Mr. BAUCUS. I concur entirely. And those efforts served as the context for the retention of Finance Committee oversight of customs revenue functions and commercial operations in S. Res. 445. The Finance Committee has exercised oversight of those functions for almost 200 years, and we as a nation continue to benefit from that accumulated expertise.

Mr. GRASSLEY. That is right. In fact, we can point to the enactment of the Security and Accountability For Every Port Act of 2006, otherwise known as the SAFE Port Act, as an example of that.

Mr. BAUCUS. I agree. The SAFE Port Act demonstrated that the Finance Committee and Homeland Security and Governmental Affairs Committee, together with the Commerce Committee, could work together to enact strong legislation to secure our borders and protect the trade-based economic security of our country. That legislation is strong precisely because it was the product of the Finance Committee's focus on customs functions and commercial operations, coupled with the Homeland Security and Governmental Affairs Committee's focus on border security and the Commerce Committee's expertise relating to our Nation's seaports.

Mr. GRASSLEY. Indeed. The enactment of that legislation demonstrates that the retention of Finance Committee jurisdiction over customs revenue functions and commercial operations does not in any way diminish the effective oversight of other functions within the Department of Homeland Security by the Committee on Homeland Security and Governmental Affairs, nor does it detract from the Homeland Security and Governmental Affairs Committee as the principal point of oversight and review for homeland security matters in the U.S. Senate. In fact, by drawing on the focus and expertise of both committees, we improve overall Senate oversight of the homeland security interests and economic security interests of the United States.

Mr. BAUCUS. I agree entirely. Consequently, I must note for the record that I don't see any need to include the sense of the Senate resolution that has been added to the underlying legislation by the Committee on Homeland Security and Governmental Affairs.

Mr. GRASSLEY. I agree with my colleague and note the same. However, since it is merely a sense-of-the-Senate resolution, and is not binding in any way, I think it is sufficient to note our objections for the record at this time. The provision is not worth objecting to any more than that. We have already established a principal point of oversight and review for homeland security in the U.S. Senate. The current balance reflected in S. Res. 445 has been proven to work and need not be disturbed.

Mr. BAUCUS. I agree.

CARGO SECURITY ON PASSENGER PLANES

Mrs. BOXER. Madam President, I am pleased that in this new Congress, we are able to take up and pass a bill that implements the 9/11 Commission recommendations. Even though aviation security has improved greatly in the last 5 years, there are still holes in the system—as we discovered last summer with the aviation terrorist plot uncovered by the British authorities. Therefore, implementing these recommendations is crucial.

Mr. INOUYE. I agree with the Senator from California that implementing these recommendations is crucial to continuing to increase aviation security, to prevent our Nation from experiencing a tragedy like 9/11 again.

Mrs. BOXER. Madam President, one hole in aviation security is the cargo that is carried on passenger planes. The bill does strengthen security for cargo on passenger planes. First, the bill requires screening of all of the cargo going on passenger aircraft. Second, the bill requires the Transportation Security Administration to implement a program—either random or risked-based—to place blast-resistant containers on passenger planes. However, the program does not implement the 9/11 Commission recommendation to require one blast-resistant cargo container on every plane.

The 9/11 Commission recommended, ''TSA should require that every passenger aircraft carrying cargo deploy at least one hardened container to carry any suspect cargo.'' Therefore, all passenger planes should have at least one blast-resistant container for cargo.

Mr. INOUYE. I expect that TSA would examine this recommendation when developing a plan to deploy blast-resistant cargo containers on airplanes.

Mrs. BOXER. I thank the Senator for his support. We owe this to the American people. We cannot allow terrorists to exploit holes in our aviation security system.

OVERSIGHT

Mr. INOUYE. Madam Pesident, the expertise exhibited under the Commerce Committee's jurisdiction is reflected in the substitute amendment to S. 4, before us today, which incorporates three Commerce Committee reported bills: S. 184, the Surface Transportation and Rail Security Act of 2007; S. 509, the Aviation Security Improvement Act; and S. 385, the Interoperable Emergency Communications Act. Prior to the reorgnization of the Senate Homeland Security and Governmental Affairs Committees, HSGAC, and thereafter, the Commerce Committee's jurisdiction under the Senate rules over all aspects of transportation safety and security issues encompassing maritime, Coast Guard, aviation, rail, pipeline, and trucking, and telecommunications matters, remain untouched.

Some unfairly claim that problems we are having improving our national security result from an outdated committee system. I respectfully disagree. This claim is simply a sound bite that ignores the truth and short changes the potential for real solutions. The real problem is the result of creating a new department from scratch by merging 22 Federal agencies with varying missions, without any true realignment for non-security related missions, into one mammoth Federal department and then refusing to fully fund the necessary initiatives.

I am surprised that a few of my colleagues would suggest that through oversight through several committees of the Department, its Agencies, and the $34.8 billion in programs weakens DHS. To the contrary, using the several committees, each with its own significant expertise, actually improves the quality and scope of congressional oversight, and therefore, the effectiveness and accountability of the Department itself. It is the failure to conduct agency oversight that causes the most harm, as we have seen at DHS over the past few years. Well coordinated and responsible engagement with DHS by

committees will only further the Senate's oversight responsibilities for and the public's understanding of the critical work now being done by the Department and of the numerous challenges that remain.

S. Res. 445 embraced that approach, and S. 4 which will pass the Senate today demonstrates the success of that approach. In fact, the SAFE Ports Act, Public Law 109–347, and S. 4 are a reflection of the positive progress Congress can make when committees work together in our respective fields of expertise to conduct oversight and craft legislation to address identified vulnerabilities.

Mr. STEVENS. I concur with my chairman, Senator INOUYE. The Commerce Committee has worked for over a decade to improve transportation security and has had to deal with the inertia of the Federal Government as well as fight entrenched interests to change the way we secure our transportation system. As far back as 1996 we began discussing the security advantages of transferring security functions from the airline industry to the Federal Government. Similarly, we initiated action on the Maritime Transportation Security Act of 2002 prior to 9/11 in order to address a broad range of criminal activity at our ports. The attacks of 9/11 created sufficient public pressure for Congress to fundamentally change the way the Federal Government secures our aviation system and ports.

In particular, Aviation and Transportation Security Act, ATSA, Public Law 107–71, established the Transportation Security Administration, TSA, within the Department of Transportation to be ''responsible for security in all modes of transportation, including: carrying out chapter 449, relating to civil aviation security, and related research and development activities; and security responsibilities over other modes of transportation that are exercised by the Department of Transportation.''

The creation of the Department of Homeland Security, DHS, and the Senate Homeland Security and Governmental Affairs Committee, HSGAC, did not alter TSA's authority or the Commerce Committee's subject matter jurisdiction. The Senate engaged in a healthy debate on the floor and made clear that the authority being transferred to the HSGAC under S. Res. 445 did not affect the Commerce Committee's jurisdictional authority over transportation security programs, the Coast Guard and communications matters conducted through the Federal Communications Commission, FCC, and the Department of Commerce. In large part, the debate focused on the difficulty of separating transportation safety issues from transportation security issues. It is difficult, if not impossible, to separate safety and security issues from general transportation policy. To consider security without understanding the impacts of the safety and market position of a mode of transportation could lead to unrealistic, contradictory, and counterproductive policies. Those tasked with the responsibilities of securing our transportation system need to understand the complexity of the systems operations from safety standards to market place realities. The two cannot be separated and the Senate vote effectively affirmed those arguments.

Mr. INOUYE. I agree. Without such context, security decisions will be made in a vacuum that, at best, might produce misguided or extraneous efforts, and, at worst, could cripple the transportation modes that ensure the free flow of commerce and travel that our Nation has been built upon. The Commerce Committee has passed three of the most significant transportation security bills considered since 9/11 and has been successful because of its understanding of the industry and past work on safety and security issues. The distinguished majority leader and Senator MCCONNELL recognized this when crafting S. Res 445 and the Senate approved.

Mr. REID. My colleagues from the Senate Commerce Committee are correct. S. Res. 445, as introduced by me and Senator MCCONNELL and as passed by the Senate, proposed continued oversight of transportation security by the Commerce Committee.

Mr. INOUYE. The Department consists of 22 separate agencies. These agencies are responsible for everything from international trade to animal health inspection. It would be unwise for the Senate to suggest that a single committee should manage oversight of those 22 agencies and each of their multiple missions just because the Secretary does not like to travel to the Hill and testify. The Senate cannot abdicated its oversight responsibilities because the Department thinks it takes up too much time.

And so, I respectfully but deeply disagree with the nonbinding measure in the underlying bill suggesting that this Senate should neglect its oversight duty—and put aside much of its longstanding expertise—because the Department is too busy to come tell us what they are doing. While I and many of my colleagues discussed striking this provision from the underlying bill, the majority leader noted that it was simply the work product of one committee. I would like to ask the majority leader if it is intention to continue to operate under S. Res. 445 given the recent success of legislation like Public Law 109–347 and S. 4.

Mr. REID. The Senator is correct. S. Res. 445 determines Senate oversight and jurisdictional authorities.

TRANSIT SECURITY

Mr. DODD. Madam President, I thank the majority leader for this colloquy and for his work with the chairmen and ranking members of many of the committees who have been involved in putting together the legislation to implement the recommendations of the 9/11 Commission. The Banking Committee took this task very seriously. I am pleased to report that the committee unanimously reported S. 763, the Public Transportation Terrorism Prevention Act of 2007, which has been incorporated into the 9/11 legislation as title XIV. Transit security has long been a focus of the Banking Committee, where we have held several hearings and reported similar legislation in each of the last two Congresses. While the Banking Committee's previous legislation also passed the Senate, once as a free-standing bill and as title VII of the SAFE Port Act, it has yet to become law. I will continue to work very closely with Senator SHELBY, who was a leader on this issue as chairman of the Banking Committee, to work through the conference process with our counterparts in the House of Representatives to make this provision law. I appreciate the leader's support and commitment to having the Banking Committee continue to take responsibility on this title.

Transportation security was also addressed more broadly in title VIII of this legislation. As title VIII called for national transportation security and information plans, I worked very closely with my fellow chairmen and ranking members from the Commerce Committee, Senators INOUYE and STEVENS, who have jurisdiction over other modes of transportation security besides public transportation. Together we reached an agreement, represented in the Inouye amendment, No. 423, between the Commerce, Banking, and Homeland Security Committees. I am very pleased that this amendment was agreed to, and it is my intention to continue our close working relationship on these issues throughout the conference process.

The Banking Committee was also very engaged in other areas of the bill that involved the committee's jurisdiction. Since 9/11, we have worked with and overseen the Federal financial regulators as they have implemented sophisticated preparedness requirements for the institutions under their jurisdiction. Title VII, as proposed, authorized the Secretary of the Department of Homeland Security to create another series of requirements. Although these requirements are voluntary, Federal financial regulators and the financial services industry have expressed concerns about the impact of these requirements, and I share their concerns. A letter from the Board of Governors of the Federal Reserve System staff dated March 1, 2007 explains that the ''voluntary standards [of Title VII are] not appropriate to meet the objective of greater preparedness and resiliency.'' The letter states that it would ''be desirable that Title VII reflect the unique relationships that already exist within the banking and finance sector and not impose any new requirements that duplicate actions that have already been

taken by the Federal financial institutions regulators.'' The American Bankers Association in a letter dated February 28, 2007, stated ''ABA is concerned that this program would be redundant to and potential conflict with the existing process by which the banking industry develops business continuity standards, as well as with existing business continuity regulatory requirements.'' Also, the Office of Management and Budget issued a Statement of Administration Policy on February 28, 2007, that stated, ''These standards may increase the regulatory burden.''

I have proposed amendments intended to address these concerns, working with Chairman LIEBERMAN and Ranking Member COLLINS. The final legislation will include an amendment to clarify that institutions in a sector, such as financial services, must obey their sector regulators and to emphasize that this program is voluntary and does not supersede the institutions' responsibilities to maintain the high standards required by their regulators.

Another amendment that I authored pertains to title X of the underlying bill. I commend Senators LIEBERMAN and COLLINS for their efforts in addressing an important issue under this title—to ensure that the Department of Homeland Security thoroughly discerns the risks to America's critical infrastructure. As originally drafted, however, I was concerned that the bill would not ensure that DHS adequately consults with the Federal agencies best equipped to assess and prioritize risks in specific sectors of the economy. From the perspective of the Banking, Housing, and Urban Affairs Committee, I can tell you, for example, that no one has greater expertise or technical resources for assessing the vulnerabilities of our financial infrastructure than our Federal financial regulators. It is for that reason that my amendment effectively removed language that would place limits on the DHS' use of information from sector-specific agencies in the formulation of their risk assessments and prioritized lists. It is my belief that we need to encourage greater coordination between these specialized agencies and the Department of Homeland Security, not restrict it. This is true in areas outside of the financial services sector. In matters of public health, DHS should consult the Department of Health and Human Services. In manners of farming and food development, the Department of Agriculture should be consulted. In matters related to drinking water and water treatment systems, the Environmental Protection Agency should be consulted. That is why my amendment endeavors to better integrate our efforts to understand critical infrastructure vulnerabilities and hopefully develop protections in all of these areas. In addition, my amendment ensures that the agencies most familiar with the sensitive data shared with DHS and Congress determine the relative classification levels of this information. Without this provision, I am afraid someone at DHS or elsewhere, who is unfamiliar with the sensitivities of a specific sector of the economy, might unintentionally divulge critical information that could be harmful to U.S. infrastructure.

Finally, although it pertains to the assessment of U.S. critical infrastructure, title X does not include any reporting requirement on the government's ability to ensure that U.S. industry reduces interruption of critical infrastructure operations during a national emergency and minimizes the impact of such a catastrophe. My amendment requires reports to the Committees on Banking, Housing and Urban Affairs as well as to Homeland Security and Governmental Affairs, along with their House committee counterparts, on compliance with subsections (a) and (c) of section 101 of the Defense Production Act of 1950 to meet this requirement. As chairman of the Committee with jurisdiction over this law, it is important to me that we oversee appropriate U.S. industrial preparedness to meet critical infrastructure needs in times of national emergency. I appreciate the cooperation of my colleagues in the development of all of these important provisions.

Once again, I thank the majority leader for his excellent work in bringing all of these committees together and fashioning an excellent bill. This demonstrates that the jurisdictional lines established in S. Res. 445 continue to work.

Mr. REID I thank the Senator from Connecticut. The Senator is correct that S. Res. 445 determines Senate oversight and jurisdictional authorities, and I acknowledge the important role that the Banking Committee has played and will continue to play on this legislation.

Mr. CHAMBLISS. Madam President I rise today in opposition to this final bill because I believe one of the provisions included will greatly undermine our homeland security efforts. Specifically, the provision would mandate that the Transportation Security Administration have the ability to collectively bargain with Government unions representing airport security screeners. This will create unnecessary red tape and bureaucracy and tie the hands of our security personnel. While this provision may be beneficial to the union bosses, it is not beneficial to Georgians and the American people.

TSA must have the flexibility to respond when our security is threatened. In this current era of unpredictable threats, TSA must be able to continually change its systems to meet the changing security environment. If we mandate that TSA must negotiate with the unions for every change in circumstance, it will negate the agency's ability to respond quickly to terrorist threats and other emergencies. I just don't think that is common sense.

In fact, when TSA was created, the agency was given the authority to decide whether to engage in collective bargaining with airport baggage screeners, and TSA concluded that such negotiations would weaken its ability to protect the American people. This authority was not recommended in the 9/11 Commission Report.

Now let's be clear—the issue here is not whether TSA employees should be allowed to join a union but whether TSA must collectively bargain with Government unions before it changes personnel and policies. At the present time, airport screeners may voluntarily join a union and TSA will withhold union dues at an employee's request. The union, however, has no standing to negotiate with TSA on behalf of their members.

I would just note that this restriction is not unique to TSA. Other Federal agencies that collect and respond to intelligence in an effort to address homeland security, such as the FBI, CIA, and Secret Service, all have the same restriction. This is done as an acknowledgement that highly sensitive security information should only be released on a need-to-know basis. Collective bargaining, conversely, would require the release of sensitive information to external negotiators and arbitrators, which would increase the risk of sensitive information getting in the wrong hands.

TSA must be able to quickly shift employees based on intelligence and airport traffic demands while modifying procedures at a moment's notice. For example, this past August, following an attempted United Kingdom airline bombing, TSA overhauled its procedures in less than 12 hours to prevent terrorists from smuggling liquid explosives onto any U.S. flights. Not only did this flexibility ensure that no U.S. flights were cancelled due to the change, most importantly, it ensured the safety and security of the United States. This past December, during a major snowstorm in Denver, local TSA employees were unable to get to the airport. However, due to the current policies, TSA was able to deploy officers from Salt Lake City, Las Vegas, and Colorado Springs to the Denver airport. This deployment allowed TSA to open every security lane in Denver around the clock at the airport until they were back to normal operations. So in circumstances like these, TSA cannot spend days, weeks, or months negotiating over officer assignments and new schedules before implementing them.

We should remember that TSA exists to protect American lives, and its focus must remain on homeland security and not on labor negotiations. I am extremely concerned that the provision included in this bill will lead to a change in culture within the agency, and I just don't think our hard-working TSA employees gain much from this.

I am proud of our dedicated TSA employees in Georgia, and we already have a ''pay for performance'' system in place that weeds out nonperformers.

The system is based upon technical competence, readiness for duty, and operational performance. But under the proposed changes, the most effective security employees will be punished by the change in pay practices.

Finally, we should be concerned about what this means to passengers and the American taxpayers. The collective bargaining system would not reward good screening performance or customer service. Additionally, implementing the infrastructure for collective bargaining would cost hundreds of millions of dollars and TSA would be forced to relocate thousands of personnel. For Georgians, fewer personnel means fewer screening lanes and longer lines at airports like Hartsfield-Jackson International Airport in Atlanta.

Our national security is too important to risk. It is no accident that we have not had a terrorist attack on domestic soil since September 11, 2001. But that is not to say that it can't happen again. The terrorists only have to get it right once. But we have to get it right every time. So let's not hinder our ability to do that. Our homeland security infrastructure must be able to operate in real time. We should not tie the very hands we rely upon to protect us here at home. It is disappointing that this provision is included in this bill, and I urge my colleagues to oppose final passage.

Mr. KOHL. Madam President, I rise today to discuss three proposed amendments to S. 4, Improving America's Security by Implementing Unfinished Recommendations of the 9/11 Commission Act. I thank Senators LIEBERMAN, COLLINS, DODD and SHELBY for working with me and my staff on provisions to protect seniors in the event of an emergency. Unfortunately, two important provisions were pulled at the behest of Republicans to limit the number of amendments offered by Democrats.

It has been almost 2 years since our Nation reeled from the tragic and shameful images of seniors abandoned during the aftermath of Hurricane Katrina. Sadly, we now know that 71 percent of the people who died were older than 60. Last year, as the ranking member of the Special Committee on Aging, we held a hearing to examine how prepared the Nation is to care for our seniors in the event of a national emergency. What we learned was disheartening.

We learned that our Nation is woefully unprepared to meet the unique needs of our seniors in the event of a terrorist attack, natural disaster, or other emergency. Cookie cutter emergency plans are of little use to seniors, especially those who depend on others for assistance in their daily lives. We need specific plans, programs, and information for all seniors facing emergencies.

That is why Senators WYDEN, COLEMAN and I offered several amendments to the 9/11 legislation to ensure that the Department of Homeland Security place seniors on the forefront of its emergency planning agenda. The first amendment, which is supported by the American Public Health Association, is an important step towards ensuring that seniors are protected when the next national emergency occurs.

This amendment would ensure that any recipient of a homeland security grant, under title II, will include in its State, local, or tribal homeland security plan the evacuation, transportation, and health care needs of the elderly.

It would also require that the needs of the elderly are incorporated into any preparedness exercises or trainings for emergency responders to ensure they are adequately prepared to safeguard our seniors in the event of an emergency.

This amendment would have sent a strong signal to States and communities that are engaged in emergency planning that seniors must be a priority. Unfortunately, this is one of the amendments pulled from a manager's package of approved amendments at the last minute.

I am also pleased to be an original cosponsor of Senator WYDEN's amendment to establish a Special Needs Registry Pilot Project, which is supported by the National Association of Area Agencies on Aging. One of the most useful recommendations from our Aging Committee hearing last year was to follow the lead of counties like Miami-Dade in Florida. They have successfully set up a voluntary registry where seniors can list where they live, their transportation limitations, their health needs, and whether they may need help getting food and other supplies during an emergency.

It's clear that more cities and counties could benefit from these kinds of special needs registries. That's why this amendment would have created a pilot project for local emergency management agencies to set up and test these registries, allowing first responders to locate and care for seniors before and during emergencies. It was our hope that this pilot project would have helped spark a nationwide effort to establish special needs registries; unfortunately this amendment was also pulled at the last minute.

On a brighter note, I thank Chairman DODD and Ranking Member SHELBY again for working with me and Senator COLEMAN to successfully include a provision, supported by the American Public Health Association, in title XIV that would ensure that public transportation workers are trained to meet the evacuation needs of seniors in the event of a crisis. This is particularly important since so many of our seniors utilize public transportation for access to their everyday needs. Furthermore, only public transportation has the capacity to move millions of people and provide first responders with critical support in major evacuations of urban areas.

This provision will go a long way to ensure that our seniors are taken care of if we have another emergency or disaster. Unfortunately, two crucial provisions intended to safeguard the needs of seniors were not included in the final bill due to partisan efforts to limit Democratic amendments. Hurricanes Katrina and Rita taught us many painful lessons that should never be forgotten. I will not forget and I intend to pursue legislation aimed at explicitly safeguarding the needs of America's seniors in the event of an emergency. The time to act to protect our seniors is now.

Mr. REED. Madam President, today the Senate will vote on a matter of utmost importance—enacting the remaining 9/11 Commission recommendations. Since their publication 2½ years ago, roughly half of the recommendations have been left unaddressed, while many that have been adopted into law have not been effectively implemented. S. 4, the Improving America's Security Act, is a critical step to ensuring our Nation's safety.

This bill includes an important new interoperability grant program. Tragedies such as September 11, the Station Fire in my home State of Rhode Island, and Hurricane Katrina have demonstrated the need for interoperable communications equipment among first responders. More communities require access to funding to create interoperable communications networks, and I have long supported increasing accessibility for interoperability grants to local and state governments.

I am also pleased that this bill includes a transit security program that I helped author as a member of the Banking, Housing, and Urban Affairs Committee. The committee has been well aware of the need for this legislation since the tragic events of 9/11, spending significant time and effort to improve our Nation's transit security system. The Senate has passed transit security legislation in the last two Congresses, only to have them each stall prior to enactment. While our Nation acted quickly after 9/11 to secure airports and airplanes against terrorists, major vulnerabilities remain in surface transportation. As the 9/11 Commission concluded, ''opportunities to do harm are as great, or greater, in maritime and surface transportation'' as in commercial aviation. The time to act is now.

Transit is vital to providing mobility for millions of Americans and offers tremendous economic benefits to our Nation. In the United States, people use public transportation over 32 million times each weekday compared to 2 million passengers who fly daily. Paradoxically, it is the very openness of the system that makes it vulnerable to terrorism. When one considers this and the fact that roughly $7 per passenger is invested in aviation security, but less than one cent is invested in the security of each transit passenger, the need for an authorized transit security program is clear.

In addition, the bill provides important protections for Transportation Security Officers at the Transportation Security Administration that have been long absent, including whistleblower protections, the right to appeal to the Merit Systems Protection Board, and certain collective bargaining rights.

Lastly, while Providence is now 1 of 39 urban areas eligible for the Urban Area Security Initiative grants, something that I have long sought, believing the city faces risks from terrorism, I was disappointed that Senator LEAHY's amendment to restore the minimum allocation to 0.75 percent for States under the State Homeland Security Grant Program failed. With this funding, Rhode Island has been able to make critical improvements, but adequate funding is still needed, and it is my hope that the highest minimum funding level will prevail in conference with the House of Representatives.

Implementing the final recommendations of the 9/11 Commission builds and improves on the work that has been done since the attacks of September 11, and I am pleased to support this bill.

Mr. FEINGOLD. Madam President, I want to add my thoughts to the debate on the Improving America's Security Act of 2007.

First, I preface my remarks by applauding the chairman and ranking member of the Homeland Security and Governmental Affairs Committee for their work on this important bill. This bill makes crucial and long overdue improvements in transportation security, critical infrastructure protection, and emergency response capabilities. There is no higher priority than protecting homeland security, and this bill is a key component in that effort.

