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House of Representatives

The House met at 10 a.m.

The Reverend William A. Watson, Jr., Pastor, St. John's Baptist Church, Westbury, New York, offered the following prayer:

O Lord, our Lord, how excellent is Thy name in all the Earth. I thank You for this privilege to pray. Thank You for this occasion that brought us together. Thank You for all of Your loving kindness and tender mercy toward us. I ask Your favor in all our decisions.

Please, Lord, be with us as we make decisions for our future. Grant us clear minds as we serve Your people to the best of our abilities.

Thank You for all these favors, and we will be mindful that all glory and honor belong to You. This is Your servant's prayer. In the name of the Father, the Son, and the Holy Ghost, Amen.

THE JOURNAL

The SPEAKER. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

PLEDGE OF ALLEGIANCE

The SPEAKER. Will the gentlewoman from New York (Mrs. MCCARTHY) come forward and lead the House in the Pledge of Allegiance.

Mrs. MCCARTHY 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.

WELCOMING REVEREND WILLIAM A. WATSON, JR.

(Mrs. MCCARTHY asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Mrs. MCCARTHY. Mr. Speaker, I rise to thank my friend, the Reverend William A. Watson of St. John's Baptist Church in Westbury, New York, for offering the opening prayer before the House this morning.

He is someone who is truly worthy of this honor. Reverend Watson is also the head of the Eastern Baptist Association. He is not only a leader in his congregation but an asset to all of Long Island and the entire New York region.

Whether it is keeping young people from joining gangs, helping people gain job skills or improving access to health care, Reverend Watson is a tireless advocate for those in need. Mr. Speaker, I salute Reverend Watson for his great work.

ANNOUNCEMENT BY THE SPEAKER

The SPEAKER. The Chair will entertain five 1-minute speeches on each side.

''HEIGH-HO SILVER''—AND THE BORDER

(Mr. POE asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. POE. Mr. Speaker, Congress is back in session, and our first major piece of legislation, to protect horses. You see, three or four places in America buy old horses and sell the meat to the French, for goodness sake, so we are going to protect American horses.

So we are going to protect American horses, the likes of Silver, Trigger and Buttercup, from the carnivorous French. This horse security bill will even provide a sanctuary or rest home for those old horses. Well, this Congress needs to be as concerned about border security as we are about horse security.

We need a border security bill with no add-ons that even the Senate will approve. Deal with border security before we talk about the contentious issues of immigration and illegals in this country. Why are we putting horse security at the forefront and not border security?

The American public expects and deserves better. Protecting America's borders should be our first priority. That needs to be our first duty. Stop the invasion at the border, then we can worry about the Europeans eating our horses, otherwise our country will ride off like the Lone Ranger and a ''Heigh-Ho Silver'' into the sunset of history.

And that's just the way it is.

FIVE YEARS LATE

(Mr. BLUMENAUER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BLUMENAUER. Mr. Speaker, after 5 years the President who ignored the memo that bin Laden wanted to attack the United States is belatedly taking steps to bring to trial suspected terrorists. Why the sudden change of heart? Well, the public is fed up with the bungling, the secret prisons and torture. The Supreme Court has ruled that the administration's approach was unconstitutional. All of this has created a political tide that has forced the President's hand.

But now is the time for the Congress, which has been asleep at the switch allowing the administration's despicable excesses, to do its job. Instead of rubber stamping the administration's flawed and belated proposal, Congress should do what it should have done in the first place: Ensure that justice is done, the enemies of the United States are punished, and America's tarnished image of justice is restored.

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A LETTER FROM IRAQ

(Mr. SHIMKUS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. SHIMKUS. Mr. Speaker, from a second lieutenant platoon leader in Iraq: ''If you watch the news, you know that the greater Baghdad area is in turmoil. We are on the outskirts of the city, controlling the rural area between Baghdad, Ramadi and Fallujah. We believe the area became hostile when terrorist cells fled here during the coalition invasion of the urban areas.

''Now our task is to control this area and give the enemy no safe haven. We are spread thin, but we are getting the job down. The television highlights every explosion and loss of life. But you miss what we do. You miss my soldiers giving water and food to local nationals. You miss my soldiers giving the little kids high-fives and soccer balls. You miss my soldiers replacing sewer systems and rebuilding roads. You miss my medic treating the locals for injuries.

''The news shows death, murder and violence, but daily I see smiles, hard work and hope. Is the area in turmoil? Yes. Is it lost? No, and every day American soldiers bring hope to these people. You won't see it in the morning paper or the evening news, but I am telling you it is here. I know it. I am seeing it, and I am doing it.

''I miss everyone and look forward to coming home. Know that your Army is making you proud to be an American. God bless America.''

However, we spend our new found time planning and running missions into unoccupied territory, looking to bring the fight to an enemy who likes to stay hidden. I like the new tempo, because its aggressive and suits the guy's personality much more than a defensive campaign. I am positive that my guys would choose to air assault onto a hostile objective before they would want to defend a quiet base. They are good at their jobs, and love being challenged under pressure.

STUDENT ASSISTANCE

(Mr. GENE GREEN of Texas asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. GENE GREEN of Texas. Mr. Speaker, I want to follow my Texas colleague, in fact my neighbor in the Houston area, and say the House is spending more time today on this horse bill than we are on homeland security, and we need to deal with that. We need to protect our borders, ports and airports.

If you don't like the bill, I am a cosponsor of it, you can just vote ''nay.''

Mr. Speaker, the reason I am here today is because I recently learned that the U.S. Department of Education failed to award the LULAC National Education Service Centers a grant under the Talent Search Program.

The LULAC Talent Search program has been one of the largest talent search grantees since it was first awarded in 1979. This program serves over 12,000 students in some of the country's most disadvantaged areas. These cuts will severely impact the Hispanic community that I represent.

In my Houston area, the local LULAC Council 402 has been an integral part of serving students in our area for years. Just last year, LULAC Council 402 served students in our area and they raised $32,000 separately to match the Federal funds. This program nationwide serves thousands and serves our Nation, and now the Department of Education has decided to turn out the lights on these centers. I hope someone in the Department of Education is listening.

SECRETARY RUMSFELD SERVES NATION WITH DIGNITY AND HONOR

(Ms. FOXX asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. FOXX. Mr. Speaker, I rise today in strong objection to the blatant partisan move of the Senate Democrats and their partisan agenda to force a vote of no confidence in Donald Rumsfeld. It is transparent that the Democrats are making this a political issue and hope to polarize the American people and their views on the war on terror. They are attempting to overshadow and downplay our successes in Iraq and the Republican agenda for winning the war on terror.

A difference of opinion should not equal a vote of no confidence. In our democracy, there will always be room for debate and disagreement, but political posturing and defamation of character have no place in a civilized debate.

Secretary Rumsfeld has worked tirelessly with Iraqi government officials and its military to bring freedom and democracy to a formerly tyrannical regime while fighting against terrorists and insurgents who threaten Iraqis and Americans stationed there.

Mr. Speaker, I stand firm in my resolve to ensure victory not only in Iraq but also in the global war on terror. Secretary Rumsfeld is serving our Nation with dignity and honor and should be treated as such whether you agree with his actions or not.

STRUGGLING FAMILIES

(Ms. SOLIS asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. SOLIS. Mr. Speaker, today I rise to highlight the struggle of American working families. The Census Bureau reported that American families are living paycheck to paycheck, struggling to make ends meet and going deeper into debt, even as they are working harder and are more productive.

Housing costs and interest rates are skyrocketing. The income of American families continues to stagnate even as health care, energy and college costs keep going up. The number of Americans without health insurance has risen by 16 percent to 46 million people, equal to the population of 24 States and the District of Columbia.

This includes more than one-third of my constituents in east Los Angeles and the San Gabriel Valley, not to mention the 5 million more Americans living in poverty under this administration.

We need a new direction to help America's working families achieve the American dream, not more tax breaks for the wealthy oil corporations. I urge my colleagues to please reject the failed economic policies of the Republican Congress and instead honor hard work, fair wages and economic growth.

WINNING THE WAR ON TERRORISM

(Mr. WILSON of South Carolina asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. WILSON of South Carolina. Mr. Speaker, while traveling by bus through the 10 counties of South Carolina's Second Congressional District last month, I spoke with constituents about the resolve of America for victory in the global war on terrorism. I repeatedly heard that we must maintain our resolve for winning this war to protect American families.

As several recent successes prove, we are winning the war on terrorism. Nine men suspected of plotting a terrorist attack in Denmark have been arrested. British police detained 14 people suspected of operating terrorist training camps. Iraqi authorities arrested the number two al Qaeda murderer in Iraq. U.S. and British authorities stopped a plot to target U.S.-bound airplanes. Germany and India foiled terrorist attacks in their homelands.

Countries that were reluctant to join with us in the war on terrorism are learning they cannot escape its effects. This is not just a war against America; this is a war against all freedom-loving nations.

With four sons in the military, I am grateful for the dedication of American servicemembers symbolized by the heroism of Cpl David Weimortz of Irmo.

In conclusion, God bless our troops, and we will never forget September 11.

PROBLEMS IN AMERICA

(Mr. McDERMOTT asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. McDERMOTT. Mr. Speaker, the Republicans went home for a month and listened to people and watched the decimation of Lebanon. They watched the continuing mess in Iraq. The President cancelled the return of 13,000 people, or Mr. Rumsfeld did, and they are

keeping them in Baghdad because the place is in a shambles.

But what do we do when we come back, the first week we are back? Do we discuss those issues, or do we discuss the slaughter of human beings?

No, we are here to deal with horse slaughter. When I was in my district, I don't remember in the 18 years that I have been in my district that I have heard anybody come and say, why don't you stop the slaughter of horses?

What is the matter with the Republican Party? Have you nothing to do? Can't you pass anything on port security? Can't you pass anything on immigration? Can't you pass anything about helping the President get out of Iraq? Or about the economy? Gasoline is $3 a gallon. You cut the Pell Grants, and you come out worrying about the slaughter of horses. I vote ''nay.''

BORDER PROTECTION AND SECURITY NOW

(Mrs. CAPITO asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Mrs. CAPITO. Mr. Speaker, during the August recess, my constituents saw very clearly the need to increase enforcement along our borders. In early August, an illegal immigrant wanted for murder in Texas was found working in a lumberyard near Elkins, West Virginia.

Last week, another illegal immigrant struck and killed 4-year-old Tyler Evans in a car accident in Boone County, West Virginia. The police report alleges that speed and alcohol were factors in the fatal crash. Both illegal immigrants had falsified immigration papers.

I held a roundtable with law enforcement officers and elected leaders and talked with many constituents throughout August to discuss the House border security bill and the Reid-Kennedy amnesty bill. The response was unanimous: No amnesty and increased enforcement along our borders.

We shouldn't stop there. It is critical that we provide employers the ability to check immigration status of employees and hold them accountable for their workers. Clearly, most people who enter illegally are not security threats, but it is critical to our homeland security that we are able to account for the people who enter this country. We need to pass tough immigration reform now. It is too late for Tyler Evans, but we need to act before it is too late for other Americans.

PEOPLE PROTECTION

(Mr. PALLONE asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. PALLONE. Mr. Speaker, nothing could illustrate more that this Republican Congress is a do-nothing Congress than the fact that, on the first full day back, the only thing we are dealing with is the Horse Protection Act. The previous speaker on the Republican side talked about immigration reform. When I was back in my district, people wanted to know when this Congress was going to address immigration reform, when we were going to address port security and the rising number of people that have no health insurance. But we not dealing with those issues today, we are dealing with the Horse Protection Act. What about people protection?

Osama bin Laden is still at large. The 9/11 Commission recommendations have not been implemented by this Congress. What about a people or American protection act?

The previous speaker talked about immigration reform. This Republican Congress is not even addressing immigration reform. They have decided they are not going to deal with the issue between now and the end of this congressional session. It is a disgrace. This Republican Congress is doing nothing. It is the biggest do-nothing Congress that we have ever seen. We come here to talk about horse protection. We have been out for 6 weeks. The American people want more.

□ 1015

PROVIDING FOR CONSIDERATION OF H.R. 503, AMERICAN HORSE SLAUGHTER PREVENTION ACT

Mr. LINCOLN DIAZ-BALART of Florida. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 981 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 981

Resolved, That at any time after the adoption of this resolution the Speaker may, pursuant to clause 2(b) of rule XVIII, declare the House resolved into the Committee of the Whole House on the state of the Union for consideration of the bill (H.R. 503) to amend the Horse Protection Act to prohibit the shipping, transporting, moving, delivering, receiving, possessing, purchasing, selling, or donation of horses and other equines to be slaughtered for human consumption, and for other purposes. The first reading of the bill shall be dispensed with. All points of order against consideration of the bill are waived. General debate shall be confined to the bill and shall not exceed one hour and twenty minutes equally divided and controlled by the Majority Leader and the Minority Leader or their designees. After general debate the bill shall be considered for amendment under the five-minute rule. The bill shall be considered as read. Notwithstanding clause 11 of rule XVIII, no amendment shall be in order except those printed in the report of the Committee on Rules accompanying this resolution. Each such amendment may be offered only in the order printed in the report, may be offered only by a Member designated in the report, shall be considered as read, shall be debatable for the time specified in the report equally divided and controlled by the proponent and an opponent, shall not be subject to amendment, and shall not be subject to a demand for division of the question in the House or in the Committee of the Whole. All points of order against such amendments are waived. At the conclusion of consideration of the bill for amendment the Committee shall rise and report the bill to the House with such amendments as may have been adopted. The previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit with or without instructions.

The SPEAKER pro tempore (Mr. ADERHOLT). The gentleman from Florida (Mr. LINCOLN DIAZ-BALART) is recognized for 1 hour.

Mr. LINCOLN DIAZ-BALART of Florida. Mr. Speaker, for the purpose of debate only, I yield the customary 30 minutes to the gentlewoman from California (Ms. MATSUI), pending which I yield myself such time as I may consume. During consideration of this resolution, all time yielded is for the purpose of debate only.

(Mr. LINCOLN DIAZ-BALART of Florida asked and was given permission to revise and extend his remarks.)

Mr. LINCOLN DIAZ-BALART of Florida. Mr. Speaker, the rule provides 1 hour and 20 minutes of general debate, equally divided and controlled by the majority leader and the minority leader. The rule also provides one motion to recommit, with or without instructions.

Horse meat is generally not consumed by people in the United States, but more than approximately 90,000 were slaughtered for human consumption in 2005. Virtually all of those horses were slaughtered for export and sent to the largest markets for that product, to countries such as France and Belgium, where it is commonly served to humans. Another 30,000 were transported from the United States to Canada and Mexico for slaughter. A number of States currently have laws that prohibit slaughter or facilitating the slaughter of horses for human consumption, but there is not a nationwide ban.

Last year during consideration of the fiscal 2006 agriculture appropriations bill, my good friends, distinguished Members Mr. SWEENEY and Mr. WHITFIELD, offered an amendment to that bill that would have prohibited the expenditure of taxpayer dollars for slaughter plant and horse meat inspections, effectively ending the practice. The amendment passed the House with bipartisan support by a strong 269–158 vote. A similar amendment also passed the Senate. However, horse slaughter plants petitioned the USDA to allow fee-for-service inspections whereby the plants pay for the inspections. The USDA granted the request. To get around the limitation amendment, horse slaughter plants made that petition to the USDA to allow for inspections.

The American Horse Slaughter Prevention Act would prohibit an individual from slaughtering a horse for human consumption in the United States and would also prevent the transportation of horses from the

United States to Canada or Mexico for the purpose of slaughter for human food.

This legislation, H.R. 503, was introduced by Mr. SWEENEY and Mr. WHITFIELD. I commend both of them for their hard work on this issue, an issue that obviously is very important to them and their constituents.

I urge my colleagues to support both the rule and the underlying legislation.

Mr. Speaker, I reserve the balance of my time.

Ms. MATSUI. Mr. Speaker, I thank my good friend, the gentleman from Florida, for yielding me this time, and I yield myself such time as I may consume.

(Ms. MATSUI asked and was given permission to revise and extend her remarks.)

Ms. MATSUI. Mr. Speaker, the rule before the House would make in order H.R. 503, the American Horse Slaughter Prevention Act. This bill has the support of 203 bipartisan co-sponsors, myself included. Passing this bill will end the cruel and barbaric practice of horse slaughter. It will ensure that horses are treated humanely up until their deaths, which is a goal that both supporters and opponents of the legislation can support. It will also improve conditions for living horses.

In my home State of California, for example, we have experienced no increase in cases of horse abuse or neglect since we banned their slaughter in 1998. Horse theft cases in California have declined by 35 percent since then as well.

Simply put, horses are an integral part of our country's culture and history. They do not deserve to be slaughtered in the brutal conditions which they must currently endure before death. American horses deserve better treatment.

But the American people deserve better treatment as well. Unfortunately, the Republican majority in Congress appears focused exclusively on issues which do little to improve the lives of Americans.

A few days ago, we celebrated Labor Day. Yet it is clear that people who work for a living have very little to celebrate. The minimum wage remains unchanged. Our constituents face ever-rising energy prices. Seniors continue to be burdened with high costs for prescription drugs. College graduates are saddled with debt. Other young people cannot afford to attend college at all. And nearly 5 years to the day after September 11, our Nation is still not secure.

These are some of the pressing and critical problems the American people deal with on a daily basis. Congress could easily devote an entire week to each issue, and yet we find ourselves procrastinating. Instead of addressing these challenges that confront our constituents, real issues that impact real people, the majority has chosen to authorize commemorative coins. This Congress cannot bring itself to allow a clean vote to help hardworking Americans by raising the minimum wage, though not for lack of Democratic proposals to do so. My colleague, Congressman GEORGE MILLER, has introduced a bill that will raise the minimum wage for the first time in nearly a decade, and Congressman HOYER's amendment to the Labor-HHS appropriations bill will do the same.

Unfortunately, these sensible proposals to give working families a boost have either been stalled by the Republican leadership or loaded with poison pills to ensure that Americans go yet another year without a minimum wage increase. We owe it to the hardworking voters who send us to Washington to increase the minimum wage before we adjourn. Instead, the leadership has turned our attention to horses.

The majority also refuses to take action to combat skyrocketing energy costs. Democrats have advocated for an innovative and strategic national energy policy, one which rolls back tax breaks for oil companies and invests the savings in alternative fuel sources. Not only will such action lower energy costs over the long term, but it will also help our Nation break our dependence on foreign oil.

The American people deserve an energy policy that is responsible, innovative, and independent. Dozens of promising proposals for such a policy have been introduced, proposals which could be brought to the floor today. However, the leadership has decided instead to use one of our few remaining legislative days to debate horses.

Even before this energy crisis, the steady rise in health costs threatened to drive many middle-class families out of our health care system altogether. Most of the 3 million people who have lost health coverage since 2002 make over $50,000 per year, and some make over $75,000 per year. This figure is frightening, for it indicates that high insurance costs are affecting more and more Americans. Additionally, seniors have already begun to hit the ''doughnut hole'' in the Medicare prescription drug program, which has forced them to bear thousands of dollars in unexpected costs.

The Democratic plan for the future gives the Federal Government the freedom to negotiate for lower prescription drug prices. It also provides millions of American families with urgently needed health insurance. We owe it to our constituents to reform the health care system to make it more affordable before we adjourn.

Mr. Speaker, it is clear that this Congress has done little to help American seniors. Sadly, younger Americans have not fared much better. The Republican leadership has left our Nation's students saddled with ever-growing amounts of student loan debt.

Democrats have offered a new direction for higher education, centered on expanding Pell grants and restoring the $12 billion in cuts to student aid which Republicans passed earlier this year. This will ease the debt burden for recent graduates and put the dream of a college education within reach for more young Americans. We owe it to our students and to the families who support them to increase tuition assistance before we adjourn. However, the leadership has ignored this opportunity to make higher education accessible and affordable. Instead, the majority has decided to take another long weekend, with no votes scheduled on Monday or Friday.

As we can see, the list of misplaced priorities in the 109th Congress is long. However, perhaps none is as disappointing or as dangerous as Congress's refusal to secure our homeland. The majority has refused to fully implement all the recommendations of the September 11 commission. In doing so, it has left unnecessary holes in national security and has failed to fulfill its primary responsibility to ensure America's safety.

Before we adjourn for the year, Congress must secure our borders, and we must do more to protect our ports and airports. Democrats have offered legislation to do so, legislation which will also provide our first responders with the resources they need to respond to a terrorist attack or other national emergency.

These proposals to protect American lives and families are on the table, and Democrats stand ready to pass them with the help of our Republican colleagues. And yet as we return from a month-long break, we have been presented with a paper-thin legislative agenda. This week's schedule illustrates how out of touch this Chamber's leadership is from American families and the problems they face every day.

As a result, on the floor of the House of Representatives this week, we will focus on improving the welfare of America's horses. What we should be doing is improving the welfare of America's people.

My Democratic colleagues and I have offered a new direction, a plan to raise the minimum wage, ease our reliance on foreign energy sources, lower prescription drug prices, make college more affordable, and strengthen our Nation's security to combat terrorists.

□ 1030

We will continue to fight to pass this package of urgent national legislation, and we await the cooperation of Republican colleagues to do so.

Mr. Speaker, I reserve the balance of my time.

Mr. LINCOLN DIAZ-BALART of Florida. Mr. Speaker, I yield 4 minutes to the gentleman from New York (Mr. SWEENEY), a prime author of this legislation.

(Mr. SWEENEY asked and was given permission to revise and extend his remarks.)

Mr. SWEENEY. Mr. Speaker, I rise today in strong support of the rule and its underlying bill. But I do want to respond to my friends on the other side

and their comments about the appropriateness of this particular piece of legislation, which I believe they support being on the floor here.

Since 1979, there have been efforts and attempts and a struggle to bring this piece of legislation to the floor for open public debate so that we can flush out the fact from the fiction.

And while I know and I believe over the next month we will be debating a number of important issues, like border security, like protecting this Nation, and our war on terror, this is a piece of legislation that is long overdue and needs to be discussed and needs to be disposed of in an appropriate fashion.

As author of the legislation, I have worked tirelessly to bring it to the floor. What the bill does is it prohibits the shipping, transporting, moving, delivering, receiving, possessing, purchasing, selling or donation of horses or other equines for the slaughter for human consumption.