Nearly 6 years since the horrific attacks of September 11, we are still struggling to give our first responders, law enforcement officers, and the employees of the Department of Homeland Security the resources they need to keep us safe. I thank these brave men and women who work daily to protect this Nation. They are on the front lines of the fight against terrorism. They are the ones who are called on to stop and respond to any future attack upon our Nation. This bill includes important resources these brave men and women need to perform their critical tasks.

I am pleased that the Senate has increased funding for State homeland security grants, emergency management performance grants, emergency communications and the Urban Area Security Initiative. I have long advocated for greater funding of emergency management grants because they are crucial in assisting State and local officials in preparing for all-hazards emergencies. These grants provide emergency managers with the resources they need to increase coordination and planning so that if an emergency occurs, State and local officials will respond much more efficiently and effectively.

It is my hope that this bill represents a lasting shift in priorities, a shift towards an enhanced focus on the most pressing threats facing our country. We are still spending almost twice as much on Iraq as is allocated for homeland security, diplomacy, and international assistance combined. The billions we spend each month in Iraq could be invested in the protection of critical infrastructure and our system of national preparedness and response that failed in the wake of Hurricane Katrina. As we consider the budget resolution and the defense and homeland security appropriations bills this year, I encourage my colleagues to take a broader view when it comes to our national security priorities and make the tradeoffs that must be made.

I am particularly pleased that the Federal Agency Data Mining Reporting Act is included in this bill as section 504. I have been working on this legislation for a number of years with Senator SUNUNU, Senator LEAHY, and Senator AKAKA. I am glad that Senator SUNUNU and Senator AKAKA successfully offered the legislation as an amendment to S. 4 when it was before the Homeland Security and Governmental Affairs Committee.

Many law-abiding Americans are understandably concerned about the specter of secret government programs analyzing vast quantities of public and private data about their pursuits, in search of patterns of suspicious activity. Four years after we first learned about the Defense Department's program called Total Information Awareness, there is still much Congress does not know about the Federal Government's work on data mining. This bill is an important step in allowing Congress to conduct oversight of any such programs or related research development efforts.

The Federal Agency Data Mining Reporting Act would require Federal agencies to report annually on their development and use of data mining technologies to discover predictive or anomalous patterns indicating criminal or terrorist activity the types of pattern-based data analysis that raise the most serious privacy concerns. As amended on the floor, it would also allow classified information, law enforcement sensitive information, trade secrets, and proprietary business information to be provided to the relevant committees separately, in a nonpublic form, under appropriate security measures.

Intelligence and law enforcement agencies would not be doing their job if they did not take advantage of new technologies. But when it comes to pattern-based data mining, Congress needs to understand whether it can be effective in identifying terrorists, and Congress needs to consider the privacy and civil liberties implications of deploying such technology domestically. I hope these reports will help Congress—and to the extent possible, the public—finally understand what is going on behind the closed doors of the executive branch, so that we can start to have the policy discussion about data mining that is long overdue.

I am concerned about the ongoing development of the Information Sharing Environment without adequate privacy and civil liberties guidelines. In the Intelligence Reform and Terrorism Prevention Act of 2004, Congress mandated that the President create an Information Sharing Environment, ISE, for the sharing of terrorism information among Federal agencies, State and local governments, and the private sector. This is a critical goal in our counterterrorism efforts. But that legislation also required that the President issue privacy guidelines for the ISE, in recognition of the serious privacy and civil liberties implications of facilitating more sharing of information among these entities. Those privacy guidelines were issued in December, but in my view are wholly inadequate. They touch on the most significant privacy issues and provide a framework for agencies to think about the privacy issues that might arise, but they do not include specific guidelines and rules for protecting privacy. That is why I filed an amendment to S. 4 that would have provided more direction to the ISE program manager about what should be included in these privacy guidelines and the need for more specific government-wide rules for the ISE. I was disappointed that my amendment was not included, but will continue to work to ensure that the guidelines for implementation of the ISE are sufficient to protect the privacy of Americans.

The bill mandates the declassification of the aggregate amount of the intelligence budget. This reform has a long history going back to the Church and Pike Commissions. It is supported by the current Senate Select Committee on Intelligence. It was also one of the recommendations of the 9/11 Commission, which stated that ''when even aggregate categorical numbers remain hidden it is hard to judge priorities and foster accountability.'' I concur with the Commission, that aggregate budget figures ''provid[e] little insight into U.S. intelligence sources and methods.'' Sharing this information with the American people will, however, provide a greater level of transparency and accountability and in the end make us more secure.

I was pleased to support Senator MCCASKILL's amendment to ensure that workers at the Transportation Security Administration are afforded the same workplace protections as other DHS employees. The low retention rate at TSA resulting in part from lack of workers' rights threatens our security. This amendment will address this concern while giving administrators the flexibility they need to respond to imminent threats.

I am pleased that this bill includes provisions to ensure proper oversight of homeland security grants. I am deeply troubled by reports of improper

oversight of expenditures at DHS, including an article in the Washington Post last November stating that the Department was unable to locate one-third of the files needed to perform an audit of its contracts. I therefore supported Senator COBURN's amendment to require DHS to perform audits on homeland security grants. While I understand concerns that this requirement could have led to delays in the issuance of grants in fiscal year 2008, I did not think it was unreasonable to require DHS to conduct the audits required in a timely manner. I will continue to work with my colleagues to improve oversight of homeland security funding.

I supported several amendments that would have added funding for critical security needs not fully addressed in this bill. I do not take lightly a decision to vote in favor of spending more money. Fiscal responsibility is one of my highest priorities, but it is imperative that we provide the resources needed to combat terrorism.

I voted for this bill because it makes key changes to address security needs. However, our Nation's vulnerabilities demand more and I will continue to work to ensure that our vital homeland security needs are met.

Mr. LEVIN. Madam President, I support the Improving America's Security Act of 2007 because it takes a giant step in implementing the recommendations of the 9/11 Commission. Keeping America safe requires more than expensive weapons and war funding; it also requires a commitment to homeland security. This legislation shows that commitment.

We learned on September 11 and during Hurricane Katrina how important it is for our first responders to be able to communicate with each other. For years, I have been urging the Department of Homeland Security to establish a dedicated funding source for interoperable communications equipment. I am pleased that this legislation creates a grant program dedicated to improving operability and interoperability at local, regional, State and Federal levels.

I am also pleased that this legislation moves us closer to the equitable distribution of homeland security grant funding. For 5 years, the largest homeland security grant programs have distributed funds using a formula that arbitrarily sets aside a large portion of funds to be divided equally among the States, regardless of size or need. The current ''small State formula'' has severely disadvantaged States such as Michigan with high populations. In addition, it reduces the amount of funding that can be allocated to States with highest risks. Although I am disappointed that the Senate failed to pass two amendments that I supported that would have lowered the minimum funding level even further, the .45 percent minimum in the underlying bill is an improvement from the current .75 percent base funding amount.

The legislation also includes language that I authored that directs the Secretary of Homeland Security to establish international border community interoperable communications demonstration projects on the northern and southern borders to improve collaboration and help identify common frequencies for cross border communications. These interoperable communications demonstration projects will address the interoperable communications needs of police officers, firefighters, emergency medical technicians, National Guard, and other emergency response providers at our borders by identifying common international cross-border frequencies for communications equipment; fostering the standardization of interoperable communications equipment; identifying solutions that will expeditiously facilitate communications interoperability across national borders; ensuring that emergency response providers can communicate with one another and the public at disaster sites or in the event of a terrorist attack or other catastrophic event; and providing training and equipment for relevant personnel to enable those units to deal with threats and contingencies in a variety of environments.

Also included in the legislation is language that I authored that will require the Department of Homeland Security to conduct a cost-benefit analysis of the Western Hemisphere Travel Initiative, WHTI, before publishing the final rule. The WHTI will require individuals from the United States, Canada, and Mexico to present a passport or other document proving citizenship before entering the United States. Although we all share the goals of the Western Hemisphere Travel Initiative to make our borders as secure as they can be, we need to make sure that we are achieving that goal in a way that will not cause economic harm to our States. I am also pleased that language was included in the bill that I worked with Senator COLEMAN on to require the Department of Homeland Security to sign a memorandum of understanding with one or more States to conduct a pilot project to see whether secure driver's licenses could be used as a form of documentation for travel between the U.S. and Canada under the WHTI. The amendment also provides that DHS must evaluate the pilot project and map out next steps, including an expansion if appropriate.

This legislation also takes important steps to shore up rail, transit and cargo security in the United States. The legislation establishes a grant fund for system wide Amtrak security improvements and much needed infrastructure upgrades as well as authorizes an existing grant program for improving intercity bus and bus terminal security. It establishes a grant program for freight and passenger rail security upgrades and requires railroads shipping high-hazard materials to create threat mitigation plans. It authorizes studies to find ways to improve passenger and baggage security screening on passenger rail service between the U.S. and Canada. The bill will hopefully move us closer to addressing something I have been trying to get implemented at our northern car and truck border crossings for years: establishing a preclearance system. The study is required to identify what exactly is needed to perform prescreening of rail passengers on the northern border.

I am pleased that the Senate retained language that will require that TSA screeners finally come under an unambiguous personnel system. A further amendment that I supported will finally give Transportation Security Administration screeners the whistleblower protections afforded to most other Federal workers, including law enforcement officers. It also gives them the right to appeal suspensions and to collectively bargain, just like their counterparts in the Border Control, FEMA and the Capitol Police.

The bill also requires studies on how to improve the safety of transporting radioactive and hazardous materials and shipments of explosives and radioactive materials on our highways. I am pleased that this legislation requires the screening of all cargo carried on passenger airplanes within 3 years.

The intelligence failures before the Iraq war were, to a significant degree, the result of the CIA shaping intelligence to support administration policy. The CIA's errors were all in one direction, making the Iraqi threat clearer, sharper and more imminent, thereby promoting the decision to remove Saddam from power. Nuances, qualifications and caveats were dropped. ''Slam dunk'' was the assessment.

Among the most important things we can do to keep this from happening again is to strengthen congressional oversight to ensure that intelligence community assessments are objective and uninfluenced by the policy judgments of whatever administration is in power. The 9/11 Commission agreed, stating in its report that ''Of all our recommendations, strengthening congressional oversight may be among the most difficult and important.'' Section 1102 of S. 4 bill is directed at that goal.

Too often Congress is stonewalled or slow-walked by the executive branch in accessing intelligence information necessary to make policy and conduct oversight of the intelligence community. Section 1102 of this bill adds a new section 508 to the National Security Act that will ensure Congress has access to intelligence information critical to do its job.

Section 508 requires elements of the intelligence community to provide, upon request from congressional committees of jurisdiction, timely access to intelligence information. The requirement would apply unless the President certified that the requested documents were not being provided because the President was asserting a constitutional privilege. Requiring the

intelligence community to respond to requests for information from the vice chairman and ranking member of the Senate and House intelligence committees, respectively, will encourage rigorous oversight regardless of which party controls the Congress.

In addition to providing information in a timely manner, we expect the intelligence community to provide Congress its assessment of intelligence matters uninfluenced by the policy goals of the administration. However, an Office of Management and Budget—OMB—memorandum directs executive branch agencies to clear, through OMB, legislative proposals, agency reports, and testimony on pending legislation. The memo also states that ''If agencies are asked by Congressional Committees to report or testify on pending legislation or wish to volunteer a report, similar clearance procedures are followed.''

Our intelligence agencies should not have to get permission from the OMB, or any other executive branch official to share their views with the Congress. Section 1102 of the bill adds a new section 508 (d) to the National Security Act that says no executive branch official can require the intelligence community to get permission to testify or to submit testimony, legislative recommendations or comments to the Congress. Section 508 (d) is based on authority that exists for numerous other executive branch agencies, including the Securities and Exchange Commission, the Board of Governors of the Federal Reserve, the Federal Deposit Insurance Corporation, the Comptroller of the Currency, the Director of the Office of Thrift Supervision, the Federal Housing Finance Board, and the National Credit Union Administration.

A CRS legal review of direct reporting requirements like the one created by section 508 (d) states that ''direct reporting provisions are well within the Congress's constitutional authority to inform itself in order to perform its legislative function which has been consistently acknowledged by Supreme Court decisions, and dates back to the early enactments of the First Congress in 1789.'' The CRS review calls Department of Justice objections to direct reporting requirements ''without substantial merit.''

Finally, it is important for whistleblowers to know that they can come directly to Congress if they have evidence that someone has made a false statement to the Congress. And the Congress has a right to that information—even if it is classified.

Section 1102 of the bill adds a new section 509 to the National Security Act making it clear that intelligence community employees and contractors can report classified information directly to appropriate Members of Congress and cleared staff if the employee reasonably believes that the information provides direct and specific evidence of a false or inaccurate statement to Congress contained in an intelligence assessment, report or estimate.

Section 509 is substantively the same as section 225 of the Senate-passed version of the intelligence reform legislation. Section 225 was stripped from the intelligence reform bill in conference. Section 509 is also similar to a provision that passed the Senate twice previously. Once as part of the fiscal year 1998 Intelligence Authorization Act and once as a stand alone measure S. 1668, in the 105th Congress. S. 1668 passed the Senate 93–1.

Section 509 is also consistent with congressional findings passed in the 105th Congress as part of the Intelligence Community Whistleblower Protection Act of 1998 and incorporated by reference into the intelligence reform bill. Those findings state among other things that:

> Congress, as a co-equal branch of Government, is empowered by the Constitution to serve as a check on the executive branch; in that capacity, it has a ''need to know'' of allegations of wrongdoing within the executive branch, including allegations of wrongdoing in the Intelligence Community; . . .
>
> (N)o basis in law exists for requiring prior authorization of disclosures to the intelligence committees of Congress by employees of the executive branch of classified information about wrongdoing within the Intelligence Community . . .

I am pleased that the Senate will soon pass this legislation, for the families and friends of those we lost on September 11, 2001, and for the safety and security of our Nation.

Mr. LEAHY. Madam President, I will vote today in favor of final passage of the Improving America's Security by Implementing Unfinished Recommendations of the 9/11 Commission Act of 2007, S. 4, but I do so with a heavy heart.

I am truly disappointed that the chairman and ranking member of the Committee on Homeland Security and Governmental Affairs, Senators LIEBERMAN and COLLINS, decided to arbitrarily lower the minimum allocation for States under the State Homeland Security Grant Program and the Law Enforcement Terrorism Prevention Program from the 0.75 percent that has existed for the past 5 years to 0.45 percent. Not only would this change to 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, like Vermont, Connecticut, and Maine, it also would deal a crippling blow to their efforts to launch federally mandated multiyear plans to build and sustain their terrorism preparedness.

During the Senate floor debate on S. 4, I offered with Senators THOMAS, STEVENS, ROBERTS, PRYOR, SANDERS, ENZI, HATCH, WHITEHOUSE, and LINCOLN an amendment to restore the minimum allocation for States under the State Homeland Security Grant Program from 0.45 percent, which is proposed by the underlying bill, to 0.75 percent, which is current law. As with current law, the State minimum under our amendment would have continued to apply 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, as are the funds under the several separate discretionary programs that Congress has established for solely urban and high-risk areas, which also are governed by risk assessment calculations.

Unfortunately, this amendment lost by a vote of 49 yeas to 50 nays. This is a marked change from just last year, when the 0.75 percent minimum allocation was overwhelmingly defended when 64 Senators voted against an amendment that would have lowered the minimum to 0.25 percent. Fifteen Senators changed their votes from last year, including HSGAC Chairman LIEBERMAN and Ranking Member COLLINS, whose States stand to lose the most from the decreased minimum.

The bill that passed the Senate today would reduce the all-State minimum for SHSGP and the Law Enforcement Terrorism Prevention Program to 0.45 percent. The House bill reduces it even further to 0.25 percent. Due to the formula differences, there is no guarantee that the minimum will not be even further reduced during conference negotiations. Small- and medium-sized States face the loss of millions of dollars for our first responders if the minimum is lowered.

By reducing the all-State minimum to 0.45 percent, the underlying bill would reduce the guaranteed dollar amount for each State by 40 percent. With appropriations for formula grants having been cut by 60 percent since 2003—from $2.3 billion in 2003, to $900 million in fiscal year 2007—further reductions in first responder funding would hamper even more each State's efforts to prevent and deal with potential terrorist attacks.

In fiscal year 2007, State Homeland Security and Law Enforcement Terrorism grants were funded at $525 million and $375 million, respectively, for a total of $900 million. Under the current all-State minimum of 0.75 percent, the base amount States receive is $6.75 million. Based on fiscal year 2007 levels, each State would face a loss of an estimated $2.7 million, or 40 percent, under the new 0.45 percent formula, which would be a real blow to our first responders.

And the cuts will be even deeper should the President's budget request for next year be approved. The President has requested only $250 million for these two important first responder grant programs.

My colleagues from our largest States—and apparently some small- and medium-sized States—seem to forget that the terrorist attacks of 9/11 added to the responsibilities and risks of first responders nationwide. I wrote the current all-State minimum formula as part of the USA PATRIOT Act

of 2001 to guarantee that each State receives at least 0.75 percent of the national allotment to help meet their national domestic security needs.

Every State—rural or urban, small or large—has basic domestic security needs and deserves to receive Federal funds under this partnership to meet both those needs and the new homeland security responsibilities the Federal Government demands. Of course, high-density urban areas and high-risk centers have even greater needs, which is why this year alone we provided $1.3 billion for homeland security programs for which only a small number of urban areas are eligible to apply. All of these needs deserve and need to be met. I have worked hard over the years to help address the needs of larger States and high-density areas, and I have opposed the Bush Administration's efforts to pit our States against each other, as they have tried to mask their efforts to cut overall funding for first responders.

Smaller States, especially, would never be able to fulfill those essential duties on top of their daily responsibilities without Federal support, especially given that DHS is currently suggesting that States will pay for REAL ID implementation, an estimated $16 billion, with first responder grants. My colleagues should be warned that if the minimum drops further—compounded by substantial drops in overall first responder funding—then small- and medium-sized States will not be able to meet those Federal mandates for terrorism prevention, preparedness, and response.

Some from urban States argue that Federal money to fight terrorism is being sent to areas that do not need it and is ''wasted'' in small towns. They claim the formula is highly politicized and insists on the redirection of funds to urban areas that they believe face heightened threat of terrorist attacks.

What critics of the all-State minimum seem to forget since the September 11 terrorist attacks, the Federal Government has asked all State and local first responders 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 obligation 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 0.75 percent all-State minimum allocation for formula grants that has existed in law, first responders have received resources to help them meet their new responsibilities and have made our neighborhoods safer and our communities better prepared.

There is much left undone in securing our Nation. I hope that the Senate's conferees will resist calls for further needless reductions to the all-State minimum base and risk the preparedness efforts in small States like their own. I trust they will do all they can during conference negotiations to ensure continued support and resources for our police, fire, and EMS services in every State if we expect them to continue protecting us from terrorist or responding to terrorist attacks, as well as carrying out their ongoing responsibilities in helping to keep our communities safe and prepared.

Mr. DURBIN. Madam President, now is the time to implement the unfinished recommendations of the 9/11 Commission.

I commend Senators LIEBERMAN and COLLINS for their leadership and the Senate Homeland Security and Governmental Affairs Committee for its work on this important legislation. More than 5 years after 9/11 despite tens of billions of dollars spent America's ports, rails, airports, borders, nuclear powerplants and chemical plants still are not completely safe. It has been more than 2 years since the 9/11 Commission issued its final recommendations, and here we are, today, still debating the same issues.

This legislation builds upon previous efforts to enhance homeland security and includes several critical provisions to allocate homeland security resources based on risk, ensure that first responders have interoperable communications equipment, and improve government-wide information sharing.

I especially am pleased to note three provisions included in this bill that I have championed for some time. This legislation specifies that States can use Federal grants to design, conduct, and evaluate mass evacuation plans and exercises. While most cities and States have evacuation plans, the lack of training drills and exercises makes it difficult to address problems and work out solutions before lives are at risk in a real emergency. As we learned from Hurricanes Katrina and Rita, there is no substitute for being prepared. We may only have one chance to get it right.

In addition, this legislation makes important structural changes to strengthen the Privacy and Civil Liberties Oversight Board. Again, I commend Senators LIEBERMAN and COLLINS for including a broad statutory mandate and subpoena power for the Board. This bill also would require Senate confirmation for the chair and the vice-chair of the Board, as well as mandatory public reporting by the Board and reports for Congress. These provisions are key to ensuring the integrity of the Privacy and Civil Liberties Oversight Board.

Finally, this bill improves intelligence and information sharing within the Federal Government and with State and local governments. I am pleased that the bill we consider today would make the program manager for the Information Sharing Environment, ISE, permanent and authorize additional funds and staff to accomplish the ISE mission. The bill also requires additional reports to Congress on the status of ISE development. These comprehensive new requirements would improve and strengthen government information sharing structures, which will mean a more integrated intelligence network and a more secure Nation.

The 9/11 Commission gave Congress a critically important job by charging us with making structural changes to close the gaps in America's homeland security defenses. This legislation responds to that challenge, and I support its final passage.

The PRESIDING OFFICER. Under the previous order, there will be 20 minutes of debate divided between the managers and the leaders.

The Senator from Maine is recognized.

Ms. COLLINS. Madam President, I first want to thank our colleagues for their cooperation in moving forward this very important piece of legislation. When the 9/11 Commission completed its report and made its findings to Congress, the Homeland Security Committee, which I chaired at the time, worked very hard to produce a major overhaul of our intelligence community—in fact, the most sweeping changes in more than 50 years.

That legislation, for example, created the Director of National Intelligence and also established the National Counterterrorism Center, which brings together analysts from the 15 agencies involved in intelligence gathering and analysis. We took a major step forward.

Now we are on the verge of finishing the job. I salute the chairman of the committee, Senator LIEBERMAN, for making this legislation the top priority of our committee under his chairmanship. The legislation is going to help implement the unfinished recommendations of the 9/11 Commission. As I said, most of the recommendations were included in the 2004 Intelligence Reform and Terrorism Prevention Act. But there were some significant ones that were not completed. Thus, this legislation improves intelligence and information sharing, and it authorizes the Homeland Security Grant Program, which has been so important in improving the capabilities of our communities and States which are, after all, our partners in improving homeland security.

We worked very hard, the chairman and I and the rest of the committee members, to devise a formula that would be fair to all States, that would allocate the majority of the funding based on an analysis of risk, vulnerability, and consequences but also ensure that each and every State receive a predictable, steady level of funding so that each State can be improved and have a basic preparedness level.

I think we struck the right balance in that area. This bill would authorize a bit over $3 billion for each of the next 3 years for this new Homeland Security Grant Program. Included in that program is an emphasis on prevention. We

all are very focused on recovery and response in the event of a terrorist attack, but we believe it is very important to also focus on preventing attacks from happening in the first place. Our legislation would do that by providing that at least 25 percent of the overall funding for the urban areas and State Homeland Security Grant Programs must be used for law enforcement terrorism prevention activities.

Another important section of this bill creates a program to deal with communications equipment interoperability. We know that lives were lost on 9/11 because the various first responders could not communicate with one another. As a result, firefighters, police officers, and emergency medical personnel lost their lives and suffered injuries. Much to our dismay, we also found as part of our investigation into the failed response to Hurricane Katrina that exactly those same interoperability problems were occurring in Louisiana, in particular. We simply must tackle this problem. It is too big a problem and too expensive a problem for States and communities to do on their own. That is why we have a partnership, a grant program that would be administered by FEMA and dedicated to improving the survivability and the interoperability of communications equipment used by our courageous first responders and emergency managers.

Again, that program would authorize $3.3 billion over the next 5 years.

The bill also makes a number of important improvements to prevent terrorists from traveling to our country; to strengthen the Privacy and Civil Liberties Oversight Board; to improve private sector preparedness, since we know that 85 percent of critical infrastructure is in the private sector; and to improve transportation security planning and overall security of our transportation system.

It has been a great pleasure to work with the chairman and the members of our committee, as well as the Commerce Committee and other Members who have been interested, to bring this bill to the floor, and I believe it will help make our Nation safer.

The PRESIDING OFFICER. The Senator from Connecticut.

Mr. LIEBERMAN. Madam President, first, let me thank my ranking member, the Senator from Maine. I was thinking, as she was speaking, that when the transition occurred at the beginning of this 110th session of Congress I said to her, all that would change in our working relationship was our title, the title that each of us had. As I look back on our work together on this bill, S. 4, I am pleased to say that we worked with the same spirit of cooperation that we did under her chairmanship in 2004 when we had our first legislative response to the 9/11 Commission and we adopted the Intelligence Reform and Terrorist Prevention Act of 2004. So I thank Senator COLLINS.

I thank her staff for their work, and I thank my staff as well.

Madam President, I note the presence on the floor of the majority leader. I thank him for making adoption of this legislation a priority for this Congress. Here is why. This bill will strengthen our ability not just to respond to terrorist attacks but also to prepare our Federal, State, and local governments to respond to natural disasters. In that sense, S. 4 is not only a response to finish the mission given us by the 9/11 Commission that learns from the lessons of the first months of implementation of that Commission report, but it also applies to lessons learned from Hurricane Katrina. We are trying to create an all-hazards approach in our Government that increases our homeland security against the threat of a terrorist attack and also prepares our Government to respond better to natural disasters. I do not want to repeat some of the points in this legislation that Senator COLLINS focused on. I will just pick a few additionally.

One is that S. 4 recognizes that 85 percent of the critical infrastructure in our country that is potentially a target for terrorist attack in our great open society is privately owned. For the first time, we establish a voluntary program where the private sector can come in and have their facilities certified as, I would use the term ''terrorist resistant.''

In another section we declassify the bottom line of the intelligence budget. That was a specific recommendation of the 9/11 Commission in the interests of transparency and accountability.

We also greatly improve the provisions that in our law and policy are aimed at disrupting terrorist infiltration of our borders. This bill requires the Department of Homeland Security and the Department of State to strengthen the security provisions of the so-called visa waiver program. It also authorizes an electronic travel system that would require travelers to apply in advance for authorization to visit the United States, thus allowing their names to be checked against terrorist watch lists.

I am very proud of the bill we present after almost 2 weeks of debate to our colleagues in the Senate for final consideration. I know it will strengthen the homeland security of the American people. It enjoyed strong nonpartisan support in our committee, coming out with a vote of 16 to 0 with one abstention.

I gather there will be a significant number of ''no'' votes on the final passage because of one section, and I regret that. I wish our colleagues would vote favorably because I know they support almost all of this bill because it is good for the security of the American people at home.

The one section, obviously, is the one that deals with the collective bargaining rights of transportation security officers. I sure hope we can continue to discuss this section: why we think it is fair, why we are totally convinced its implementation will have no adverse effect on public safety—no more than the collective bargaining rights of Capitol Police officers or local firefighters or police officers or members of the Border Patrol or other law enforcement agencies in the Department of Homeland Security in any way adversely affects the carrying out of the duties to protect the American people.

Madam President, I also want to thank the chairman and ranking member of the Commerce Committee, Senators INOUYE and STEVENS, for producing the rail and aviation security portions of this bill, and the chairman and ranking member of the Banking Committee, Senators DODD and SHELBY, who contributed important mass transit security provisions.

I would be remiss if I didn't also thank the majority leader, Senator REID, for working with all of the committees involved to bring this comprehensive measure before tbe Senate. We have had 2 weeks of often spirited debate, and votes on some important amendments. Now, I believe we are ready to pass this bill, and I look forward to working with my colleagues to conference this measure with the House, and moving the legislation onto the President's desk for signature.

September 11, 2001, was a tragedy of unspeakable proportions, and it is for the men and women who died in the terrorist attacks that we work to enact this legislation. The attacks changed the course of history for our Nation and marked our nascent century as a new and dangerous era. Overnight, we became aware of our vulnerability to an enemy that doesn't wear uniforms nor follows any traditional laws of combat. Rather, they move silently among us, probing for weaknesses while plotting attacks on innocent civilians.

The families of those we lost on 9/11 have worked with us for years to get the 9/11 Commission recommendations implemented. I must thank them as well for their steadfast and courageous advocacy often in the face of seemingly insurmountable odds. They worked with us to pass the bill that Senator MCCAIN and I introduced to create the 9/11 Commission. They monitored the work of the 9/11 Commission, and testified before its members. And then they helped us win the fight to implement the Commission's recommendations in the Intelligence Reform and Terrorist Prevention Act of 2004.

In January, Senator COLLINS and I held a hearing on this legislation and heard from three family members who urged us to complete the job of enacting and implementing the 9/11 Commission's recommendations. When we pass this bill today, they will be watching. And they will know that they had a hand in its success.

Senator REID made adoption of this legislation a priority for this Congress. Here is why: This bill will strengthen our ability not just to respond to terrorist attacks but also to prepare our

Federal, State, and local governments to better respond to natural disasters.

We are trying to create an ''all hazards'' approach that increases our homeland security against the threat of terrorist attack, but also prepares our government to respond better to natural disasters since it failed to prepare or respond adequately to Hurricane Katrina.

How do we do this? Let me briefly describe a few of the provisions in this bill.

First, we would improve information and intelligence sharing among Federal, State, and local officials. We know that before 9/11, different agencies had different pieces of information that, had they been put together, should have aroused suspicion about the attack that was to come. One of the most important innovations since 9/11 has been the establishment of fusion centers to share information within and between States. This legislation would create standards for the fusion centers, require the Department of Homeland Security to provide support and coordination, and authorize the assignment of homeland security intelligence analysts to the fusion centers to serve as conduits for sharing information. The legislation also encourages the elimination of the ''need to know'' standard, which allows the information holder in a given Federal agency to control dissemination, and instead, encourages a ''need to share'' standard—obviously with appropriate safeguards.

Second, this legislation provides support and resources to first responders through a balanced and better funded Homeland Security Grant Program. We would authorize over $3.1 billion for each of the next 3 years for key grants to reverse a precipitous decline in funding for homeland security over the past 4 years. We believe we have achieved a balanced proposal that gives the vast majority of the money out based on risk but still recognizes that risk is an art, not a science, and terrorists could strike anywhere. In an all-hazards approach, first responders everywhere need assistance to protect not just against a potential terrorist attack but also against natural disasters.

Third, we will help first responders attain the interoperable communications we know they need to save lives. We have known of this problem for decades, and on 9/11, when fire fighters and police officers could not communicate with one another inside the World Trade Center, hundreds of first responders lost their lives. So, we have created a grant program—authorized at $3.3 billion over 5 years—that will require States to spend their grant money consistent with their statewide communications interoperability plans and the National Emergency Communications Plan. In other words, their spending must be part of a statewide plan connected to the national plan.

Fourth, this legislation contains provisions to improve our ability to disrupt terrorist infiltration of our borders. It requires the Departments of Homeland Security and State to strengthen the security of the visa waiver program, by requiring better reporting by foreign countries in the visa waiver program of lost or stolen passports, requiring countries to share information about prospective visitors who may pose a threat to the U.S., and authorizing an electronic travel system that would require travelers to apply in advance for authorization to visit the U.S., thus allowing their names to be checked against terrorist watch lists.

Fifth, this bill moves to ensure that as we fight terrorism, we do not trample on the rights of Americans we are pledged to defend. Included here are provisions to strengthen the Privacy and Civil Liberties Oversight Board by requiring its members to be confirmed by the Senate and by giving the Board subpoena power through the Attorney General.

This legislation also includes a provision similar to one I was pleased to cosponsor in committee with Senator MCCASKILL that will ensure Transportation Security Administration screeners—known as Transportation Security Officers—have the same employment rights as others in TSA and throughout the Department of Homeland Security. There is no good reason to deny TSOs these rights. Other law enforcement officers at Immigration and Customs Enforcement and Customs and Border Protection have these rights, with no negative effect on their performance of their security mission. In fact, Capitol Police also enjoy these rights and protections. This is simply a question of equality.

So this is a comprehensive bill. There are many other worthy aspects that I have not described. But I am convinced that, as a package, if this legislation passes and becomes law, the American people will be safer from the consequences of natural disasters, such as Hurricane Katrina, than they are today. And we will have done everything possible to make sure no other Americans suffer the loss that so many experienced after the brutal terrorist attacks of 9/11.

In the preface to the 9/11 Report, Chairman Kean and Vice Chairman Hamilton wrote, quoting here, ''We hope our report will encourage our fellow citizens to study, reflect—and act.''

We have studied. We have reflected. Now is the time to act to build a safer and more secure America for the generations to come.

Finally, I would like to pay tribute to my dedicated and exceptional staff, who have sacrificed nights, weekends, family time in the name of a safer America.

I particularly want to thank my Homeland Security Committee staff director Mike Alexander for his leadership in expertly guiding this legislation through drafting, markup, floor amendments, and onto final passage. I also want to thank the committee's deputy chief counsel Kevin Landy, whose drive and attention to detail resulted in superior legislation. Thanks also to Eric Anderson, Christian Beckner, Janet Burrell, Scott Campbell, Troy Cribb, Aaron Firoved, Elyse Greenwald, Beth Grossman, Seamus Hughes, Holly Idelson, Kristine Lam, Nate Lesser, Jim Mcgee, Sheila Menz, Larry Novey, Deborah Parkinson, Leslie Phillips, Alistair Reader, Patricia Rojas, Laurie Rubenstein, Mary Beth Schultz, Adam Sedgewick, Todd Stein, Donny Williams, Jason Yanussi, and Wes Young—all on my committee staff. And thanks to Purva Rawal, Vance Serchuk, and Cherrie Daniels on my personal office staff.

I must also thank Senator COLLINS' staff director Brandon Milhorn and the Senator's entire staff for working with us to move this very important legislation.

But bottom line, thank you to our colleagues, thanks to the 9/11 Commission, thanks to the 9/11 families who have stuck with this mission to protect the American people from ever having to suffer the grievous loss they did at the hands of terrorists on 9/11.

I hope our colleagues will join together across party lines to support this very nonpartisan homeland security measure.

I yield the floor.

The PRESIDING OFFICER. The Republican leader.

Mr. MCCONNELL. Madam President, let me congratulate Chairman LIEBERMAN and Ranking Member COLLINS on their Herculean effort on this legislation. I particularly commend our ranking member, Senator COLLINS, for fighting the good fight when there were some reservations on our side about a major portion of this bill which will compel me to vote against the bill. I know Senator COLLINS made every effort to strip the provision that I and others find so offensive, but regretfully the provision was not stripped.

In a few minutes the Senate will vote on final passage of Improving America's Security Act of 2007. It has, as I indicated, some good features. At its core, it seeks to improve America's security, but on balance it would also do much to weaken it. I plan to vote against the bill, and I urge my Senate colleagues to do the same.

But, before I cast my vote, a little background. Many of our Democratic friends spent last year campaigning on the claim that Republicans ignored the recommendations of the 9/11 Commission. We didn't. Of the Commission's 39 recommendations, we implemented 37. Nor are the remaining two recommendations at issue today. Both parties agree they should not be in the bill, so the two provisions that we did not adopt of the 9/11 Commission, both sides agreed we should not adopt. So I will oppose this bill on the basis of my answer to a simple question: Does it weaken America's security or strengthen it? The answer that I and many of

my colleagues have come with is, regretfully, the former.

This bill would weaken America's security because of a single dangerous provision, and that at the insistence of big labor that Democrats include collective bargaining rights for airport security screeners, rights that Congress has refused to give them in the past because of the impact it would have on our ability to react to terrorist threats.

Congress would not grant screeners collective bargaining rights back in 2002. We have had this debate before. We had it at the time of the creation of the Department of Homeland Security—if it has a familiar ring to it, to many of my colleagues, we chose not to adopt that provision then, and we hopefully will not, ultimately, this time.

The difference is the Democrats are letting the fight play out. They are stretching it out based on a political calculation. They already know how this showdown is going to end. The President threatened to veto any bill that makes airport security more like the department of motor vehicles. So they are delaying passage knowing it won't be accepted, for an applause line down the road.

Republicans tried to inject meaning into this bill to include provisions that would improve security. For example, we proposed an amendment that would make it a crime to recruit terrorists, that would authorize the deportation of suspected terrorists, that would make it easier to detain dangerous illegal aliens and would increase penalties for people who cruelly call families of soldiers overseas and falsely report their loved one has died. But our colleagues on the other side of the aisle rejected all of those provisions, opting instead to pump for big labor. They are turning their backs on their own campaign promises in the process by ignoring a key recommendation of the 9/11 Commission that the United States do everything in its power to constrain terrorists' mobility.

TSA workers showed that mobility after the United Kingdom bombing threat in August when they showed up for work that morning at 4 a.m. and they were briefed on the situation overseas and they immediately implemented new protocols. Anyone who traveled to or from an American airport that day would not even have known anything had happened. The execution was seamless. It was a different story in Great Britain, where collective bargaining is the norm. Dozens of flights were canceled while new procedures were instituted. The Democrats know Americans will not stand for that approach to terrorism in our country, but they are counting on the President and the Republicans to stop it for them. That way, they can call us obstructionists and get another applause line in the bargain and maybe even a headline or two. It is a shame because there are some good things in the bill, such as new performance standards and auditing requirements for DHS grants. But we will let them have their applause line.

Republicans have never played games with national security, and we are not going to start now. Therefore, I will vote against the bill, and for the sake of the American people and their continued security, I would strongly urge my other colleagues to do the same, while saying once again how much I commend the Senator from Maine for her efforts to get this bill in the proper form, and there are provisions in the bill not as a result of any of the efforts of the ranking member of the committee. I commend her for her efforts but, regretfully, must oppose final passage.

I yield the floor.

The PRESIDING OFFICER. The majority leader.

Mr. REID. Madam President, this should be a time of celebration, not a time of finger-pointing. In fact, the fact is, it is true that a number of recommendations the 9/11 Commission recommended we did do. But, as you know, the Commissioners themselves graded the administration on what needed to be done to implement the Commission's recommendations. That is where we get into the Es, Fs, and incompletes. So there is no question this legislation absolutely is totally necessary.

Following the terrible attacks on September 11, our country turned to a respected group of Democrats and Republicans, the 9/11 Commission, an independent bipartisan Commission, to review the lessons of that tragic day and to find a better way to protect the homeland fight on the war on terrorism. Under difficult circumstances, including a lack of cooperation, in instances, from the White House, the Commission did an outstanding job.

In July of 2004, it made a number of recommendations to Congress and the administration about how best to secure America from al-Qaida and other terrorist groups. Their recommendations were commonsense solutions. These commonsense solutions were designed to keep America safe. But, unfortunately, over the last 2½ years, many of the Commission's recommendations have been ignored, and too many of our communities remain dangerously unprepared to prevent or respond to a terrorist attack.

Today, in a few minutes, the Senate will correct that mistake. We will enhance the security of our transportation system at our ports. We will provide America's first responders with the technology they need to communicate with each other when a Katrina or another terrorist attack strikes, and we will put new security requirements in place to keep terrorists from traveling to the United States.

This is an important piece of legislation we are going to pass. We are going to pass it, as I said, in a short time. I thank Chairman LIEBERMAN and his ranking member, Senator COLLINS, for their efforts on this bill.

I said before this legislation was taken up on the floor that we have two people who set the example for how you should legislate. They got along well in their committee. When she was chairman, Senator LIEBERMAN worked well with her, and it has worked the same way. I commend and applaud both of these legislators. They have done a tremendous job trying to work through this issue. Anything that has been slowed down in this legislation has not been their fault—in fact, quite to the contrary. They have worked tirelessly to bring this legislation here today so we can have this vote. They reported a strong bill out of the Homeland Security and Governmental Affairs Committee. It has only been strengthened by the amendment process before the full Senate over the past several days.

Now, we do not need to redebate the issue regarding collective bargaining. Collective bargaining has been in this country for a long time, and it is here to stay. There is nothing in this piece of legislation that is in any way going to impair the security of this Nation.

I wish to thank the entire 9/11 Commission for their service, but especially I wish to thank 9/11 Commissioner Tim Roemer and the 9/11 family, but especially Carol Ashley, Beverly Eckert, Mary Fetchet, and Carie Lemack, members of Families of September 11 and VOICES of September 11th. Their input in this legislation has been essential. Former Congressman Roemer spent time here on the Senate floor. No one could ever accuse Congressman Roemer of being some wild-eyed liberal. He is a moderate, and he is from the State of Indiana. He has worked very hard on the Commission and to move this legislation forward. I underline and underscore my appreciation for his input and also for the families and the two letters they wrote during the debate. Their letters served as a reminder of what this legislation is about: protecting America against terrorism. Our country will be safer, stronger, and more secure as a result of their efforts.

The first responsibility of Government is to protect our people—the people of Colorado, the people of Nevada, the people of Maine, the people of Connecticut, Alabama, Nebraska, and Missouri. The Senators are here assembled, everyone in their seats. Our No. 1 job is to protect our people. By passing the legislation today, we will help ensure the Senate meets its obligation, and we will, once and for all, write the lesson of that terrible September 11 day into law.

In their report to the Nation, the 9/11 Commission wrote, ''The men and women of the World War II generation rose to the challenges of the 1940s and the 1950s. They restructured the government so it could protect the country. That is now the job of the generations that experienced 9/11.''

That is what the legislation is all about.

Again, I applaud and commend the two managers of the bill, those who offered amendments and debated the issue. This is good legislation, good for the country. It makes America a better place. I urge my colleagues to vote for this legislation so we can take another step to fulfilling the directives we were given by the 9/11 Commission.

I yield the floor.

The PRESIDING OFFICER. The Senator from Maine.

Ms. COLLINS. I ask unanimous consent that a list of the homeland security staffers on the Republican side who worked so hard on this bill be printed in the RECORD at this point.

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

Brandon Milhorn, Andy Weis, Rob Strayer, Amy Hall, Allison Boyd, Kate Alford, John Grant, Amanda Wood, Jennifer Tarr, Asha Mathew, Brooke Hayes, Priscilla Henley, Jane Alonso, Jay Meroney, Melvin Albritton, Mark LeDuc, Tom Bishop, Doug Campbell, Emily Meeks, and Neil Cutter.

Ms. COLLINS. I also wish to add my voice in thanks to the families of the victims of 9/11. They have truly been the committee's inspiration as we worked on these issues for the last 4 years.

I yield the floor.

The PRESIDING OFFICER. The majority leader.

Mr. REID. For the information of all Members, we are working—Senator MCCONNELL and I—on a consent agreement to deal with the Iraq debate tomorrow. Hopefully, we will be able to resolve the Iraq debate. Thursday, we will be able to deal with the U.S. attorneys bill and some judicial nominees. We do not have that worked out yet, so everyone stay tuned.

This will be the last vote today.

The PRESIDING OFFICER (Mr. SALAZAR). The bill having been read the third time, the question is, Shall it pass?

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

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The clerk will call the roll.

The legislative clerk called the roll.

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

Mr. LOTT. The following Senator was necessarily absent: the Senator from Arizona (Mr. MCCAIN).

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

The result was announced—yeas 60, nays 38, as follows:

[Rollcall Vote No. 73 Leg.]

YEAS—60

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

NAYS—38

Alexander	DeMint	Lott
Allard	Domenici	Lugar
Bennett	Ensign	Martinez
Brownback	Enzi	McConnell
Bunning	Graham	Roberts
Burr	Grassley	Sessions
Chambliss	Gregg	Shelby
Coburn	Hagel	Sununu
Cochran	Hatch	Thomas
Corker	Hutchison	Thune
Cornyn	Inhofe	Vitter
Craig	Isakson	Warner
Crapo	Kyl	

NOT VOTING—2

Johnson	McCain

The bill (S. 4), as amended, was passed, as follows:

(The bill will be printed in a future edition of the RECORD.)

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

Ms. COLLINS. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

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

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

Mr. GRASSLEY. Mr. President, I ask to speak as in morning business for such time as I might consume, and if there are other Members who are wondering how long that might be, it wouldn't be probably for more than 15 minutes at the most.

The PRESIDING OFFICER. The Senator from Iowa is recognized.

TAX GAP: BLUE SMOKE

Mr. GRASSLEY. Mr. President, I wish to finish the discussion I started earlier today about the tax gap and efforts to close it. As I said this morning, the tax gap is the difference between what is paid in taxes and what is actually owed. While more reliable and timely data on the tax gap is greatly needed, the tax gap was thought to be $345 billion for the tax year 2001, which seemed to be the year that the IRS had the latest information where they could put together something that was fairly solid for that year.

I also pointed out this morning that many of my colleagues in the Senate see the tax gap as a sort of magical tonic that can be used to cure all sorts of ailments. Some people see $345 billion in AMT relief or health care spending or national debt reduction without thinking about what would be involved in actually collecting the money. So I am raising the question: Do people think through whether every dollar will be brought into the Federal Treasury?

The IRS is already making some progress in closing the tax gap. This morning I mentioned the Internal Revenue Service told the Budget Committee it could reduce the tax gap by nearly $70 billion, of that $345 billion, in the year 2007.

So where does that leave us? Can we do more in enforcement? The administration has proposed an increase in funding for the Internal Revenue Service. That increase looks toward the tax gap with funds directed toward increased data matching, improved research, as well as more auditors—auditors to make sure that more money comes in. I suggest my colleagues might also want to make certain that if we consider adding more Internal Revenue Service employees, we have greater confidence that the Internal Revenue Service is utilizing current resources effectively. In other words, before we hire more people, we ought to make sure the existing employees at the Internal Revenue Service are being used in the most efficient way to bring in the most money possible.

That doesn't preclude more money, but that is a necessary first step before we automatically think of more money and more employees.

For instance, the IRS has hundreds of employees, according to a Treasury inspector general for tax administration report, that do part- or full-time union work. This is thousands and thousands of work hours that could be spent going after the tax gap. What could we gain if we directed all those union hours to actually working on the tax gap before we appropriate more money to hire more employees?

So we have proposals then for increased enforcement. Let me remind my colleagues, though, that the Joint Committee on Taxation—that is a congressional committee that specializes in watching the Tax Code and making estimates and studying all ways to make the Tax Code more efficient and bring in more money—that committee will not give us a score for additional dollars based on increased enforcement. So we can talk all we want about hiring more people to bring in more revenue, but until that revenue is in the bank, the Joint Committee on Taxation isn't going to give us any credit for it.

As we are looking at budget debates over this week and next week, keep that in mind. That isn't going to get Senators anywhere in terms of reducing projected deficits or paying for tax cuts or bringing in more money to spend someplace else.

It is important to emphasize the Commissioner of the Internal Revenue

Service made it clear to the Budget Committee a few days ago at a hearing that we cannot audit our way out of the tax gap. The Commissioner also warned about increasing the IRS budget too quickly if we decide to go the route of hiring more people by giving more money because he said a big increase in staffing would harm taxpayers' rights if the IRS was not able to grow in a managed way to control the outcome.

We can look at what we can possibly do legislatively beyond greater enforcement. The Democratic leadership hasn't proposed anything new, but the administration has put forward some proposals in the budget—in its own budget, meaning the budget of the executive branch. Many of the administration's proposals deal with information reporting. Information reporting is an important way to improve tax compliance. This is very clear from all the work that has been done so far on the tax gap.

However, information reporting places additional burdens on taxpayers, and it is very frustrating that we often find the Internal Revenue Service is not doing enough to match or review the documents taxpayers are already providing the IRS as a paper trail to make sure all taxes are paid. Needless to say, this greatly limits the benefit information reporting provides.

Setting these concerns aside, the administration in their budget has proposed, one, information reporting on payment to corporations; two, basis reporting on securities sales; three, broker reporting; four, reporting of merchant payment card reimbursement; five, increase information return penalties; six, taxpayer identification number verification for independent contractors; and seven, information reporting on certain Government payments.

The administration has proposed other proposals, including increased penalties, expanded IRS access to information, and required electronic filing as some of the other new proposals.

This is a very comprehensive list of proposals coming from the administration. Is it everything? No, but it seems to me this is a serious start and shows that people within Treasury, within the Office of Management and Budget, and maybe even within the White House, are very concerned about closing the tax gap.

If Senators who have attacked the Secretary of Treasury and the Internal Revenue Service believe more can be done, I suggest they should come forward with their own proposals and add to the multitude I read coming from the executive branch of Government.

I think Senators will find that while it is easy to complain about what is coming out of the Treasury's kitchen, it is a lot harder to get in there and do it themselves. I think Senators need to be careful—very careful—at putting out pie-in-the-sky numbers for what can be achieved by reducing the tax gap without at the same time putting forward their own detailed, concrete, Joint Tax Committee-scored proposals that show how it can be done.