It makes it impossible to do so in the United States but also prohibits the transport to Canada and Mexico. And some might ask, why is that important? Well, it is important for a number of reasons. The first and foremost is that it is one of the most inhumane, brutal, shady practices going on today in this Nation.

It is important because more than 70 percent of the American people, at least every survey I have ever seen, support the notion that we ought to ban the slaughter of horses for human consumption. It is important because a substantial number of States have outlawed this practice, yet because of a Federal court case, an injunction has been obtained in which the court has essentially said, unless Congress acts, this practice can go on despite the will of the people and the States involved.

For years I had hoped for a fair and honest debate on this issue. We have been thwarted in that effort until now. Each year, 90,000 horses in the country are slaughtered and shipped overseas to Europe and Asia where they are served in restaurants as a delicacy, not as a necessity. I want this process stopped, and some of my colleagues in this chamber do not.

This rule gives us the opportunity for that fair and open debate. I want to thank the Rules Committee and its chairman, Mr. DREIER, for that opportunity. However, I must stress that I have real concerns over the seven amendments that are possibly going to be introduced in the course of today's debate.

I have concerns about it, because they are being introduced by people who have for a long time tried to stop this debate from happening in the first instance, and, therefore, then I would suggest that every one of these amendments are poison pills. Every one of these amendments are intended for one thing, that is to continue this practice, a practice that I do not want to tell you, Mr. Speaker, is subsidized by this Federal Government.

Now, last year, my good friend from Florida pointed out, last year we passed with 269 votes an amendment in the ag appropriation bill that said taxpayer dollars should not be used for something the American people do not support in the first instance; should not be used to subsidize and continue this process.

Despite passing that piece of legislation, the USDA and others thwarted our efforts to have the right thing happen.

I would suggest to my colleagues that today we send a strong message: We end this practice. And, yes, let's get on with the other business of this House. But after many, many years, three decades of attempts, it is about time we passed this legislation and ended this practice.

Ms. MATSUI. Mr. Speaker, I yield 3 minutes to my good friend, the gentlewoman from California (Ms. LOFGREN).

Ms. ZOE LOFGREN of California. Mr. Speaker, with energy costs at an all-time high in the United States, climate change threatening the future prosperity of our country and our planet, the Taliban regaining control in Afghanistan, Iraq in meltdown, the U.S. saddled with the largest debt in the history of the world, the real wages of average Americans in decline, 42 million Americans without health care insurance, and most of the 9/11 Commission recommendations to make America safe still not implemented by this Congress, it is unbelievable to me that we are spending this day on the horse meat bill.

Now I commute 3,000 miles from California to Washington to serve the people, as we all do, to serve the people. And I am for the horsies, too. I will vote for it. We could have done it by consent. We could have done it on voice vote.

I cannot believe that we are here today using the very limited time left to this Congress to deal with horse meat. Now, I hope that we can come to our senses, that the Republican leadership in this House will get a grip about what the American public needs us to do to serve their interests, to make sure that they are secure, both from an economic point of view, from international terrorism and to deal with the terrible disaster that has become Iraq and the disaster that is growing in Afghanistan.

As I say, I am happy to vote for the horsie bill, but I am ashamed that that is all we are doing here today.

Mr. LINCOLN DIAZ-BALART of Florida. Mr. Speaker, I yield 5 minutes to the distinguished chairman of the Agriculture Committee, Mr. GOODLATTE.

Mr. GOODLATTE. Mr. Speaker, H.R. 503 has not received the support of any House committee and was, in fact, ordered to be reported unfavorably to the floor with the recommendation that it not pass by an overwhelming bipartisan majority of 37–3 of the Agriculture Committee. So, naturally, the Members of that committee are very sympathetic with those who do not want to hear this legislation today.

The committee rejected this legislation because it has real concerns that eliminating the option of humane euthanasia at horse-processing facilities will do undeniable harm to the welfare of the 90,000 unwanted horses per year that normally go this route. This rule makes in order several amendments that seek to correct some of the problems created by this bill.

Since H.R. 503 leaves so many questions unanswered, the amendments are the only means to provide solutions to the problems. What happens to those 90,000 horses? H.R. 503 provides no answer to that question. Will they be guaranteed a safe, healthy future by the passage of H.R. 503? Sadly, the answer is, no.

H.R. 503 provides no provisions for the welfare of these unwanted horses. Proponents suggest that these 90,000 horses will not all necessarily be absorbed by the rescue facilities but will instead be sold to new owners or kept longer by their current owners. Many of the horses received by these processing plants are traditionally unserviceable, vivacious or behaviorally unacceptable in today's equine community.

Holding on to a dangerous horse presents a potentially dangerous situation for the owner and his or her family. And selling the dangerous horse to an unwitting buyer is irresponsible. Obviously, the idea of sending a horse to a processing facility is not something any of us would like to think about. But for certain horses, these facilities, which are federally regulated with on-site U.S. Department of Agriculture veterinarians and humane euthanasia and processing conditions that are acceptable to the both the American Veterinary Medical Association and the American Association of Equine Practitioners provide a humane alternative to additional suffering or possibly dangerous situations.

In order to ensure the welfare of these animals while they are alive, it is imperative that all humane disposal options be available. A responsible horse owner has the right to choose, and although we may not agree, we need to respect that right.

H.R. 503 is a deceptive piece of legislation. Much of the misinformation that surrounds this bill has led many to believe it will accomplish things that it is not capable of achieving. Make no mistake about it: H.R. 503 will not prevent horses from dying. Proponents note that an alternative to sending the horses to processing facilities is to put the horse down on the farm. Apparently, the alternative to death is, well, death.

The euthanasia practices employed at the three U.S. processing facilities meet the humane euthanasia guidelines of the American Veterinary Medical Association, and the regulations established by the U.S. Department of Agriculture for humane euthanasia.

The proponents of H.R. 503 are not arguing to keep horses alive or maintain a standard of care to ensure the horse's welfare; they are arguing about what happens to the meat once the animal has been euthanized. Furthermore, the humane treatment of these horses is regulated from the moment the decision is made to send the horse to the processing facility.

The Commercial Transportation of Equine for Slaughter Act regulates the transportation of the horses to the facility, preventing the transport or euthanasia of injured horses. This bill raises many questions about the welfare of horses but provides no solutions. If you care about animal warfare, vote against H.R. 503. If you care about horses, vote against this bill.

Ms. MATSUI. Mr. Speaker, I yield 3 minutes to the gentleman from West Virginia (Mr. RAHALL).

Mr. RAHALL. Mr. Speaker, the rule governing the debate on H.R. 503 makes in order seven amendments, all but one of which were filed late, beyond the deadline for amendment submission with the Rules Committee.

What does this suggest? Normally, as we know, the Rules Committee is not enthused with late-filed amendments. As I recall, the majority on the Rules Committee has even used this as an excuse to not make certain amendments in order.

So I think those of us on both sides of the aisle are being sent a signal here. And that message is that there is a concerted effort among some in power in this body to torpedo the pending legislation, H.R. 503, by gaining the adoption of nefarious and ill-conceived amendments that would simply gut the legislation. This is the hand that we are being dealt. And it is apparently the one that we must play.

With that said, I rise in support of the rule. I urge my colleagues, especially on my side of the aisle, to vote for it, so at the very least, we can have an open debate on the issue of horse slaughter in the United States, so that we can strive to keep hope alive.

Americans do not eat horse flesh. The concept is repugnant to most Americans. Yet the merchants of slaughter will have us believe that it is fine and dandy to slaughter our horses for the sole purpose, the sole purpose, of sending their flesh overseas to support some warped demand among foreign diners for horse meat on their menus.

Hear me and hear me now: America, the land of the brave and true, we are sending over 90,000 horses a year to slaughter. Stunned in the head if lucky, throats slit. Explain this to your children. Try to defend this to your constituents.

I hope my colleague will vote for the rule, demonstrate that we will stand up to the likes of those who slaughter our horses for profit and slaughter our horses for power.

Mr. LINCOLN DIAZ-BALART of Florida. Mr. Speaker, I yield 5 minutes to the gentleman from Kentucky (Mr. WHITFIELD), who has done so much to bring this legislation to the floor.

Mr. WHITFIELD. Mr. Speaker, I certainly want to thank the Rules Committee for bringing this rule to the floor on this important issue. I might say that the first legislation introduced in the U.S. Congress to try to curtail the slaughter of American horses for human consumption was back in the mid-1970s. And year after year after year after year, the Ag Committee refused to take any action. They never had a hearing. They did everything that they could do to defeat this bill and to make sure that it never saw the light of day.

Well, today we have the opportunity to vote on this bill to have a free and open discussion about the importance of this bill and to make the American people recognize and realize that there are only three slaughter plants in the U.S. operating where the horses are being slaughtered for human consumption. Every one of them is owned by foreign interests, by the Belgians, by the Dutch and by the French.

All of the meat is exported to Europe. Now, the Fort Worth newspaper today had an editorial opposed to this bill and what they said reflects the inaccuracy about this bill. They talked about how pet food is made from horse meat. The truth of the matter is, the pet food association has not used horse meat for 12 years.

□ 1045

That is just one of the inaccuracies.

Horse slaughter is about a process. There are groups of killer buyers around America who will obtain horses by any means possible, by theft, by misrepresentation.

Skye Dutcher, a young girl from New York, came to Washington just yesterday to tell us the story about on her 12th birthday her horse was stolen from her family's farm. A fellow took it to a killer buyer, and he received $150. The killer buyer took it to the auction, and the horse was taken to slaughter.

Judy Taylor, in my State of Kentucky, had two Appaloosas, and she had cancer. She gave them to a friend who said, I will take care of them. That friend sold them to a killer buyer. The killer buyer took them to Beltex in Fort Worth, Texas, where they were slaughtered.

So the nasty part of this business is that so many horses are being obtained illegally, and I know of very few industries in America today where the products that they are using are obtained illegally.

We hear a lot about these unwanted horses and what are we going to do with 90,000 horses that have not been slaughtered. I would say to you that 12 years ago 300,000 horses were slaughtered each year. Today, that number is down to 87,000 because the demand is going down. With that kind of a drastic reduction, you would think there are a lot of unwanted horses running around the country. Yet there is not one study anywhere that indicates that there is an abundance of horses. In fact, as I said, most of the horses that are being slaughtered are wanted. The owners would love to have them back, but because of this process, this is what is happening.

The State of Texas had a law on its books that made it illegal to use horse meat for human consumption, to buy it or sell it or transport it. They tried to shut down the slaughterhouses in Texas. The prosecutors were getting ready to go to court, and the foreign owners filed a lawsuit in Federal court. They won that lawsuit because the Federal judge said this is about interstate commerce and the State of Texas will be impeding interstate commerce by trying to shut these slaughterhouses down.

So the only thing that we can do is if it is going to be changed, Congress has to do it. That is what this bill is about today. H.R. 503 is on the floor because Congress wants to take action.

Every poll that has been taken on this issue, the American people support the prohibition of slaughtering horses. Horses have never been a part of the food chain. They are not like cattle. They are not like pigs. They are not like goats. Those animals are raised for slaughter; and when you take it to auction, you know where it is going to end up. That is not the case with horses.

I think that this is going to be quite an interesting debate, a worthwhile debate; and I want to thank the Rules Committee for giving us this opportunity today.

Ms. MATSUI. Mr. Speaker, I yield myself the balance of my time.

Mr. Speaker, I would urge all Members to support the rule and the underlying bill. Congress should do the right thing for America's horses by ending the cruel practice of horse slaughter.

But, Mr. Speaker, there are a larger set of priorities which must be addressed. The American worker deserves an increase in the minimum wage, and our Nation's seniors deserve lower prescription drug prices. Almost 5 years after September 11, failing to secure America's ports and airports is unconscionable.

Democrats are committed to staying here until these priorities are accomplished. I would urge all my colleagues to join us in this effort.

Mr. Speaker, I yield back the balance of my time.

Mr. DIAZ-BALART of Florida. Mr. Speaker, I also yield back the balance of my time, and I move the previous question on the resolution.

The previous question was ordered.

The SPEAKER pro tempore. The question is on the resolution.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. SWEENEY. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The vote was taken by electronic device, and there were—yeas 351, nays 40, not voting 41, as follows:

[Roll No. 430]

YEAS—351

Ackerman
Aderholt
Akin
Alexander
Allen
Baca
Bachus
Baker
Barrett (SC)
Bartlett (MD)
Barton (TX)
Bass
Bean
Berkley
Berman
Biggert
Bilbray
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blackburn
Blunt
Boehlert
Boehner
Bonilla
Bonner
Bono
Boozman
Boren
Boucher
Boustany
Boyd
Bradley (NH)
Brady (PA)
Brady (TX)
Brown (OH)
Brown (SC)
Brown, Corrine
Brown-Waite, Ginny
Burgess
Burton (IN)
Butterfield
Buyer
Calvert
Camp (MI)
Campbell (CA)
Cannon
Cantor
Capito
Capps
Cardoza
Carnahan
Carson
Carter
Case
Chabot
Chocola
Clay
Cleaver
Clyburn
Coble
Cole (OK)
Conaway
Cooper
Costa
Cramer
Crenshaw
Crowley
Cuellar
Culberson
Davis (AL)
Davis (CA)
Davis (FL)
Davis (IL)
Davis (KY)
Davis (TN)
Davis, Jo Ann
Davis, Tom
Deal (GA)
DeGette
Delahunt
DeLauro
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Doolittle
Dreier
Duncan
Edwards
Ehlers
Emerson
Engel
English (PA)
Eshoo
Etheridge
Everett
Farr
Feeney
Ferguson
Filner
Fitzpatrick (PA)
Flake
Foley
Forbes
Fortenberry
Fossella
Foxx
Frank (MA)
Franks (AZ)
Frelinghuysen
Garrett (NJ)
Gerlach
Gibbons
Gilchrest
Gillmor
Gingrey
Gohmert
Gonzalez
Goode
Goodlatte
Gordon
Granger
Graves
Green, Al
Green, Gene
Grijalva
Gutierrez
Gutknecht
Hall
Harman
Hart
Hastings (WA)
Hayes
Hayworth
Hefley
Hensarling
Herger
Higgins
Hinojosa
Hoekstra
Holden
Holt
Honda
Hooley
Hostettler
Hoyer
Hulshof
Hunter
Inglis (SC)
Inslee
Israel
Issa
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Jenkins
Jindal
Johnson (CT)
Johnson, E. B.
Jones (NC)
Jones (OH)
Kaptur
Keller
Kelly
Kennedy (MN)
Kildee
Kilpatrick (MI)
Kind
King (IA)
King (NY)
Kingston
Kline
Knollenberg
Kolbe
Kucinich
Kuhl (NY)
LaHood
Langevin
Lantos
Larsen (WA)
Larson (CT)
Latham
LaTourette
Leach
Lee
Levin
Lewis (KY)
Linder
Lipinski
LoBiondo
Lofgren, Zoe
Lowey
Lucas
Lungren, Daniel E.
Lynch
Mack
Maloney
Manzullo
Marchant
Markey
Marshall
Matheson
Matsui
McCarthy
McCaul (TX)
McCollum (MN)
McCotter
McCrery
McDermott
McHenry
McHugh
McIntyre
McKeon
McMorris Rodgers
McNulty
Meehan
Meek (FL)
Meeks (NY)
Mica
Millender-McDonald
Miller (FL)
Miller (MI)
Miller (NC)
Miller, George
Mollohan
Moore (WI)
Moran (KS)
Musgrave
Myrick
Napolitano
Neal (MA)
Neugebauer
Northup
Norwood
Ortiz
Otter
Oxley
Pallone
Pascrell
Pastor
Paul
Payne
Pearce
Pelosi
Pence
Peterson (PA)
Petri
Pickering
Pitts
Platts
Poe
Pombo
Porter
Price (GA)
Price (NC)
Pryce (OH)
Putnam
Radanovich
Rahall
Ramstad
Rangel
Regula
Rehberg
Reichert
Renzi
Reyes
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Ross
Rothman
Roybal-Allard
Ruppersberger
Ryan (OH)
Ryan (WI)
Ryun (KS)
Sabo
Salazar
Sanchez, Loretta
Sanders
Saxton
Schakowsky
Schiff
Schmidt
Schwartz (PA)
Schwarz (MI)
Scott (GA)
Scott (VA)
Sensenbrenner
Serrano
Shadegg
Shaw
Shays
Sherman
Sherwood
Shimkus
Shuster
Simmons
Simpson
Smith (NJ)
Smith (TX)
Smith (WA)
Sodrel
Souder
Spratt
Stark
Stearns
Stupak
Sullivan
Sweeney
Tancredo
Tauscher
Taylor (NC)
Terry
Thomas
Thompson (CA)
Thompson (MS)
Thornberry
Tiahrt
Tiberi
Tierney
Turner
Udall (CO)
Upton
Van Hollen
Visclosky
Walden (OR)
Walsh
Wamp
Wasserman Schultz
Waters
Watson
Weiner
Weldon (FL)
Weldon (PA)
Weller
Westmoreland
Wexler
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Woolsey
Wynn

NAYS—40

Abercrombie
Baird
Baldwin
Barrow
Berry
Blumenauer
Boswell
Capuano
Castle
Chandler
Conyers
Costello
DeFazio
Ford
Herseth
Hinchey
Kanjorski
Kennedy (RI)
Lewis (GA)
McGovern
Melancon
Michaud
Moore (KS)
Moran (VA)
Oberstar
Obey
Olver
Peterson (MN)
Pomeroy
Skelton
Slaughter
Snyder
Solis
Tanner
Taylor (MS)
Udall (NM)
Velázquez
Watt
Waxman
Wu

NOT VOTING—41

Andrews
Beauprez
Becerra
Bilirakis
Cardin
Cubin
Cummings
Doyle
Drake
Emanuel
Evans
Fattah
Gallegly
Green (WI)
Harris
Hastings (FL)
Hobson
Hyde
Istook
Johnson (IL)
Johnson, Sam
Kirk
Lewis (CA)
McKinney
Miller, Gary
Murphy
Murtha
Nadler
Ney
Nunes
Nussle
Osborne
Owens
Royce
Rush
Sánchez, Linda T.
Sessions
Strickland
Towns
Young (AK)
Young (FL)

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (during the vote). Members are advised there are 2 minutes remaining in this vote.

□ 1114

Messrs. PETERSON of Minnesota, POMEROY, and KENNEDY of Rhode Island changed their vote from ''yea'' to ''nay.''

Mr. MEEHAN changed his vote from ''nay'' to ''yea.''

So the resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Stated for:

Mr. JOHNSON of Illinois. Mr. Speaker, due to circumstances beyond my control on Thursday, September 7, 2006, I regrettably missed the vote on H. Res. 981, a bill providing for consideration of H.R. 503, the Horse Protection Act.

H. Res. 981 presents a reasonable rule that made several amendments in order, and allowed adequate time to have a full and fair debate on the underlying bill.

In turn, I would have voted ''yea'' on H. Res. 981, so that we could begin to consider the underlying provisions of H.R. 503.

Mr. CARDIN. Mr. Speaker, earlier today, I was unavoidably detained and missed one rollcall vote. Had I been present, I would have voted ''yea'' on rollcall vote No. 430.

Mr. MURPHY. Mr. Speaker, on rollcall No. 430, had I been present, I would have voted ''yea.''

PERMISSION TO REDUCE TIME FOR ELECTRONIC VOTING DURING FURTHER PROCEEDINGS IN THE HOUSE AND IN THE COMMITTEE OF THE WHOLE

Mr. BOEHNER. Mr. Speaker, I ask unanimous consent that, during further proceedings today in the House and in the Committee of the Whole, the Chair be authorized to reduce to 2 minutes the minimum time for electronic voting on any question that otherwise could be subjected to 5-minute voting under clause 8 or 9 of rule XX or under clause 6 of rule XVIII.

The SPEAKER pro tempore (Mr. FOLEY). Is there objection to the request of the gentleman from Ohio?

There was no objection.

APPOINTMENT OF CONFEREES ON H.R. 5122, G.V. ''SONNY'' MONTGOMERY NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 2007

Mr. HEFLEY. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (H.R. 5122), to authorize appropriations for fiscal year 2007 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes, with a Senate amendment thereto, disagree to the Senate amendment, and agree to the conference asked by the Senate.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Colorado?

There was no objection.

MOTION TO INSTRUCT OFFERED BY MR. EDWARDS

Mr. EDWARDS. Mr. Speaker, I offer a motion to instruct conferees.

The Clerk read as follows:

Mr. Edwards moves that the managers on the part of the House at the conference on the disagreeing votes of the two Houses on the Senate amendment to the bill H.R. 5122 be instructed to agree to the provisions contained in section 721 of the Senate amendment (relating to treatment of TRICARE retail pharmacy network under Federal procurement of pharmaceuticals).

The SPEAKER pro tempore. Pursuant to clause 7 of rule XXII, the gentleman from Texas (Mr. EDWARDS) and the gentleman from Colorado (Mr. HEFLEY) each will control 30 minutes.

The Chair recognizes the gentleman from Texas.

Mr. EDWARDS. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, the fiscal year 2007 defense authorization bill passed the House on May 11 and the Senate on

June 22. It is deeply disappointing that during a time of war it has taken the House and Senate Republican leadership over 2½ months to appoint conferees to write the final defense bill, which includes programs vital to our troops and to our Nation's defense. The fact that Speaker HASTERT could take time to campaign in over 40 House districts during the August recess, but could not find time to appoint final defense conferees, represents the kind of misplaced priorities that have Americans demanding that Congress change its way of business. Our troops in Afghanistan and Iraq should not have had to wait 2½ months to see Congress moving ahead on a bill that is vital to them, their mission and their families.

Now that conferees have finally been appointed, the House has a serious responsibility to support a bill that puts our troops and military retirees first. That is what this motion to instruct is all about.

Specifically, this motion would instruct House conferees on the defense bill to accept Senate language that would reduce the cost of prescription drugs for military retirees, including Iraqi war veterans, by hundreds of millions of dollars each year. It would do so by saying that pharmaceutical manufacturers should give the same drug discount at retail pharmacies that is already being given to military retirees who buy their drugs via mail order.

The Veterans Administration saves hundreds of millions of dollars every year by requiring drug manufacturers to offer veterans drug discounts, and applying the same commonsense principle to military retirees will result in huge savings. In fact, this motion, if accepted, would save taxpayers $251 million in fiscal year 2007 and help, even more importantly, up to 1.9 million military retirees by making it unnecessary to pass the unfair House provision, another provision, that would force a 100 percent increase in generic drug copays at local pharmacist for military retirees and a 77 percent increase in brand-name drug copays for military retirees.