That brings me to a chart. This chart shows there is a lot of smoke and mirrors when it comes to the tax gap, in other words, all the people who are saying they are going to use the tax gap to reduce the deficit, to fund tax cuts or even to take the money and spend it on some new program or increase spending on existing programs. There are a lot of ideas out there.

What I want this chart to demonstrate to us is that there is a lot of smoke and mirrors when it comes to the tax gap. We can't use smoke and mirrors to pay for tax cuts or to decrease the deficit; we have to have proposals that are in detail, black and white, and are scored by the Joint Committee on Taxation, our experts who are on top of the Tax Code and how much money will come in or how much money we lose if we cut taxes.

Tax gap proposals shouldn't be used for spending. The tax gap is appropriately viewed as unfairly placing a heavier burden on compliant taxpayers, 85 percent of the people who pay what they owe and file accordingly.

If we enact tax-gap closers, they should be used to reduce taxes or reduce the deficit, not to increase spending.

Let me conclude my discussion of the tax gap by saying you can have a blue Moon, you can have blue cheese, you can have blue-suede shoes, but when it comes to balancing the budget, you can't do it with blue smoke and mirrors. That, unfortunately, is what so much of the tax gap is right now: blue smoke.

I strongly encourage the Budget Committee chairman and other Senators not to use blue smoke during the upcoming budget resolution debates. That is going to happen Wednesday and Thursday in the Budget Committee this week. It is going to happen all next week on the floor of the Senate.

Now I will review some of the issues we must consider as the Senate works on its budget resolution. In an earlier visit with my colleagues in the Senate, I discussed the importance of preventing a tax hike on the American people. Anyone who considers themselves a deficit hawk needs to do more than raise taxes. So I challenge the new Democratic majority to also examine the spending side of the ledger; that is, if they are truly serious about deficit reduction.

In another visit with my colleagues from the floor of the Senate, I highlighted a study prepared by Goldman Sachs. That study shows that the likely result of letting tax relief expire could lead to a recession. Since tax relief was enacted, Federal revenues have increased, employment has increased, household wealth has increased—in fact, household wealth has increased to the highest level it has ever been in the history of our country—and the S&P 500 index has consistently moved upward. Again, a failure to extend tax relief or make it permanent puts all this at risk, and at risk for nothing.

Anyone serious about deficit reduction needs to also look, then, at the spending side of the ledger. In a third visit that I had with my colleagues from the Senate floor, I pointed out that Democratic revenue raisers did not come close to covering new spending contained in Democratic amendments when we had the budget up exactly 12 months ago this month. In many cases, I showed the same offset was used in multiple amendments to pay for multiple projects, just like every dollar coming into the Federal Treasury could be spent two, three, four times, and somehow just multiply and, like blue smoke, solve all of our problems.

If the Democratic leadership is serious about pay-go, and that is short for pay as you go, and if they are serious about deficit reduction, they need to be realistic about where the money is going to come from to cover any new spending proposals. The budget plan advocated by the other side last year would have either increased the deficit or gutted tax relief that was passed in 2001 and 2003, including items such as the alternative minimum tax fix that we did, and all of these things the other side of the aisle claims to support and yet have proposals that would gut them or increase the deficit.

I want to state my intention to fully cooperate with my colleagues of both parties to produce a budget that preserves our growing economy while addressing the needs of our government. I am particularly looking forward to exploring ways to use the Tax Code to help more Americans acquire health insurance. I am also looking forward to using the budget resolution to ensure, on a revenue-neutral basis, that we continue to pursue tax simplification and tax reform. In order to produce the best possible budget, we must be careful not to endanger our growing economy. We must be willing to examine spending. We must not just focus on revenues, and in the whole process, we have to be intellectually honest about how far we can push revenue raisers and other offsets. In other words, avoid the smoke and mirrors.

Mr. President, I yield the floor.

Mr. SESSIONS. Mr. President, I ask unanimous consent that I be allowed to speak in morning business for 10 minutes.

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

Mr. SESSIONS. Mr. President, I thank Senator GRASSLEY for his remarks and would share his concerns that we have to be intellectually honest about the numbers with which we are dealing. We are not going to be able to have the kind of revenue collection enhancement that some have suggested is possible. I wish it were so. I pay my taxes. Most people pay their taxes. It is

not right for people to cheat on their taxes. It cheats all of us when that occurs. From experience, we know that we can't get that big of an enhancement, at least that is what the experts tell us. We cannot get the enhancement from collections that some have suggested that we can. They will use monies projected to be collected—that is, they will say we are going to collect a lot more to justify spending—and then when the revenue doesn't come in, all we have done is increase the debt.

So that is a problem and I am pleased Senator GRASSLEY has raised it and we might as well deal with it openly.

(The remarks of Mr. SESSIONS pertaining to the introduction of S. 863 are located in today's RECORD under ''Statements on Introduced Bills and Joint Resolutions.'')

Mr. SESSIONS. 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. 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 now be a period of morning business with Senators permitted to speak therein for up to 10 minutes each.

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

TRADE POLICY

Mr. BROWN. Mr. President, it is only Tuesday, and already we have a laundry list this week of reasons why we need a new direction for trade policy in our country.

First, we learned that Halliburton, the beneficiary of more than $20 billion in no-bid Government contracts, is going to, in a sense, take the money and run by moving its headquarters out of the United States and to Dubai in the United Arab Emirates. Then we learned the United States is again discussing trade deals with the United Arab Emirates. These trade talks first fell apart last year during the Dubai Ports World scandal.

Because of our fundamentally flawed trade policy, our Government nearly sold our port security to state-owned companies in the Middle East, and because of our fundamentally flawed trade policy, our Government continued to award no-bid contracts to Halliburton despite the fact that its subsidiaries have come under fire for doing business with the Government of Iran and for potential contract fraud in Iraq. It is time for a trade policy that rewards good corporate citizens, not one that allows our Nation's security assets to be sold to the highest bidder.

Last November, in my home State of Ohio, voters from Toledo to Steubenville, from Chillicothe to Lorain, from Dayton to Youngstown spoke out for change in our Nation's trade policy.

For too long, our Government has stood idly by as U.S. companies that benefit from our tax policy, that get Government contracts, that benefit from community support move their operations overseas. For too long, our Government has pursued fundamentally flawed trade agreements that fail to secure labor and other standards, fail to establish a policy to support business development at home, and fail to provide for national security reviews.

But in this Congress, a new direction has begun. Thirty Members, last week, of a fair trade coalition, that began with the Central American Free Trade Agreement, gathered on Capitol Hill to reaffirm that we need a new direction for trade. Senator DORGAN, Senator GRAHAM, and I have introduced legislation that would ban sweatshop imports and address concerns with China.

What is more distressing than Halliburton's news to abandon the United States for the Mideast is that it owes the Government at least $2.7 billion as a result of bad, possibly even illegal business practices in Iraq—practices which allowed for contaminated water to be served to our troops, which hired unauthorized security forces, and which shamelessly overcharged our Government. Will Halliburton pay their debt before leaving town or will they try to leave American taxpayers—who have already afforded them billions in profits—holding the bag? Congress must do all it can to assess the debt and ensure that Halliburton, before they leave town, pays their debt to our country.

It is unclear whether the administration will take any action to safeguard our Nation's interests when it comes to Halliburton, but it is clear they are not yet ready for a new direction on trade. The latest attempt at another flawed trade agreement is not even inked, and the first corporation is moving offshore.

That is why we need a new direction for trade. That is why we need a trade policy that rewards companies that keep production, and headquarters, in the United States, investing at home as well as in opportunities abroad. That is why, as we learned during the Dubai Ports scandal, we need a national security review of all future trade agreements.

Halliburton's decision to relocate its headquarters also underscores the critical importance of freeing our Nation from its addiction to oil.

Government should foster a climate where companies are rewarded for being good patriot corporations. It is time our Government stop rewarding the Halliburtons of the world and start investing in those businesses that want to help build our Nation, not cheat us and then leave us.

IN HONOR OF VACLAV HAVEL

Mr. CARDIN. Mr. President, 30 years ago, the Charter 77 movement was established with the simple goal of ensuring that the citizens of Czechoslovakia could ''live and work as free human beings.'' Today, as cochairman of the Commission on Security and Cooperation in Europe, I join with my colleagues in celebrating the founding of Charter 77 and honoring those men and women who, through their personal acts of courage, helped bring freedom to their country.

When the Charter 77 manifesto was issued, three men were chosen to be the first spokespersons of this newly formed movement: a renowned European philosopher, Jan Patocka; Jiri Hajek, who had been Czechoslovakia's Foreign Minister during the Prague Spring; and the playwright, Vaclav Havel. They had the authority to speak for the movement and to issue documents on behalf of signatories.

Tragically, Jan Patocka paid with his life for his act of bravery and courage. After signing the charter and meeting with Dutch Ambassador Max van der Stoel, he was subjected to prolonged interrogation by the secret police. It is widely believed this interrogation triggered a heart attack, resulting in his death on March 13, 1977.

In spite of the chilling message from the regime, Jiri Hajek and Vaclav Havel continued to work with other chartists, at tremendous personal cost. Two-hundred and thirty signatories were called in for interrogation; 50 houses were subjected to searches. Many supporters lost their jobs or faced other forms of persecution; many were sent to prison. In fact, the harsh treatment of the Charter 77 signatories led to the creation of another human rights group, the Committee for the Defense of the Unjustly Persecuted, known by its Czech acronym, VONS. In October 1979, six VONS leaders including Vaclav Havel, were tried for subversion and sentenced to prison terms of up to 5 years.

Perhaps the regime's harsh tactics reflected its knowledge that, ultimately, it could only retain control through force and coercion. Certainly, there was no perestroika or glasnost in Husak's Czechoslovakia, no goulash communism as in neighboring Hungary. And so, the regime was threatened by groups that might have seemed inconsequential elsewhere: by the psychedelic band, ''Plastic People of the Universe;'' by a musical appreciation group known as the Jazz Section; by environmentalists, historians, philosophers and, of course, playwrights.

Mr. President, 1989 was an extraordinary year—a year in which the regime sought to control everything and, in the end, could control nothing. In May, Hungary opened its borders. In June, free elections were held for parliamentary seats in Poland for the first time in decades. By August, 5,000 East Germans were fleeing to Austria through Hungary every single week.

Demonstrations in East Germany continued to rise, forcing Eric Honecker to resign in October. On November 9, the Berlin Wall was breached.

But while Communist leaders in other countries saw the writing on the wall, authorities in Prague continued to believe they could somehow cling to power. Ironically, the regime's repressive tactics were part of its final undoing.

On November 17, 1989, significant student demonstrations were held in Prague. Human rights groups released videotapes of police and militia viciously beating the demonstrators and these tapes were rapidly and widely circulated through the underground. Shortly thereafter, VONS received credible information that a student demonstrator had been beaten to death. The alleged death so outraged Czechoslovak society that it triggered massive demonstrations. Within days, Czechoslovakia's Communist regime collapsed like a house of cards.

As it turned out, no one had actually been killed during the November 17 protests; the story of the student death had been concocted by the secret police to discredit VONS but was all too believable. As concisely stated by Mary Battiata, a reporter for the Washington Post, ''. . . a half-baked secret police plan to discredit a couple of dissidents apparently boomeranged and turned a sputtering student protest into a national rebellion.'' On December 29, Vaclav Havel—who had been in prison just a few months earlier—was elected President of Czechoslovakia by the Federal Parliament.

Jan Patocka once wrote, ''The real test of a man is not how well he plays the role he has invented for himself but how well he plays the role that destiny assigned to him.'' It seems that destiny had a particular role for Vaclav Havel, not one that he invented or envisioned for himself, but one that he has played with courage and grace, with dignity and honor. Today, we honor Vaclav Havel and the Charter 77 movement he helped to found.

ADDITIONAL STATEMENTS

IN MEMORY OF ERNEST GALLO

● Mrs. BOXER. Mr. President, today, I ask my colleagues to join me in honoring the memory of the late Ernest Gallo, a true American success story who came from a humble beginning to head the world's largest winemaking company. Mr. Gallo passed away in the peaceful company of his family and loved ones at his home in Modesto, California on March 6, 2007. He was 97 years old.

The first son of Joseph and Susie Gallo, immigrants who hailed from Italy's renowned winemaking region of Piedmont, Ernest Gallo was born in Jackson, in the Sierra Nevada foothills region of California. Ernest and his younger brothers, Julio and Joe, gained important insight into the winemaking business by working alongside their father in the family vineyard. As a precocious and driven 17-year-old boy, Ernest sold a railcar full of family grapes during a trip to Chicago for $17,000, a considerable sum of money during those days. From that point forward, it was apparent that Ernest was a gifted and determined entrepreneur who was destined for great success in the winemaking business.

After his parents unexpectedly passed away, Ernest accepted the mantle of the head of the business and the family at the age of 24 and founded E. and J. Gallo Winery in 1933 using a $5,000 loan from Ernest's mother-in-law and his brother Julio's entire savings of less than $1,000. Throughout his stewardship of the winery that would become one of the world's most prolific and recognized winemaking companies, Ernest consistently demonstrated an unparalleled ability to produce affordable, popular, and high quality products.

A wine connoisseur in the truest sense of the word, Ernest was a perfectionist who left his imprint on nearly every aspect of the winemaking process; from overseeing production, to devising brilliant marketing plans, to regularly traveling across the country to make sure that wine displays were properly presented in markets. Simply put, Ernest was a consummate winemaker who was absolutely dedicated to honing and perfecting his craft.

Ernest Gallo has left behind a legacy of success and the well-deserved recognition as one of the leading figures of American winemaking. This son of California's Central Valley will be greatly missed.

Ernest Gallo was preceded in death by his beloved wife of 62 years, Amelia, and son, David. He is survived by his son, Joseph, and four grandchildren.●

HONORING LARRY NELSON

● Mr. ISAKSON. Mr. President, today I wish to honor in the RECORD of the Senate the induction of my friend and a wonderful Georgian, Larry Nelson of Marietta, to the World Golf Hall of Fame.

Larry was born on September 10, 1947, in Ft. Payne, AL, and was raised in Acworth, GA. Growing up, he preferred baseball and basketball. It wasn't until after he returned from military service in Vietnam that he actually swung a golf club. The first time he played he broke 100. Within 9 months of taking up the game in earnest, Larry broke 70.

In 1973, Larry successfully went through the PGA Tour Qualifying School, and his breakthrough came in 1979 when he won twice on the tour and finished second on the money list. In 1981, Larry won the PGA Championship at the Atlantic Athletic Club by four strokes over Fuzzy Zoeller. In 1983, he won his second major, the U.S. Open, at one of the toughest championship courses in the world, Oakmont Country Club just outside of Pittsburgh. And in 1987, Larry repeated his victory in the PGA Championship with a playoff victory over Lanny Wadkins at PGA National Golf Club in Palm Beach Gardens, FL. In addition, he played on the U.S. Ryder Cup team in 1979, 1981, and 1987.

I have known Larry for almost 40 years. In fact, I sold him a house when he was first starting out. It is also a huge point of pride that I am a member of the Atlanta Country Club where Larry Nelson plays today. However, Larry is more than a terrific golfer. He is also a wonderful husband and father as well as a devout Christian.

It gives me a great deal of pleasure and it is a privilege to recognize on the floor of the U.S. Senate the contributions of my friend Larry Nelson. He is an inspiration to us all.●

MESSAGES FROM THE HOUSE

ENROLLED BILLS SIGNED

At 2:48 p.m., a message from the House of Representatives, delivered by Ms. Niland, one of its reading clerks, announced that the Speaker has signed the following enrolled bills:

H.R. 342. An act to designate the United States courthouse located at 555 Independence Street in Cape Girardeau, Missouri, as the ''Rush Hudson Limbaugh, Sr. United States Courthouse''.

H.R. 544. An act to designate the United States courthouse at South Federal Place in Santa Fe, New Mexico, as the ''Santiago E. Campos United States Courthouse''.

H.R. 584. An act to designate the Federal building located at 400 Maryland Avenue Southwest in the District of Columbia as the ''Lyndon Baines Johnson Department of Education Building''.

The enrolled bills were subsequently signed by the President pro tempore (Mr. BYRD).

At 5:54 p.m., a message from the House of Representatives, delivered by Mr. Hays, 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. 85. An act to provide for the establishment of centers to encourage demonstration and commercial application of advanced energy methods and technologies.

H.R. 1068. An act to amend the High-Performance Computing Act of 1991.

H.R. 1126. An act to reauthorize the Steel and Aluminum Energy Conservation and Technology Competitiveness Act of 1988.

MEASURES REFERRED

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

H.R. 85. An act to provide for the establishment of centers to encourage demonstration and commercial application of advanced energy methods and technologies; to the Committee on Energy and Natural Resources.

H.R. 1068. An act to amend the High-Performance Computing Act of 1991; to the Committee on Commerce, Science, and Transportation.

H.R. 1126. An act to reauthorize the Steel and Aluminum Energy Conservation and Technology Competitiveness Act of 1988; to the Committee on Energy and Natural Resources.

EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, and were referred as indicated:

EC–919. A communication from the Chief Counsel, Federal Emergency Management Agency, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled ''Final Flood Elevation Determinations'' (72 FR 7351) received on March 8, 2007; to the Committee on Banking, Housing, and Urban Affairs.

EC–920. A communication from the Secretary of Transportation, transmitting, pursuant to law, a report entitled ''Five-Year ITS Program Plan''; to the Committee on Commerce, Science, and Transportation.

EC–921. A communication from the Acting Director, Office of Sustainable Fisheries, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled ''Fisheries of the Exclusive Economic Zone Off Alaska; Pollock in Statistical Area 630 in the Gulf of Alaska'' (ID No. 011707G) received on March 8, 2007; to the Committee on Commerce, Science, and Transportation.

EC–922. A communication from the Acting Director, Office of Sustainable Fisheries, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled ''Increase the Trip Limit in the Commercial Hook-and-Line Fishery for King Mackerel in the Florida East Coast'' (ID No. 010507D) received on March 8, 2007; to the Committee on Commerce, Science, and Transportation.

EC–923. A communication from the Acting Director, Office of Sustainable Fisheries, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled ''Closure for Commercial King Mackerel Run-Around Gillnet Fishery in the Southern Florida West Coast Zone'' (ID No. 010507C) received on March 8, 2007; to the Committee on Commerce, Science, and Transportation.

EC–924. A communication from the Acting Director, Office of Sustainable Fisheries, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled ''Fisheries of the Exclusive Economic Zone Off Alaska; Pacific Cod by Catcher Vessels 60 Feet Length Overall and Using Pot Gear in the Bering Sea and Aleutian Islands Management Area'' (ID No. 012507A) received on March 8, 2007; to the Committee on Commerce, Science, and Transportation.

EC–925. A communication from the Deputy Assistant Administrator for Regulatory Programs, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled ''Interim Final Rule to Reduce Overfishing of Atlantic Sea Scallops in the 2007 Fishing Year by Modifying Elephant Trunk Access Area Management Measures'' (RIN0648-AV05) received on March 8, 2007; to the Committee on Commerce, Science, and Transportation.

EC–926. A communication from the Deputy Assistant Administrator for Regulatory Programs, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled ''Final Emergency Rule to Supersede the Previously Published 2007 Summer Flounder Specifications'' (RIN0648-AT60) received on March 8, 2007; to the Committee on Commerce, Science, and Transportation.

EC–927. A communication from the Deputy Assistant Administrator for Regulatory Programs, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled ''Magnuson-Stevens Act Provisions; Fisheries off West Coast States; Pacific Coast Groundfish Fishery; Biennial Specifications and Management Measures; Amendment 16-4; Pacific Coast Salmon Fishery'' (RIN0648-AU57) received on March 8, 2007; to the Committee on Commerce, Science, and Transportation.

EC–928. A communication from the Assistant Administrator for Fisheries, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled ''2006-2007 Pacific Mackerel Annual Specifications; Coastal Pelagic Species Fisheries; Fisheries Off West Coast States'' (RIN0648-AU27) received on March 8, 2007; to the Committee on Commerce, Science, and Transportation.

EC–929. A communication from the Assistant Administrator for Fisheries, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled ''2007 Specifications for the Atlantic Bluefish Fishery'' (RIN0648-AT67) received on March 8, 2007; to the Committee on Commerce, Science, and Transportation.

EC–930. A communication from the Assistant Administrator for Fisheries, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled ''Final Rule to Implement Management Measures for Caribbean Closures and Dehooking Requirements for the Atlantic Shark Fishery'' (ID No. 082305E) received on March 8, 2007; to the Committee on Commerce, Science, and Transportation.

EC–931. A communication from the Acting Director, Office of Sustainable Fisheries, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled ''Fisheries of the Exclusive Economic Zone Off Alaska; Pacific Cod by Catcher Processor Vessels Using Hook-and-Line Gear in the Bering Sea and Aleutian Islands Management Area'' (ID No. 020907G) received on March 8, 2007; to the Committee on Commerce, Science, and Transportation.

EC–932. A communication from the Acting Director, Office of Sustainable Fisheries, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled ''Fisheries of the Exclusive Economic Zone Off Alaska; Pollock in Statistical Area 630 of the Gulf of Alaska'' (ID No. 020907F) received on March 8, 2007; to the Committee on Commerce, Science, and Transportation.

EC–933. A communication from the Acting Director, Office of Sustainable Fisheries, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled ''Fisheries of the Exclusive Economic Zone Off Alaska; Pollock in Statistical Area 610 of the Gulf of Alaska'' (ID No. 020807B) received on March 8, 2007; to the Committee on Commerce, Science, and Transportation.

EC–934. A communication from the Commandant, United States Coast Guard, Department of Homeland Security, transmitting, the report of a legislative proposal to authorize appropriations for fiscal year 2008 for the United States Coast Guard; to the Committee on Commerce, Science, and Transportation.

EC–935. A communication from the Secretary of Transportation, transmitting, pursuant to law, a report relative to the Department's competitive sourcing efforts for fiscal year 2006; to the Committee on Commerce, Science, and Transportation.

EC–936. A communication from the Secretary of Energy, transmitting, pursuant to law, a report entitled ''Report to Congress on Renewable Energy Resource Assessment Information for the United States''; to the Committee on Energy and Natural Resources.

EC–937. A communication from the Attorney, Office of Energy Efficiency and Renewable Energy, Department of Energy, transmitting, pursuant to law, the report of a rule entitled ''Energy Efficiency Program for Certain Commercial and Industrial Equipment: Efficiency Standards for Commercial Heating, Air-Conditioning, and Water-Heating Equipment'' ((RIN1904-AB16)(RIN1904-AB17)(RIN1904-AB44)) received on March 8, 2007; to the Committee on Energy and Natural Resources.

EC–938. A communication from the Chairman, U.S. Nuclear Regulatory Commission, transmitting, pursuant to law, the report of proposed legislation to authorize appropriations for fiscal year 2008; to the Committee on Environment and Public Works.

EC–939. A communication from the Assistant Secretary of the Army (Civil Works), transmitting, pursuant to law, a report relative to navigation improvements to the Gulf Intracoastal Waterway from High Island to Brazos River; to the Committee on Environment and Public Works.

EC–940. A communication from the Assistant Administrator, Office of Administration and Resources Management, Environmental Protection Agency, transmitting, pursuant to law, a report relative to the Agency's competitive sourcing efforts for fiscal year 2006; to the Committee on Environment and Public Works.

EC–941. A communication from the Assistant Secretary of the Army (Civil Works), transmitting, pursuant to law, a report relative to an ecosystem restoration project on the Snake River; to the Committee on Environment and Public Works.

EC–942. A communication from the Congressional Review Coordinator, Animal and Plant Health Inspection Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled ''Importation of Mangoes from India'' (Docket No. APHIS-2006-0121) received on March 12, 2007; to the Committee on Agriculture, Nutrition, and Forestry.

EC–943. A communication from the Congressional Review Coordinator, Animal and Plant Health Inspection Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled ''Karnal Bunt; Regulated Areas'' (Docket No. APHIS-2006-0149) received on March 12, 2007; to the Committee on Agriculture, Nutrition, and Forestry.

EC–944. A communication from the Chairman and Chief Executive Officer, Farm Credit Administration, transmitting, pursuant to law, the Agency's proposed fiscal year 2008 budget; to the Committee on Agriculture, Nutrition, and Forestry.

EC–945. A communication from the Principal Deputy, Office of the Under Secretary of Defense (Personnel and Readiness), transmitting, pursuant to law, the report of an officer authorized to wear the insignia of the grade of rear admiral (lower half) in accordance with title 10, United States Code, section 777; to the Committee on Armed Services.

EC–946. A communication from the Principal Deputy, Office of the Under Secretary of Defense (Personnel and Readiness), transmitting, pursuant to law, the report of an officer authorized to wear the insignia of the grade of rear admiral in accordance with title 10, United States Code, section 777; to the Committee on Armed Services.

EC–947. A communication from the Director of Selective Service, transmitting, pursuant to law, the Director's Annual Report for fiscal year 2006; to the Committee on Armed Services.

EC–948. A communication from the Secretary of the Navy, transmitting, pursuant to law, a report relative to the Program Acquisition Unit Cost and Procurement Unit Cost for the Expeditionary Fighting Vehicle; to the Committee on Armed Services.

EC–949. A communication from the Assistant Secretary of Defense (Homeland Defense), transmitting, pursuant to law, a report relative to assistance provided by the Department for civilian sporting events in support of essential security and safety at such events; to the Committee on Armed Services.

EC–950. A communication from the Secretary of Defense, transmitting , pursuant to law, a report on the approved retirement of Admiral John B. Nathman, United States Navy, and his advancement to the grade of admiral on the retired list; to the Committee on Armed Services.

EC–951. A communication from the Acting Under Secretary for Industry and Security, Department of Commerce, transmitting, pursuant to law, the Bureau's Annual Report for fiscal year 2006; to the Committee on Banking, Housing, and Urban Affairs.

EC–952. A communication from the Secretary of Commerce, transmitting, pursuant to law, a report relative to the Emergency Oil and Gas Guaranteed Loan Program; to the Committee on Banking, Housing, and Urban Affairs.

EC–953. A communication from the Secretary of Commerce, transmitting, pursuant to law, a report relative to the Emergency Steel Loan Guarantee Program; to the Committee on Banking, Housing, and Urban Affairs.

EC–954. A communication from the Director, Office of Sustainable Fisheries, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled ''Inseason Action to Close the Small Coastal Shark Fishery in the Gulf of Mexico Region'' (ID No. 013107D) received on March 8, 2007; to the Committee on Commerce, Science, and Transportation.

EC–955. A communication from the Director, Bureau of Economic Analysis, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled ''International Services Surveys: BE–125, Quarterly Survey of Transactions in Selected Services and Intangible Assets with Foreign Persons'' (RIN0691–AA61) received on March 8, 2007; to the Committee on Commerce, Science, and Transportation.

EC–956. A communication from the Director, Bureau of Economic Analysis, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled ''International Services Surveys: BE–120, Benchmark Survey of Transactions in Selected Services and Intangible Assets with Foreign Persons'' (RIN0691–AA60) received on March 8, 2007; to the Committee on Commerce, Science, and Transportation.

EC–957. A communication from the Acting Director, Office of Sustainable Fisheries, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled ''Fisheries of the Exclusive Economic Zone Off Alaska; Pacific Cod by Non-American Fisheries Act Crab Vessels Catching Pacific Cod for Processing by the Inshore Component in the Central Regulatory Area of the Gulf of Alaska'' (ID No. 012307C) received on March 8, 2007; to the Committee on Commerce, Science, and Transportation.

EC–958. A communication from the Director, Bureau of Economic Analysis, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled ''International Services Surveys: BE–185, Quarterly Survey of Financial Services Transactions Between U.S. Financial Services Providers and Foreign Persons'' (RIN0691–AA62) received on March 8, 2007; to the Committee on Commerce, Science, and Transportation.

EC–959. A communication from the Chairman, Defense Nuclear Facilities Safety Board, transmitting, pursuant to law, a report relative to the status of significant unresolved issues with the Department of Energy's design and construction projects; to the Committee on Energy and Natural Resources.

EC–960. A communication from the Deputy Chief Financial Officer, Department of Energy, transmitting, pursuant to law, a report relative to the Department's carryover balances; to the Committee on Energy and Natural Resources.

EC–961. A communication from the Secretary of Energy, transmitting, pursuant to law, a report relative to a Mixed Oxide Fuel Fabrication Facility near Aiken, South Carolina; to the Committee on Energy and Natural Resources.

EC–962. A communication from the Board of Trustees, National Railroad Retirement Investment Trust, transmitting, pursuant to law, an annual report on its operations and financial condition; to the Committee on Finance.

EC–963. A communication from the Chief of the Publications and Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled ''LMSB Tier II Issue—Field Directive on the Examination of IRC Section 172(f) Specified Liability Losses Number 1—Industry Directive'' (Document Number: LMSB–04–0206–009) received on March 8, 2007; to the Committee on Finance.

EC–964. A communication from the Chief of the Publications and Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled ''2007 Census Count'' (Notice 2007–23) received on March 8, 2007; to the Committee on Finance.

EC–965. A communication from the Assistant Legal Adviser for Treaty Affairs, Department of State, transmitting, pursuant to the Case-Zablocki Act, 1 U.S.C. 112b, as amended, the report of the texts and background statements of international agreements, other than treaties (List 2007–26–2007–32); to the Committee on Foreign Relations.

EC–966. A communication from the Assistant Secretary, Office of Legislative Affairs, Department of State, transmitting, pursuant to law, the report of a rule entitled ''Intercountry Adoption—Reporting on Non-Convention and Convention Adoptions of Emigrating Children'' (RIN1400–AC20) received on March 8, 2007; to the Committee on Foreign Relations.

EC–967. A communication from the Secretary of State, transmitting, pursuant to law, a report relative to the current military, diplomatic, political, and economic measures that are being or have been undertaken to complete our mission in Iraq successfully; to the Committee on Foreign Relations.

EC–968. A communication from the Assistant Secretary, Office of Legislative Affairs, Department of State, transmitting, pursuant to law, an annual report on U.S. Government Assistance to and Cooperative Activities with Central and Eastern Europe; to the Committee on Foreign Relations.

EC–969. A communication from the Secretary of Health and Human Services, transmitting, pursuant to law, a report relative to the petition filed on behalf of workers from General Atomics in La Jolla, California, requesting their addition to the Special Exposure Cohort; to the Committee on Health, Education, Labor, and Pensions.

EC–970. A communication from the Secretary of Health and Human Services, transmitting, pursuant to law, a report relative to the petition filed on behalf of workers from Monsanto Chemical Company in Dayton, Ohio, requesting their addition to the Special Exposure Cohort; to the Committee on Health, Education, Labor, and Pensions.

EC–971. A communication from the White House Liaison, Department of Health and Human Services, transmitting, pursuant to law, the report of action on a nomination for the position of Commissioner of the Food and Drug Administration, received on March 8, 2007; to the Committee on Health, Education, Labor, and Pensions.

EC–972. A communication from the White House Liaison, Department of Health and Human Services, transmitting, pursuant to law, the report of action on a nomination for the position of Administrator, received on March 8, 2007; to the Committee on Health, Education, Labor, and Pensions.

EC–973. A communication from the White House Liaison, Department of Health and Human Services, transmitting, pursuant to law, the report of a nomination for the position of General Counsel, received on March 8, 2007; to the Committee on Health, Education, Labor, and Pensions.

EC–974. A communication from the White House Liaison, Department of Health and Human Services, transmitting, pursuant to law, the report of a vacancy and designation of an acting officer for the position of Deputy Secretary, received on March 8, 2007; to the Committee on Health, Education, Labor, and Pensions.

EC–975. A communication from the Secretary of Health and Human Services, transmitting, pursuant to law, a report relative to the petition filed on behalf of workers from the Allied Chemical Corporation Plant in Metropolis, Illinois, requesting their addition to the Special Exposure Cohort; to the Committee on Health, Education, Labor, and Pensions.

EC–976. A communication from the Secretary of Health and Human Services, transmitting, pursuant to law, a report relative to the petition filed on behalf of workers from the Harshaw Harvard-Denison Plant in Cleveland, Ohio, requesting their addition to the Special Exposure Cohort; to the Committee on Health, Education, Labor, and Pensions.

EC–977. A communication from the White House Liaison, Office of Planning, Evaluation and Policy Development, Department of Education, transmitting, pursuant to law, the report of a nomination for the position of Assistant Secretary for Planning of Evaluation and Policy Development, received on March 8, 2007; to the Committee on Health, Education, Labor, and Pensions.

EC–978. A communication from the Inspector General, Department of Labor, transmitting, pursuant to law, a report relative to the Department's competitive sourcing efforts for fiscal year 2006; to the Committee on Health, Education, Labor, and Pensions.

EC–979. A communication from the Regulations Coordinator, Health Resources and Services Administration, Department of Health and Human Services, transmitting, pursuant to law, the report of a rule entitled ''Organ Procurement and Transplantation Network'' (RIN0906–AA62) received on March 8, 2007; to the Committee on Health, Education, Labor, and Pensions.

EC–980. A communication from the Regulations Coordinator, Office of the Secretary, Department of Health and Human Services, transmitting, pursuant to law, the report of a rule entitled ''Claims Collection'' (RIN0991–AB18) received on March 8, 2007; to the Committee on Health, Education, Labor, and Pensions.

EC–981. A communication from the Regulations Coordinator, Office of the Secretary, Department of Health and Human Services,

transmitting, pursuant to law, the report of a rule entitled ''Salary Offset'' (RIN0991–AB19) received on March 8, 2007; to the Committee on Health, Education, Labor, and Pensions.

EC–982. A communication from the Director, Regulations Policy and Management Staff, Department of Health and Human Services, transmitting, pursuant to law, the report of a rule entitled ''Medical Devices; Reprocessed Single-Use Devices; Requirement for Submission of Validation Data; Withdrawal'' (Docket No. 2006N–0335) received on March 8, 2007; to the Committee on Health, Education, Labor, and Pensions.

EC–983. A communication from the Director, Regulations and Policy Management Staff, Department of Health and Human Services, transmitting, pursuant to law, the report of a rule entitled ''Medical Devices; Reprocessed Single-Use Device; Requirements for Submission of Validation Data'' (Docket No. 2006N–0335) received on March 8, 2007; to the Committee on Health, Education, Labor, and Pensions.

EC–984. A communication from the District of Columbia Auditor, transmitting, pursuant to law, a report entitled ''Letter Report: Audit of Advisory Neighborhood Commission 2A for Fiscal Years 2004 Through 2006, as of March 31, 2006''; to the Committee on Homeland Security and Governmental Affairs.

EC–985. A communication from the District of Columbia Auditor, transmitting, pursuant to law, a report entitled ''Fiscal Year 2006 Annual Report on Advisory Neighborhood Commissions''; to the Committee on Homeland Security and Governmental Affairs.

EC–986. A communication from the Director, Office of Personnel Management, transmitting, pursuant to law, a report relative to the implementation and effectiveness of the direct-hire authority to attract candidates with unusually high qualifications to the Federal acquisition workforce; to the Committee on Homeland Security and Governmental Affairs.

EC–987. A communication from the Special Inspector General for Iraq Reconstruction, transmitting, pursuant to law, the Inspector General's quarterly report for the period ending December 31, 2006; to the Committee on Homeland Security and Governmental Affairs.

EC–988. A communication from the Administrator, Environmental Protection Agency, transmitting, pursuant to law, the Agency's Strategic Plan for 2006-2011 and its Performance and Accountability Report for fiscal year 2006; to the Committee on Homeland Security and Governmental Affairs.

EC–989. A communication from the Chairman, U.S. Nuclear Regulatory Commission, transmitting, pursuant to law, the Commission's Performance Budget for fiscal year 2008; to the Committee on Homeland Security and Governmental Affairs.

EC–990. A communication from the Deputy General Counsel and Designated Reporting Official, Office of National Drug Control Policy, Executive Office of the President, transmitting, pursuant to law, a change in previously submitted reported information for the position of Deputy Director for Supply Reduction, received on March 8, 2007; to the Committee on the Judiciary.

EC–991. A communication from the Associate Administrator, Office of Management and Administration, Small Business Administration, transmitting, pursuant to law, a report relative to the Administration's competitive sourcing efforts for fiscal year 2006; to the Committee on Small Business and Entrepreneurship.

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 Mrs. MURRAY:

S. 847. A bill to extend the period of time during which a veteran's multiple sclerosis is to be considered to have been incurred in, or aggravated by, military service during a period of war; to the Committee on Veterans' Affairs.

By Mrs. MURRAY:

S. 848. A bill to amend title 38, United States Code, to provide improved benefits for veterans who are former prisoners of war; to the Committee on Veterans' Affairs.

By Mr. LEAHY (for himself and Mr. CORNYN):

S. 849. A bill to promote accessibility, accountability, and openness in Government by strengthening section 552 of title 5, United States Code (commonly referred to as the Freedom of Information Act), and for other purposes; to the Committee on the Judiciary.

By Mr. BURR (for himself and Mrs. DOLE):

S. 850. A bill to improve sharing of immigration information among Federal, State, and local law enforcement officials, to improve State and local enforcement of immigration laws, and for other purposes; to the Committee on the Judiciary.

By Mr. SCHUMER (for himself, Ms. CANTWELL, Ms. STABENOW, Mr. BROWN, Mrs. MCCASKILL, Mr. BAYH, Mr. SALAZAR, Mr. TESTER, and Mr. CASEY):

S. 851. A bill to amend the Internal Revenue Code of 1986 to provide a higher education opportunity credit in place of existing education tax incentives; to the Committee on Finance.

By Ms. SNOWE:

S. 852. A bill to deauthorize the project for navigation, Tenants Harbor, Maine; to the Committee on Environment and Public Works.

By Ms. SNOWE:

S. 853. A bill to deauthorize the project for navigation, Northeast Harbor, Maine; to the Committee on Environment and Public Works.

By Ms. SNOWE:

S. 854. A bill to modify the project for navigation, Union River, Maine; to the Committee on Environment and Public Works.

By Ms. SNOWE:

S. 855. A bill to deauthorize a certain portion of the project for navigation, Rockland Harbor, Maine; to the Committee on Environment and Public Works.

By Ms. SNOWE:

S. 856. A bill to terminate authorization for the project for navigation, Rockport Harbor, Maine; to the Committee on Environment and Public Works.

By Ms. SNOWE:

S. 857. A bill to redesignate the project for navigation, Saco River, Maine, as an anchorage area; to the Committee on Environment and Public Works.

By Mr. WYDEN (for himself, Ms. SNOWE, Ms. COLLINS, Mr. ENZI, Mr. MENENDEZ, Mr. INOUYE, Mr. DURBIN, and Mr. SANDERS):

S. 858. A bill to amend the Internal Revenue Code of 1986 to extend the transportation fringe benefit to bicycle commuters; to the Committee on Finance.

By Mr. HARKIN (for himself and Mr. LUGAR):

S. 859. A bill to require the Secretary of Energy to award funds to study the feasibility of constructing dedicated ethanol pipelines to increase the energy, economic, and environmental security of the United States, and for other purposes; to the Committee on Energy and Natural Resources.

By Mr. SMITH (for himself, Mrs. CLINTON, Mr. SCHUMER, Mr. BROWN, Ms. STABENOW, Ms. CANTWELL, Mr. LEAHY, Mr. SPECTER, Mr. NELSON of Florida, Mr. COLEMAN, Mr. MENENDEZ, Mr. LAUTENBERG, Mr. DURBIN, Mr. KENNEDY, Ms. COLLINS, Mrs. LINCOLN, Mr. WYDEN, Mr. BAYH, Ms. SNOWE, Mr. SANDERS, and Mr. BINGAMAN):

S. 860. A bill to amend title XIX of the Social Security Act to permit States the option to provide Medicaid coverage for low-income individuals infected with HIV; to the Committee on Finance.

By Mr. GRASSLEY (for himself and Mr. HARKIN):

S. 861. A bill to designate the Federal building located at 131 East 4th Street in Davenport, Iowa, as the ''James A. Leach Federal Building''; to the Committee on Environment and Public Works.

By Mr. HARKIN (for himself and Mr. GRASSLEY):

S. 862. A bill to designate the Federal building located at 210 Walnut Street in Des Moines, Iowa, as the ''Neal Smith Federal Building''; to the Committee on Environment and Public Works.

By Mr. SESSIONS (for himself, Ms. LANDRIEU, Mr. VITTER, Mr. CORNYN, and Mr. GRASSLEY):

S. 863. A bill to amend title 18, United States Code, with respect to fraud in connection with major disaster or emergency funds; to the Committee on the Judiciary.

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

S. 864. A bill to amend the Federal Power Act to clarify the jurisdiction of the Federal Energy Regulatory Commission, and for other purposes; to the Committee on Energy and Natural Resources.

By Ms. COLLINS (for herself and Ms. SNOWE):

S. 865. A bill to authorize the Secretary of the Army to carry out a project for the mitigation of shore damages attributable to the project for navigation, Saco River, Maine; to the Committee on Environment and Public Works.

By Mr. LUGAR (for himself and Mr. BINGAMAN):

S. 866. A bill to provide for increased planning and funding for health promotion programs of the Department of Health and Human Services; to the Committee on Health, Education, Labor, and Pensions.

By Mr. KENNEDY (for himself and Mr. KERRY):

S. 867. A bill to adjust the boundary of Lowell National Historical Park, and for other purposes; to the Committee on Energy and Natural Resources.

By Mr. KENNEDY (for himself and Mr. KERRY):

S. 868. A bill to amend the Wild and Scenic Rivers Act to designate segments of the Taunton River in the Commonwealth of Massachusetts as a component of the National Wild and Scenic Rivers System; to the Committee on Energy and Natural Resources.

ADDITIONAL COSPONSORS

S. 5

At the request of Mr. REID, the name of the Senator from North Dakota (Mr. DORGAN) was added as a cosponsor of S. 5, a bill to amend the Public Health Service Act to provide for human embryonic stem cell research.

S. 21

At the request of Mr. REID, the name of the Senator from Rhode Island (Mr. WHITEHOUSE) was added as a cosponsor of S. 21, a bill to expand access to preventive health care services that help reduce unintended pregnancy, reduce abortions, and improve access to women's health care.

S. 22

At the request of Mr. WEBB, the name of the Senator from Illinois (Mr. DURBIN) was added as a cosponsor of S. 22, a bill to amend title 38, United States Code, to establish a program of educational assistance for members of the Armed Forces who serve in the Armed Forces after September 11, 2001, and for other purposes.

S. 261

At the request of Ms. CANTWELL, the names of the Senator from Washington (Mrs. MURRAY), the Senator from Massachusetts (Mr. KERRY), the Senator from Michigan (Ms. STABENOW), the Senator from Connecticut (Mr. LIEBERMAN) and the Senator from Maine (Ms. SNOWE) were added as cosponsors of S. 261, a bill to amend title 18, United States Code, to strengthen prohibitions against animal fighting, and for other purposes.

S. 311

At the request of Ms. LANDRIEU, the names of the Senator from Michigan (Ms. STABENOW) and the Senator from Maryland (Mr. CARDIN) were added as cosponsors of S. 311, a bill to amend the Horse Protection Act to prohibit the shipping, transporting, moving, delivering, receiving, possessing, purchasing, selling, or donation of horses and other equines to be slaughtered for human consumption, and for other purposes.

S. 474

At the request of Mrs. HUTCHISON, the name of the Senator from North Carolina (Mrs. DOLE) was added as a cosponsor of S. 474, a bill to award a congressional gold medal to Michael Ellis DeBakey, M.D.

S. 522

At the request of Mr. BAYH, the names of the Senator from New Hampshire (Mr. GREGG) and the Senator from Mississippi (Mr. COCHRAN) were added as cosponsors of S. 522, a bill to safeguard the economic health of the United States and the health and safety of the United States citizens by improving the management, coordination, and effectiveness of domestic and international intellectual property rights enforcement, and for other purposes.

S. 543

At the request of Mr. NELSON of Nebraska, the names of the Senator from Missouri (Mr. BOND), the Senator from Massachusetts (Mr. KENNEDY) and the Senator from Arkansas (Mrs. LINCOLN) were added as cosponsors of S. 543, a bill to improve Medicare beneficiary access by extending the 60 percent compliance threshold used to determine whether a hospital or unit of a hospital is an inpatient rehabilitation facility under the Medicare program.

S. 573

At the request of Ms. STABENOW, the name of the Senator from Montana (Mr. TESTER) 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. 585

At the request of Mr. DORGAN, the name of the Senator from Montana (Mr. BAUCUS) was added as a cosponsor of S. 585, a bill to require the Secretary of the Treasury to mint and issue coins in commemoration of Native Americans and the important contributions made by Indian tribes and individual Native Americans to the development of the United States and the history of the United States, and for other purposes.

S. 615

At the request of Mr. LAUTENBERG, the name of the Senator from Louisiana (Ms. LANDRIEU) was added as a cosponsor of S. 615, a bill to provide the nonimmigrant spouses and children of nonimmigrant aliens who perished in the September 11, 2001, terrorist attacks an opportunity to adjust their status to that of an alien lawfully admitted for permanent residence, and for other purposes.

S. 627

At the request of Mr. HARKIN, the names of the Senator from Massachusetts (Mr. KERRY) and the Senator from Minnesota (Mr. COLEMAN) were added as cosponsors of S. 627, a bill to amend the Juvenile Justice and Delinquency Prevention Act of 1974 to improve the health and well-being of maltreated infants and toddlers through the creation of a National Court Teams Resource Center, to assist local Court Teams, and for other purposes.

S. 718

At the request of Mr. DURBIN, the name of the Senator from New Mexico (Mr. BINGAMAN) was added as a cosponsor of S. 718, a bill to optimize the delivery of critical care medicine and expand the critical care workforce.

S. 721

At the request of Mr. ENZI, the name of the Senator from Hawaii (Mr. INOUYE) was added as a cosponsor of S. 721, a bill to allow travel between the United States and Cuba.

S. 727

At the request of Mr. LEAHY, his name was added as a cosponsor of S. 727, a bill to improve and expand geographic literacy among kindergarten through grade 12 students in the United States by improving professional development programs for kindergarten through grade 12 teachers offered through institutions of higher education.

S. 771

At the request of Mr. HARKIN, the name of the Senator from Pennsylvania (Mr. SPECTER) was added as a cosponsor of 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.

S. 803

At the request of Mr. ROCKEFELLER, the name of the Senator from Washington (Ms. CANTWELL) was added as a cosponsor of S. 803, a bill to repeal a provision enacted to end Federal matching of State spending of child support incentive payments.

S. 815

At the request of Mr. CRAIG, the name of the Senator from Alaska (Mr. STEVENS) was added as a cosponsor of S. 815, a bill to provide health care benefits to veterans with a service-connected disability at non-Department of Veterans Affairs medical facilities that receive payments under the Medicare program or the TRICARE program.

S. 827

At the request of Mr. KERRY, the name of the Senator from Massachusetts (Mr. KENNEDY) was added as a cosponsor of S. 827, a bill to establish the Freedom's Way National Heritage Area in the States of Massachusetts and New Hampshire, and for other purposes.

S. 831

At the request of Mr. DURBIN, the names of the Senator from Washington (Mrs. MURRAY) and the Senator from Ohio (Mr. BROWN) were added as cosponsors of S. 831, a bill to authorize States and local governments to prohibit the investment of State assets in any company that has a qualifying business relationship with Sudan.

S.J. RES. 5

At the request of Mr. DURBIN, the names of the Senator from Arkansas (Mr. PRYOR), the Senator from New York (Mrs. CLINTON) and the Senator from Massachusetts (Mr. KERRY) were added as cosponsors of S.J. Res. 5, a joint resolution proclaiming Casimir Pulaski to be an honorary citizen of the United States posthumously.

S. RES. 95

At the request of Mr. SPECTER, the name of the Senator from Wyoming (Mr. ENZI) was added as a cosponsor of S. Res. 95, a resolution designating March 25, 2007, as ''Greek Independence Day: A National Day of Celebration of Greek and American Democracy''.

AMENDMENT NO. 299

At the request of Mr. STEVENS, the name of the Senator from Louisiana (Mr. VITTER) was added as a cosponsor of amendment No. 299 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. 383

At the request of Mr. BIDEN, the name of the Senator from Connecticut (Mr. LIEBERMAN) was added as a cosponsor of amendment No. 383 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. 412

At the request of Mr. LIEBERMAN, his name was added as a cosponsor of amendment No. 412 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. 420

At the request of Mr. BIDEN, the name of the Senator from Maine (Ms. COLLINS) was added as a cosponsor of amendment No. 420 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. 435

At the request of Mr. PRYOR, the names of the Senator from Maryland (Ms. MIKULSKI) and the Senator from Minnesota (Mr. COLEMAN) were added as cosponsors of amendment No. 435 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. 448

At the request of Mr. ENSIGN, the names of the Senator from Louisiana (Mr. VITTER) and the Senator from Georgia (Mr. ISAKSON) were added as cosponsors of amendment No. 448 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. LEAHY (for himself and Mr. CORNYN):

S. 849. A bill to promote accessibility, accountability, and openness in Government by strengthening section 552 of title 5, United States Code (commonly referred to as the Freedom of Information Act), and for other purposes; to the Committee on the Judiciary.