The bottom line, Mr. Speaker, is that this motion is good for American taxpayers and good for our military retirees, who are men and women who have served their Nation for 20 or 30 or more years in uniform.

There is just one problem: the pharmaceutical manufacturers do not want military retirees on the TRICARE health plan to be able to buy discounted drugs at local pharmacies. Why? Because it would cut into their already rather substantial profits.

The choice is clear. The motion is a choice between helping our military retirees, including Iraqi war veterans, or helping the pharmaceutical companies make even higher profits. I am confident that the vast majority of Americans would say that the pocketbooks of those who have served our Nation for decades in uniform should take priority over higher profits for pharmaceutical manufacturers.

The real question is whether this House in voting on this motion will reflect the values of our constituents and our military retirees, or will we reflect the special interests of the pharmaceutical manufacturers and their lobbyists.

The choice should be an easy one. But it appears that the House leadership didn't want this provision included in this motion to help our military retirees, and they did not support this language, which the Senate adopted and put in the House bill. That is why we are here today facing this motion. I salute the other body for having put the discounted drug price language in their defense bill, which passed the Senate on an overwhelming bipartisan basis.

I urge support, Mr. Speaker, for this motion. I hope we will receive bipartisan support. Going along with the pharmaceutical manufacturers should not trump saving taxpayers hundreds of millions of dollars, keeping drug costs affordable for our military retirees, up to 1.9 million of them, and allowing our military retirees to have access to their local pharmacist.

Mr. Speaker, I reserve the balance of my time.

Mr. HEFLEY. Mr. Speaker, I reserve the balance of my time.

Mr. EDWARDS. Mr. Speaker, I yield 3 minutes to the gentleman from South Carolina (Mr. SPRATT), a senior member of the House Armed Services Committee and a great supporter of our servicemen and -women and our veterans and military retirees.

Mr. SPRATT. Mr. Speaker, let's make something clear: the Veterans Health Care Act of 1992 directs drug companies to grant discounts on all drugs that are supplied to the Department of Defense, the Department of Veterans Affairs, the Public Health Service, and the Coast Guard. These are significant discounts. On average they lower the cost to the government for pharmaceuticals provided to beneficiaries by 30 to 40 percent. The Department of Defense is able to take advantage of these discounts in its mail order program and in dispensing drugs in its military treatment facilities, hospitals and clinics.

But the pharmaceutical companies have been balking, refusing to grant these discounts to TRICARE beneficiaries. Those are the families of active duty members and families of reservists deployed. TRICARE beneficiaries, wanting to shop, understandably, with their local pharmacy, their local corner drugstore, they have not been able to obtain the advantages of these discounted drug prices.

The Senate has recognized the problem here and has acted to resolve it by simply providing that in the future, after this bill becomes law, the discounted drug provision will apply not just to military treatment facilities, not just to the mail order program, but to TRICARE beneficiaries going to private drugstores. And it should. Can anybody tell me a reason it should not? Can anybody tell me a reason that TRICARE beneficiaries, our military members, shouldn't be able to shop, when necessary, at their local pharmacy?

That is all we are doing here. The Senate approved this 92–0, and we are simply saying here, let us recede to the Senate provision, let us take a law adopted in 1992 and apply it to all aspects of military health care.

This has a couple of collateral benefits in addition to saving money. One is that the House provision, which raises copays for drugs purchased otherwise at military facilities, will not be necessary because we will save enough money here to make it unnecessary. Another is that the Senate provision, harsh I think, which requires mandatory mail order as opposed to local pharmacies, that provision too can be dispensed with because we will save enough money to do so.

This is a win-win-win proposition. There is no reason the House should not take up the logic and policy of the Senate bill and adopt this same provision. Every Member here should vote to instruct our conferees to recede to the Senate on this critical provision. It will save money and make life better for our TRICARE beneficiaries. There is no reason not to do it. There is every reason to do it. I urge its support.

Mr. HEFLEY. Mr. Speaker, I reserve the balance of my time.

Mr. EDWARDS. Mr. Speaker, I yield myself 3 minutes.

Mr. Speaker, I hope that the absence of speakers on the other side of the aisle is a reflection that there will be bipartisan support for this motion to instruct the House conferees on the defense bill. If so, then I think that is very good news for our military retirees.

I certainly want to express my respect to my friend and colleague, Mr. HEFLEY, who is a great champion for our military, both those on active duty and our retirees.

What is a little bit disconcerting, Mr. Speaker, is how we can have what at least at this moment might appear to be unanimous support for this provision to save hundreds of millions of dollars for taxpayers and military retirees by reducing the cost of military retiree prescription drugs at pharmacies and have the Senate adopt this provision as well, and yet mysteriously it didn't show up in the markup in the House Armed Services Committee.

I don't know what happened. I have heard some rumors suggesting that the House leadership opposed putting this provision, helping our military retirees and saving taxpayers money, into the bill. Perhaps someone could explain to the House and our colleagues and those listening, Mr. Speaker, why this provision wasn't put in the markup of the bill in the first place. But I am not sure anybody has an explanation that could withstand the light of day.

Mr. Speaker, I yield 3 minutes to the gentleman from Florida (Mr. BOYD), a distinguished veteran himself.

Mr. BOYD. Mr. Speaker, I thank my friend, the gentleman from Texas. I won't take 3 minutes. But I will say this, Mr. Speaker, that any time you have a provision, a legislative proposal that saves in performing our legislative duties and our executive duties, saves the taxpayers money and also enables us to better serve those that we are serving in our communities, that is a plus. That is a win-win, as some have said.

That is exactly what this provision we are discussing that is in the Senate bill does. In this case, obviously, it will save Federal taxpayer money. And we all know the issues that exist today in our budgeting process. We have red ink throughout our future budgeting process as far as the eye can see. There is a structural deficit built into the budgeting process, which has been extended by this administration and this Congress.

□ 1130

So, in this case, we are helping those that are our military retirees, those who we have asked to put on the uniform and go into battle, and many of them come back wounded, injured, and then the taxpayer has responsibility for seeing that those folks are cared for the balance of their lives. This is not a new debate about military retirees and how we provide them medical services.

So if we can do a better job of that back home, and the Senate has a better idea in this case, then we should go to it. I think that is what we are asking the folks to do. We are saving money, and we are providing a better service, better quality services to the folks that we have asked to wear the uniform.

I thank the gentleman for bringing the motion to instruct.

Mr. HEFLEY. Mr. Speaker, there is an old saying in the gentleman from Texas' home State, when you have struck oil, stop drilling.

And you have struck oil here, and we are not objecting. Trying to take care of our veterans in the best way we possibly can is not a Democrat or a Republican thing. It is not a partisan thing. It is a thing that I think both sides of the aisle feel very, very strongly about.

With that, I don't think I have any further speakers. I reserve the balance of my time, unless you are ready to wind this up.

Mr. EDWARDS. Mr. Speaker, I have one more speaker, Mr. BERRY of Arkansas, whom I would like to recognize. I would like to say that Mr. BERRY led the charge to send a letter to the chairman and the ranking member of the Armed Services Committee urging the adoption of this language, and I salute him for his leadership on that effort.

Mr. Speaker, I yield 3 minutes to the gentleman from Arkansas (Mr. BERRY).

Mr. BERRY. Mr. Speaker, I thank the gentleman from Texas, and I thank him for his leadership in all matters pertaining to the military and certainly to our veterans in their care, and they are entitled to the best that this country has to offer. I appreciate him, and I also appreciate the gentleman from Colorado.

He is absolutely right. This is not a partisan issue. We should do everything within our power to see that the taxpayers get a good deal, but we have an obligation to our veterans and our retired military that should not be usurped by anyone, any time, any place. They should get the best that we have.

I am amazed that we have even got to deal with this on the House floor. This should have been taken care of a long time ago, and many of us felt like it was taken care of in the Veterans Health Care Act of 1992.

But the amazing thing to me is that we would even consider giving mail order, large corporation pharmacies a huge advantage over the local retail pharmacies, especially in rural America and in the neighborhoods. This is what is going to happen if we don't put this in this final defense authorization bill.

Our veterans should be able to go to any local pharmacy that is the front line health care provider for every community. They should be able to go to those local pharmacies and take advantage of generally free services by well-trained and accomplished professionals that know them and know their health needs and know what medicine they are taking, and those retail establishments should be able to get their pharmaceuticals at the same price that DOD gets them and the same price that the mail order companies get them and be able to provide this service to our veterans.

So I am delighted to hear the gentleman from Colorado say that they have no objections. I think that is a very wise thing.

Again, I thank my colleagues on both sides of the aisle for doing good work, and let us move this forward, and let us see that our veterans get the care that they deserve, and our retired military and their families get the care that they deserve, and let us move on to the other problems that we can solve in this same way, working together for the common good.

Mr. EDWARDS. Mr. Speaker, could I ask the gentleman from Colorado if he has any speakers on this?

Mr. HEFLEY. I may have one speaker who has just arrived.

Mr. EDWARDS. Okay. Since we have used more of our time, and since we may not have to use the entire time allotted, could I yield back, not my time, but to the gentleman from Colorado for the purposes of his speaker being recognized.

Mr. HEFLEY. I yield 6 minutes to the gentleman from Indiana (Mr. BUYER).

Mr. BUYER. Mr. Speaker, I am just now reading this. Mr. EDWARDS, this is a very bad idea. If you support increasing the cost of medications to veterans, then support this motion to instruct.

If you support increasing the cost to veterans to obtain access to their drugs, support this motion to instruct.

Over the years, those of us have guarded, guarded the Federal Supply Schedule. Now, why did Congress pass the Federal Supply Schedule? Because we said, you know, we have said to veterans out there, whom are disabled, we recognize that they are a precious part of our society, so we create the Federal Supply Schedule, which is really the government mandating a particular price, and then we jealously guard that. We jealously guard that. Why? Because everybody wants to gain access to the FSS, the Federal Supply Schedule.

I have to come to the floor, as chairman of the Veterans' Affairs Committee, appalled, appalled. I am just dumbfounded that we are, what, going to vote on a motion to instruct that we should accept what the Senate does?

It seems that some people in this body are possessed in their fight against drug companies. Oh, my gosh, these drug companies are trying to seek all kinds of profits. I like to beat up on drug companies, until you get sick yourself, and then you want to gain access to all these types of drugs whether it is for Medicare pricing or Medicaid pricing, DOD.

I created the retail TRICARE pharmacy program. It took me 3 years to do that. If I ever intended for FSS pricing to be included, I would have included it in the bill. It is a retail program. As a matter of fact, I created the out-of-network retail pharmacy network to give these veterans a choice, the military retirees, so that they can gain access to some new blockbuster drug and pay a little bit more money for it.

But, please, my colleagues, do not, just before an election, open up the Federal Supply Schedule. Do not do this. We do this to protect very important members of our society who have been injured, and the disabled.

Now, what has been challenging to us is that Congress then, subsequent to having passed this, the Federal Supply Schedule, to gain access to lower cost medications for these disabled veterans, we opened up access to the VA. You have individuals who have gained greater access into the VA.

That begins an erosion. I understand that. Now we say, oh, my gosh, if these veterans are gaining access to the Federal Supply Schedule, then what about members to DOD. Oh, by the way, let's do it for Medicare and let's do it for Medicaid.

As you increase the pool of people, you are increasing the price of the medications to the very same people that you originally sought to protect. This is one of those moments where you have to scratch your head and say, what are we doing?

I make an appeal. I come to the floor and appeal to your good conscience and

to your senses: Do not support this motion to instruct.

Now, I warned the Department of Defense. I knew that if they didn't have authority to do what they wanted to do, they wanted to gain access to rebates, I understand what they sought to do. You see, I put it in the bill that asked them to go after best business practices.

Well, the best business practices, they then interpret that is that they get the same types of rebates that they get in the private sector. So they created something called a warehousing, a virtual warehouse. They had to create the virtual warehouse because we in Congress gave them no authority, no authority to warehouse to gain access to the rebates under the Federal Supply Schedule. It just blows my mind.

I warned DOD about this. I had my conversations with Dr. Winkenwerder. But, you know what, he felt like he was on solid ground. I believe he built a house of cards. It has all fallen around him. He bet on the budget. He is short. He turns to Congress. He asks all of you to try to help him out of the jam he has got himself in.

I knew a lawsuit was coming. I knew that a lawsuit was going to come because the DOD was doing this without any express authority of Congress.

So let me just include an appeal, once again, to the good senses of my colleagues: Do not extend FSS pricing to other departments or agencies of government. Protect the veterans; protect those who are disabled. I just appeal to you. Don't do this.

Actually, Mr. EDWARDS, I would ask you to withdraw the motion to instruct.

Mr. EDWARDS. Mr. Speaker, I yield myself 10 minutes.

I have great respect for my colleague, the Chairman of the Veterans' Affairs Committee. He and I have worked together for many years on veterans' programs. I have never questioned his motivations; I just question his judgment in this particular case.

But he asked a fair question: What are we doing? Let me answer that question. What this motion to instruct would do is allow military retirees, up to 1.9 million of them, to get the same discounted drug prices at a retail pharmacist that the law already ensures they receive if they buy those drugs via mail order or if they go into a dispensary at a DOD hospital somewhere.

What are we doing? We are saving, according to estimates, $251 million this year for taxpayers, lowering the cost of prescription drugs for these vast numbers of military retirees.

What are we doing? We are perhaps saving enough money so that the Defense conferees don't have to actually force a 100 percent increase in the copay for generic drugs to military retirees and a 77 percent increase in the copay for military retirees to buy name-brand drugs. That is what we are doing.

What we are doing is taking a law that was passed in 1992 that the Veterans Administration in 2002 said provides the authority to provide this discount to retail pharmacies and just clarifying that law.

Apparently, it wasn't the Department of Defense or Veterans' Administration that opposed the kind of language I am supporting; it was the drug companies who filed lawsuits in this matter, to prevent military retirees for getting cheaper prices. I don't find the pharmaceutical manufacturers filing lawsuits so that they could make less money.

Mr. BUYER. Would the gentleman yield?

Mr. EDWARDS. I would be happy to yield to you.

Mr. BUYER. The rebates go to the government, they do not go to the military retiree. Therefore, the price is not affected by the military.

Mr. EDWARDS. I appreciate the gentleman pointing that out. That is why I say this $251 million in savings in fiscal year 2007, that is projected to be over $300 million in savings in fiscal year 2009, can be used by the House-Senate conferees to reduce the copay that was put in the House bill that some may have felt was necessary for financial reasons.

But if we can find savings to the taxpayers in the Department of Defense, let's pass on those savings to our military retirees. I don't think Members of Congress are being asked during a time of war to pay 100 percent more copay for our prescription drugs. I don't think military retirees ought to be asked to pay 100 percent increase in their copays.

Mr. BUYER. Would the gentleman yield?

Mr. EDWARDS. I would be glad to yield.

Mr. BUYER. That is a valued argument from your position, given how you have drafted the motion to instruct. That is a valued argument.

I would just ask of the gentleman that when we extend price controls to a greater population, as we contend, whether it is military retirees as you are talking about or whether we go to Medicaid or Medicare, what happens is we begin, at some point, we begin to dull our efforts on research and development and going after whatever the new blockbuster drug is that presses the bounds of science that our society gets to enjoy, improves the quality of our lives.

□ 1145

Mr. EDWARDS. Mr. Speaker, I would say, at some point, if the drug companies are not making a reasonable profit, it could significantly impact the money they invest in research. But I don't think many in this country today would doubt that the drug companies are making very healthy profits. And I do salute them on the research that they put into coming up with new miracle drugs, but at the same time, I think it is a fact that they spend more on advertising on television on the drugs than they spend on research and development for their drugs.

So out of the multibillion-dollar profits that all of our drug companies make on their drugs, I have a hard time thinking that allowing us to save $251 million this coming year on the cost of retail drugs for military retirees is going to put a significant crimp in the ability of drug companies to invest in future drugs.

I agree with the gentleman, the drug companies ought to be able to make a reasonable profit. I think they are making a reasonable profit. Many Americans think that they are making more than a reasonable profit.

I don't consider what the Senate adopted and what I am recommending and what I hope will pass on maybe not a unanimous basis but on a bipartisan basis today, I don't see this as price controls. I see this as the Federal Government having a right to make a contract with drug companies, just like the VA does that every day, as the gentleman knows. It says to the drug companies, if you want to sell us drugs at the Veterans' Administration, we would like to buy them, but we are going to require a 30 to 40 percent discount on those drugs.

One might make the argument that doing that hurts the profits of the drug companies, and therefore, they cannot invest in new drugs. I don't think the present policy of the Veterans' Administration saving hundreds of millions of dollars by negotiating, not price controls, negotiating reasonably discounted prices for drugs when you are representing millions of consumers, in this case veterans, I don't think that has hurt the drug companies. In fact, it looks to me as if they welcome the opportunity to sell millions of dollars of drugs every year to the Veterans' Administration.

I am saying, we should apply that principle not to some other unrelated agency but rather to the Department of Defense. It is the Veterans Secretary, the VA Secretary, that has said in the past, in his judgment, the 1992 law, in the VA's opinion, allowed discounted drugs at pharmacies, but it is the pharmaceutical manufacturers who have filed the lawsuits to stop this from happening.

I respect the gentleman greatly. I don't challenge, not for a second, his motivations. We ought to be concerned about the formulary prices staying low for veterans. I just don't see helping military retirees who have served our country for 20 to 30 years, some of them for more than 30 years, letting them go to local pharmacists and get a discounted drug price rather than paying full retail value is really going to hurt veterans.

Mr. BUYER. Mr. Speaker, will the gentleman yield?

Mr. EDWARDS. I yield to the gentleman from Indiana.

Mr. BUYER. I follow the logic of your argument until you say it is going to help the military retirees because

the military retirees don't get a specific benefit.

I concur with you when you say, Steve, let DOD gain access to FSS pricing, let them get their rebates. I get DOD savings, and with those savings, I can buy equipment and other things. That's your argument.

To say it is going to help the military retirees gain access through the formulary to lower drug prices is not true.

Mr. EDWARDS. Let me address why I respectfully disagree with the gentleman and why I think it is true.

I am the ranking member, as the gentleman knows, of the Military Quality of Life and Veterans' Affairs Appropriations Subcommittee in the House. Because of the budget limitations and the cost of Department of Defense and TRICARE programs this year, the House passed a bill that cuts about $730 million out of the President's request for DOD and TRICARE health care programs. We have to make up that hole somehow. By saving $250 million this year through this motion, if the House and Senate conferees agree to it, we help plug a large part of that huge hole. If we don't plug that hole, we are going to have to cut health care services for military retirees and possibly, I hope we would not, but possibly even active duty service men and women.

So this does help the military retirees. It helps us maintain the present level of health care services under TRICARE and gives them access to their local pharmacist, which many military retirees prefer. They trust their local pharmacist. They would prefer to go to that person and get advice and buy the discounted drugs under TRICARE.

It helps us have a chance to get rid of the 100 percent increase in copays for military retirees. I think this motion, if adopted into the bill, would help military retirees very significantly.

Mr. Speaker, I reserve the balance of my time.

Mr. HEFLEY. Mr. Speaker, I yield 2 minutes to Mr. BUYER.

Mr. BUYER. Mr. Speaker, I thank Mr. EDWARDS for yielding to me and having this conversation. This is important.

Members are going to be walking in here, Mr. EDWARDS, and they are not going to know completely what happened with this debate. It would not be right for Members to walk in here and think I will vote for Mr. EDWARDS' motion to instruct because I will help a military retiree lower his drug cost when he goes to the retail pharmacy. That is just not true. So I want the offices that are listening to this debate to understand that.

My greatest concern is opening up the Federal Supply Schedule. So I do not want to open up the Federal Supply Schedule to other departments or agencies of government, whether it is DOD, whether it is the Medicare or Medicaid program, and we can debate each of those. We might disagree on things. That is the only point I wanted to make.

The plausible arguments in defense of your motion, I disagree with what you are trying to do here today, and I just wanted to make sure that I made that point.

Mr. HEFLEY. Mr. Speaker, I yield myself such time as I may consume.

Let me just point out something here today. I think we have seen something we rarely see on this floor with Mr. EDWARDS and Mr. BUYER; we have seen an actual discussion of the issue where we actually debate the issue, and on both sides, you have intelligent comments being made rather than people getting up and reading a statement and talking past each other. I just want to commend both of these gentlemen for the quality of debate that we have just heard on the floor of the House.

Mr. Speaker, I reserve the balance of my time.

Mr. EDWARDS. Mr. Speaker, I yield myself the balance of my time.

I thank the gentleman from Colorado (Mr. HEFLEY) for the comment about the debate. I think these are the kinds of issues we ought to debate. I welcome this kind of debate and honest differences of opinion. That is part of my criticism of the congressional process these days. It seems like so many times decisions get made behind closed doors, and the public does not know how those decisions are made. I think this is a healthy debate.

Despite my great respect for Mr. BUYER, I think this motion, if adopted into the final Defense bill for fiscal year 2007, would benefit hundreds and hundreds of thousands of our military retirees by letting them have access to low-priced prescription drugs at their local pharmacy by perhaps allowing us not to follow through with what I think is an unfair proposal from the House to double, to increase by 100 percent the copays that our military retirees pay for their drugs. We are not asking Members of Congress to double our copays for our prescription drugs this year during a time of war. I don't think we should ask our military retirees, many who have served 20 or 30 years in the military, to have an increase in copay for their drugs. We are not willing to ask ourselves to do that.

I think this is a beneficial motion. I believe it will be accepted with, not unanimous support, but with bipartisan support.

The only caution I want to urge, the good advice of my Texas colleague, mentioned by my friend from Colorado, when you have hit oil, you can stop drilling. I think the real test of whether we have hit oil or whether we have hit a dry hole is whether the language adopted already by the Senate, the language we will hopefully support on a bipartisan basis today on my motion, actually gets put in the final defense authorization bill.

I would issue a warning that oftentimes we pass motions to instruct conferees on an overwhelming basis if not unanimous basis in this House, and somehow, behind closed doors, the interest of those we care about, in this case the interest of military retirees, seems to somehow not be considered as carefully as the interest of other special interests.