Mr. LEAHY. Mr. President, I am pleased to join Senator CORNYN in reintroducing the Openness Promotes Effectiveness in our National Government Act'', the ''OPEN Government Act''. This bill contains commonsense reforms to update and strengthen the Freedom of Information Act (FOIA) for all Americans.

Last year, the Senate Judiciary Committee favorably reported an essentially identical bill. Sadly, the full Senate did not consider this legislation before it adjourned last year. But, I hope that the Senate will do its part to reinvigorate FOIA this year, by promptly passing this bill.

During my three decades in the Senate, I have devoted a considerable portion of my work to improving government openness, to make our government work better for the American people. At times, this has been a lonely effort. But, for the past 4 years, I have been delighted to have Senator CORNYN as a partner on this important issue. I thank him for his leadership on preserving and strengthening FOIA.

Now in its fourth decade, the Freedom of Information Act remains an indispensable tool in shedding light on bad policies and government abuses. But, today, FOIA also faces challenges like never before. During the past 6 years, the Bush administration has allowed lax FOIA enforcement and a near obsession with secrecy to undercut the public's right to know. As we celebrate Sunshine Week this week, there is urgent need to update and strengthen our FOIA law.

Chief among the problems with FOIA is the major delays encountered by FOIA requestors. According to a report by the National Security Archive, an independent nongovernmental research institute, the oldest outstanding FOIA requests date back to 1989—before the collapse of the Soviet Union. And, while the number of FOIA requests submitted each year continues to rise, our Federal agencies remain unable—or unwilling—to keep up with the demand. Just recently, the Government Accountability Office found that Federal agencies had 43 percent more FOIA requests pending and outstanding in 2006, than they had in 2002.

Although the Bush administration has taken modest steps to address the growing problem with FOIA delays, that effort has not done nearly enough to correct lax FOIA enforcement by Federal agencies. More than a year after the President's directive to Government agencies to improve their FOIA services, Americans who seek information under FOIA remain less likely to obtain it. For example, a recent study by the Coalition of Journalists for Open Government found that the percentage of FOIA requestors who obtained at least some of the information that they requested from the Government fell by 31 percent last year. These and other shortcomings with the President's FOIA policy demonstrate that the Congress must play an important role in preserving and strengthening FOIA.

The legislation that Senator CORNYN and I introduce today takes several important steps to help Americans obtain timely responses to their FOIA requests and to provide government officials with the tools that they need to ensure that our government remains open and accessible. First, our bill restores meaningful deadlines for agency action by ensuring that the 20-day statutory clock runs immediately upon the receipt of the request and the bill impose real consequences on Federal agencies for missing statutory deadlines. Our bill also clarifies that FOIA applies to agency records that are held by outside private contractors, no matter where these records are located.

In addition, our bill establishes a FOIA hotline service for all Federal agencies, either by telephone or on the Internet, to enable requestors to track the status of their FOIA requests. Finally, our bill enhances the agency reporting requirements under FOIA and improves personnel policies for FOIA officials to enhance agency FOIA performance.

This legislation was drafted after a long and thoughtful process of consultation with individuals and organizations that rely on FOIA to obtain information and share it with the public, including the news media, librarians, and public interest organizations representing all facets of the political spectrum.

This legislation also reaffirms the fundamental premise of FOIA—that government information belongs to all Americans. Again, I thank Senator CORNYN for the time and effort that he has devoted to reinvigorating FOIA, and I urge all Senators to join us in supporting this important open government legislation.

By Ms. SNOWE:

S. 852. A bill to deauthorize the project for navigation, Tenants Harbor, Maine; to the Committee on Environment and Public Works.

By Ms. SNOWE:

S. 853. A bill to deauthorize the project for navigation, Northeast Harbor, Maine; to the Committee on Environment and Public Works.

By Ms. SNOWE:

S. 854. A bill to modify the project for navigation, Union River, Maine; to the Committee on Environment and Public Works.

By Ms. SNOWE:

S. 855. A bill to deauthorize a certain portion of the project for navigation, Rockland Harbor, Maine; to the Committee on Environment and Public Works.

By Ms. SNOWE:

S. 856. A bill to terminate authorization for the project for navigation, Rockport Harbor, Maine; to the Committee on Environment and Public Works.

By Ms. SNOWE:

S. 857. A bill to redesignate the project for navigation, Saco River, Maine, as an anchorage area; to the Committee on Environment and Public Works.

Ms. SNOWE. Mr. President, I rise today to reintroduce a series of bills that are important to economic development along our long coastline. Most of these bills were either included in the Water Resources Development Act (WRDA) of 2006 or has passed the Senate as a stand-alone bill. Unfortunately, much to my great disappointment, the larger Corps of Engineers reauthorization legislation did not see action before the Senate adjourned the 109th Congress. My hope is that all of these noncontroversial bills will be included in the WRDA legislation in the 110th Congress.

Importantly, all of my bills are supported by the various townspeople and their officials, and State officials, who view these harbor deauthorizations and river improvements as engines for economic development. The bills also have the support of the New England District of the Corps of Engineers.

The first bill pertains to Tenants Harbor, St. George, ME. Deauthorizing the Federal Navigation Channel (FNC) would be of great help to the town in appropriately managing the Harbor to maximize mooring areas. Over the years there have been mounting problems with the Army Corps of Engineers' mooring permit process as people seeking permits for moorings that have existed for 30 years continue to be notified that the mooring locations are prohibited because they fall within the federal navigational channel.

My second bill concerns Northeast Harbor in Mt. Desert, ME. The language will not only allow for more recreational moorages and commercial activities, it will also be an economic boost to Northeast Harbor, which is surrounded by Acadia National Park, one of the Nation's most visited parks—both by land and by water. The removal of the harbor from the FNC will allow the town to adapt to the high demand for moorings and will allow residents to obtain moorings in a more timely manner. The Harbor has now reached capacity for both moorings and shoreline facilities and has a waiting list of over sixty people, along with commercial operators who have been waiting for years to obtain a mooring for their commercial vessels.

My third bill addresses the Union River in Ellsworth, ME. The bill supports the city of Ellsworth's efforts to revitalize the Union River navigation channel, harbor, and shoreline. The modification called for in my legislation will redesignate a portion of the Union River as an anchorage area. This redesignation will allow for a greater number of moorings in the harbor without interfering with navigation and will further improve the City's revitalization efforts for the harbor area.

My fourth bill, that passed the Senate as a stand-alone bill last year, will make the mooring of an historic windjammer fleet in Rockland Harbor a reality. Originally a strong fishing port, Rockland retains its rich marine heritage, and it is one of the fastest growing cities in the Mid-coast area. Like many of the port cities on the eastern seaboard, Rockland has been forced to confront an assortment of financial and environmental changes, but happily, the city has been able to respond to these challenges in positive and productive ways.

The City of Rockland has hosted the Windjammer fleet since 1955, earning a well-deserved reputation as the Windjammer Capital of the World. Rockland's Windjammers are now National Historic Landmarks, and as such, are vitally important to both the city and the State. The image of The Victory Chimes, one of five vessels slated to be berthed at the new wharf and a vessel whose historical designation I supported, graces the Maine quarter. This beautiful fleet of windjammers symbolizes the great seagoing history of Maine as well as the sense of adventure that we have come to associate so closely with the American experience.

Lermond Cove is perfectly situated in the Rockland Harbor to be the new and permanent home for these cherished vessels. The proposed Windjammer Wharf will also provide a safe harbor from storms, as it is tucked nicely near the Maine State Ferry and Department of Marine Resources piers.

The State of Maine capitalizes on the visual impact of the Windjammers to promote tourism, working waterfronts and the natural beauty that distinguishes our landscape. Over $300,000 is spent yearly by the Maine Windjammer Association to advertise and promote these businesses. Deauthorizing that part of the Federal navigational channel will clearly trigger significant and unrealized economic benefits for the region, providing many beneficial dollars to the local area and the State of Maine. According to the Longwood study, which uses a multiplier of 1.5, the economic impact of this spending is 3.8 million dollars a year. Conservatively, the Windjammers spend over 2.5 million dollars a year in the state.

I want to thank the New England Corps of Engineers for their help in drafting the language and working with the Maine Department of Transportation, which runs the ferry line, and also the Rockland city officials, the Rockland Port District, and the Captains of the Windjammer vessels—Mainers and business people with the vision and commitment needed to complete Windjammer Wharf and create a permanent home for this historic fleet of windjammers in Rockland Harbor.

I am reintroducing my fifth bill for the Town of Rockport—this request came in after the Environment and Public Works Committee passed out the WRDA bill in the last Congress. It would deauthorize a part of the Federal Navigation Channel in Rockport Harbor. The town, located on the active Mid-Coast of Maine, has requested that Congress decommission a 35 foot by 275 foot area directly adjacent to the bulkhead at Marine Park. With this deauthorization, the Town will be able to install permanent pilings to secure a set of new municipal floats, which would replace the current temporary float system.

My sixth bill for reintroduction today is a bill for the City of Saco, Maine that concerns the town's ability to allow the mooring of boats on the Saco River. The bill changes the turning basin into an anchorage while managing a 50-foot channel within the anchorage. The town was not aware that it was in violation because of 21 moorings located in the Saco River Federal Navigational Project. In an effort to eliminate this encroachment, city officials have requested a modification or de-authorization of the Federal Navigational Project to resolve the issue.

The US Army Corps of Engineers suggested language that re-designates the maneuvering basin into an anchorage area that will meet the needs of the community. The language will allow for the legal moorage of boats, the fairway for which would be maintained by the city of Saco as is customary for towns with Federal anchorages. The two mayors of the cities involved along with the Saco Yacht Club have agreed to the Corps' language.

It is my hope that all of these noncontroversial provisions will be included in the Water Resources Development Act of 2007 and I am writing Senator BOXER, the new Chairwoman of the EPW Committee requesting inclusion of my bills in the upcoming WRDA bill. I am pleased to hear that she is also anxious for the WRDA bill to move forward just as quickly as possible. It has been six long years since our last WRDA bill was signed into law—much too long even for the patient people in Maine who want to urgently move forward on economic development for their coastal communities.

Also, I am pleased to be cosponsoring a bill with Senator COLLINS that addresses the project for the mitigation of shore damage at Camp Ellis, ME. The bill authorizes the Secretary of the Army to carry out the project, under the River and Harbor Act of 1968, to mitigate shore damage attributable to the Saco River navigational project, waiving the funding cap requirement for congressional authorization set forth in that Act. The legislation is needed to complete the project as it will cost more than authorized under current law, and is the preferred project by non-Federal interests.

Studies have shown that the Army Corps jetty, built over 100 years ago, has contributed to beach erosion and the loss of more than thirty houses to the sea. The houses in danger currently were once six rows back from the water. When the mitigation project is completed, it is hoped that it will protect the residents, households, and businesses along the shoreline adjacent to the Army Corps jetty in Saco.

By Mr. WYDEN (for himself, Ms. SNOWE, Ms. COLLINS, Mr. ENZI, Mr. MENENDEZ, Mr. INOUYE, Mr. DURBIN, and Mr. SANDERS):

S. 858. A bill to amend the Internal Revenue Code of 1986 to extend the transportation fringe benefit to bicycle commuters; to the Committee on Finance.

Mr. WYDEN. Mr. President, about the most red, white and blue, patriotic action our Nation could take is to develop a new energy policy that reduces our Nation's dependence on foreign oil. And the biggest source of our oil dependence is transportation—the cars, trucks and sport utility vehicles (SUVs) that our citizens drive every day.

That's why I am pleased to be introducing a bill that will help citizens who want to do their part to reduce oil dependence by commuting to work by bicycle. I am joined in sponsoring the Bicycle Commuters Benefits Act of 2007 by Senators SNOWE, COLLINS, DURBIN, MENENDEZ, INOUYE, ENZI and SANDERS.

I know that many people in our country want to do something concrete about our Nation's dependence on oil and gas. As gas prices continue to climb again this spring, more and more people are going to be looking for actions that they can take to free themselves from this dependency. The bill I am introducing today gives Americans more incentive to give up the cars and trucks that they drive to and from work every day and get on their bicycles instead.

According to recent Census reports, more than 500,000 people throughout the United States commute to work by bicycle. They are freeing themselves from sitting in traffic. They are saving energy and overcoming their dependence on oil and gas. They are getting exercise; avoiding obesity and helping us keep our air clean and safe to breathe.

Yet, they are commuting by bicycle at their own expense. Their fellow employees who take mass transit to and from work have an incentive created in the Transportation Equity Act for the 21st Century that enables their employers to pay for their bus or subway ride. And those who commute to work by car or truck can receive tax-free parking benefits provided by their employers. These incentives are great for mass transit commuters or those who drive to work. But they also create a financial disincentive for those riding their bikes to and from their jobs. The Bicycle Commuters Benefits Act of 2007 will eliminate this financial disincentive and level the commuting field for bicyclists.

The bill extends the fringe benefits that employers can offer their employees for commuting by public transit, car or truck to those who ride their bicycles to and from their jobs. Our bill amends the tax code so that public and private employers can offer their employees a monthly benefit payment that will help them cover the costs of riding their bikes, instead of driving and parking their cars where they work. The bill also provides employers the flexibility to set their own level of benefit payment up to a specified amount. That way, employers and their employees can decide how much of an incentive they need to stop driving and start riding their bikes. Those who currently ride the bus and/or subway to work would also gain an extra incentive to ride their bikes. Employers can deduct the cost of their benefit payments from their taxable income. This reduces the taxes that they pay to the Federal Government. And, in turn, employees will receive anywhere from $40–$110 per month as a non-taxable benefit, to help them pay for the costs of riding their bikes.

This is a fair and modest proposal that will reward employees who ride their bikes to and from their jobs.

Our Senate bill is a companion bill to a bill being introduced by my fellow Oregonian, Congressman EARL BLUMENAUER. He has dozens of co-sponsors from both sides of the aisle and every part of the United States eager to offer bicycle commuters the same incentive that I want to offer to those who take mass transit or drive.

In addition, our bill is supported by many regional and national bicycling organizations such as Bikes Belong, Cycle Oregon, the Bicycle Transportation Alliance, the League of American Bicyclists, the Washington Area Bicyclist Association, Transportation Alternatives and hundreds of Capitol Hill employees who commute by bike to work every day.

When you look around our cities, the taxpayers have paid millions of dollars for bike trails in all of America's urban areas and major job markets. Now, bicycle commuters will have an extra incentive to make greater use of this public investment to commute to and from their jobs.

I look forward to working with our colleagues to enact this legislation to reward citizens doing their part to put us on the road to oil independence by biking to work.

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. 858

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 ''Bicycle Commuters Benefits Act of 2007''.

SEC. 2. EXTENSION OF TRANSPORTATION FRINGE BENEFIT TO BICYCLE COMMUTERS.

(a) IN GENERAL.—Paragraph (1) of section 132(f) of the Internal Revenue Code of 1986 (relating to general rule for qualified transportation fringe) is amended by adding at the end the following:

''(D) Bicycle commuting allowance.''.

(b) BICYCLE COMMUTING ALLOWANCE DEFINED.—Paragraph (5) of section 132(f) of the Internal Revenue Code of 1986 (relating to definitions) is amended by adding at the end the following:

''(F) BICYCLE COMMUTING ALLOWANCE.—The term 'bicycle commuting allowance' means an amount provided to an employee for transportation on a bicycle if such transportation is in connection with travel between the employee's residence and place of employment.''.

(c) LIMITATION ON EXCLUSION.—Subparagraph (A) of section 132(f)(2) of the Internal Revenue Code of 1986 (relating to limitation on exclusion) is amended by striking ''subparagraphs (A) and (B)'' and inserting ''subparagraphs (A), (B), and (D)''.

(d) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 2007.

By Mr. HARKIN (for himself and Mr. LUGAR):

S. 859. A bill to require the Secretary of Energy to award funds to study the feasibility of constructing dedicated ethanol pipelines to increase the energy, economic, and environmental security of the United States, and for other purposes; to the Committee on Energy and Natural Resources.

Mr. HARKIN. Mr. President, today I am introducing the Ethanol Infrastructure Expansion Act of 2007. This bill directs the Department of Energy, DOE, to study and evaluate the feasibility of transporting ethanol by pipeline. I am pleased that my colleague, Senator LUGAR of Indiana, is joining me as a cosponsor of this bill.

There is broad recognition that we need to reduce our almost-complete dependence on oil for energy in our transportation sector. We also understand that there is not a single, simple solution to this dependence. I believe that we need to use energy more efficiently and promote alternatives to petroleum-based fuels in transportation.

The most promising liquid fuel alternative to conventional gasoline today is ethanol. Use of ethanol as an additive in gasoline and in the form of E85 is expanding rapidly, and for good reasons. First of all, as a domestically-produced fuel, ethanol contributes to our national energy security. As a gasoline additive, ethanol provides air quality benefits by reducing auto tailpipe emissions of air pollutants. Because ethanol is biodegradable, its use poses no threat to surface water or groundwater. Finally, the production of ethanol provides national and regional economic and job-growth benefits by using local resources and labor to contribute to critical national transportation energy needs.

My Congressional colleagues and I have recognized the benefits and potential of ethanol and have promoted its expanded production and use in numerous bills, including most recently in the 2005 energy bill. A key provision in that legislation is the renewable fuels standard under which motor vehicle fuel sold in the United States is required to contain increasing levels of renewable fuels. Several other provisions promote the production of ethanol from a broad variety of plentiful and low-cost biomass including corn stover, wheat straw, forest industry wastes woody municipal wastes and dedicated energy crops.

The viability of ethanol is reflected in the rapid expansion of its production

and use, which has increased by more than 20 percent annually for the past several years. Moreover, ethanol's longer-term potential to become a very significant energy source for transportation is gaining attention. A number of studies have concluded that ethanol can contribute 20 to 30 percent or more of our transportation fuel in the future. Several of my Senate colleagues have joined me to introduce S. 23, the Biofuels Security Act of 2007, which calls for increased access to ethanol at the pump and greatly expanded production of flexible-fuel vehicles. The Act also provides a directive for domestic production of renewable fuels to reach 60 billion gallons a year by 2030. I am especially proud of the leadership role that my State of Iowa and communities across rural America are going to play in this expansion.

Given this outlook, it is time for us to consider the full implications of such a transition. One issue that deserves prompt attention is that of ethanol transport. The volumes of ethanol to be shipped in the future strongly suggest that pipeline transport should be considered due to the potential economic and environmental advantages this alternative might offer as compared to shipment by highway, rail tanker, or barge. As production volumes increase, especially in the Midwest, it is likely to be more economical to pump ethanol through pipelines than to ship it in containers across the country. Pipeline shipping could provide for reduced vehicle emissions and superior energy efficiency compared to rail or tanker shipment.

For all of these reasons, we should begin to consider development of an ethanol pipeline network. Given the pace of ethanol's growth, it is likely that our Nation could begin to benefit from pipeline transport of ethanol as early as 2015. The current state of knowledge regarding transport of ethanol by pipeline is limited. Although it is being done in Brazil, a world leader in the production and use of ethanol, challenges remain. The water solubility of ethanol introduces technical and operational issues that affect the shipment of ethanol in multi-product pipelines. Thus, the largest associated research costs will be in the planning, siting, design, financing, permitting and construction of the first ethanol pipelines. This work may well take as long as a decade, perhaps longer. For that reason, we need to begin now to develop a solid understanding of this ethanol transport option.

This bill initiates that process by directing the Department of Energy to conduct ethanol pipeline feasibility studies. It calls for analyses of the technological, economic, regulatory, financial and siting issues related to transporting ethanol via pipelines. A systematic analysis of these issues will provide the substantive information necessary to assess the costs and benefits of this transport alternative. The Act would allow DOE the option of funding private sector studies or conducting the studies on its own. The results of these studies will provide a clearer picture of the benefits and challenges of pipeline transport of ethanol. They will provide critical information, both for the ethanol industry as it contemplates ethanol transport alternatives, and for policy-makers seeking to understand what policies or programs might be appropriate to promote the most cost-effective and environmentally sound ethanol transport into the future.

We have broad agreement on the need to do all that we can to reduce our dependence on oil. We are promoting expanding production and use of renewable fuels in many ways, but we need to take into account the full range of infrastructure issues that broader ethanol use entails. The rapid growth of ethanol production and use necessitates the very near-term study of transporting ethanol by pipeline. I urge my Senate colleagues to join me in passing this important and timely 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. 859

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 ''Ethanol Infrastructure Expansion Act of 2007''.

SEC. 2. FINDINGS.

Congress finds that—

(1) it is in the national interest to make greater use of ethanol in transportation fuels;

(2) ethanol is a clean, renewable fuel that provides public health benefits in the form of reduced emissions, including reduced greenhouse gas emissions that cause climate change;

(3) ethanol use provides economic gains to agricultural producers, biofuels producers, and rural areas;

(4) ethanol use benefits the national security of the United States by displacing the use of petroleum, much of which is imported from foreign countries that are hostile to the United States;

(5) ethanol can reduce prices at the pump for motoring consumers by extending fuel supplies and due to the competitive cost of ethanol relative to conventional gasoline;

(6) ethanol faces shipping challenges in pipelines that transport other liquid transportation fuels;

(7) currently ethanol is shipped by rail tanker cars, barges, and trucks, all of which could, as ethanol production expands, encounter capacity limits due to competing use demands for the rail tanker cars, barges, and trucks;

(8) as the United States ethanol market expands in the coming years there is likely to be a need for dedicated ethanol pipelines to transport ethanol from the Midwest, where ethanol generally is produced, to the Eastern and Western United States;

(9) as of the date of enactment of this Act, dedicated ethanol pipelines do not exist in the United States and will be challenging to construct, at least initially;

(10) Brazil has already shown that ethanol can be shipped effectively via pipeline; and

(11) having an ethanol pipeline study completed in the very near term is important because the construction of 1 or more dedicated ethanol pipelines would take at least several years to complete.

SEC. 3. DEFINITION OF SECRETARY.

In this Act, the term ''Secretary'' means the Secretary of Energy.

SEC. 4. FEASIBILITY STUDIES.

(a) IN GENERAL.—The Secretary, in coordination with the Secretary of Agriculture and the Secretary of Transportation, shall spend up to $1,000,000 to fund feasibility studies for the construction of dedicated ethanol pipelines.

(b) CONDUCT OF STUDIES.—

(1) IN GENERAL.—The Secretary shall—

(A) through a competitive solicitation process, select 1 or more firms having capabilities in the planning, development, and construction of dedicated ethanol pipelines to carry out the feasibility studies described in subsection (a); or

(B) carry out the feasibility studies in conjunction with such firms.

(2) TIMING.—

(A) IN GENERAL.—If the Secretary elects to select 1 or more firms under paragraph (1)(A), the Secretary shall award funding under this section not later than 120 days after the date of enactment of this Act.

(B) STUDIES.—As a condition of receiving funds under this section, a recipient of funding shall agree to submit to the Secretary a completed feasibility study not later than 360 days after the date of enactment of this Act.

(c) STUDY FACTORS.—Feasibility studies funded under this Act shall include consideration of—

(1) existing or potential barriers to dedicated ethanol pipelines, including technical, siting, financing, and regulatory barriers;

(2) potential evolutionary pathways for the development of an ethanol pipeline transport system, such as starting with localized gathering networks as compared to major interstate ethanol pipelines to carry larger volumes from the Midwest to the East or West coast;

(3) market risk, including throughput risk, and ways of mitigating the risk;

(4) regulatory, financing, and siting options that would mitigate risk in these areas and help ensure the construction of dedicated ethanol pipelines;

(5) financial incentives that may be necessary for the construction of dedicated ethanol pipelines, including the return on equity that sponsors of the first dedicated ethanol pipelines will require to invest in the pipelines;

(6) ethanol production of 20,000,000,000, 30,000,000,000, and 40,000,000,000 gallons per year by 2020; and

(7) such other factors that the Secretary considers to be appropriate.