I think this is a good motion. I know the pharmaceutical companies have filed lawsuits to stop the discount pricing of drugs at retail pharmacies. They have a right to do that. Congress has the right and the responsibility today to say that, in 1992, we made a decision saying that our retirees ought to have access to discounted drugs at pharmacists as well as via mail order.

I urge bipartisan support of this motion to instruct. Unless the gentleman from Indiana wants to continue an honest debate, I would yield back.

Mr. BUYER. Mr. Speaker, will the gentleman yield?

Mr. EDWARDS. I yield to the gentleman from Indiana.

Mr. BUYER. Mr. Speaker, I only wanted to respond to Mr. EDWARDS' comments that he understands there is a lawsuit because the drug companies do not want to give discounts on their drugs to the retail pharmacies, paraphrasing what I believe you said. That is not what the lawsuit is. That is not what the lawsuit is about.

What the lawsuit is about, as I understand this, is that DOD created a virtual depot, and they created this virtual depot or warehouse because they had no authority under the statutes to do this. They needed to create a warehouse so they could obtain access to rebates that are being done out in the private sector. So it was clever. It was smart and clever, but they had no authority to do this.

I warned DOD, and I spoke to Dr. Winkenwerder. I said, please don't do this. If you do this, there are going to be lawsuits because you have no authority to do this at all. He felt that he did. That is what the lawsuit is about.

Mr. EDWARDS. I appreciate the gentleman's comments. Just to summarize, the Military Officers Association of America urges support for this change in the law. If the drug manufacturers would like to join with military retirees and the largest organization in America representing those retirees, I would welcome that support.

I urge bipartisan support for this motion to instruct conferees on the Defense authorization bill.

Mr. Speaker, I yield back the balance of my time.

Mr. HEFLEY. Mr. Speaker, I yield myself the balance of my time.

I want to commend Mr. BUYER and Mr. EDWARDS on their sincere concern for the welfare of our veterans. They see things differently on this particular issue, but that doesn't take away from the concern that both have. They are good friends, and I know where their heart is on this, and it is in the right place.

As I said earlier, we have had the kind of debate I wish we could have

more often here in the House of Representatives.

Ms. McCOLLUM of Minnesota. Mr. Speaker, I rise in support the Motion to Instruct Conferees on H.R. 5122, the National Defense Authorization Act for Fiscal Year 2007.

The motion to instruct offered by my colleague, Representative CHET EDWARDS, would instruct House conferees to insist on Senate-passed language regarding the TRICARE retail pharmacy program. That language would allow TRICARE beneficiaries to purchase prescriptions from their local pharmacies at the same cost as through mail-order services, ensuring that our veterans and military retirees are not forced to pay more merely to visit their neighborhood drug store.

The Veterans Health Care Act of 1992 requires drug manufacturers to grant a Federal pricing discount on all drugs provided to the Department of Defense, Veterans' Administration, the Public Health Service and the Coast Guard. Unfortunately, not all drug manufacturers grant this discount on drugs provided to retail pharmacy stores, instead only applying the discount to mail-order prescriptions.

It is understandable that the Department of Defense would want to contain growing prescription drug costs. However, forcing TRICARE beneficiaries to obtain prescriptions by mail-order is not the solution—rather, we need to clarify that drug manufacturers must provide Federal pricing for all medications dispensed through the TRICARE retail pharmacy network. Section 721 of the Senate version of the Defense Authorization bill would do just this.

Representatives of the Department of Defense have acknowledged that Federal pricing for pharmaceuticals dispensed through the TRICARE retail pharmacy network would "significantly" contain growing prescription drug costs. It has been estimated that if the Senate provision is enacted, it could save taxpayers up to $251 million in fiscal year 2007, and more than $300 million annually by fiscal year 2009, by requiring Federal pricing discounts to be applied to these TRICARE retail pharmacies.

I have heard serious concerns expressed by veterans and military retirees in my district about this issue many times this summer. There are times when it is not possible to wait for a mail order to come before a person might need to begin taking their prescriptions. In those cases, for example, the men and women who have bravely served our country should not be punished for buying their prescriptions down the block. Our veterans, military retirees and their families deserve to have the option to use a pharmacy, and the services of a pharmacist, when they have questions regarding their prescriptions and their health. Passing this motion to instruct allows them that option.

We must ensure that our veterans and military retirees receive the benefits they have so courageously earned, and this motion to instruct will help guarantee they are not penalized for doing so. I support this motion to instruct, and strongly urge my colleagues to do as well.

Mr. HEFLEY. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore (Mr. FOLEY). Without objection, the previous question is ordered on the motion to instruct.

There was no objection.

The SPEAKER pro tempore. The question is on the motion to instruct offered by the gentleman from Texas (Mr. EDWARDS).

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. EDWARDS. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, further proceedings on this question will be postponed.

MESSAGE FROM THE SENATE

A message from the Senate by Ms. Curtis, one of its clerks, announced that the Senate has passed with amendments in which the concurrence of the House is requested, a bill of the House of the following title:

H.R. 2066. An act to amend title 40, United States Code, to establish a Federal Acquisition Service, to replace the General Supply Fund and the Information Technology Fund with an Acquisition Services Fund, and for other purposes.

GENERAL LEAVE

Mr. BARTON of Texas. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on the bill, H.R. 503, and to insert extraneous material on the bill.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Texas?

There was no objection.

AMERICAN HORSE SLAUGHTER PREVENTION ACT

The SPEAKER pro tempore. Pursuant to House Resolution 981 and rule XVIII, the Chair declares the House in the Committee of the Whole House on the State of the Union for the consideration of the bill, H.R. 503.

□ 1200

IN THE COMMITTEE OF THE WHOLE

Accordingly, the House resolved itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 503) to amend the Horse Protection Act to prohibit the shipping, transporting, moving, delivering, receiving, possessing, purchasing, selling, or donation of horses and other equines to be slaughtered for human consumption, and for other purposes, with Mr. PUTNAM in the chair.

The Clerk read the title of the bill.

The CHAIRMAN. Pursuant to the rule, the bill is considered read the first time.

As designees of the majority leader, the gentleman from Texas (Mr. BARTON), the gentleman from Kentucky (Mr. WHITFIELD), the gentleman from Virginia (Mr. GOODLATTE), and the gentleman from New York (Mr. SWEENEY) each will control 10 minutes.

As designees of the minority leader, the gentlewoman from Illinois (Ms. SCHAKOWSKY) and the gentleman from Minnesota (Mr. PETERSON) each will control 20 minutes.

The Chair recognizes the gentleman from Texas.

Mr. BARTON of Texas. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I know that H.R. 503 is an emotional issue for many people. It is my hope that this debate will give us a chance to look beyond the emotion and actually explore the facts of the issue in this particular bill. It is important that this discussion be fair, that it be open; and to that end the committee that I chair, the Energy and Commerce Committee, held a hearing a month ago that included witnesses from both sides and was fair and balanced. We put together a completely balanced hearing; and at the end of that hearing, it was clear to me that the majority of the experts have spoken, and they have spoken that H.R. 503 is bad policy and that it is bad for horses.

It is not a secret that I am opposed to the bill in its current form. Despite what may have been said, it is not because I do not like horses. It is not because I had some bad experience when I was young. In fact, I had and continue to have very positive experiences with horses. My opposition to this bill stems from the simple fact that it comes with negative consequences that I believe are being overlooked.

Ever since the bill has been introduced, I have been bombarded by calls, letters, and meeting requests from people both in my district and all over the country on both sides of the issue. I have heard from ranchers and horse owners as well as the American Quarter Horse Association, the American Veterinary Medical Association, the American Association of Equine Practitioners, American Farm Bureau, National Cattlemen's Beef Association, the Texas and Southwestern Cattle Raisers Association. The list goes on and on. I have also been approached by proponents of the bill that are very supportive and very emotionally and strongly attached to this particular bill. Unfortunately for those folks, I must say that I am opposed to the bill because the majority of the evidence is that it is a bad bill. In fact, over 200 national organizations oppose the bill. Yesterday, even the United States Department of Agriculture came out in opposition to the bill. These are groups that, frankly, I consider to be representative of rural America, and they have all said the same thing: H.R. 503 will lead to a miserable existence for thousands of horses and is an outright attack at animal agriculture.

The care and the overall health of the animals, and notably the rights of their owners, should always be the primary concern when taking up legislation of this nature. Processing unmanageable and unwanted horses provides a humane alternative to continuing a

life of discomfort, inadequate care, or possibly even abandonment for thousands of horses.

Mandatory United States Department of Agriculture inspection, which abides by strict laws monitoring the welfare of animals in the processing facility, assures that horses that are going to slaughter are treated humanely. It is also important to note that since last year's agriculture appropriations bill was enacted, the three American processing plants pay for those inspectors out of their own pockets. No expense to the taxpayer.

I might say on this note that the proponents of the bill have said repeatedly that the Cattlemen's Association gets $3 for every horse that is taken to slaughter. That is a true statement. But the reason that $3 is paid is because it is the Cattlemen's Association, at least in Texas, that is actually paying for the inspectors to inspect the horses that are brought to the slaughterhouse in Texas. So that is why you have the $3-per-horse fee. It is because in last year's agriculture appropriations bill, we said that those inspectors could not be paid for with Federal funds; therefore, an arrangement has been made between the slaughterhouses in Texas and the Cattlemen's Association that the inspectors will be paid for by providing this fee to the Cattlemen's Association that pays the inspectors.

H.R. 503 provides no alternative for thousands of horse owners for whom continued care of an animal is no longer economical or in some cases humane.

The other concern the bill raises for me is one of private property rights. While a majority of my constituents live in the Arlington/Fort Worth area down in Texas, the geography of the district that I represent is almost entirely rural. Animal agriculture is a large part of the economy for much of my district, and agriculture is already one of the most extensively regulated industries in the United States of America.

In the name of animal welfare, the United States Department of Agriculture right now tells owners how they can and cannot transport their animals. In the name of consumer safety, the United States Department of Agriculture right now tells them what they can and cannot feed their animals. This bill would tell producers to whom they can and cannot sell their horses. As a long-time proponent of limited government, I take issue with this last statement.

The horse owners in question have fed, housed, and cared for their animals, in some cases for decades, at great personal expense. When an animal reaches the point when he or she is no longer productive for the owner, who are we then to deny an owner the opportunity to recover some small portion of their costs that they have incurred in caring for the animal so far in its life? Why should they not be allowed to sell their animal to a legal, humane, and closely regulated processing facility?

Now, I understand that there are many groups that strongly support this particular bill and some of the thoroughbred associations are strongly in support of H.R. 503. If they have the money to pay for their horses, if they have the money to take care of their horses, that is fine. They do not have to take them to a slaughterhouse. That is freedom of choice. But for many ordinary Americans who do not have the resources that some of the more well-heeled thoroughbred associations and horse farms have, I think having a slaughterhouse option is a humane option.

Again, I understand that this is an emotional issue for many people. But I do not think Congress should vote purely on emotion. I think there should be common sense brought into the equation. And when you really look at the bill in that light, the obvious vote, at least for me, is a ''no'' vote.

Mr. Chairman, I yield the balance of my time to the gentleman from Idaho (Mr. OTTER) and ask unanimous consent that he be allowed to control that time.

The CHAIRMAN. The gentleman from Idaho will control the remainder of the time at the designation of the majority leader.

Ms. SCHAKOWSKY. Mr. Chairman, I yield myself such time as I may consume.

I rise in strong support of H.R. 503, the American Horse Slaughter Prevention Act, which would put an end to the deplorable practice of slaughtering American horses for consumption.

As a strong supporter of animal rights, a horse lover, a former horse owner, I have joined with 202 of my colleagues from both sides of the aisle as a cosponsor of H.R. 503. 550 national and State organizations also support H.R. 503, and I have received over 900 communications from constituents in support of the bill.

Congress has already expressed its desire to put an end to horse slaughter by voting to amend the fiscal year 2006 agriculture appropriations bill to ban the practice. That amendment passed by an overwhelming vote of 269–158 in the House, 69–28 in the Senate. However, the language that passed in both the House and Senate stating that no Federal dollars could be used to fund the inspection of horse slaughter plants, thus ending the practice, was stripped out. The Republican leadership, in an act of hubris, changed the language in conference to allow for flexibility in interpretation of that ban and allowed the plants to continue to operate. This is going against congressional intent and has been taken to the courts.

Congress voted to put an end to horse slaughter in this country because horses are some of the most beautiful and beloved domesticated animals on Earth. Earlier this year the story of Barbaro, the Kentucky Derby winner that shattered his leg at the start of the Preakness, transfixed millions of Americans. Since his injury, the thoroughbred has received an incredible outpouring of letters, flowers, apples, and carrots from Americans across the country. Fans have even made pilgrimages to Barbaro's care facility in Pennsylvania to wish him well in his long recovery. Americans are rooting for Barbaro because they have been inspired by his strength, his beauty, and his strong personality.

Americans have long appreciated horses for transport, on ranches, as police mounts, and as cherished companions. The American Horse Council reports that 1.9 million Americans currently own horses. Another 7.1 million Americans are involved in the industry as horse owners, service providers, employees, and volunteers, while tens of millions participate in horse events as spectators. These millions of Americans know that horses should be treated with dignity and respect in life and death. They are disgusted, as I am, that in 2005 over 90,000 horses were slaughtered at three American-based foreign-owned plants, and I stress foreign-owned plants, so that meat could be shipped to Europe and Asia for consumption as a delicacy.

Horses bound for slaughter must endure inhumane conditions on the way to and during slaughter. Horses are shipped frequently for long distances in terrible conditions. They are crammed together in trucks built for cattle and pigs. Because of the cramped transport, they are often trampled and some horses arrive at the slaughterhouse seriously injured or dead. Once at the slaughterhouse, horses are often not rendered unconscious before they are killed, as mandated by Federal law.

Most people assume that all or most of the horses bought for slaughter are old or injured. In fact, according to the USDA guidelines for handling and transporting equines for slaughter, 92.3 percent of horses that arrive at slaughter plants are in ''good'' condition, meaning they are not injured, lame, overweight, or underweight. Healthy animals, pets, and former race horses are all sent to slaughter.

We may hear today that it is likened to being humane to animals in order to oppose this legislation. It could not be further from the truth. The humane vote is to vote in favor of this legislation to ban the inhumane slaughter of horses.

Earlier I mentioned Barbaro, the Kentucky Derby winner. Ferdinand, the winner of the 1986 Derby, faced a very different fate. After his momentous Derby victory, Ferdinand was killed for food in a Japanese slaughterhouse in 2002. Just imagine if Barbaro faced the same end.

Not surprisingly, a recent poll conducted by public opinion strategists found that 65 percent of Americans do not support horse slaughter, and 64 percent of Americans believe that horses

are companions like dogs and cats and killing a horse to eat is not different than killing a cat or dog to eat.

I am sure that other Members of this body have received hundreds of letters too from constituents who oppose horse slaughter and support H.R. 503. I think it is time to listen to the American public and finally end the barbaric practice of horse slaughter by passing H.R. 503. Let us not sign off on Barbaro burgers.

I urge my colleagues to support H.R. 503.

Mr. Chairman, I reserve the balance of my time.

Mr. OTTER. Mr. Chairman, I yield myself such time as I may consume.

I submit for the RECORD an editorial from the Dallas Morning News and also an editorial from the Star-Telegram.

A HUMANE END: SLAUGHTER PREVENTS WIDER SUFFERING

[From the Dallas Morning News, Sept. 7, 2006]

Few issues roil the emotions more than those involving the dependent and helpless. Hence, the turbulent debate over a proposal in Congress to end the legal slaughter of horses that feed overseas meat markets.

It's not right to dismiss or belittle the strongly held beliefs of animal advocates on the matter. They argue that the horse is a loyal service and companion animal that should not end up on someone's dinner table. Indeed, most Americans' sensibilities align with that view.

But the grisly alternative to humane slaughter is a slow, painful end for tens of thousands of castoff animals every year.

In a poignant irony, major veterinary groups are lined up against a slaughter ban. They argue persuasively that enough buyers or adoptive homes couldn't be found for all horses deemed too old, unfit or expensive by their owners.

Maintaining a horse for its natural life can exceed $25,000, even short of veterinary care.

The federal government, despite help from rescue organizations, already fails to find homes for thousands of wild horses culled each year from herds roaming national grasslands. Think of boosting the number of unwanted animals by the 60,000 to 100,000 horses that now go to slaughter annually. That would recklessly invite widespread abandonment and starvation.

Two of the nation's three horse slaughterhouses are in North Texas, the foreign-owned Dallas Crown in Kaufman and Beltex in Fort Worth. It's a closely regulated business aimed at humane treatment, from transport to euthanasia.

Some slaughter opponents say a better end for unwanted horses would be veterinarian-administered euthanasia. That position ignores the pivotal issue of added cost for rendering, incineration or burial.

Exported horse meat heads primarily to Europe and Asia, where no cultural taboo is attached to consumption. Top consumers are mostly developing nations with a need for added protein in the diet. Thus, the slaughtered horse makes a final contribution to the cycle of life.

In this country, at least, the law seeks to guarantee a humane end, in keeping with the horse's honored place in national lore. Congress should devote its energies toward keeping things that way, thus avoiding the unwanted consequence of needless suffering.

[From the Star-Telegram, Sept. 1, 2006]

SIRING PROBLEMS

The federal bill grabbing the attention of horse lovers and animal rights activists bans the ''shipping, transporting, moving, delivering, receiving, possessing, purchasing, selling, or donation of horses and other equines to be slaughtered for human consumption, and for other purposes.''

The ''other purposes'' aren't outlined in HR 503, which is scheduled for a House vote on Thursday, but the result of this bill's passage would be to shut down an industry that provides a practical public service: disposal of the remains of dead horses.

It must be acknowledged up front that lots of Americans will never be convinced that allowing the slaughter of horses for sale as meat—for carnivores in zoos, canines at home or connoisseurs in Cannes—is a public service.

To some people, horses are more than ''mere property,'' as Wayne Pacelle, president and CEO of the American Humane Society, wrote in an Aug. 23 guest column. But as horse breeder Jay Novacek rightly pointed out in the Aug. 21 column that triggered Pacelle's response, not all horses are pets, and not every horse owner has the financial resources to keep a horse until it dies of natural causes and then pay to bury or burn the carcass.

Maintaining a horse until its natural death averages $25,740 per animal, not including veterinary care for sickness or injury, according to a June report (commissioned by the Animal Welfare Council) about the consequences of a horse slaughter ban. The average lifespan of a horse is 20 to 25 years.

Pacelle is correct in that before Americans had trucks and cars to deliver the mail and packages, horses were the common mode of transportation. They were work animals. But romanticizing those relationships as something other than people appreciating the tools they needed to do their jobs is an attempt to play every emotional note possible.

Harkening back to a time when ''almost everyone knew how to ride a horse'' reveals a nostalgia for a day when people had few alternative forms of transportation other than their own two feet. Pardon us for saying that we aren't anxious to return to that chapter in history.

One can respect and be grateful for the horse's role in U.S. history without ignoring the pragmatic problems of what to do with a dead or unwanted one.

Shuttering the Beltex processing plant in Fort Worth won't put an end to ''grim news'' for the estimated 70,000 to 100,000 American horses that are slaughtered annually unless there's some way to cheat death for four-legged animals, or a pipeline to 70,000 to 100,000 people financially capable of caring for these animals.

No matter how much their owners appreciate them, horses get old and sick, and they die. Something has to be done with the carcass. And the affordable ''something'' for tens of thousands of people is the slaughterhouse. Incineration can cost as much as $2,000, and lots of areas have ordinances that make it illegal to bury Flicka in the back 40.

If public health, humane treatment or nuisance issues are discovered relating to the three horse processing plants operating in the United States (two of them in Texas), it's totally appropriate for government to address them. But U.S. history books are rife with examples of bad laws resulting from emotional appeals.

If passed, HR 503 will not save one horse's life, nor will it do anything to guarantee humane treatment for the animals.

Mr. OTTER. Mr. Chairman, the House of Representatives is voting today on an amendment to the Horse Protection Act that actually would irresponsibly endanger the welfare of the very animal that it purports to help. I oppose H.R. 503, which is driven by raw emotion and misinformation rather than by the facts. By eliminating the option of humane slaughter of the horses, the bill provides no directive as to what will happen to the 90,000 unwanted horses annually processed in our slaughter facilities. It increases the probability of unwanted horses becoming the victims of neglect, starvation, or abandonment. It criminalizes a legitimate and legal U.S. industry. It eliminates hundreds of U.S. jobs. It mandates costs estimated at $3 billion to $4 billion on private citizens. And it creates far more problems than it actually solves.

□ 1215

It limits horse owners' choices for disposing of their animals, and it infringes on the owners' private property rights. Private property rights have long been held dear by the families and the land owners in the west, and for good reason. Their farms and ranches have been their livelihood and part of their national heritage since the frontier was closed and the west was settled.

Not many months ago, many of my colleagues, most of those who are on the opposition side of this bill, on a bipartisan basis, rose in indignation at the Kelo v. New London, Connecticut, the City of New London, Connecticut decision, because it was taking private property rights.

I have stood many times with many of those folks who are now proponents of this bill to protect intellectual private property rights. I see no difference. And like it or not, a horse is private property. They are not humans. They must be treated humanely and cared for appropriately. However, when a horse is no longer wanted or cannot be cared for, Congress should not be in the business of deciding how the animals can or cannot be disposed of.

We fight for the protection of personal property rights and intellectual property rights, everything from dirt to ideas, Mr. Chairman. This is no different. I strongly encourage Members to oppose this misguided effort and continue preserving a strong tradition of private personal property rights in the United States.

Mr. Chairman, I yield the balance of my time to the gentleman from Virginia (Mr. GOODLATTE).

Mr. PETERSON of Minnesota. Mr. Chairman, I yield myself such time as I might consume.

Mr. Chairman, I rise today in opposition to this bill that is before us. When we all look at all of the important issues waiting for Congress to act on, I cannot understand why we are here wasting so much of our time on an issue that really has nothing to do with the pressing problems that are facing people in this country.

But here we are today considering a bill that would effectively shut down three horse-processing facilities and

eliminate a reasonable option for horse owners who can no longer afford to care for their animals that are no longer productive.

I understand that this issue is an emotional one for many people. But what other options are there for people who own aging horses that are no longer productive? It costs anywhere from, people tell me, $1,200 to $1,800 a year, some people say $2,300 a year. That is a lot of money for most people to care for an animal that has outlived its productive years.

Some of these aging horses are sent to horse rescue facilities. While those facilities can provide a good home for aging horses, there are no Federal guarantees or standards of care that must be met. There is no guarantee that the horses at these facilities will be treated humanely. And this bill does not provide any money to help rescue facilities cover the additional costs that they will incur, and there is no way that we can accommodate all of the horses that will be abandoned if we pass this bill.

While H.R. 503 outlaws slaughter for human consumption, the bill does not prohibit horses from being killed. Some supporters of this bill support euthanasia as an alternative to processing. However, euthanizing a horse is not cheap; it can cost anywhere from $300 to $2,000 an animal depending on the local rules for carcass disposal.

Processing provides a cost effective and a humane alternative to neglect and abandonment when horse owners are unable to find another buyer. Caring for a horse properly is expensive, and it is time consuming. The real question of animal welfare lies in what will happen if the slaughter ban is imposed. These unwanted horses are often sick, unfit or problem animals. Many of them are already living in pain or discomfort, and tens of thousands more could be neglected, starved or abandoned if their owners no longer have processing available as an end-of-life option.

If we pass this bill, we will ignore the fate of these animals who find their lives extended but without the necessary standards of care that they need and deserve. So at the end of the day, this bill is not about protecting horses from an untimely death; all it will do is limit the option of horse owners and burden them with additional costs of care and disposal.

The House Agriculture Committee recognized the many weaknesses in this bill and voted to recommend that the House not pass this bill by a vote of 37–3.

The Members of our committee represent agricultural areas around the country, areas where people own and use horses every day. We passed several amendments to this bill during our committee mark-up, but they are not included in the bill that we are considering here today.

This shows a complete lack of respect for the expertise and the effort that the Agriculture Committee has contributed to this subject. At the end of the day, this debate is about defining what is humane when we are dealing with unwanted horses. Are we going to pass legislation that truly addresses the health and well being of animals, or are we going to pursue bills that amount to little more than window dressing in the name of animal welfare?

Mr. Chairman, I urge my colleagues to set aside this emotionally charged issue and oppose this legislation that will tie the hands of horse owners around this country.

Mr. Chairman, I reserve the balance of my time.

PARLIAMENTARY INQUIRY

Mr. WHITFIELD. Mr. Chairman, parliamentary inquiry.

The CHAIRMAN. The gentleman will state his inquiry.

Mr. WHITFIELD. Mr. Chairman, some of us were late coming to the floor. I would like an explanation of the division of the time on this debate.

The CHAIRMAN. Pursuant to House Resolution 981, as designees of the majority leader, the gentleman from Texas (Mr. BARTON), the gentleman from Kentucky (Mr. WHITFIELD), the gentleman from Virginia (Mr. GOODLATTE) and the gentleman from New York (Mr. SWEENEY) each were allocated 10 minutes.

As designees of the minority leader, the gentlewoman from Illinois (Ms. SCHAKOWSKY) and the gentleman from Minnesota (Mr. PETERSON) each will control 20 minutes.

Mr. WHITFIELD. Mr. Chairman, what is the time remaining on this side of the aisle at this point?

The CHAIRMAN. The gentleman from Kentucky (Mr. WHITFIELD) has 10 minutes remaining. The gentleman from New York (Mr. SWEENEY) has 10 minutes remaining. The gentleman from Virginia (Mr. GOODLATTE) has 10½ minutes remaining.

Mr. WHITFIELD. He has 10½ minutes because time was yielded to him.

The CHAIRMAN. That is correct. The majority leader reallocated time.

Mr. SWEENEY. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, today we are going to have a serious discussion that in my estimation is long overdue. Since 1979, Members of Congress, with the vast and substantial support of the American people, have tried to have this issue resolved.

What I speak of is H.R. 503, the American Horse Slaughter Prevention Act. Mr. PETERSON, my good friend, made what I think is one point I will agree with him on. This is a debate about what is humane. And despite the words and the rhetoric of the opponents of this legislation, the focus should be on the issue of what is humane and what the will of the people are, because what we are exposing today is a brutal, shadowy, shameful, predatory practice that borders on the perverse.

Public opinion, as I said, is substantially in support. Every poll that I have seen, 70 percent of the American people want this practice banned and stopped, the practice of horse slaughter for human consumption, something culturally the United States has never accepted nor have any of the Indian territories within the United States.

Editorials were recited a bit earlier, but I will give you some editorials. Today the Washington Post, with a diametrically different view of the world than the Washington Times, both editorialized saying that this practice should end. It reflects on our culture. It reflects on our priorities inappropriately and improperly.

In California, a referendum was passed with 60 percent of the vote saying that that practice should be banned in California. And there is Texas law, and many other States have laws that ban the practice. What H.R. 503 does is it prohibits the shipping, the transporting, the moving, the delivering, the receiving, the purchasing, selling or donation of horses and other equines for slaughter for human consumption.

What I really want to emphasize though is what this practice is. The opponents have said this is a humane process. The opponents have said that this is going to limit individuals' rights and individuals' property rights, none of that being true.

What this is going to do is stop a practice that, first of all, is in violation of many State laws and, secondly, is not adhered to or supported by substantial populations, and it is brutal.

This picture here, this is a horse's head. This is a horse's head that was discovered in transport to one of the slaughter houses. What we have here are three slaughter house factories, two in Texas, one in Illinois, both operating with substantial local opposition and presenting substantial environmental and economic problems to those communities.

What we have are horses from all over the country, thousands of miles away, transported in cramped cattle or pig trailers or trucks. Not designed or built for horses, not designed to transport horses. They are often purchased in a predatory fashion by killer-buyers who do not disclose what the purpose of their purchase is going to be, who, as I said, operate in a shadowy way.

They bring these beautiful animals those thousands of miles in these cramped conditions with all different types of horses cramped in, despite USDA regulations that say you cannot transport them that way. The irony, Mr. Chairman, is on the day the Agriculture Committee marked up its bill, a bill which the amendments will be to the floor in a little while, all meant to continue that practice, to kill H.R. 503; on the very day they were marking up that bill, an arrest was made in Mississippi of one of those predatory killer-buyers who had 20–25 horses in his care. He stopped because he got a flat tire. And the owner of the service station he stopped at saw the condition, the condition of these animals, and

called the police, thus allowing us to finally enforce the law.

Mr. Chairman, we need to pass this bill because USDA has not done their job. In fact, they have been on the other side of the issue consistently. They surreptitiously overturned Congressional action last year. Ms. SCHAKOWSKY pointed that out earlier. We need to bring an end to this practice because it says too much about us.

Mr. Chairman, I reserve the balance of my time.

Ms. SCHAKOWSKY. Mr. Chairman, may I ask how much time I have remaining?

The CHAIRMAN. The gentlewoman has 15 minutes remaining.

Ms. SCHAKOWSKY. Mr. Chairman, I yield 3 minutes to the gentleman from South Carolina (Mr. SPRATT).

Mr. SPRATT. Mr. Chairman, I am an original cosponsor of this bill, along with Mr. WHITFIELD and Mr. SWEENEY. This bill is to prevent the violent practice of slaughtering horses for human consumption. Why are we offering it?

If you have grown up with horses, you know why we are offering it. They are as close to human as any animal you can get. Why are we offering it? Because there are three foreign-owned slaughter houses, just three, in the United States where these horses are slaughtered, various means, jacking them up by their hind legs, slitting their throats.

Why does this practice continue? So that these slaughter houses can keep a steady flow of horse meat to the dinner tables and meat markets, not in the United States, but of Asia and Europe where horse meat is still eaten. Americans do not even eat horse meat.

The Horse Slaughter Prevention Act before us today, if passed into law, will simply end this practice once and for all across the entire United States.

The opponents of this bill have come up with a number of objections, reasons they think it is a bad idea. First of all, they would have us believe that this is a first step down a slippery slope. That next will come cows and then hogs and then chickens and then other animals consumed by Americans.

But the Horse Slaughter Prevention Act does nothing of the kind, and it will not lead in that direction, because horses are unique and distinct. We all know that.

Second, the opponents claim that banning horse slaughter will result in an overpopulation of horses in this country. Once again, this is not true. There are currently three slaughter houses in the United States in two States. In five States, including California, a law banning horse slaughter has been in effect for 7 years. What has been the effect? There have been no effects. There have not been animals that are left derelict. There haven't been animals that are not buried. There have not been too few euthanasias.

Practically speaking, in all five States where this law is already the law of the land, there has been no effect whatsoever.

Each year, about 90,000 horses are slaughtered. So there is no real impact in a country as large as the United States in the disposing of those 90,000 horses by means other than horse meat slaughtering.

Third and finally, our opponents have touted letters from cattlemen and chicken farmers and all sorts of livestock raisers who say they oppose the bill.

We have and we will gladly display to anyone who wants to see it a seven-page memorandum, single spaced, of supporters all over the country who know horses, who love horses; they are horse raisers, horse racers, horse lovers, you name it. Everybody has signed on to this saying it is time we do something like this.

□ 1230

Last year, when it appeared that the Horse Slaughter Prevention Act would never get its day on the House floor, Mr. SWEENEY and Mr. WHITFIELD and I offered an amendment to the House ag appropriations bill to ban Federal funding to facilitate horse slaughter for 1 year. That amendment drew 269 votes in support; 269 Members passed it by a substantial majority. I hope that today my colleagues will remember the vote they cast last year and will see fit to end the brutal practice of killing horses and will vote not only for the bill but against all amendments because they would only debilitate and defeat the bill.

Mr. SWEENEY. Mr. Chairman, I yield 2 minutes to my good friend from Connecticut (Mr. SHAYS).

Mr. SHAYS. Mr. Chairman, I thank the gentleman and thank him for taking on this battle with others.

I rise in strong support of H.R. 503, the American Horse Slaughter Prevention Act. I oppose the cruel and senseless slaughter of American horses for human consumption in the United States or for foreign markets. I just think we should not be allowing this.

Last year, more than 90,000 American horses were either slaughtered in one of three foreign-owned slaughterhouses in the U.S. or shipped to Canada or Mexico for slaughter.

Horses have never been raised for human consumption in America. This slaughter is done for export.

Legislation is necessary because the Department of Agriculture is blatantly circumventing clear congressional intent on horse slaughter in last year's fiscal year 2006 Agriculture Appropriations Act.

This legislation would prohibit the transportation, possession and sale of horses to be slaughtered for human consumption in the U.S. It does not remove the rights of owners to do what they want with their horses.

Under H.R. 503, owners can humanely euthanize sick, dangerous, or old horses. Horses can continue to be kept by their owners, can be sold to a new home, or placed in one of the many horse sanctuaries located across the country.

The way a society treats its animals, particularly horses, speaks to the core values and priorities of its citizens. Horses are not just companions and recreational animals. They are a vital part of our Nation's culture and history.

I urge my colleagues to support this important piece of legislation and oppose all amendments aimed to weaken it.

I thank the gentleman for yielding me this time.

Mr. SWEENEY. Mr. Chairman, I reserve the balance of my time.

Mr. PETERSON of Minnesota. Mr. Chairman, I am pleased to yield 5 minutes to the gentleman from Colorado (Mr. SALAZAR), a real rancher, horse owner and outstanding member of the House Agriculture Committee.

Mr. SALAZAR. Mr. Chairman, I thank the gentleman from Minnesota.

I have been a farmer and rancher all of my life, still live on the original family farmstead that my great great grandfather settled back in 1860. Horses have been a real part of the way we do business on the Salazar ranch. As a matter of fact, we still use horses to round up cattle and move them from pasture to pasture.

I know that H.R. 503 is a well-intended act, but if it becomes law, it will have very poor results.

The act will seriously, in my opinion, compromise horse welfare. Under this bill, care must be potentially provided for the additional 90,000 horses that are going to be out there annually.

It will eliminate a humane end-of-life option for horse owners and force them to send their horses out to already overcrowded rescue centers or sentence them to live out their final years in suffering.

Processing provides a cost-effective alternative to neglect and abandonment when horse owners are unable to find another buyer. It is not such a problem out in rural areas, but it is a major problem in urban areas.

In 2005 alone, it saved owners and rescue facilities an estimated $220 million in total costs of caring for unwanted horses.

The Animal Welfare council estimated that cumulative annual maintenance costs of otherwise processed horses since the year 2000 would have exceeded more than $513 million in 2005. It would cost $1,900 per year to house each unwanted and abandoned horse, not including veterinary or farrier services. It will cost $127 million in the first year to properly care for these animals if this legislation is enacted.

Who will pay for this cost? You will pay for the cost in the end. These facilities do not receive public money at the moment; but I can assure you that if these horses become a nuisance, you, the taxpayer, will end up paying for their care.

H.R. 503 does not specify who will bear the costs of the ban if this ban is

implemented. What will happen to the management tools the Bureau of Land Management has to manage the wildlife of wild horse bans out in the western United States? If this bill is enacted, none of these horses who are unwanted, and although BLM does try to auction them off or to give them to pet owners, what will happen to those horses? What will happen when I am out riding, rounding up my cattle and my horse falls into a prairie dog hole and breaks his leg? Will I then not be able to send him to some rendering facility? What will happen or what is the next step? Will people take away our right to be able to go out and hunt elk? Is that the next step?

I know that H.R. 503 is a well-intended act, but it will have very serious consequences on our agricultural community. I would urge my colleagues to oppose the ban of horse slaughter and to vote ''no'' on H.R. 503.

Mr. SWEENEY. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I appreciate the words of my colleague and his sentiments, and I need to make a couple of points because there is a substantial skewing of the record here.

First of all, in 1989, 350-some-odd thousand horses were slaughtered. We have that number down to below 90,000. That is 1 percent of the horse population that is put down every year.

Secondly, the gentleman says that this will preclude an option for putting down his horse if his horse becomes lame. I would make two points. One is that 90-plus percent of the horses that are sent to slaughter facilities are rated by the USDA as being healthy and strong and fit animals.

So this is not about putting down animals, and if you have that problem, there still are humane procedures. You can go to a local vet and have your local vet for $50 to $250 oversee the process of putting your animal down.

Frankly, this bill does not stop an owner from putting a horse down themselves by any means.

This bill prohibits the public transportation of that. This bill prohibits the slaughter for human consumption at these three facilities.

Mr. SALAZAR. Mr. Chairman, will the gentleman yield?

Mr. SWEENEY. I yield to the gentleman from Colorado.

Mr. SALAZAR. Mr. Chairman, I have been around horses all of my entire life. Do you consider the slaughtering of animals such as beef inhumane?

Mr. SWEENEY. This is not about that. This is about horses which are in a special place. This is about a practice that is profusely out of whack with the standards of America.

Reclaiming my time, I want to talk about the slaughter facilities themselves. These houses do not contribute to this economy. In his written testimony during the committee hearings on H.R. 503, Dick Koehler, vice president of Beltex Corp., a slaughter plant in Fort Worth, Texas, described the horse slaughter industry as a tax-paying legitimate business. Yet witnesses at that same hearing revealed tax returns showing that Dallas Crown, Inc., based in Kaufman, Texas, made $12 million in revenue 1 year and paid only $5 in U.S. taxes.

The U.S. exports 18,000 tons of horse meat, netting $65 million in 2005; and the profits went back to the countries of the owners of those plants. Two of them are from Belgium. One of them is from France.

There are costs to the local economies. It is a practice that is abhorrent and that is not supported.

Mr. Chairman, I reserve my time.

Ms. SCHAKOWSKY. Mr. Chairman, I yield 2 minutes to the gentlewoman from New York (Mrs. MALONEY).

(Mrs. MALONEY asked and was given permission to revise and extend her remarks.)

Mrs. MALONEY. Mr. Chairman, I rise in strong support of H.R. 503; and like many of my colleagues, I have been around horses all my life. I am a former horse owner and my father had a farm. The humane vote is to vote ''yes'' on H.R. 503.

I thank my colleagues, Mr. SWEENEY and Mr. SPRATT and Ms. SCHAKOWSKY, for their really outstanding leadership and for clarifying the points that have been so made in this debate.

Over 90,000 horses were brutally slaughtered last year at three foreign-owned slaughterhouses in the United States, and their meat was then shipped to countries in Europe and Asia for human consumption. Americans do not eat horse meat. They love horses. They are cherished companions. They are sporting animals. They are not food.

If you look at the history of America, horses have played such an important part in our Nation's development, and I would say they are probably the most beloved animals native to the United States.

The American people strongly support banning horse slaughter. They recognize that it is a deplorable practice that needs to end.

Over 70 percent have expressed this opinion in opposition to slaughtering horses for human consumption. Again, no American would eat horse meat. This is to be shipped to a foreign country, and they are slaughtered in a gruesome manner, as my colleague pointed out on the floor.

While it is technically required that horses be unconscious prior to slaughter, the method used to render them unconscious is not effective due to a horse's instinctive flight response to stress. As a result, the horses are sometimes conscious while being slaughtered. This is unconscionable.

I call upon my colleagues for a humane vote and to vote ''yes'' on this bill.

Mr. SWEENEY. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, we are going to hear in a little while that there is substantial support in the ag community and other places, and I will grant that there is substantial opposition to this bill, as well as substantial support, within 500 horse organizations.

But what I find most sad and in a way ironic is that an organization like the American Veterinary Medical Association opposes this legislation when employees of a slaughter plant blatantly do not follow the AVMA procedure for slaughtering a horse.

Again, an important notion to understand is that slaughter is not the same as humane euthanasia by a qualified veterinarian. Euthanasia, according to AVMA, is an act of inducing humane death that is respectful and is painless and as distress free as possible.

Yet we saw in that picture, that was transport, that was not even slaughter. That was a horse in transport. Horses suffer horribly on the way to and during slaughter, where they often endure repeated blows to the head and upper body before being hoisted up for slaughter, sometimes still conscious. That is not euthanasia.

Slaughter is markedly different than acceptable forms of euthanasia. The AVMA requires that a captive bolt method must be administered by trained, skilled and monitored personnel and that the horse must be adequately restrained. These requirements are typically not met in equine slaughter plants, thus raising significant welfare concerns.

Let me say something about the plants, too. One of the issues raised is that you are going to shut these plants down and people are going to lose their jobs. We are talking about something in the range of 150 employees. To my friends on my side of the aisle who talk all the time about how we have got to be tough on immigration, I suggest to you that a substantial number of those workers are not in this country under legal means. They are low-level laborers. It is the only people they could find to do this.

I would also inform my colleagues that all three of these facilities, all three of these facilities operate and slaughter for other means, other livestock, and that they could simply go to that business. This is a practice that is not adhered to or supported.

The CHAIRMAN. The gentleman's time has expired.

□ 1245

Mr. PETERSON of Minnesota. Mr. Chairman, I yield myself 1 minute.

I would point out that the two largest horse associations in the United States, the American Quarter Horse Association and the American Paint Horse Association, are opposed to this bill, and they represent the biggest number of horse owners in the country. So people need to understand that.

I wondered if Mr. SWEENEY would yield on the points he was making. I wanted to ask him a question.

You know, you keep talking about the way they are treated as they are hauled to slaughter. As I understand it, in this bill, there are no requirements put on so that, if you are hauling these animals to a rescue facility, there is no regulation or any kind of requirements put on anybody to haul them to those rescue facilities. So what have you accomplished?

Mr. SWEENEY. Mr. Chairman, will the gentleman yield?

Mr. PETERSON of Minnesota. I yield to the gentleman from New York.

Mr. SWEENEY. Well, there are requirements for the transport under USDA. The problem is USDA does not enforce those requirements.

Mr. PETERSON of Minnesota. Mr. Chairman, I yield myself 1 more minute.

But, you know, nothing will change under this bill.

Mr. SWEENEY. I would suggest, Mr. PETERSON, that people who are rescuing horses have a different mindset and intent than those who are slaughtering for human consumption.

Mr. PETERSON of Minnesota. I am not sure that is the case, because you are going to have 90,000 horses, and you are going to have people rescuing them basically under duress because they are not going to know what to do with them.

In my part of the world, we already have people letting horses out, out in the country, just like dogs and cats, because we don't have a processing facility close enough to us. It is a huge problem.

Mr. SWEENEY. And 20 percent of the horse population, in reporting data out of California and everywhere else, suggests absolutely the opposite.

Mr. PETERSON of Minnesota. Well, they are hauling them to Texas because there is a processing facility.

The only point I am trying to make, Mr. Chairman, is that some of these issues they are claiming they are going to solve with this bill are not going to be solved. They are actually going to create more problems.

Mr. GOODLATTE. Mr. Chairman, at this time, I am pleased to yield 2¼ minutes to the gentleman from North Carolina (Mr. HAYES), the chairman of the Livestock Subcommittee of the Agriculture Committee.

Mr. HAYES. Mr. Chairman, I thank the gentleman for yielding.

Mr. Chairman, I rise in strong opposition to H.R. 503. This is a bill that has tremendous shortcomings, will cause major negative disruptions throughout the horse industry and lacks any strategy of how to deal with the problems that it will undoubtedly create.

The bill is based on emotion. If you stop to think about what will happen to these 60,000 to 90,000 horses being diverted from processing each year, you will realize the bill does not provide a single answer to truly the problem.

I find it deeply troubling that the sponsors of H.R. 503 care more about what happens to the animal after it is euthanized than what happens when it is alive. If these animals are no longer able to be processed at federally regulated plants, where will these horses go? Yes, these animals will be alive, but if it is a life of negative abuse, abandonment and starvation, what good have we served? We want to make sure all these animals are cared for humanely throughout their life.

Owning a horse is a privilege that should be taken seriously. Horses are high maintenance animals that require feed, water, veterinary care and safekeeping. The care of horses is expensive. The Animal Welfare Council estimates it costs $2,340 per year per horse. Public animal rescue facilities and horse sanctuaries across the country are currently saturated with unwanted horses and in desperate need of funds. Even the proponents of this bill have acknowledged this fact. How does adding thousands more horses help this already dismal situation?

H.R. 503 does not provide a single answer to ensure the proper care of these animals. Where will these animals go? How will we fund their care? How do we ensure they are not starved and abandoned? Why should we burden our local communities with problems created by this bill?