(d) CONFIDENTIALITY.—If a recipient of funding under this section requests confidential treatment for critical energy infrastructure information or commercially-sensitive data contained in a feasibility study submitted by the recipient under subsection (b)(2)(B), the Secretary shall offer to enter into a confidentiality agreement with the recipient to maintain the confidentiality of the submitted information.

(e) REVIEW; REPORT.—The Secretary shall—

(1) review the feasibility studies submitted under subsection (b)(2)(B) or carried out under subsection (b)(1)(B); and

(2) not later than 15 months after the date of enactment of this Act, submit to Congress a report that includes—

(A) information about the potential benefits of constructing dedicated ethanol pipelines; and

(B) recommendations for legislation that could help provide for the construction of dedicated ethanol pipelines.

SEC. 5. FUNDING.

There is authorized to be appropriated to the Secretary to carry out this Act $1,000,000 for fiscal year 2008, to remain available until expended.

By Mr. SMITH (for himself, Mrs. CLINTON, Mr. SCHUMER, Mr. BROWN, Ms. STABENOW, Ms. CANTWELL, Mr. LEAHY, Mr. SPECTER, Mr. NELSON of Florida, Mr. COLEMAN, Mr. MENENDEZ, Mr. LAUTENBERG, Mr. DURBIN, Mr. KENNEDY, Ms. COLLINS, Mrs. LINCOLN, Mr. WYDEN, Mr. BAYH, Ms. SNOWE, Mr. SANDERS, and Mr. BINGAMAN):

S. 860. A bill to amend title XIX of the Social Security Act to permit States the option to provide Medicaid coverage for low-income individuals infected with HIV; to the Committee on Finance.

Mr. SMITH. Mr. President, I rise today to introduce the Early Treatment for HIV Act, or ETHA. I ask unanimous consent that the full text of this bill, along with the numerous letters of support I have received from advocacy organizations, be printed in the RECORD. I am pleased that Senator CLINTON is joining me once again to introduce ETHA. I thank her for the steadfast support she has shown people living with HIV. This terrible illness knows no party affiliation, and I am pleased to say that ETHA's 20 cosponsors span both sides of the aisle.

ETHA provides States the ability to extend Medicaid coverage to low-income, HIV-positive individuals before they develop full-blown AIDS. Today, the unfortunate reality is that most patients must become disabled before they can qualify for Medicaid. Nearly 50 percent of people living with AIDS who know their status lack ongoing access to treatment. In my home State of Oregon, there are approximately 5,700 persons living with HIV/AIDS. It is estimated that approximately 40 percent of these Oregonians are not receiving care for their HIV disease. I believe it is our moral responsibility to do everything we can to ensure that all people living with HIV—regardless of their income or their insurance status—have access to timely, effective treatment.

Unfortunately, safety net programs across the country are running out of money, and as a consequence, they are generally unable to cover all of the people who need assistance paying for their medical care. For instance, Oregon's Ryan White funded AIDS Drug Assistance Program (ADAP) is experiencing significant financial hardship due to years of inadequate funding. As a consequence, the program has been forced to impose burdensome cost-sharing requirements and limit the scope of drugs it covers on its formulary. Fortunately, Oregon's ADAP has not had to resort to service waiting lists, a cost control mechanism that many States have been forced to adopt. As safety net programs like ADAP continue to struggle, ETHA gives States another way to reach out to low-income, HIV-positive individuals.

I believe ETHA represents a promising opportunity to turn the tide against this devastating epidemic. In 2005, there were 220 newly infected HIV cases reported in my home State of Oregon. If we were able to provide even a fraction of those individuals access to early treatment, we could prevent the progression of their condition to full-blown AIDS. Experience has shown that current HIV treatments are very successful in delaying the progression from HIV infection to AIDS, and help improve the health and quality of life for millions of people living with the disease.

Studies conducted by Pricewaterhouse Cooper (PWC) support providing early healthcare to individuals diagnosed with HIV because it has both the potential to save lives and control costs. Specifically, providing individuals coverage through ETHA could reduce the death rate of persons living with HIV by more than half. Similarly encouraging is the potential cost-savings ETHA could generate in the Medicaid program. Due to its preventive aim, ETHA is estimated to begin saving the Medicaid program $31.7 million each year after the effects of expanded access to care are fully realized.

I believe ETHA is a key example of the type of reform Congress needs to be implementing to the federal entitlements. The short term investment required to expand Medicaid coverage will ultimately result in significant long-term savings to the program—at no harm to the beneficiary. But most importantly, ETHA takes an important step toward ensuring that all Americans living with HIV can get the medical care they need to lead healthy, productive lives for as long as possible.

One of the strongest features of ETHA is the enhanced Federal Medicaid match rate it provides to encourage States to expand coverage to individuals diagnosed with HIV. This provision closely models the successful Breast and Cervical Cancer Treatment and Prevention Act of 2000, which allows States to provide early Medicaid intervention to women with breast and cervical cancer. We can build upon this success by passing ETHA and extending similar early intervention treatments to people with HIV.

HIV/AIDS touches the lives of millions of Americans from a variety of backgrounds. Some get the proper medications they need to keep healthy, but far too many do not. The inability to access life-saving treatment literally creates a ''life and death'' situation for many of our most vulnerable citizens. Fortunately, ETHA can give those individuals access to the care they need so they can look forward to a long, healthy life.

I again want to thank the strong group of bipartisan Senators that is joining me as original cosponsors of ETHA. I also wish to thank all of the organizations around the country that have expressed support for this bill, in particular, Oregon's Cascade AIDS Project. The work they do on behalf of individuals living with HIV/AIDS in my home State is truly commendable, and I appreciate the support they have shown ETHA over the years.

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

S. 860

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 ''Early Treatment for HIV Act of 2007''.

SEC. 2. OPTIONAL MEDICAID COVERAGE OF LOW-INCOME HIV-INFECTED INDIVIDUALS.

(a) IN GENERAL.—Section 1902 of the Social Security Act (42 U.S.C. 1396a) is amended—

(1) in subsection (a)(10)(A)(ii)—

(A) by striking ''or'' at the end of subclause (XVIII);

(B) by adding ''or'' at the end of subclause (XIX); and

(C) by adding at the end the following:

''(XX) who are described in subsection (dd) (relating to HIV-infected individuals);''; and

(2) by adding at the end the following:

''(dd) HIV-infected individuals described in this subsection are individuals not described in subsection (a)(10)(A)(i)—

''(1) who have HIV infection;

''(2) whose income (as determined under the State plan under this title with respect to disabled individuals) does not exceed the maximum amount of income a disabled individual described in subsection (a)(10)(A)(i) may have and obtain medical assistance under the plan; and

''(3) whose resources (as determined under the State plan under this title with respect to disabled individuals) do not exceed the maximum amount of resources a disabled individual described in subsection (a)(10)(A)(i) may have and obtain medical assistance under the plan.''.

(b) ENHANCED MATCH.—The first sentence of section 1905(b) of the Social Security Act (42 U.S.C. 1396d(b)) is amended by striking ''section 1902(a)(10)(A)(ii)(XVIII)'' and inserting ''subclause (XVIII) or (XX) of section 1902(a)(10)(A)(ii)''.

(c) CONFORMING AMENDMENTS.—Section 1905(a) of the Social Security Act (42 U.S.C. 1396d(a)) is amended in the matter preceding paragraph (1)—

(1) by striking ''or'' at the end of clause (xii);

(2) by adding ''or'' at the end of clause (xiii); and

(3) by inserting after clause (xiii) the following:

''(xiv) individuals described in section 1902(dd);''.

(d) EXEMPTION FROM FUNDING LIMITATION FOR TERRITORIES.—Section 1108(g) of the Social Security Act (42 U.S.C. 1308(g)) is amended by adding at the end the following:

''(3) DISREGARDING MEDICAL ASSISTANCE FOR OPTIONAL LOW-INCOME HIV-INFECTED INDIVIDUALS.—The limitations under subsection (f) and the previous provisions of this subsection shall not apply to amounts expended for medical assistance for individuals described in section 1902(dd) who are only eligible for such assistance on the basis of section 1902(a)(10)(A)(ii)(XX).''.

(e) EFFECTIVE DATE.—The amendments made by this section shall apply to calendar quarters beginning on or after the date of

the enactment of this Act, without regard to whether or not final regulations to carry out such amendments have been promulgated by such date.

HIV MEDICINE ASSOCIATION,
Alexandria, VA, January 30, 2007.

Hon. GORDON SMITH,
Russell Senate Office Building,
Washington, DC.
Hon. HILLARY CLINTON,
Russell Senate Office Building,
Washington, DC.

DEAR SENATORS SMITH AND CLINTON: I am writing on behalf of the HIV Medicine Association (HIVMA) to offer our strong support for the Early Treatment for HIV Act (ETHA). HIVMA represents more than 3,500 HIV medical providers from across the United States. Many of our members serve on the front lines of the HIV epidemic providing care and treatment in communities ranging from the rural South to the large urban areas on the east and west coasts of the nation.

As you know, ETHA would allow states to expand their Medicaid programs to cover people with HIV disease, before they become disabled and progress to AIDS. This important program change would allow more people with HIV disease to benefit from the remarkable HIV treatment available today—treatment that has reduced mortality due to HIV disease by nearly 80 percent.

Many of our members still report high percentages of patients with HIV presenting at their clinics with advanced stage disease. These patients are often sicker; less responsive to treatment and more costly due to the need for more intensive interventions, such as inpatient hospitalization. With earlier access to medical care and treatment through Medicaid, these patients could remain relatively healthy and enjoy longer and more productive lives.

Now is the time to help these patients and the many new ones that will enter HIV care systems as a result of the Centers for Disease Control and Prevention's (CDC) new recommendations to make HIV testing a routine component of medical care. While we are strong supporters of routine HIV testing as a tool to promote earlier diagnosis and linkage to care, we are concerned that our current federal and state health care safety-net programs are ill-equipped to care for the influx of patients that we expect to be identified through routine HIV testing. Passage of ETHA would be a critical step forward in the battle to ensure that all low-income Americans with HIV disease have the healthcare coverage that will allow them to benefit from the lifesaving HIV treatment widely available in the U.S. today.

Thank you very much for your continued commitment to expand access to care for low-income persons living with HIV/AIDS and other vulnerable Americans. Please consider HIVMA a resource as you move forward with the passage of this important legislation.

Sincerely,

DANIEL R. KURITZKES,
Chair.

NATIONAL ALLIANCE OF STATE
& TERRITORIAL-AIDS DIRECTORS,
Washington, DC, February 16, 2007.

Hon. GORDON SMITH,
Russell Senate Office Building,
Washington, DC.

DEAR SENATOR SMITH: On behalf of the National Alliance of State and Territorial AIDS Directors (NASTAD), I am writing to offer our support for the ''Early Treatment for HIV Act.'' NASTAD represents the nation's chief state and territorial health agency staff who are responsible for HIV/AIDS prevention, care and treatment programs funded by state and federal governments. This legislation would give states an important option in providing care and treatment services to low-income Americans living with HIV.

The Early Treatment for HIV Act (ETHA) would allow states to expand their Medicaid programs to cover HIV positive individuals, before they become disabled, without having to receive a waiver. NASTAD believes this legislation would allow HIV positive individuals to access the medical care that is widely recommended, can postpone or avoid the onset of AIDS, and can enormously increase the quality of life for people living with HIV.

State AIDS directors continue to develop innovative and cost-effective HIV/AIDS programs in the face of devastating state budget cuts and federal contributions that fail to keep up with need. ETHA provides a solution to states by increasing health care access for those living with HIV/AIDS.

We would also like to commend the hard work of your staff, particularly Matt Canedy who has been extremely helpful on a myriad of HIV/AIDS policy issues. We look forward to working with him to gain support for the legislation.

Thank you very much for your continued commitment to persons living with HIV/AIDS.

Sincerely,

JULIE M. SCOFIELD,
Executive Director.

THE AIDS INSTITUTE,
Washington, DC, January 29, 2007.

Re the Early Treatment for HIV Act (ETHA).

Senator GORDON SMITH,
U.S. Senate,
Washington, DC.
Senator HILLARY CLINTON,
U.S. Senate,
Washington, DC.

DEAR SENATORS SMITH AND CLINTON: The AIDS Institute applauds you for your continued leadership and commitment to people living with HIV/AIDS in our country who are in need of lifesaving healthcare and treatment. While the HIV/AIDS epidemic in sub-Sahara Africa and other parts of the world often overshadow the epidemic in the United States, we must not forget about the approximately 1.1 million people living in the U.S. who have HIV or AIDS.

Those infected with HIV are more likely to be low-income, and the disease disproportionately impacts minority communities. In fact, the AIDS case rate per 100,000 for African Americans was 10 times that of whites in 2006. According to a recent Institute of Medicine report titled, ''Public Financing and Delivery of HIV/AIDS Care: Securing the Legacy of the Ryan White CARE Act'', 233,000 of the 463,070 people living with HIV in the U.S. who need antiretroviral treatment do not have ongoing access to treatment. This does not include an additional 82,000 people who are infected but unaware of their HIV status and are in need of antiretroviral medications.

One reason why there are so many people lacking treatment is because under current law, Medicaid, the single largest public payer of HIV/AIDS care in the U.S., only covers those with full blown AIDS, and not those with HIV. The Early Treatment for HIV Act (ETHA), being re-introduced in this Congress under your leadership, would rectify an archaic mindset in the delivery of public health care. No longer would a Medicaid eligible person with HIV have to become disabled with AIDS to receive access to Medicaid provided care and treatment.

Providing coverage to those with HIV can prevent them from developing AIDS, and allow them to live a productive life with their family and be a healthy contributing member of society. ETHA would provide states the option of amending their Medicaid eligibility requirements to include uninsured and under-insured, pre-disabled poor and low-income people living with HIV. No state has to participate if they choose not to. As all states have participated in the Breast and Cervical Cancer Prevention and Treatment Act, upon which ETHA is modeled, we believe all States would opt to choose this approach in treating those with HIV. States will opt into this benefit not only because it is the medically and ethically right thing to do, but because it is cost effective, as well.

A recent study prepared by PricewaterhouseCoopers found that if ETHA was enacted, over 10 years:

—the death rate for persons living with HIV on Medicaid would be reduced by 50 percent;

—there would be 35,000 more individuals with CD4 levels above 500 under ETHA versus the existing Medicaid system; and it would

—result in savings of $31.7 million.

The AIDS Institute thanks you for your bipartisan leadership by introducing ''The Early Treatment for HIV Act of 2006''. It is the type of Medicaid reform that is critically needed to update the program to keep current with the Federal Government's guidelines for treating people with HIV.

We were very pleased the US Senate passed an ETHA demonstration project during the last Congress. In this Congress, we hope ETHA will finally become a reality. We look forward to working with you and your colleagues as it moves toward enactment.

Thank you very much.

Sincerely,

DR. A. GENE COPELLO,
Executive Director.

AMERICAN ACADEMY
OF HIV MEDICINE,
Washington, DC, Jan. 22, 2007.

Hon. GORDON SMITH,
Russell Senate Office Building,
Washington, DC.
Hon. Hillary Clinton,
Russell Senate Office Building,
Washington, DC.

DEAR SENATOR SMITH AND SENATOR CLINTON: The American Academy of HIV Medicine is an independent organization of HIV specialists and others dedicated to promoting excellence in HIV/AIDS care. As the largest independent organization of HIV frontline providers, our 2,000 members provide direct care to more than 340,000 HIV patients—more than two thirds of the patients in active treatment for HIV disease.

The Academy would like to thank and commend you for co-sponsoring the Early Treatment for HIV Act (ETHA). We believe this legislation would allow many HIV positive individuals access to the quality medical care vital towards postponing or avoiding the onset of AIDS, and be cost-effective in doing so.

ETHA addresses a flawed anomaly in the current Medicaid system—that under current Medicaid rules people must become disabled by AIDS before they can receive access to Medicaidprovided care and treatment that could have prevented them from becoming so ill in the first place. The U.S. Public Health Service guidelines have consistently recommended for several years that the treatment of HIV patients, before their immune systems have been severely damaged by HIV, will greatly or even prevent the disabling effects of HIV disease.

ETHA would bring Medicaid eligibility rules in line with the clinical standard of care for treating HIV disease, which has changed dramatically over the last twenty

years due to the revolutionary and increasingly more simplified life-saving drug regimens. The science of HIV medicine is clear on this point: Today, when appropriately treated, HIV can be managed as a serious chronic illness; however, appropriate treatment requires early and continuous access to highly-active antiretroviral therapy (HAART). Preserving an immune system is much more effective, if even possible, than rebuilding one already destroyed. Patients who do not receive proper treatment until they are diagnosed with AIDS may not fully respond or benefit from treatment once it begins.

The benefits of early treatment also extend to the population at large. Good data (Quinn et al.; Porco et al.) now supports what we have long suspected—that successful and consistent treatment of the infected individual decreases a patient's infectivity, further benefiting the health of the American public and reducing the number of individuals ultimately needing costly medical care.

Beyond the public's health, the cost-benefits of this bill's implementation are similarly clear. States that adopt this option to their Medicaid program would likely see cost-savings to Medicaid by limiting costly hospital admissions and reducing unnecessary, preventable illness. With reduced morbidity, mortality and inpatient costs as a result of state-of-the-art outpatient treatment, receiving early, quality outpatient care is cost-effective (Valenti, 2001; Freedberg et al. 2001) compared with the alternatives.

Passage of the Early Treatment for HIV Act will save lives, increase the length and quality of life for people living with HIV/AIDS, help ensure their medical coverage, and save money over time.

We will work in vigorous support of this legislation, and we appreciate your impressive leadership in doing the same.

Sincerely,

JEFF SCHOUTEN,
Chair.

PROJECT INFORM,
San Francisco, CA, February 28, 2007.

Re Support for Early Treatment for HIV Act

Hon. GORDON SMITH,
U.S. Senate,
Washington, DC.

DEAR SENATOR SMITH: On behalf of Project Inform, a national HIV/AIDS health care and treatment advocacy organization based in San Francisco, we are writing to express our strong support for the Early Treatment for HIV Act (ETHA). We commend you for your leadership in reintroducing this important bipartisan legislation.

ETHA would address a cruel irony in the current Medicaid system. Currently most individuals with HIV must become disabled by AIDS before they can receive access to Medicaid's care and treatment programs that could have prevented them from becoming so ill in the first place.

ETHA would modernize this system by allowing states to extend Medicaid coverage to low-income, pre-disabled people living with HIV. It would assure early access to care and treatment for thousands of people living with HIV across the country. It would also help relieve the financial crisis facing many discretionary HIV/AIDS programs, such as the AIDS Drug Assistance Program (ADAP) and other services funded by the Ryan White CARE Act.

Access to healthcare and treatment is a high priority for Project Inform as it ranks in the top concerns we hear from people through our treatment hotline and community meetings. We need long-term solutions like ETHA to ensure that people have the care and treatment they need to remain healthy and productive for as long as possible.

We greatly appreciate your longtime efforts on behalf of people living with HIV/AIDS. If there is anything we can do to help you with your efforts to pass this legislation, please do not hesitate to let us know.

Sincerely,

ANNE DONNELLY,
Director, Health Care Advocacy.
RYAN CLARY,
Associate Director, Health Care Advocacy.

By Mr. SESSIONS. (for himself, Ms. LANDRIEU, Mr. VITTER, Mr. CORNYN, and Mr. GRASSLEY):

S. 863. A bill to amend title 18, United States Code, with respect to fraud in connection with major disaster or emergency funds; to the Committee on the Judiciary.

Mr. SESSIONS. Mr. President, I am pleased to introduce today the Emergency and Disaster Assistance Fraud Penalty Enhancement Act of 2007. The bill creates a specific crime of fraud in connection with major disasters or emergency benefits and increases the penalties currently available for such acts. I am happy my good friends and colleagues, Senators LANDRIEU, VITTER, CORNYN, and GRASSLEY have joined me in this important effort. I commend them for their leadership on this issue and look forward to working with them to pass this important piece of legislation.

As a former Federal prosecutor myself for 12 years on the gulf coast of Alabama, and one who has been involved in prosecuting fraud in the aftermath of hurricanes, I can tell you that it goes on, unfortunately, and there are some weaknesses in our laws that we can fix.

The ideas in my bill have received strong congressional support. In fact, the House of Representatives passed this same bill last Congress, H.R. 4356. Last March, the House Judiciary Committee approved the Emergency and Disaster Assistance Fraud Penalty Enhancement Act because both Democrats and Republicans wanted to move as quickly as possible against disaster assistance fraud. The committee submitted a report expressing its favor for the bill and recommended it be passed without amendment.

Last June, the Department of Justice sent a letter to members of the Senate Judiciary Committee in strong support of the bill, noting that it would ''provide important prosecutorial tools in the government's efforts to combat fraud associated with natural disasters and other emergencies.''

The goal of my bill is to protect the real victims of disasters such as Hurricane Katrina by specifically making it a crime, under the existing fraud chapter of title 18, USC chapter 47, to fraudulently obtain emergency disaster funds.

After an emergency or disaster, such as the recent tornadoes that devastated the city of Enterprise in my home State, we should do everything we can to make sure 100 percent of the relief funds gets into the hands of real victims. Taxpayers should not sustain a financial loss at the hands of scam artists, and these wrongdoers should not profit from exploiting the victims of horrific events. Common sense requires that those who deceive the government and obtain emergency disaster funds by fraud be subject to criminal punishment.

I want to share some thoughts about the scope of the problem. Hurricane Katrina produced one of the most extraordinary displays of loss, pain, and suffering, and of scams and schemes that we have ever seen. The scope of the fraud and the audacity of the schemers was astonishing.

One of the most heinous examples is a woman who tried to collect Federal benefits by claiming she watched her two daughters drown in the rising New Orleans waters. In truth, she did not even have children and she was living in Illinois at the time of the hurricane. Her outrageous claims are an affront to the many people who actually did lose loved ones in that terrible storm.

Another example of blatant and widespread fraud after Katrina include, in Texas, a hotel owner who submitted bills for phantom victims who never stayed at his hotel. Across the gulf coast, roughly 1,100 prison inmates collected more than $10 million in rental and disaster relief assistance by claiming they were displaced by the storm. People in jail were being sent checks.

You say: How can that happen? Well, they are trying to get money out to people in a hurry. I think they could do a better job, frankly. I think FEMA could do a better job in analyzing these claims. But the truth is, in the rush to make sure that people who have lost everything have money to find a room to stay in so they are not out on the streets, it does require them to take more risk than normally would be the case. People who take advantage of that to defraud the taxpayers and to rip off the system ought to go to jail for it.

In California, a couple posed as Red Cross workers and fraudulently obtained donations, saying they were working for the Red Cross. Also, in California, 75 workers at a Red Cross call center were charged in a scheme to steal hundreds of thousands of dollars from the Red Cross. One individual received 26 Federal disaster relief payments by using 13 different Social Security numbers. In my home State of Alabama, FEMA, the Federal Emergency Management Agency, paid $2,748 to an individual who listed a P.O. box as his damaged property.

As of January 3, the Hurricane Katrina Fraud Task Force has charged 525 individuals in 445 indictments brought in 35 judicial districts around the country. These numbers continue to grow every day. The Justice Department is aggressively prosecuting these

crooks, but they have asked us for this additional tool. They have asked us to pass this legislation so that the Federal statute adequately addresses and deters fraud in connection with emergency disaster assistance.

The fact is, some people think in a disaster they can run in and make any kind of bogus claim they desire—that money will be given to them and people will be too busy to check. And if they do, nothing is ever going to happen to them. We need to completely reverse that mentality. We need to create a mindset on the part of everybody that these disaster relief funds are sacred; that they are for the benefit of people who have suffered loss, and only people who have suffered loss should gain benefit of it. We need to make it clear that those who steal that money are going to be prosecuted more vigorously and punished more severely than somebody who commits some other kind of crime because I think it is worse to steal from the generosity of the American people who intended to help those in need.

The total price tag for the fraud committed after Hurricanes Katrina and Rita is not yet known, but the Government Accountability Office investigators have testified that it will, at the very least, be in the billions of dollars. I am not talking about millions. This is the GAO saying it will be, at the very least, in the billions of dollars.

Now I have seen people, I have been down to Bayou La Batre and Coden and areas in my home area of Alabama who were devastated by this storm, and it is heartbreaking to see people who have lost everything. The day after the storm, my wife and I were there. The Salvation Army showed up and it was the only group there providing meals. There was a long line, and we walked down the line and just talked to the people about what had happened to them. Repeatedly, we were told:

Senator, all I have is what is on my back.