More than 200 reputable horse organizations, animal health organizations and agricultural organizations oppose this legislation, and they represent some of the most respected and knowledgeable people who own and care for horses in the United States. In my home State, the North Carolina Horse Council, Quarter Horse Association, the North Carolina Department of Ag and Consumer Services, the North Carolina Farm Bureau, the North Carolina Pork Council and the North Carolina Cattlemen's Association all oppose this legislation and the precedent it would set for other livestock.

If you look at the facts and not the emotional hype, I believe the choice here is really quite simple. My stand against H.R. 503 is a stand for the humane treatment of these animals. I urge my colleagues to do the right things for horses and horse owners. Vote ''no'' on H.R. 503.

Ms. SCHAKOWSKY. I would like to yield 3 minutes to our distinguished whip, Mr. HOYER.

Mr. HOYER. I thank the gentlewoman. This is about politics not policy. The policy, I am going to support. This is about politics. It is about the election of one Member in a very hotly contested race in New York.

I hope the American public are tuned in. With all the pressing critical issues that confront our Nation, what is the one issue in the one-fifteenth of the session that we have left that we are according our time to? The Horse Slaughter Prevention Act. This is an important issue that should be considered. I do not mean to make light of the legislation. But is this the issue that the American people expect their elected representatives to be considering at this moment?

On Monday, we commemorate the fifth anniversary of the worst terrorist attack in our Nation's history. 9/11 is a day of remembrance and resolve, and it is also a time to recognize that we are not as safe as we should be. Apparently, horses aren't either. But people aren't as safe as they should be.

Just today, a former Republican Speaker of the House, Newt Gingrich, wrote, and I quote, ''Five years have passed since the horrific attack on our homeland, and still there is one serious undeniable fact we have yet to confront. We are today,'' said the former Speaker, Newt Gingrich, ''not where we wanted to be and nowhere near where we need to be.''

Yet one-fifteenth of the time we have left before the election is spent on horses. Osama bin Laden is still on the loose. This Congress has failed to enact the 9/11 Commission's recommendations. The nuclear threat from North Korea and Iran has increased. Afghanistan is backsliding, and Iraq simmers in a low-grade civil war, yet we are focused on this act.

Last week, I joined more than 20 of my Democratic colleagues in visiting New Orleans and the gulf coast, areas devastated by Hurricane Katrina 1 year ago. We observed incredible courage and optimism on the part of the citizens there, but we all saw an area that is still a shell of its former self.

In New Orleans, nearly 60 percent of homes and businesses do not have electricity. Much of New Orleans lacks a dependable supply of potable water, and only $44 billion of the $110 billion appropriated for rebuilding assistance to victims has been spent. Yet what are we doing today? Focusing on horses.

This bill was defeated 37–3 in committee. The Patient's Bill of Rights, cosponsored by Mr. DINGELL, was supported by the majority of this House and the majority of the Senate, and it died in conference, for political reasons. This bill here is for political reasons.

While this body considers this legislation today, the Republican leadership refuses to allow an up-or-down vote on providing a long overdue increase for the minimum wage.

The CHAIRMAN. The gentleman's time has expired.

Mr. PETERSON of Minnesota. Mr. Chairman, I yield 1 minute to the gentleman from Maryland.

Mr. HOYER. I thank my friend, the chairman of the committee, soon to be, maybe. Who knows. Mr. GOODLATTE, I apologize for that.

The Republican leadership refuses to allow an up-or-down vote on the minimum wage. And that is not about horses; it is about 6.6 million Americans working every day and living in poverty. I have concern about these horses, but I have much, much more concern about 6.6 million Americans who are living in poverty while working 40-hour weeks.

We have still not passed legislation that moves our Nation towards energy independence, yet we focus on horses.

Reforms are broken in the immigration system, yet we focus on horses.

We have not addressed the fact that 46 million Americans do not have health insurance, yet we focus on horses.

We need fixes to the Republicans' flawed prescription drug program and reforms to our convoluted tax system, yet we focus on horses. I am concerned about horses, but I am much, much more concerned about the American people. That is what we ought to be focused on. That's where we ought to be paying attention.

That is why I call this the ''do less than 'do-nothing Congress of 1948.' ''

Mr. WHITFIELD. Mr. Chairman, I yield myself 3 minutes.

Mr. Chairman, I would say on behalf of this Congress that we did pass an energy bill. We did pass a prescription drug bill. We did pass a bill to expedite refinery building in this country. We did pass an outer continental shelf exploration bill. And we would have had this bill on the floor 2, 3, 4 years ago if the Ag Committee had been willing to cooperate with us.

But to talk about this business of horse slaughter, I think the American people have every right to know what this business is really all about. It is a secretive, illicit and grossly inhumane business. Now, you listen to the members of the Ag Committee and the Department of Agriculture, and they talk about the transportation of these animals as regulated and that there is no ill will coming to these animals.

I have a picture here of a horse that was transported from Mississippi to Texas to Beltex on August 10, 2006. Now, if you look, I will show you that picture, and then I want to show you this picture. Now, the reason this happened is because a killer buyer by the name of Robbie Solomon from Belmont, Mississippi, put 17 stallions in one trailer.

Now, Mr. SALAZAR was here talking about his knowledge of horses, and I am sure he is quite knowledgeable, but anyone knows that you do not put stallions together. And the only way they were able to keep them from fighting was to beat these animals. This is going on all across the country because the USDA is not enforcing the transportation regulations.

And so when we talk about slaughter, we are not talking about the actual slaughter of the horse per se; we are talking about the horse theft involved. We are talking about the killer buyers getting animals any way they can get them. We are talking about them putting them in trailers like this and transporting horses.

I find it so interesting that the American Association of Equine Practitioners, the leadership, and the leadership of the American Quarter Horse Association talk about their concern for these horses. They are looking out for their welfare, yet they see nothing wrong with the method of transport, the double-deck trailers being used, where horses full grown cannot even stand up straight on the upper deck.

Just think, stallions put together. You never do that. And that is precisely what Mr. Robbie Solomon of Belmont, Mississippi, did. So I did want to point out exactly what is going on in this transportation of these animals to slaughter, and this is not something that is uncommon.

Mr. Chairman, I reserve the balance of my time.

Mr. GOODLATTE. Mr. Chairman, I am pleased to yield 1 minute to the gentleman from Nebraska (Mr. OSBORNE).

Mr. OSBORNE. Mr. Chairman, I thank the chairman. In Nebraska, we have a great many horses that are used for roping, cutting horses, riding horses and quarter horses. Not many racehorses. These horses are primarily for a function, and when a horse can no longer fulfill that function, something has to happen to the horse. Now, you can retire the horse and pay $2,000, $3,000 a year to house it, to feed it and to take care of it, but some people that own 15, 20, 30, 40, 50 horses simply cannot afford to do that.

So I have been hearing from a great many horse owners, and these are people who care about horses, who love horses and who are concerned about horses, who have working ranches, and they say this is a bill that they cannot live with because of the cost. So I think we have to look at that.

I certainly don't tolerate and don't condone any shipment that is, as has been mentioned, injurious. We don't want to see that. But we have to have some way, because this will decrease the value of the average horse about $300 simply because of the burial fees and the extra costs of taking care of horses.

So this is not a solution to the problem. The people in my area oppose it, and I would strongly urge we defeat the bill.

Mr. PETERSON of Minnesota. Mr. Chairman, I am pleased to yield 2 minutes to the Dean of the House, the ranking member of the Energy and Commerce Committee, my good friend, JOHN DINGELL.

(Mr. DINGELL asked and was given permission to revise and extend his remarks.)

Mr. DINGELL. I thank the gentleman for yielding me time.

I love the people who are pushing this bill, but it is a bad bill. It is triumph of emotion over common sense. We have before us a solution, a poor one, to a nonexistent problem.

We have many things that need to be addressed in this Congress, but here we are putting on the floor a piece of legislation poorly thought out, without having had proper hearings or proceedings, over the opposition of a committee, when we have many other things that need doing; health care for Americans, minimum wage, a budget deficit of terrifying proportions, and the appropriations bills and the budget have not yet been completed. While the Nation is at war, working families struggle to make ends meet, and government runs record deficits the leadership has put this curious piece of legislation on the floor.

The bill would eliminate humane slaughter of horses. If there is a complaint about how the horses are being slaughtered or transported, there is a way for this body to address that, and I am sure in good will this body would in the exercise of its oversight powers do exactly that.

The bill does not count for the high cost of caring for these unwanted animals, nor does it consider the impact that this legislation is going to have on the environment.

□ 1300

You know, we have a curious situation where we are going to have to wind up cremating every horse that dies in the country, or we are going to have to incinerate them. I have no idea how we are going to dispose of a huge number of 1,500 to 2,000 pounds of horse each time one of these events happens.

Now, basic care costs $1,800. There is no requirement here that a person sell or slaughter his horse. The owner of the horse can do what he wants with it. That makes eminent good sense to me.

But I don't think anyone has thought out the consequences of this legislation, what is going to happen with regard to the massive number of horses that are going to have to be incinerated or cremated and the consequences of that with regard to the environment.

This is a bad piece of legislation. It should be rejected.

Ms. SCHAKOWSKY. Madam Chairman, I yield 3 minutes to the gentleman from Texas (Mr. GONZALEZ).

Mr. GONZALEZ. Madam Chairman, I thank my colleague from Illinois for allowing me the 3 minutes on this particular issue.

I think much has been said, but I think if we look at it as legislators, our profession, our duties and our service to our constituents, what is it that we do? We pass laws that reflect the standards, the norms and the mores of American society.

It is already acknowledged, and I think even the opponents of this piece of legislation that I support here today would acknowledge we have already established a norm and a standard, and that is in this country we will not destroy a horse for human consumption. That is a done deal, that is recognized, and it is based on the historical significance of the horse in our society, which is very unique.

Now, this is the question that I pose: How can you prohibit the human consumption of a product, that is the law, that is the norm, that is the standard, that is the American value, without prohibiting the production of the product? And that is what this piece of legislation accomplishes. It is not a difficult legislative equation.

And there will be consequences, but consequences that can be dealt with responsibly by the horse owner. And I truly believe that. I am from the State of Texas, and we have a few horses in Texas. My brother owns horses. Now, does he agree with me on this particular piece of legislation, because it may prove to be inconvenient and pose some economic cost to him? I am not really sure. But this is in keeping with what we have already established, and that is how we treat horses in our society.

Now, we have individuals that will say this is about property rights. Members of Congress, please. We pass laws every day that regulate the manner that we conduct ourselves with pieces of property, personal and real. We have zoning laws. We have ordinances. And this is just another aspect of that, in keeping, though, with what has already been established as societal norms, and that is what we do here today.

People will simply say, but it is not about consumption of horse meat in the United States, that we are just simply going to cater to the culinary needs of the French. That is not the point. The point is that you still have everything that entails the entire process of how you prepare, how you slaughter the horse for human consumption. Whether it is domestic or internationally, it is not in keeping with the established norms and values as reflected in our laws, State and Federal, when it comes to the treatment of horses.

The bottom line is we have to sometimes tweak existing laws to make sure that they reflect those mores and that value, and that is what we are doing here today.

We cannot condone the slaughter of horses for human consumption.

Mr. WHITFIELD. Madam Chairman, I yield myself 2 minutes.

Madam Chairman, I would like to address one issue that the distinguished gentleman from Michigan raised, and we all have great admiration and respect for the gentleman from Michigan. He raised the question about how are we going to take care of all these horses that are not slaughtered when they die and the impact of those animals on the environment.

I would remind the body that there are 133 million cows in America today. Every year many of them die out in the fields. Some of them are picked up by renderers and processed, but many of them are drug to the back 40 where they are decomposed, eaten by scavengers and whatever. The same thing would happen to horses that die out in the fields.

In my State of Kentucky, only about 40 percent of the animals that die in the fields are picked up by renderers. This bill would not affect what happens to natural death to animals in the field in any way whatsoever.

I would remind the body that only 1 percent of the entire horse population in America, which is about 9 million, is being slaughtered. Less than that. I also would like to reiterate, once again, we have heard so much about unwanted horses. I would say to you, many of these horses being slaughtered are not unwanted, there is not anything wrong with them. Many of them are stolen and obtained by misrepresentation. So to leave the impression that every horse slaughtered is old, decrepit, unwanted, is certainly not what the facts show.

Mr. GOODLATTE. Madam Chairman, I yield myself 15 seconds to say that that is 1 percent of the horses per year, 90,000 or 1 percent of the 9 million per year. The average life expectancy of a horse is over 25 years. So about 25 percent of the horses go through this process in this country, and we will have a huge problem if we don't resolve that, if we pass this bill.

Madam Chairman, I am pleased to yield 1½ minutes to the gentleman from Iowa (Mr. KING).

Mr. KING of Iowa. Madam Chairman, I thank the chairman for yielding and for leading this cause.

I rise in opposition to H.R. 503. H.R. 503, the Horse Protection Act, would ban the processing of horses for human consumption. There is no evidence that suggests that products derived from horses pose any food safety or public health risk. Because processing facilities process meat intended for interstate shipment, they must be inspected by USDA for compliance with the Horse Slaughter Act, the Federal Meat Inspection Act, and other Federal animal health and food safety regulations.

The people who want this bill passed claim that horses are not raised for meat. However, there are at least three breeds that are raised for meat: the Yili, the Altai and the Bashkir, among others, that are raised for dual purposes.

Every year, 80,000 to 100,000 of these horses are abandoned in the U.S., and this number is expected to double in just a few years. But there are no provisions to address disposal or care of the unwanted 100,000 horses.

When horses are euthanized on private lands, it is normally done with a heavy dose of barbiturates. Once that horse succumbs to the barbiturates, the carcass becomes an environmental concern. And if the horse is disposed of on private land, we have to be concerned about the issues that lead to contamination, human exposure to zoonotic disease and related problems.

The individuals who support H.R. 503 and argue unwanted horses can be moved to adoption facilities or resold are selling us short on the resources. The total take capacity for all these facilities is 6,000 head; 6,000 head. These facilities are already at overcapacity. Where would the additional 100,000 horses go? I would add that is a cumulative total of perhaps a 10-year rolling total of 100,000 a year. It may be 1 million horses. But these horses are eating our cellulose and costing us ethanol.

Mr. WHITFIELD. Madam Chairman, I yield myself such time as I may consume.

Madam Chairman, I want to address this unwanted horse issue again. Everyone keeps talking about slaughter as the answer to unwanted horses. Has anyone ever thought about the responsibility of the breeders that are breeding these horses?

The one horse industry association that most advocates horse slaughter is the American Quarter Horse Association. That is because they are the most prolific breeders in the country. They are registering 144,000 foals a year, compared to 32,000 thoroughbreds, 12,000 standardbreds.

Has anyone ever asked the question, what is the responsibility of the breeder? And for them to have the audacity to come to the Congress and say you have to pay us if you pass this bill to take care of all these horses that we are breeding every year.

Mr. PETERSON of Minnesota. Madam Chairman, I yield myself 1 minute.

Madam Chairman, I just wanted to say, unless I don't know something here, I don't believe it is illegal to consume horse meat in the United States. If you want to shoot your horse and butcher it and eat it, you can do it. So people need to understand that, number one.

Number two, I am in receipt of a letter here from Ron DeHaven, who is the administrator of APHIS, and I would just like to make folks aware of this, that contrary to what has been said, they have enforcement going on in terms of the transport of horses.

There are 187 cases that have been opened since 2002. They have issued 69 warnings. Eighty-one cases remain open. Three of those are being investigated. Seventy-eight are on final review. Twenty-one cases included stipulations. There have been fines anywhere from several hundred dollars to $60,000 for violation of humane transport requirements. One case is currently being adjudicated by an administrative law judge requesting that the violator submit $85,000 in penalties.

APHIS says that they take very seriously their responsibility to ensure safe and humane transport of horses to slaughter. So they have been trying to enforce this law; and if there is problems going on, you ought to get a hold of APHIS and do what they should do.

Mr. GOODLATTE. Madam Chairman, will the gentleman yield?

Mr. PETERSON of Minnesota. I yield to the gentleman from Virginia.

Mr. GOODLATTE. Madam Chairman, I thank the gentleman for yielding.

Just to respond to the gentleman from Kentucky, who asks a very good question about the responsibility of horse owners and horse breeders, I guess my question to the gentleman is, why doesn't his bill contain any provisions to prevent the creation of unwanted horses? That is one of the principal objections that these respected

national organizations have to this legislation, is that he does not address that in his bill.

Mr. WHITFIELD. Madam Chairman, I yield 2 minutes to the distinguished gentleman from North Carolina, Mr. WALTER JONES.

Mr. JONES of North Carolina. Madam Chairman, I thank the gentleman from Kentucky.

Madam Chairman, I decided I wanted to come to the floor today and not share my thoughts on this issue, but the thoughts of an American citizen. This lady lives in Carlinville, Illinois. She wrote me a letter on Saturday, and I was so impressed with the letter that I called this lady yesterday, Mrs. Betty Scheldt. I asked permission that I might read two paragraphs from her letter that I think speaks to this issue.

First: ''Horses are an integral part of the American culture and I am extremely distressed over the fact that our horses, icons of our culture, are being slaughtered in foreign-owned slaughterhouses to please the palates of wealthy gourmets in Belgium and France. Horse slaughter and human consumption of horse meat is not and never will be acceptable in American culture. Americans overwhelmingly agree that horse slaughter should be banned. Several national voter surveys reveal that 77 percent to 90 percent of Americans feel that horses in the United States are not bred, raised or produced as food stock, and as such should be afforded the same protection from commercial slaughter as are all other non-food producing animals.

The last paragraph: ''Horses are our companions and partners. They carry our children in competition at the county 4–H fair, make our country proud in the Olympic games, win Kentucky Derbys and Triple Crowns, carried our soldiers into battle and helped our forefathers to settle this country. They deserve better than ending up served on the plates of fancy restaurants from Belgium and Paris.''

Madam Chairman, I join my colleagues today who support H.R. 503, and I hope and pray that this Congress will pass this legislation because horses are part of the history of this Nation and the West would never have been settled if it had not been for the horses working with the American citizens to build America.

SEPTEMBER 1, 2006.

Subject: Please vote for H.R. 503 as originally introduced.

Hon. WALTER JONES, Jr.
U.S. Representative,
Greenville, NC.

DEAR REPRESENTATIVE JONES: I am writing to urge you to vote for H.R. 503, the American Horse Slaughter Prevention Act, as originally introduced by Representatives John Sweeney (R–NY), John Spratt (D–SC) and Ed Whitfield (R–KY). This bill would prohibit permanently the slaughter of horses for human consumption overseas, as well as the exportation of horseflesh and live horses intended for slaughter, making sure that no American horse is slaughtered abroad.

Over the past 20 years, due to ever increasing public awareness of the trade of horses for human consumption, the vast majority of plants that slaughter horses are no longer in operation. However, 3 foreign owned and operated horse slaughter plants still operate in our country today despite overwhelming objection by the majority of Americans. The meat produced in these plants is sent to certain European and Asian countries where it is considered a delicacy.

Horses are an integral part of the American culture and I am extremely distressed over the fact that our horses, icons of our culture, are being slaughtered in foreign-owned slaughterhouses to please the palates of wealthy gourmets in Belgium and France. Horse slaughter and human consumption of horse meat is not, and never will be, acceptable in American culture. Americans overwhelmingly agree that horse slaughter should be banned. Several national voter surveys reveal that 77%–94% of Americans feel that horses in the United States are not bred, raised or produced as food-stock, and as such should be afforded the same protection from commercial slaughter as are all other non-food producing animals.

The slaughter process is inhumane: Horses endure repeated blows to the head with stunning equipment that does not render the animals unconscious and many horses are still conscious during the remaining stages of the process. The transportation of these horses to the slaughter plants is also cruel and inhumane since they are hauled several thousand miles without water, food or rest in double-deck trailers, forcing them to travel in a bent position which can result in prolonged suffering and death.

Arguments from the AVMA and AAEP defending the ''humanity' of horse slaughter arc simply ludicrous. To suggest that a process in which horses endure repeated blows and are often slaughtered while conscious is somehow humane is not only absurd but also shows a total disregard towards the welfare of the animals these two organizations claim to protect.

I strongly disagree with the claims of the horse slaughter industry that it provides a way to dispose of old and ailing horses. This is simply not true: According to official data from the Department of Agriculture, 92.3% of the horses slaughtered are in good or excellent condition. Pictures of the slaughterhouses' pens showing healthy, young horses further corroborate this data.

It is also false that the horse slaughter industry is rooted on a presumed ''unwanted horse'' problem as the horse slaughter industry maintains, simply because these plants are importing thousands of Canadian horses each year in order to cover the increasing foreign demand of horse meat. If there are so many unwanted horses in the U.S. as they claim why do they have to import them from Canada? The truth is that the ''unwanted horse'' theory is a bald-faced lie.

Horse slaughter promotes theft and abuse. After California banned it in 1998 horse theft dropped by 34% while there were no reported increase on abuse as the foreign-owned industry maintains. In addition, there was no documented rise in Illinois following closure of the state's only horse slaughter plant in 2002.

Horses are our companions and partners, they carry our children in competition at the county 4–H fair, make our country proud in the Olympic games, win Kentucky Derbies and Triple Crowns, carried our soldiers into battle and helped our forefathers to settle this country. They deserve better than ending up served on the plates of fancy restaurants from Brussels and Paris.

Again, I urge you to vote for H.R. 503 as originally introduced by Reps. Sweeney, Spratt and Whitfield. I also please request a response from you stating your position on this issue. Thank you for your time and consideration of this letter.

Sincerely,

BETTY SCHELDT,
Carlinville, IL 62626.

Ms. SCHAKOWSKY. Madam Chairman, I yield 2 minutes to the ranking member of the Committee on Resources, the gentleman from West Virginia (Mr. RAHALL).

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Mr. RAHALL. Madam Chairman, I thank the gentlewoman from Illinois for yielding me the time.

Madam Chairman, I rise in strong support of the American Horse Slaughter Prevention Act. The House has gone on the record three times now in strong opposition to horse slaughter.

I hope my colleagues will maintain that record, maintain their consistency and give overwhelming support of this bill. It is a sad state of affairs when we have to fight to prevent the slaughter of more than 90,000 American horses a year.

Horses are an integral part of the tapestry of this country, an American icon. The horse is a symbol, a promise of possibility. Most of all, the horse is a companion, as we just heard in the letter of Mr. JONES's constituent in North Carolina. The horse is tied to the spirit of the American frontier, the homesteaders in covered horse-drawn wagons, a cowboy and the wild mustangs. All symbols of America.

The horse is a promise of possibility. How often Americans have sat in anticipation, watching the pageantry of thoroughbreds racing for the roses in the annual Kentucky Derby, while fully hoping for the triumph of some deserving underdog, perchance to see a rare Triple Crown winner, a truly American story.

But most importantly, the horse is a companion for many Americans in a treasured childhood memory. Little boys and girls for generations have ridden a carousel pony dreaming that some day they will have a real horse to ride, a companion.

Horses are a part of our identity and our heritage, and in America they are not for human consumption. But, unfortunately, that is the fate of many of these animals.

Today, three foreign-owned slaughter houses operate in the U.S., serving an overseas market in horse meat. Thousands more horses are shipped annually out of the U.S., destined for other foreign slaughter houses. Horse slaughter is an export-driven market. Americans do not want it, and we should not be facilitating it.

The horse slaughter industry and its allies are going to extreme lengths to prevent this ghastly, but lucrative, practice.

I hope that the House will once again pass this much-needed legislation and not see the Department of Agriculture circumvent the intent of Congress.

Mr. PETERSON of Minnesota. Madam Chairman, I yield 2 minutes to

the gentleman from Texas (Mr. CONAWAY), a member of the House Agriculture Committee.

Mr. CONAWAY. I want to thank Mr. PETERSON for allowing me to speak today.

To set the record straight, I love horses. I own a horse. In fact, my horse, Skychief Poco, and I won the 1997 SandHills Rodeo and quarter horse show team penning championship. I have got the wherewithal to let him live out his days in the pasture behind my house. But if you notice, I have used the possessive pronoun ''my'' each time I describe my horse.

At its core, this isn't about people who love horses. This isn't about the American icon. This isn't about the kid who rides a carousel and wants to own a pony. This is about personal property rights. I have personal property that is a horse. He is not a pet necessarily. He is never going to be eaten, but that is not the issue here.

The title of the bill on the other side makes constant reference to the Slaughter Prevention Act or Slaughter Protection Act. Nothing in the bill has anything to do with the actual slaughter of the horses, the euthanasia of the horse, not the methods. Because if we are talking about methods that need to do it better, let's do that.

But this is an attack on the personal property rights of all horse owners out there in America. At its core, this is also about what happens to the carcass of a dead horse, whether it is an affront to the icon of America to process that horse carcass into food or whether to chop that horse up and put it in a landfill, or chop that horse up and bury it in your back yard. However you treat the carcass of that horse, that is really what this is about.

This strips out the personal value, the personal property value of every horse owner that chooses to dispose of their horses in various ways and that we all should take great interest in how that is done. That is not what this bill does. This strips simply strips out my right, my personal property rights, to own that horse and dispose of him at the point when I want to.

I urge my colleagues to vote against this bill. It is an attack on personal property rights without due process and is unfortunate.

One other piece of this bill is that, which is added toward the end of it, is that if you have a horse that is sore, and you are at a competition or at an event, the Secretary of Agriculture is allowed to come take that horse from you. So I would urge my colleagues to vote against this bill. It is ill conceived and should not pass.

Mr. GOODLATTE. Madam Chairman, at this time I am pleased to yield 1½ minutes to the gentleman from Texas (Mr. THORNBERRY).

(Mr. THORNBERRY asked and was given permission to revise and extend his remarks.)

Mr. THORNBERRY. Madam Chairman, I have been around and worked with horses all my life. I think I have as much appreciation and admiration for these creatures as anyone in this body; but I am very much opposed to this bill, first, because, contrary to, I am sure, the intentions of this authors, this bill will result in more abuse, more neglect and more inhumane treatment of horses.

I would just say that those who are so certain that horses are better off to die peacefully out in the field have never come across an old horse out in a field or a pasture who cannot get up and stand on its legs and continues to beat its head against the ground in an effort to get leverage to stand back up. Such people have never come across an older horse down in the pasture or field and begins to be eaten by predators and can do nothing about it because he can't get back on his feet.

The idea that it is more humane to let all horses die peacefully in a field, rather than dealt with in a regulated, inspected manner, is just wrong. So the bottom line is, this bill results in more neglect and more abuse, more mistreatment of horses, as owners cannot afford to take care of them, or they are left to, quote, die peacefully in a field.

Secondly, it is a tremendous blow to private property rights. If anyone thinks there is any reason for the Congress to stop with a regulation of how we govern horses and not go right ahead and say what owners ought to do to their pigs and their cattle or their dogs and their cats or their fish in the aquarium, then you haven't realized the consequences of this bill. It is a bad idea. It should be rejected.

Madam Chairman, I have been around and worked with horses all of my life, and I think that I have as much appreciation and respect for these magnificent creations of God as anyone in this body. And I am strongly opposed to this bill.

The motives behind this proposal are, I am sure, honorable. But the consequences of it in the real world will be so detrimental to what the authors say they hope to achieve, that I wonder if some are intentionally turning a blind eye to them.

If old horses cannot be dealt with humanely, many of them will be left to suffer. Those who are so certain that all horses are better off being allowed to die of old age have never seen a horse that has been unable to get up and continues to beat its head against the ground for leverage to try to stand. How is that better for the animal?

If older horses cannot be sold here, they will be sold in Mexico, without our standards and inspections. How is that better for the animal?

The bottom line is that more horses will starve, more horses will be abused or neglected, more horses will suffer unnecessarily if this bill were to become law.

In addition, the precedent this bill would set would be deeply disturbing to the basic American principle of private property rights. If the Federal Government can dictate what individuals may and may not do with personal property—to whom it may or may not be sold—the fundamental right to own property will suffer a terrible blow.

Of course, there is no reason for the Federal legislation to stop with horses. Federal law could regulate treatment of cattle and pigs, dogs and cats, or fish in the aquarium.

Criminal abuse of animals is a crime prosecuted by State and local authorities. A Federal law restricting the ability to sell private property based on some people's misguided idea of how that property should be treated is a dangerous thing, and this bill should be rejected.

PARLIAMENTARY INQUIRY

Mr. WHITFIELD. A parliamentary inquiry. Could you explain the remaining time that is available.

The Acting CHAIRMAN (Mrs. CAPITO). Yes. The gentleman from Kentucky has 2½ minutes remaining. The gentleman from Virginia has 4 minutes remaining. The gentleman from Minnesota has 4 minutes remaining, and the gentlewoman from Illinois has 2 minutes remaining.

Mr. WHITFIELD. Who has the right to close?

The Acting CHAIRMAN. The Chair will recognize the majority leader's designee, Mr. GOODLATTE, for the closing speech.

Mr. WHITFIELD. At this time I reserve the balance of my time.

Mr. GOODLATTE. Madam Chairman, at this time I am pleased to yield 1 minute to the Chairman of the Energy and Commerce subcommittee that dealt with this issue, the gentleman from Florida (Mr. STEARNS).

Mr. STEARNS. I thank my distinguished colleague. As the gentleman from Virginia pointed out, we had a hearing on July 25, 2006, on this same issue. My colleagues, I think it was a balanced hearing. I think Mr. WHITFIELD and Mr. SWEENEY were both there. Mr. SWEENEY testified, also Chairman GOODLATTE testified. I think it brought out the pros and cons of this.

Whatever is proposed, however, must have a full understanding of the ultimate effects on the American horse population and their caregivers, because arguments presented on both sides seem to paint a pretty bleak, bleak picture for a large number of horses. But I am concerned that H.R. 503 does not solve the problem of unwanted horses.

Unfortunately, it provides no solution to the unfortunate reality of the life of these horses. Horses are a beloved part of our American heritage and deserve more humane approaches at the end of their lives. I think we all agree.

But this bill, H.R. 503, does not solve the problem. In fact, as many point out, it is a property rights issue; and we should be concerned ultimately where these horses will finally graze and who will pay for it.

Ms. SCHAKOWSKY. Madam Chairman, I yield 1 minute to the gentleman from California (Mr. FARR).

(Mr. FARR asked and was given permission to revise and extend his remarks.)

Mr. FARR. Madam Chairman and Members, I rise in support of this bill. I have been listening to this debate all

day. I don't think most people have read it. The bill deals with the slaughter for humane consumption. Now, I represent California, the most populous State in the Union, which has the most horses.

Guess what, this has been the law in California for many years, and all of these naysayers and predictors of bad happening just doesn't happen in California. Change this debate; change this debate.

What if we were up here talking about slaughtering cats and dogs for profit for human consumption? You wouldn't have people up here saying, well, the cats and dogs population will ruin everything; it will stop the world. We take care. The slaughterers don't buy sick horses, injured horses. They buy fresh horses, and they buy them for human consumption. This bill says you can't do that.

Now this is the day and age in America when we ought to be not allowing people to for profit buy horses merely to slaughter them for human consumption. That is wrong. This bill is right.

I urge a rejection of the amendment and a passage of the bill.

Mr. WHITFIELD. I yield 1 minute to the distinguished gentleman from Florida (Mr. FOLEY).

Mr. FOLEY. Madam Chairman, I rise in support of the bill as well, H.R. 503, the Horse Slaughter Prevention Act. As a cosponsor of this bill, I believe this legislation is necessary to prevent the inhumane disposal of beautiful animals.

Horses hold a special place in this country. They were vital during our settlement, allowing us to travel great distances quickly and providing the necessary strength for farming. Today, we are able to appreciate their grace and speed in a variety of different venues from racing to recreational horses. They are all part of America.

The fact, though, is important to underscore. We don't allow horse meat to be eaten in this country. To allow the shipment of meat overseas is a bit hypocritical. While some may have expressed concern about the cost of disposing of sick horses, the fact is, according to the USDA, 90 percent of horses arriving in slaughter are in good condition.

There are many alternatives other than horse slaughtering, and among those options are horse welfare associations and equine sanctuaries. The bill responds to a strong American concern about the treatment of horses, in addition to prohibiting the trade and transfer of live horses intended for human consumption.

H.R. 503 lessens the USDA's workload by reducing the number of animals requiring inspection.

I urge my colleagues to vote in support of this bill.

Mr. PETERSON of Minnesota. Madam Chairman, I yield myself such time as I may consume.

As has been said very ably by the Dean of the House, Mr. DINGELL, this is a solution to a problem that doesn't exist. There have been a lot of assertions made out here that I think are a little bit suspect.

But one of the things that I want to point out, the previous speaker, Mr. FARR, my good friend from California, claims that they have done this, and there are no problems, well, there was a peer-reviewed article in the Journal of Agribusiness which highlights the lack of enforcement in California of their law, anecdotal evidence of increased horse abandonment, malnutrition, greater numbers of thin and crippled horses at auction in California. So this is a peer-reviewed article that refutes that assertion that was made by Mr. FARR.

This is a bill that on the merits is a bad bill. It was defeated in the Agriculture Committee by a vote of 37–3 because those of us on the Agriculture Committee represent rural America, represent the areas that have horses and use horses every day. The American Quarter Horse Association, the American Paint Horse Association, the biggest horse associations in the country oppose this bill.

There are a lot of good reasons; but the main reason, in my opinion, is that this is just absolutely the wrong way to do business in the House of Representatives. As has been pointed out by Mr. HOYER and by others, we have many more priorities that we ought to be working on in this Congress other than this bill. That is, you know, obvious.

But, you know, it really offends me to take the work of the committee, and this can be any issue, and overturn it and put a bill on the floor that is completely opposed to what the committee decided. I think it is absolutely the wrong way to run this institution and probably is the best reason for us not to pass this legislation.

I just have to say one other thing. I just was up in Hallock, Minnesota, the other day, and one of the main things that we ought to be doing in this Congress, that we haven't done, that we have been trying to do since last December, is get disaster legislation passed to help those people that got wiped out in 2005 and to help the people that have been wiped out here in 2006. That would be a much better use of the Agriculture Committee's time on the floor of the House of Representatives than dealing with this bill.

I urge my colleagues to vote ''no'' and send this bill where it belongs, that is, back to the committee.

□ 1330

Madam Chairman, I yield the balance of my time to the chairman of the committee.

Ms. SCHAKOWSKY. Madam Chairman, I yield myself the balance of my time.

I want to point out there is a book called, ''Alternatives to Auction and Slaughter: A Guide for Equine Owners (A Better Way),'' that lists all kinds of places that welcome animals that are at the end of their lives and are unwanted.

Quite frankly, I find really disingenuous those on the other side who oppose this legislation who say those of us who support ending horse slaughter are actually going to be hurting horses more, that we somehow don't get it. I think that is very disrespectful to the well over 500 organizations that support this bill, including the American Horse Defense Fund, the American Society for the Prevention of Cruelty to Animals, the Animal Protection Institute, the Humane Society of the United States. Clearly, I could go on and on. These are organizations that are in business for the sole purpose of making sure that animals are treated humanely. They are not mistaken in supporting this legislation.

Those of us who truly care about the welfare of horses should support this legislation.

Mr. WHITFIELD. Madam Chairman, I yield myself the balance of my time.

In closing, I would say this: The State of Texas tried to close these slaughter houses down for many years. Officials there did. A lawsuit was filed by the slaughter houses. Remember, they are foreign-owned, Belgian, Dutch and French. In that lawsuit, the slaughter houses owned by the foreign companies won that lawsuit because the Federal judge said that this is an interstate commerce issue; and there is Federal preemption involved; and if you are going to shut down slaughter houses in operation in interstate commerce, then the U.S. Congress has to act.

Now this bill came before the Energy and Commerce Committee because of the lack of action on the Ag Committee for many years. They never wanted it to see the light of day.

I would urge Members to vote for H.R. 503. As I have said before, the unwanted horse argument is not a real argument because horses being slaughtered are not unwanted. To think that we would have the responsibility of reimbursing owners who are overbreeding, who have the responsibility to take care of their own horses, they make it appear that the government has that responsibility. Owners have their own responsibility.

Private property rights, this bill protects private property rights. Because of the number of horses being stolen, we are protecting those private property rights.

This bill allows an owner, a rancher or farmer who owns a horse to do whatever he wants to with the horse. He can shoot it or slaughter it and eat it himself. We simply are shutting down an illicit, secretive business, and that is what this bill is all about.

Mr. GOODLATTE. Madam Chairman, I yield myself the balance of my time.

There is no doubt in anyone's mind that this is an emotionally charged issue. But passion when left unchecked can have negative consequences. That

is exactly the situation we find ourselves in today.

I have asked my colleagues to consider the consequences of this legislation, as did I and the 36 bipartisan members of the House Committee on Agriculture. And the gentleman wonders why they have never dealt with it; the committee voted 37–3 to report this bill unfavorably with the recommendation that it not pass the House. And I thank the gentleman from Minnesota for his leadership on his side of the aisle and for yielding me some of his time.

Also, more than 200 reputable national and State organizations, including the American Veterinary Medical Association, the American Association of Equine Practitioners, the horse doctors who polled their members, 80 percent were opposed to this legislation. Also opposed are the American Farm Bureau Federation, the American Quarter Horse Association, the National Association of Counties, and every State horse council in the country that has taken a stand on this issue, including New York, Florida, Texas, Ohio, Illinois, Virginia, North Carolina, have all opposed this legislation.

The consequences of this legislation are far-reaching and stand to jeopardize the welfare of America's horse population and will potentially place a significant financial burden on horse owners across the Nation.

Instead of solving problems, H.R. 503 creates problems. It provides no directive as to what will happen to the 90,000 unwanted horses annually processed in slaughter facilities, and it increases the probability of unwanted horses becoming victims of neglect, starvation and abandonment. That is not just my opinion; that is the opinion of the American Veterinary Medical Association and the American Association of Equine Practitioners.

H.R. 503 provides no funding for alternatives and no instructions for the regulation of rescue or shelter facilities to ensure the welfare of these unwanted and unusable horses. The influx of unwanted horses would flood the already inadequate, overburdened, unregulated rescue-and-adoption facilities. There are roughly 6,000 slots in America's horse shelters and rescue facilities, 6,000. The majority of these shelters are operated by individuals who are able to take one, maybe two, horses at a time. These shelters and rescue facilities cannot possibility accommodate many, many times, 20, 30 times that number of horses that would be created by this bill.

It limits horse owners' availability of choice of how to dispose of their animals and infringes on owners' private property rights.

Horse owners have a variety of options when seeking to get rid of an unusable or unwanted horse, including rescue or retirement facilities, private sale, donation, euthanasia and processing facilities. Depending on the individual needs of the owner and the horse, some options may be more feasible than others. By eliminating this option, we are dictating what horse owners can and cannot do with their own private property. We must respect the right of responsible owners to choose the option best suited for their unique circumstances.

It mandates costs on private citizens. If the bill were enacted as written and the processing of horses for human consumption was no longer a legal option for owners to dispose of unwanted horses, estimates place the additional number of unwanted horses at 272,000 within the first 6 years.

Today we take care of 20,000 wild horses in corrals out west that cost us $50 million a year. Imagine having 10, 15, 20 times as many horses to take care of who are in that same situation. The cost to private horse owners of maintaining these horses has been conservatively estimated to be between $3 and $4 billion. By eliminating the option of horse processing facilities, thereby limiting the option of owners to dispose of their property, Congress would be forcing a $3 to $4 billion burden on private citizens and maybe perhaps to State and local governments, one of the reasons why the National Association of Counties is concerned about protecting private property rights.

The bottom line, H.R. 503 does not solve problems; it creates problems. I urge my colleagues to vote ''no.''

Mrs. CUBIN. Madam Chairman, I would like to make this very clear: if you believe in the humane treatment of animals, this bill takes us a step backwards. If you believe in preserving a balanced and natural ecosystem, this bill moves us in the wrong direction. If you believe in personal property rights, this bill represents an outright assault on that uniquely American ideal.

There are many who will come before the House today and will say that Americans are thoughtlessly slaughtering young, strong horses—symbols of the American West—and that there can be no good reason for this slaughter. I am here today to tell you that this is not the case.

In my home State of Wyoming, we proudly display a bucking bronco as a symbol of our Western heritage. In fact, one of the first memories of my life is sitting on the back of a horse. I love horses as much as anyone here, and just like the proponents of this bill, I do not want to see these animals suffer. But I rise today to say that if enacted, this legislation would create more suffering for both horse and human.

By opposing this bill, we are not striking out at symbols of the American West. In fact, we are making a responsible herd management decision that protects horses, humans, and the ecosystem. Many of these horses are old, ill, starving due to overpopulation, or they have otherwise ceased in their proper function.

But you don't need to take my word for it. As many have already stated, over 200 reputable horse organizations, animal health organizations, and agricultural organizations have voiced their strong opposition to this bill.

Most importantly, I have heard loud and clearly from folks who know and love horses more than anyone in this chamber—Wyoming's ranchers. These hard working ranching families breed their own horses, they help deliver them at birth, they train them, they feed and raise them, and they care for them when they are sick. Every day of their lives they are interacting with the horses that they love. Wyoming's ranchers depend on horses for their livelihood. They know all there is to know about caring for a horse, because in the harsh seasons on the high plains and in the Rocky Mountains, they have to know in order to survive.

These folks know their animals like they know themselves. And yet, today, we are considering a bill that will tie their hands, preventing them from making a humane choice for their horses. Today we are considering a bill that will sentence innumerable horses to a life of starvation and suffering. Today, we are considering passing a bill that will have untold disastrous effects on the ecosystem.

I sincerely admire the motivation of those in favor of this bill today. If only their love for these regal creatures was enough to care for the needs of the 90,000 unwanted horses this bill will create each year, then there would be no need for this debate. If only their zeal to defend these animals could somehow control the overpopulated wild horse herds roaming the plains of Wyoming, Montana, Idaho, Utah and Colorado, then we would have no need for humane population control. But the honest truth, Madam Chairman, is that this bill offers no solutions. We cannot absorb 90,000 horses a year. If we pass this bill, we will be putting rhetoric above the realities of ranch life; and we will be elevating a mistaken idea about Western symbols above the livelihood of Wyoming's ranchers. I cannot support such a measure.

I urge my colleagues to put their emotions aside, look past the surface, and into the real policy problems this bill will create. Vote ''no'' on H.R. 503.

Ms. EDDIE BERNICE JOHNSON of Texas. Madam Chairman, I strongly oppose the slaughter of horses for human consumption.

For this reason I am a cosponsor of H.R. 503. This bill prohibits the shipping, transporting, moving, delivering, receiving, possessing, purchasing, selling, or donation of horses and other equines to be slaughtered for human consumption.

An overwhelming majority of my constituents from the Dallas, Texas, area are opposed to horse slaughter, and my vote reflects their will.

My office phone has been ringing off the hook with constituents opposed to horse slaughter. I have received more than 500 letters in the past few days. All are opposed to horse slaughter.

Horses are a symbol of American freedoms. They are a part of our history, our culture, and they deserve better.

Three slaughterhouses remain in the United States, and unfortunately two of them are in Texas. These meat factories kill about 100,000 American horses per year, sending the meat to countries overseas for fine dining.

Madam Chairman, I vigorously oppose this gruesome practice. And I don't agree with the argument that shutting down these slaughterhouses will hurt the local economies or be inhumane for horses.

In my opinion, this bill protects American horses from being raised—and slaughtered—for human consumption.

I support H.R. 503 and urge my colleagues to support it as well.

Mr. CONYERS. Madam Chairman, this week the census bureau released a report showing that for the first time since 1998, the number of uninsured children increased. Of the 8.3 million children without health insurance, minority children constitute a disproportionate share. The latest census figures also show that a record 46.6 Americans lack health insurance. With crucial issues facing the country such as the health care crisis, a broken immigration system, shortfalls in homeland security, and a stagnant minimum wage, I am baffled that the Republican leadership would spend precious time on horse slaughter legislation.

I do not want to minimize the importance of banning inhumane slaughter of horses for purposes of human consumption overseas. In fact, I am a cosponsor of H.R. 503, the American Horse Slaughter Prevention Act and support clean passage of that legislation. However, it is distressing that with only approximately 15 legislative days before the election, Republicans are ignoring the priorities of the American people.

I am troubled that the 109th Congress will be remembered in history as a ''do-nothing'' Congress. According to the Library of Congress, the House of Representatives in 2006 is on track to be in session for the fewest number of days since 1948. When the Congress has been in session, Republicans have pushed divisive and unproductive legislation such as constitutional amendments banning gay marriage and flag burning.