Now we want to help people like that, but we don't want to help people who are somewhere unaffected in Illinois or somewhere in jail claiming they deserve displaced housing money.

So it is an insult to the victims of these natural disasters and an insult to the ultimate victim in this fraud, the American taxpayer. Natural disasters and emergency situations often create an opportunity for unscrupulous individuals to take advantage of both the immediate victims of the disaster or emergency, as well as those who offer financial and other assistance to the victims. The American people are extremely generous in responding to disasters, but they should not be expected to tolerate the fraud of those who deceitfully exploit their generosity.

In addition to creating a new Federal crime that specifically prohibits fraud in connection with any emergency or disaster benefit—including Federal assistance or private charitable contributions—my bill would also update the current mail and wire fraud statutes found in chapter 63 of title 18—title 18 sections 1341, 1343. Those are the bread-and-butter criminal statutes for most frauds. My bill, though, changes the Federal mail and wire fraud statutes by adding emergency or disaster benefits fraud to the 30-year maximum penalties that are currently reserved for cases involving fraud against banks or financial institutions.

My bill is timely. Just this month we have seen tornadoes that killed at least 20 people in the Southeast and Midwest and damaged or destroyed hundreds of homes from Minnesota to the gulf coast. I recently toured many of the areas hit by the storms, and I was shocked by the devastation. The loss of eight Alabama schoolchildren at Enterprise High School was especially heartbreaking.

I had the opportunity to be with President Bush on the second day I was there. He came down and met with the families of those eight young people who were killed. He spent almost an hour with them—almost 10 minutes a person. It was a moving experience to be a part of that. I talked with each one of those families and felt the pain and loss they suffered.

Of course, money is not an answer to their pain. But I would say this: People do want to help. If people take advantage and steal from those who want to help families like that, who are in pain and loss, it is a despicable crime, to me.

The President has declared Enterprise and several other Alabama localities Federal disaster areas, including Millers Ferry, AL, in my home county, where one individual was killed. I knew him and his family, and saw the people there who I knew who suffered a total loss of their homes, caused by this incredibly powerful tornado. Being declared a disaster area means victims will be eligible to receive Federal financial aid. It is my responsibility to make sure the money goes to the right people and is not scammed off by criminals posing as victims.

I know my colleagues share my deep sympathy for the families who lost loved ones and suffered injuries last week, but it is simply not enough to have sympathy. We must ensure the full resources of the Federal Government are quickly deployed to the affected States, and we must ensure these resources are protected and distributed only to real victims, not individuals seeking to take advantage of the disaster.

It is disheartening that there was so much fraud associated with the relief following Hurricanes Katrina and Rita, but it is not surprising. I have been there in the aftermath of hurricanes as a prosecutor. I have seen such fraud and abuse firsthand.

Our resources are not unlimited, and it is critical that we ensure that every relief dollar goes to legitimate victims. It is important we give prosecutors the tools they need to protect legitimate victims and to protect American taxpayers.

By passing this legislation, the Senate will send a strong signal that exploiting the kindness of the American people in times of crisis is a serious crime that will be treated with appropriate severity. We will not tolerate criminals stealing from the pockets of disaster victims. A vote for this bill is a vote to ensure that victims and the generous members of the American public are not preyed upon by criminals attempting to profit from these disasters and emergencies.

I think it is a reasonable piece of legislation. We worked hard, on a bipartisan basis, with members of the Senate Judiciary Committee and the Department of Justice. Senator LEAHY has indicated he will bring the bill up in the Judiciary Committee this week. We are looking forward to an analysis of it.

We will be glad to listen to any suggestions for improvements that may be made, and I think it is a piece of legislation we should move forward with.

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

S. 864. A bill to amend the Federal Power Act to clarify the jurisdiction of the Federal Energy Regulatory Commission, and for other purposes; to the Committee on Energy and Natural Resources.

Mr. BUNNING. Mr. President, today I am introducing the Access to Competitive Power Act of 2007 with my friend and colleague, Senator MITCH MCCONNELL.

I have spent years negotiating and working with the Tennessee Valley Authority. I have long believed we could work together to address the problems facing my customers in Kentucky. But every time I think I see the light at the end of the tunnel, representatives of TVA change their offer or make up a new rule.

I was optimistic that the expanded Board of Directors of the TVA Congress authorized last session would be able to change the problems of the past. But after many meetings and negotiations, I am convinced that TVA believes it has monopoly status and does not answer to anyone.

Today, I am telling TVA that the people of Kentucky deserve better.

For too long the TVA has acted against the best interests of the people of Kentucky. Five electric distributors, Paducah, Princeton, Warren County, Glasgow and Monticello, gave their notice to TVA to leave the system when they realized they could get cheaper electricity on the open market—and save their customers millions of dollars.

During the past few years, they have negotiated in good faith for basic services that are considered routine in the utility industry. But unfortunately, the electric customers of Kentucky are stuck on the TVA island. We forced them onto that island 75 years when we created the Tennessee Valley Authority. Their options are limited and they

are wholly reliant on TVA for generation and transmission service. TVA knows this—and that is why they have continued to stall on providing reasonable services.

But the distributors who still intend to leave will now build hundreds of miles of new high voltage power lines to get access to the national electric grid. One may even need to run the city on diesel generators. Despite these costs, the numbers show that their customers will still save money.

The legislation I am introducing today, with Senator MITCH MCCONNELL, will give FERC full jurisdiction in relation to the Tennessee Valley Authority—the same jurisdiction that FERC has over utilities throughout the country.

Let me be clear—this legislation does not mandate contract language. It simply requires TVA to negotiate these services in good faith.

It defines the rights of two classes of TVA distributors—those who provided notice of termination prior to calendar year 2007 and those who did not provide notice.

For distributors in Kentucky and Tennessee who have previously given notice that they would like to leave TVA service, this legislation would put their rights into law.

Specifically, it would allow them to negotiate partial requirements services—making sure that TVA is not an all or nothing deal. For some customers it may make sense to get some power from TVA and some power from another generator.

It also requires TVA to provide transmission service for these customers. Because of Federal law, TVA is their only access point to the national electric grid. As such, they should provide reasonable transmission service.

It prevents TVA from charging these customers for stranded costs or imposing a reintegration fee and provides the customers the right to rescind their notice of termination if they ultimately decide they would like to stay with TVA.

And lastly, it allows everyone who enjoys the benefits of cheap, Federal power from the Power Marketing Administrations to retain a right to that power regardless of whether or not they choose to be a customer of TVA.

For all those customers who would like to stay in TVA, this legislation would give them the right to get partial requirements service from outside of TVA in an amount equal to TVA load growth.

I also believe that it is time the Government looks closely at the Tennessee Valley Authority. That is why my legislation asks for two important G.A.O. studies. First, it commissions a comprehensive study on the privatization the Tennessee Valley Authority. Second, it requests an analysis of the debt level of the Tennessee Valley Authority.

All Kentuckians deserve to choose where they receive their power. This bill will not only give them that choice, but it will also create a more competitive environment among Kentucky distributors and allow our businesses and residential consumers to keep more money in their pockets.

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. 864

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 ''Access to Competitive Power Act of 2007''.

SEC. 2. ESTABLISHMENT OF EQUAL ACCESS AND TREATMENT WITH RESPECT TO FEDERAL POWER RESOURCES.

Section 212(i) of the Federal Power Act (16 U.S.C. 824k(i)) is amended—

(1) by redesignating paragraphs (2) through (5) as paragraphs (3) through (6), respectively;

(2) by striking the subsection designation and heading and all that follows through the end of paragraph (1) and inserting the following:

''(i) ESTABLISHMENT OF EQUAL ACCESS AND TREATMENT WITH RESPECT TO FEDERAL POWER RESOURCES.—

''(1) DEFINITION OF GENERATOR.—In this subsection, the term 'generator' means—

''(A) the Bonneville Power Administration;

''(B) the Southeastern Power Administration;

''(C) the Western Area Power Administration;

''(D) the Southwestern Power Administration; and

''(E) the Tennessee Valley Authority.

''(2) AUTHORITY AND DUTIES OF COMMISSION.—

''(A) IN GENERAL.—Pursuant to sections 210, 211, and 213, the Commission—

''(i) may order the administrator or board of directors, as applicable, of any generator to provide transmission service, including by establishing the terms and conditions of the service; and

''(ii) shall ensure that—

''(I) the provisions of otherwise applicable Federal laws shall continue in full force and effect and shall continue to be applicable to the system;

''(II) the rates for the transmission of electric power on the system of each Federal power marketing agency—

''(aa) are administered in accordance with applicable Federal law, other than sections 210, 211, and 213; and

''(bb) are not unjust, unreasonable, or unduly discriminatory or preferential, as determined by the Commission.

''(B) TENNESSEE VALLEY AUTHORITY RATES.—

''(i) IN GENERAL.—Notwithstanding any other provision of law, the Commission shall have jurisdiction over the rates, terms, and conditions of the provision of transmission service in interstate commerce by the Tennessee Valley Authority.

''(ii) TARIFF.—Notwithstanding any other provision of law, pursuant to sections 205 and 206, the Board of Directors of the Tennessee Valley Authority shall have on file with the Commission an open access transmission tariff that contains just, reasonable, and not unduly preferential or discriminatory rates, terms, and conditions for the provision of transmission service in interstate commerce by the Tennessee Valley Authority.'';

(3) in paragraph (3) (as redesignated by paragraph (1))—

(A) by striking ''(3) Notwithstanding'' and inserting the following:

''(3) PROCEDURE FOR DETERMINATIONS.—Notwithstanding'';

(B) in the matter preceding subparagraph (A), by inserting ''of a Federal power marketing agency'' after ''service''; and

(C) in subparagraph (A)—

(i) by striking ''when the Administrator of the Bonneville Power Administration either'' and inserting ''if the Administrator of any Federal power marketing agency''; and

(ii) by striking ''on the Federal Columbia River Transmission System'';

(4) in paragraph (4) (as redesignated by paragraph (1))—

(A) by striking ''(4) Notwithstanding'' and inserting the following:

''(4) JUDICIAL REVIEW.—Notwithstanding'';

(B) by striking ''the Administrator of the Bonneville Power Administration'' and inserting ''the Administrator of a Federal power marketing agency''; and

(C) by striking ''United States Court of Appeals'' and all that follows through the end of the paragraph and inserting ''United States court of appeals of jurisdiction of the Federal power marketing agency.'';

(5) in paragraph (5) (as redesignated by paragraph (1)), by striking ''(5) To the extent the Administrator of the Bonneville Power Administration'' and inserting the following:

''(5) EXCEPTION.—To the extent that an Administrator of a Federal power marketing agency'';

(6) in paragraph (6) (as redesignated by paragraph (1))—

(A) by striking ''(6) The Commission'' and inserting the following:

''(6) PROHIBITION.—The Commission''; and

(B) by striking ''the Administrator of the Bonneville Power Administration'' and inserting ''the Administrator of a Federal power marketing agency''.

SEC. 3. EQUITABILITY WITHIN TERRITORY RESTRICTED ELECTRIC SYSTEMS.

Section 212(j) of the Federal Power Act (16 U.S.C. 824k(j)) is amended—

(1) by striking ''With respect to'' and inserting the following:

''(1) IN GENERAL.—Except as provided in paragraph (2), with respect to'';

(2) by striking ''electric utility:'' and all that follows through ''electric utility.'' and inserting ''electric utility.''; and

(3) by adding at the end the following:

''(2) EXCEPTION.—Paragraph (1) and subsection (f) shall not apply to any area served at retail by a distributor that—

''(A) on October 24, 1992, served as a distributor for an electric utility described in paragraph (1); and

''(B) before December 31, 2006, provided to the Commission a notice of termination of the power supply contract between the distributor and the electric utility, regardless of whether the notice was later withdrawn or rescinded.

''(3) STRANDED COSTS.—An electric utility described in paragraph (1) that provides transmission service pursuant to an order of the Commission or a contract may not recover any stranded cost associated with the provision of transmission services to a distributor.

''(4) RIGHTS OF DISTRIBUTORS.—

''(A) NOTICE NOT PROVIDED.—A distributor described in paragraph (2) that did not provide a notice described in paragraph (2)(B) by December 31, 2006, may—

''(i) construct, own, and operate any generation facility, individually or jointly with another distributor; and

''(ii) receive from any electric utility described in paragraph (1) partial requirements services, unless the cumulative quantity of

energy provided by the electric utility exceeds a ratable limit that is equal to a proxy for load growth on the electric utility, based on—

''(I) the total quantity of energy sold by each affected agency, corporation, or unit of the electric utility during calendar year 2006; and

''(II) a 3-percent compounded annual growth rate.

''(B) NOTICE PROVIDED.—

''(i) IN GENERAL.—A distributor described in paragraph (2) that provided a notice described in paragraph (2)(B) by December 31, 2006, may—

''(I) construct, own, and operate any generation facility, individually or jointly with another distributor;

''(II) receive from any electric utility described in paragraph (1) partial requirements services;

''(III) receive from any electric utility described in paragraph (1) transmission services that are sufficient to meet all electric energy requirements of the distributor, regardless of whether an applicable contract, or any portion of such a contract, has been terminated under this section; and

''(IV) not later than 180 days after the date of enactment of this paragraph, elect to rescind the notice of termination of the distributor without the imposition of a reintegration fee or any similar fee.

''(ii) TREATMENT.—On an election by a distributor under clause (i)(IV), the distributor shall be entitled to all rights and benefits of a distributor described in subparagraph (A).

''(5) RIGHT TO RETAIN ACCESS TO SERVICES.—

''(A) DEFINITIONS.—In this paragraph:

''(i) AFFECTED DISTRIBUTOR.—The term 'affected distributor' means a distributor that receives any electric service or power from at least 2 generators.

''(ii) GENERATOR.—The term 'generator' means an entity referred to in any of subparagraphs (A) through (E) of subsection (i)(1).

''(B) RETENTION OF SERVICES.—An affected distributor may elect to retain any electric service or power provided by a generator, regardless of whether an applicable contract, or any portion of such a contract, has been terminated under this section.

''(C) EFFECT OF NOTICE OF TERMINATION.—

''(i) IN GENERAL.—The provision or execution by an affected distributor of a notice of termination described in paragraph (2)(B) with 1 generator shall not affect the quantity of electric service or power provided to the affected distributor by another generator.

''(ii) PRICE.—The price of electric services or power provided to an affected distributor described in clause (i) shall be equal to the price charged by the applicable generator for the provision of similar services or power to a distributor that did not provide a notice described in paragraph (2)(B).

''(D) TRANSMISSION SERVICE.—On an election by an affected distributor under subparagraph (B) to retain an electric service or power, the affected distributor shall be entitled to receive from a generator transmission service to 1 or more delivery points of the affected distributor, as determined by the affected distributor, regardless of whether an applicable contract, or any portion of such a contract, has been terminated under this section.''.

SEC. 4. STUDY OF PRIVATIZATION OF TENNESSEE VALLEY AUTHORITY.

(a) STUDY.—The Comptroller General of the United States shall conduct a study of the costs, benefits, and other effects of privatizing the Tennessee Valley Authority.

(b) REPORT.—Not later than 180 days after the date of enactment of this Act, the Comptroller General of the United States shall submit to Congress a report that describes the results of the study conducted under this section.

SEC. 5. STUDY OF DEBT LEVEL OF TENNESSEE VALLEY AUTHORITY.

(a) STUDY.—The Comptroller General of the United States shall conduct a study of the financial structure of, and the amount of debt held by, the Tennessee Valley Authority, which (as of February 1, 2007) is approximately $25,000,000,000.

(b) REPORT.—Not later than 180 days after the date of enactment of this Act, the Comptroller General of the United States shall submit to Congress a report that describes the results of the study conducted under this section.

NOTICES OF HEARINGS/MEETINGS

PERMANENT SUBCOMMITTEE ON INVESTIGATIONS

Mr. LEVIN. Mr. President, I would like to announce for the information of the Senate and the public that the Permanent Subcommittee on Investigations of the Committee on Homeland Security and Governmental Affairs will hold a hearing entitled ''Medicare Doctors Who Cheat on Their Taxes and What Should Be Done About It.''

This is the fourth hearing to result from a three year investigation conducted by the Subcommittee into Federal contractors that provide goods or services to the Federal Government, but fail to pay their taxes. A 2004 hearing determined that 27,000 contractors with the Department of Defense had a tax debt totaling roughly $3 billion. A 2005 hearing determined that 33,000 contractors doing business with civilian Federal agencies had unpaid taxes totaling $3.3 billion.

In addition to examining contractors for DOD and civilian agencies, the Subcommittee has examined similar misconduct by contractors for the General Services Administration (GSA). A Subcommittee hearing in March 2006 determined that 3,800 GSA contractors collectively owed $1.4 billion in unpaid taxes.

The upcoming March 20th hearing will further explore the problem, focusing specifically on Medicare physicians and related suppliers that receive substantial income from the Federal Government but do not pay the taxes that they owe.

Witnesses for the upcoming hearing will include representatives from the Government Accountability Office, the Internal Revenue Service, the Centers for Medicare & Medicaid Services, as well as the Financial Management Service. A final witness list will be available on Friday, March 16, 2007.

The Subcommittee hearing is scheduled for Tuesday, March 20, 2007, at 2:30 p.m. in Room 342 of the Dirksen Senate Office Building. For further information, please contact Elise J. Bean, of the Permanent Subcommittee on Investigations at 224–3721.

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. BINGAMAN. Mr. President, I would like to announce for the information of the Senate and the public that an oversight hearing has been scheduled before the Committee on Energy and Natural Resources.

The hearing will be held on Tuesday, March 20, 2007, at 10 a.m. in room SD–366 of the Dirksen Senate Office Building.

The purpose of this hearing is to consider the nomination of Stephen Jeffrey Isakowitz, of Virginia, to be Chief Financial Officer of the Department of Energy.

Because of the limited time available for the hearing, witnesses may testify by invitation only. However, those wishing to submit written testimony for the hearing record should send two copies of their testimony to the Committee on Energy and Natural Resources, United States Senate, Washington, DC 20510–6150.

For further information, please contact Sam Fowler at (202) 224–7571 or Amanda Kelly at (202) 224–6836.

AUTHORITY FOR COMMITTEES TO MEET

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 13, 2007, at 3 p.m. to hold a nominations hearing.

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 and House Committee on Education and Labor be authorized to meet for a joint hearing on the No Child Left Behind Act during the session of the Senate on Tuesday, March 13, 2007 at 10 a.m. in room 2175 of the Rayburn House Office Building.

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 ''Judicial Nominations'' on Tuesday, March 13, 2007 at 10 a.m. in Dirksen Senate Office Building, Room 226.

Witness List:

Panel I: The Honorable THAD COCHRAN, United States Senator, R–MS and The Honorable TRENT LOTT, United States Senator, R–MS.

Panel II: Halil Suleyman Ozerden to be U.S. District Judge for the Southern District of Mississippi; Benjamin Hale Settle to be U.S. District Judge for the Western District of Washington; and Frederick J. Kapala to be U.S. District Judge for the Northern District of Illinois.

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 13, 2007 at 2:30 p.m. to hold a closed hearing.

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

SUBCOMMITTEE ON OVERSIGHT TO GOVERNMENT MANAGEMENT, THE FEDERAL WORKFORCE, AND THE DISTRICT OF COLUMBIA

Mr. LIEBERMAN. Mr. President, I ask unanimous consent that the Subcommittee on Oversight of Government Management, the Federal Workforce, and the District of Columbia be authorized to meet on Tuesday, March 13, 2007 at 2:30 p.m. for a hearing entitled, A Review of U.S. International Efforts to Secure Radiological Materials.

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

APPOINTMENT

The PRESIDING OFFICER. The Chair, on behalf of the President pro tempore, pursuant to 22 U.S.C. 276n, as amended, appoints the following Senator as Vice Chairman of the U.S.-China Interparliamentary Group conference during the 110th Congress: the Honorable TED STEVENS of Alaska.

ROAD CONSTRUCTION, OPERATION AND MAINTENANCE IN ST. LOUIS COUNTY, MO

Mr. REID. I ask unanimous consent that the Senate now proceed to H.R. 1129, just received from the House and at the desk.

The PRESIDING OFFICER. The clerk will report the bill by title.

The assistant legislative clerk read as follows:

A bill (H.R. 1129) to provide for the construction, operation, and maintenance of an arterial road in St. Louis County, Missouri.

There being no objection, the Senate proceeded to consider the bill.

Mr. BOND. Mr. President, I rise in support of H.R. 1129. This important legislation is necessary to provide for the construction, operation, and maintenance of an arterial road in the Lemay area of St. Louis County, MO. This road, the Lemay connector road, is the lynchpin of the long-term recovery of that community and will open several abandoned industrial sites to new industrial, commercial and retail development and create thousands of new much-needed jobs. The road was identified as the highest priority for redeveloping the area in a federally-funded study conducted by the Missouri Department of Transportation.

Mrs. MCCASKILL. Mr. President, I join my colleague, the senior Senator from Missouri, in supporting this much-needed legislation. Not only will the road revive the economy of the communities around Lemay, it will also support the restoration of brownfields sites, improve public safety, create new parks and riding trails, and provide other recreational opportunities. With all of these benefits, it is not surprising then that the bill has broad bipartisan support from every relevant State and local elected official and also here in the Congress. It has also been endorsed by the Missouri Department of Transportation, the local school district—Hancock Place School District and the local fire and police departments.

Mr. BOND. Mr. President, I vividly recall the devastation that was caused by the the flooding in 1993 and one of the areas that was hardest hit was the community of Lemay. In response to that tragedy, Congress enacted an emergency supplemental appropriations bill. As a new member of that committee, I worked to appropriate supplemental funds for HUD's community development grants to compensate homeowners for losses and to clear the area. Property acquired with the funds, however, was required to be maintained for uses consistent with open space, recreation or wetlands management. This was a one-time requirement, and no other property acquired using CDBG funds before or since the 1994 Emergency Supplemental Appropriations Act has carried similar deed restrictions. Furthermore, I want to assure my colleagues that we are not establishing any precedent by adopting this legislation in part because of the unique situation in which properties became deed restricted and also because exceptions have been made to allow for roads and public works development on deed restricted lands.

Mrs. MCCASKILL. I also want to assure my colleages that no Federal funds will be used to construct or maintain the Lemay connector road. Neither St. Louis County nor the State of Missouri is seeking or will seek Federal assistance to build, maintain, or operate the road. In fact, the County has sent several letters to FEMA that it will not seek Federal funding for the road. Under terms reached by the St. Louis County and Missouri DOT, private developers will bear 100 percent of the cost of construction of the road, and the road will be maintained by St. Louis County as part of its standard maintenance program,

Mr. BOND. Mr. President, my colleague from Missouri is correct that no Federal funds will be used for either construction or maintenance of this road. Furthermore, this road will become a county road and it will not be part of the Federal-aid system. Under current law, which this bill does not amend, the Lemay connector road is not an eligible use of Federal funding.

Mr. REID. I ask unanimous consent that the bill be read a third time, passed, the motion to reconsider be laid upon the table, and any statements relating thereto be printed in the RECORD.

The bill (H.R. 1129) was ordered to be read a third time, was read the third time and passed.

ORDERS FOR WEDNESDAY, MARCH 14, 2007

Mr. REID. I ask unanimous consent that when the Senate completes its business today, it stand adjourned until 10 a.m., March 14; that on Wednesday, following the prayer and pledge, the Journal of proceedings be approved to date, the morning hour be deemed expired; that following the time for the two leaders, there be 1 hour of debate prior to a vote on the motion to invoke cloture on the motion to proceed to S.J. Res. 9, with the time equally divided and controlled between the two leaders or their designees; that the final 20 minutes prior to the vote be controlled 10 minutes each for the leaders, with the majority leader controlling the final 10 minutes.

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

ADJOURNMENT UNTIL 10 A.M. TOMORROW

Mr. REID. If there is no further business to come before the Senate and if the Republican leader has no further business to come before the Senate, I would ask the Senate stand adjourned under the previous order, but if my esteemed colleague does wish to speak, there is ample time to do that.

Mr. MCCONNELL. I say to friend from Nevada, I have nothing further to add.

Mr. REID. I ask unanimous consent that the Senate stand adjourned.

There being no objection, the Senate, at 6:54 p.m., adjourned until Wednesday, March 14, 2007, at 10 a.m.