The time is long overdue to address the people's business. Several months ago, both the House and Senate passed immigration and boarder security bills. Instead of working out an agreement on illegal immigration, Republicans scheduled new field hearings in swing districts. With more talk and less action, the Republican led Congress and White House have failed to gain control over the border. They have failed to conduct workplace enforcement of immigration laws and have thus failed to protect American workers from declining low wages.

Republican inaction on homeland security is even more disconcerting. The bipartisan 9/11 Commission has given this Administration and the rubberstamp Republican congressional leaders poor grades for failing to implement the Commission's recommendations. We must take immediate steps to secure our borders, strengthen security around sensitive infrastructure, and give our first responders the necessary resources to protect the country.

Republican leadership has failed to improve the American people's economic security. As CEO compensation has soared, real family income is down since 2001. Since 1997, Republicans have repeatedly rejected a minimum wage increase for 6.6 million of the hardest working Americans. We must provide a livable wage so families can afford to make ends meet.

With the American people paying our salaries, we in the Congress have a duty to solve their problems. It is about time the Republican-led Congress earned its paycheck.

Mr. UDALL of Colorado. Madam Chairman, I cannot support this bill in its present form.

I understand and appreciate the views of its proponents, many of them in Colorado, who are distressed about the fact that three slaughterhouses in this country are in the business of preparing horse flesh for human consumption—primarily in other countries.

The bill's supporters do not think this is appropriate, and that Congress should exercise its authority over interstate commerce in order to put an end to this business. That is what this bill is intended to do.

I can understand the discomfort many Americans have about consumption of horse flesh, although of course it has been and remains an accepted practice in some places.

But emotional concerns cannot be the only guiding force in legislation regarding the way livestock is managed, and prohibiting slaughter of horses for human consumption—the main market for horse flesh at this time—would have unintended consequences this legislation fails to address.

The hearings held by the Agriculture Committee made it clear that there the current horse sanctuaries do not have the capacity to care for the additional unwanted horses—which otherwise would be handled by slaughterhouses that would result from the bill's enactment. That was one reason the committee, on a bipartisan basis reported the legislation unfavorably.

I voted for an amendment that would have delayed implementation of the bill until the Agriculture Department determined that adequate sanctuaries were ready. Unfortunately, that amendment was not adopted. Similarly, state and local governments—including the Colorado Department of Agriculture and the Commissioners of Adams County—are concerned that shutting off the slaughterhouse outlet will lead to an increased number of unwanted horses being abandoned and left to be dealt with by local authorities. I am attaching letters from the Colorado Commissioner on Agriculture and Adams County Commissioners who oppose this legislation. I voted for an amendment to provide federal reimbursement to local governments faced with such a problem. However, that amendment also was rejected.

Because of these problems, I cannot vote for the bill as it stands. Finally, I must note that with the nation at war in Iraq and Afghanistan, everyday Americans struggling with a mediocre economy and high energy costs, there are more pressing issues Congress needs to address than this one.

Mr. KUCINICH. Madam Chairman, I rise today in honor of our country's beloved horses. It is my hope that Congress will pass H.R. 503 unamended, the American Horse Slaughter Prevention Act. This bill will end horse slaughter for human consumption in the United States and the cruel practices associated with this inhumane industry.

When horses are sold to slaughter they are often transported in overcrowded trucks, deprived of food and water, exposed to the elements and made to stand in their own waste. The slaughter bound horse can be sick or injured but forced to suffer a lack of appropriate veterinary care. The stress that horses are subjected to, both during transportation and at the slaughterhouse, triggers horses' natural flight response. At the slaughterhouse a horse can be ineffectively stunned before dismemberment, meaning that a horse may remain conscious while being bound and then elevated by one leg prior to having its throat slit.

H.R. 503 encourages responsible horse ownership. For horse owners, who are no longer able or willing to care for a horse, H.R. 503 finds appropriate alternatives to slaughter that may range from finding a new home for the horse to humane euthanasia preformed by a licensed veterinarian.

Documentation from the three remaining equine slaughterhouses in the United States show that America's wild horses have been among their victims. Additional victims include stolen, as well as healthy horses. This legislation will stop the sale of wild, stolen or healthy horses to slaughter houses for human consumption at a profit.

The word humane is defined as being marked by compassion, sympathy and consideration for animals. The question we must ask ourselves is if subjecting horses to this kind of circumstance is indeed humane? Is horse slaughter marked by compassion, sympathy and consideration for the animal? The only realistic conclusion is no.

I urge my colleagues to support H.R. 503 and to oppose all amendments designed to weaken this important bill.

Mr. STARK. Mr. Speaker, I am proud to have joined 202 of my colleagues in cosponsoring the American Horse Slaughter Prevention Act and I rise today in support of its passage. It is time to put a stop to a business that has been allowed to go on for far too long.

Many Americans have made their stance on this issue clear: a recent poll shows that almost 7 percent of Americans are in favor of banning horse slaughter. The slaughtering process is one that is shockingly inhumane—when transported to slaughtering houses, horses are crammed into trucks and may go unfed for as many as 28 hours. Animals that survive this ordeal often die by the captive bolt, an instrument meant to cause immediate trauma to the brain but is often used improperly, resulting in slow and painful deaths.

Those who oppose this law believe H.R. 503 will result in an overpopulation of horses. Yet the Department of Agriculture has found that 5,000 horses have been imported to slaughter plants since August 2004. As the Humane Society of the United States rightly observes, there would be no reason to import horses if we have an overpopulation.

Opponents of this bill have also warned that horses who would otherwise be slaughtered would not receive adequate care once they are transferred to alternate homes or rescue facilities. But horse rescue groups are required to abide by state and local animal welfare laws. California banned horse slaughter in 1998 and there has been no documented rise in cruelty and neglect cases. Similarly, there was no increase in brutality toward horses following the closing of Illinois' only slaughter plant in 2002.

There is no reason why the inhumane treatment of these animals should continue, particularly when our horses are being slaughtered solely for the purpose of pleasing foreign diners. I urge all my colleagues to join me in support of this bill.

Mr. KIRK. Madam Chairman, I rise today in strong support in H.R. 503, which would prohibit the slaughtering of horses for human consumption. Last year more than 90,000 American horses were slaughtered in this country by three foreign-owned plants. Horse meat is

not eaten in the United States, but it has been exported to overseas markets, such as France, Belgium, Japan and Italy. Animals deserve to be treated humanely, and I do not support this industry.

This Congress made its opposition to horse slaughter clear in the Agriculture Appropriations Bill for fiscal year 2006. I supported an amendment introduced by Representative SWEENEY and Representative WHITFIELD that would have essentially tied the hands of the horse slaughter industry. Unfortunately the language approved by both the House and Senate, which had the clear intention of ending this industry, was altered in conference and allowed the slaughtering of horses to continue.

H.R. 503 would permanently shut down this inhumane practice. This legislation has wide bipartisan support in the House as well as extensive backing from the animal welfare community. I want to specifically thank Representative SWEENEY and Representative WHITFIELD for their hard work and leadership on this important issue.

The Acting CHAIRMAN. All time for general debate has expired.

Pursuant to the rule, the bill is considered read for amendment under the 5-minute rule.

The text of the bill is as follows:

H.R. 503

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

SECTION 1. PROHIBITION ON SHIPPING, TRANSPORTING, MOVING, DELIVERING, RECEIVING, POSSESSING, PURCHASING, SELLING, OR DONATION OF HORSES AND OTHER EQUINES FOR SLAUGHTER FOR HUMAN CONSUMPTION.

(a) DEFINITIONS.—Section 2 of the Horse Protection Act (15 U.S.C. 1821) is amended—

(1) by redesignating paragraphs (1), (2), (3), and (4) as paragraphs (2), (3), (5), and (6), respectively;

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

''(1) The term 'human consumption' means ingestion by people as a source of food.''; and

(3) by inserting after paragraph (3), as so redesignated, the following new paragraph:

''(4) The term 'slaughter' means the killing of one or more horses or other equines with the intent to sell or trade the flesh for human consumption.''.

(b) FINDINGS.—Section 3 of the Horse Protection Act (15 U.S.C. 1822) is amended—

(1) by redesignating paragraphs (1) through (5) as paragraphs (6) through (10), respectively;

(2) by adding before paragraph (6), as so redesignated, the following new paragraphs:

''(1) horses and other equines play a vital role in the collective experience of the United States and deserve protection and compassion;

''(2) horses and other equines are domestic animals that are used primarily for recreation, pleasure, and sport;

''(3) unlike cows, pigs, and many other animals, horses and other equines are not raised for the purpose of being slaughtered for human consumption;

''(4) individuals selling horses or other equines at auctions are seldom aware that the animals may be bought for the purpose of being slaughtered for human consumption; and

''(5) the Animal and Plant Health Inspection Service of the Department of Agriculture has found that horses and other equines cannot be safely and humanely transported in double deck trailers;''; and

(3) by striking paragraph (8), as so redesignated, and inserting the following new paragraph:

''(8) the movement, showing, exhibition, or sale of sore horses in intrastate commerce, and the shipping, transporting, moving, delivering, receiving, possessing, purchasing, selling, or donation in intrastate commerce of horses and other equines to be slaughtered for human consumption, adversely affect and burden interstate and foreign commerce;''.

(c) PROHIBITION.—Section 5 of the Horse Protection Act (15 U.S.C. 1824) is amended—

(1) by redesignating paragraphs (8) through (11) as paragraphs (9) through (12), respectively; and

(2) by inserting after paragraph (7) the following new paragraph:

''(8) As a pilot program to evaluate the feasibility and practicability of imposing such a prohibition nation-wide, the shipping, transporting, moving, delivering, receiving, possessing, purchasing, selling, or donation of any horse or other equine in the States of Kentucky or New York to be slaughtered for human consumption, unless the equine—

''(A) is owned or controlled by a State or local government or owned by an individual who purchased the equine from a State or local government;

''(B) will be slaughtered at a facility operating before the date of the enactment of this paragraph; or

''(C) will be slaughtered for human consumption for charitable or humanitarian purposes.''.

(d) AUTHORITY TO DETAIN.—Section 6(e) of the Horse Protection Act (15 U.S.C. 1825(e)) is amended—

(1) by striking the first sentence of paragraph (1);

(2) by redesignating paragraphs (1) and (2) as paragraphs (2) and (3), respectively; and

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

''(1) The Secretary may detain for examination, testing, or the taking of evidence—

''(A) any horse at any horse show, horse exhibition, or horse sale or auction which is sore or which the Secretary has probable cause to believe is sore; and

''(B) any horse or other equine which the Secretary has probable cause to believe is being shipped, transported, moved, delivered, received, possessed, purchased, sold, or donated in violation of section 5(8).''.

(e) REIMBURSEMENT.—Section 11 of the Horse Protection Act (15 U.S.C. 1830) is amended to read as follows:

''SEC. 11. REIMBURSEMENT OF OWNERS FOR LOSS OF VALUE OF HORSES.

''The Secretary shall compensate the owner of an equine who disposes of such equine due to the prohibition under section 5(8). The Secretary shall compensate such owner for the total amount of—

''(1) the loss in value of the equine due to such prohibition; and

''(2) the costs incurred in the disposal of such equine.''.

(f) RESPONSIBILITY FOR UNWANTED HORSES.—The Horse Protection Act is further amended by inserting after section 11 (15 U.S.C. 1830), as amended by subsection (e), the following new section:

''SEC. 11A. RESPONSIBILITY FOR UNWANTED HORSES.

''The Secretary shall assume responsibility for any equine that is unwanted by an owner.''.

(g) AUTHORIZATION OF APPROPRIATIONS.—Section 12 of the Horse Protection Act (15 U.S.C. 1831) is amended by striking ''$500,000'' nad inserting ''$5,000,000''.

The Acting CHAIRMAN. No amendment to the bill shall be in order except those printed in House Report 109–642. Each amendment may be offered only in the order printed in the report, by a Member designated in the report, shall be considered read, shall be debatable for the time specified in the report, equally divided and controlled by the proponent and an opponent, shall not be subject to amendment, and shall not be subject to a demand for division of the question.

The Chair has been notified that amendments No. 1 and 2 will not be offered.

AMENDMENT NO. 3 OFFERED BY MR. GOODLATTE

The Acting CHAIRMAN. It is now in order to consider amendment No. 3 printed in House Report 109–642.

Mr. GOODLATTE. Mr. Chairman, I offer an amendment.

The Acting CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 3 offered by Mr. GOODLATTE:

In the paragraph (8) of section 5 of the Horse Protection Act, which is being added by subsection (c)(2) of section 1 of the bill, strike ''consumption.'' and insert the following: ''consumption, except that this prohibition shall not take effect until 30 days after the date on which the Secretary of Agriculture certifies to Congress that sufficient sanctuaries exist in the United States to care for any horses that may be unwanted as a result of this prohibition.''.

The Acting CHAIRMAN. Pursuant to House Resolution 981, the gentleman from Virginia (Mr. GOODLATTE) and the gentleman from Kentucky (Mr. WHITFIELD) each will control 5 minutes.

The Chair recognizes the gentleman from Virginia.

Mr. GOODLATTE. Madam Chairman, I yield myself 3 minutes.

We have discussed many problems that the Sweeney-Whitfield bill will create with not a single solution in sight. While it is not possible to address all of those problems, we must address the fate of the horses affected by this bill.

I am joined by my ranking member, Mr. PETERSON, the gentleman from Florida (Mr. PUTNAM), the gentleman from Texas (Mr. CONAWAY), the gentleman from South Dakota (Ms. HERSETH), and the gentlewoman from North Carolina (Ms. FOXX) in offering an amendment to address this concern.

The amendment would very simply say that until the Secretary of Agriculture can certify that sufficient sanctuary space is available to accommodate the unwanted horses created by this bill, the drastic step of a Federal mandate will be delayed.

Everyone debating this issue today is dedicated to the best care possible for horses. We profoundly disagree on how to achieve that laudable goal. The cosponsors of this amendment believe it would be a tragedy to take the dramatic step of closing off a humane method of disposal of animals that the owners can no longer care for only to see them abandoned or killed wholesale at greater cost to their owners.

If we are to take this drastic step, we should at least ensure that the horses for whom it is being done continue to live out their lives in humane circumstances.

Nothing in this amendment would prevent the operation of H.R. 503 as long as there was assurance that a humane living alternative to the current system exists. It is impossible for me to believe that the supporters of H.R. 503 intend to replace the death of horses that they decry with abandonment or wholesale death at the hands of their owners.

The proponents of this bill have assured us there will be no flood of unwanted horses with no place to go as a result of this bill. If this is true, and reputable organizations like the American Veterinary Medical Association and the American Association of Equine Practitioners strongly dispute that, but if it is true, our amendment will be an easy procedural step to meet.

If, however, the Association of Equine Practitioners and major horse-owning groups who oppose H.R. 503 are correct that hundreds of thousands of unwanted horses with no place to go would be created in just a few years, this amendment can prevent a catastrophe for horses in this country.

I ask my colleagues to join us in passing this amendment that provides a solution for at least one of the problems created by this bill.

Mr. WHITFIELD. Madam Chairman, I yield 2 minutes to the gentleman from New York (Mr. SWEENEY) to respond.

Mr. SWEENEY. Madam Chairman, I rise in strong opposition. Let's be very clear, all of these amendments have one intended purpose, and that is to destroy the bill. So if you are in favor of the ban of horse slaughter for human consumption, you need to vote against all of the amendments.

This number, this establishment of an arbitrary number, is false. It will not be obtained because there are so many other options for horse owners other than horse sanctuary, but let's understand the facts.

The current horse population is estimated at 9 million. As has been said, each year, roughly 900,000 horses die. About 90,000, or 1 percent, are actually slaughtered. Furthermore, in 1989, the U.S. slaughtered over 342 horses. In 2005, they slaughtered 90,000. Since then, the United States slaughtered approximately 200,000 fewer horses. So 90,000 horses can be easily absorbed into the population. And not all of these horses will need to be absorbed into rescue and sanctuary populations. Horses will die or become sick or dangerous to their owners. These horses will need to be replaced. These horses will become pets or workhorses or show horses.

Both the Bureau of Land Management and hundreds of private organizations and agencies provide adoption programs for people to replace these horses by adopting new ones. Additionally, thousands of these horses are humanely euthanized each year.

Madam Chairman, this amendment, this proposal, is simply meant to ensure that this bill is never enacted. We should vote it down, and we should vote it down very strongly.

Mr. GOODLATTE. Madam Chairman, I yield 1 minute to the gentleman from Minnesota (Mr. PETERSON).

Mr. PETERSON of Minnesota. Madam Chairman, I want to thank the gentleman for yielding me this time.

I rise in support of this amendment. This bill displaces 90,000 horses a year, 90,000. In spite of what my good friend Mr. SWEENEY says, that is a lot of horses. Currently the horse facilities are already full. They can only take approximately 6,000 horses a year.

What do we do, Mr. SWEENEY, with those other 84,000 horses? This bill should not pass until the Secretary of Agriculture can certify to this Congress that there is enough space in these rescue facilities to accommodate all of these unwanted horses that have no place to go, no funds to care for them and no humane end-of-life option left for them.

So I support this amendment, and I encourage my colleagues to do the same.

Mr. WHITFIELD. Mr. Chairman, I yield myself such time as I may consume, and I rise in opposition to the amendment.

Talking about an amendment to create a problem that is not there, this is a perfect example of that. We have all of these organizations around the country who are voluntarily spending their time and money to provide a safe haven for horses, and this amendment basically is a killer amendment to defeat H.R. 503.

□ 1345

I would point out once again that each year the number of horses that have been slaughtered has been going down. We have gone from 300,000 down to 90,000. There is no evidence that society has had any problem in absorbing these horses. And I would also remind the gentleman many of these horses are stolen; so they are not unwanted horses. There is a need for them. So we know for a fact that the only purpose of any of these amendments is to make this bill ineffective, to kill this bill.

I am delighted that we are on the floor and have an opportunity to debate this, and I would urge every Member to oppose this amendment.

Mr. WHITFIELD. Madam Chairman, I reserve the balance of my time.

Mr. GOODLATTE. Madam Chairman, may I ask how much time is remaining on each side and who has the right to close.

The Acting CHAIRMAN. The gentleman from Virginia has 1½ minutes remaining. The gentleman from Kentucky has 2½ minutes remaining, and the gentleman from Kentucky has the right to close.

Mr. GOODLATTE. Madam Chairman, I yield myself the balance of my time.

I will respond to the gentleman from Kentucky and the gentleman from New York, who called this a poison pill. This is no such thing whatsoever. They say there is no problem with unwanted horses. Then there will be no problem getting a certification that there is sufficient horse sanctuary facilities around the country to take care of them. I strongly dispute that.

I think the gentleman from New York and I, while we may disagree on numbers, can agree that 90,000 is 10 percent of 900,000, not 1 percent. But whatever that is, that is a substantial number of unwanted horses.

And, remember, the average life expectancy of a horse is 25 years. Many of these horses have many years of life expectancy left in them; so they are going to accumulate over a period of years. In fact, the American Veterinary Medical Association says over 6 years they will grow to 272,000 in number. That is far, far more than the capacity of all the horse sanctuaries around the country that exist today. And there is no sign of their growing rapidly to meet this need because they cannot even meet the current need to take care of the unwanted horses that exist in this country right now as we speak.

So I would urge my colleagues to support this very good amendment that will cure a very serious flaw in this legislation, and then we will have the opportunity to see who is correct about how many unwanted horses we are going to have in this country. Are the experts, the American Veterinary Medical Association, the horse doctors, the Horse Owners Associations around the country, who strongly support this amendment, correct, or are they correct?

I think this is a fair amendment, and I would urge my colleagues to adopt it.

Mr. WHITFIELD. Madam Chairman, I yield myself the balance of my time.

I must say I am shocked that the gentleman would want to get the government involved in this kind of an issue. These are private property rights people who are out there voluntarily providing their property, their money to take care of these unwanted horses.

And one of the reasons we opposed this amendment, you talk about sufficient horse sanctuaries. We know who would be defining ''sufficient.'' The Department of Agriculture, who must work with your committee to get anything that they want on the farm bill or anything else; so you would be dictating what is sufficient, and we know that there would never be enough sanctuaries sufficient to meet your demands.

So I would say once again we do not have to speculate about unwanted horses in the future. We know for a fact that unwanted horses is not a problem, as we have gone from 300,000 to 90,000 a year. No one has complained about it. No study has shown it. UC Davis in their study in California indicated that there have not been any additional increases of unwanted horses.

So I would urge every Member to oppose this amendment, which is designed to defeat this bill.

Madam Chairman, I yield back the balance of my time.

The Acting CHAIRMAN. The question is on the amendment offered by the gentleman from Virginia (Mr. GOODLATTE).

The question was taken; and the Acting Chairman announced that the noes appeared to have it.

Mr. GOODLATTE. Madam Chairman, I demand a recorded vote.

The Acting CHAIRMAN. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from Virginia will be postponed.

Mr. GOODLATTE. Madam Chairman, the additional amendments that have been made in order under my name or my designee we do not intend to bring up.

AMENDMENT NO. 4 OFFERED BY MR. KING OF IOWA

The Acting CHAIRMAN. It is now in order to consider amendment No. 4 printed in House Report 109–642.

Mr. KING of Iowa. Madam Chairman, I offer an amendment.

The Acting CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 4 offered by Mr. KING of Iowa:

In the paragraph (8) of section 5 of the Horse Protection Act, which is being added by subsection (c)(2) of section 1 of the bill, strike ''consumption.'' and insert the following: ''consumption, unless the horse or other equine will be slaughtered for human consumption by Native Americans or persons of cultures who have traditionally consumed the meat of horses or other equines, as determined by the Secretary.''.

The Acting CHAIRMAN. Pursuant to House Resolution 981, the gentleman from Iowa (Mr. KING) and the gentleman from Kentucky (Mr. WHITFIELD) each will control 5 minutes.

The Chair recognizes the gentleman from Iowa.

Mr. KING of Iowa. Madam Chairman, I am offering this amendment today that would allow a cultural exemption for Native Americans and people from cultures that consume equine meat.

Specifically, my amendment would permit equine to be shipped, transported, moved, delivered, received, possessed, purchased, sold, all of the list that is in the bill, Madam Chairman, by Native Americans or people from cultures who eat equine meat.

Horses have played, and continue to play, an important role in Native American culture. It is particularly true for the tribes of the Great Northern Plains, including the Great Sioux Nation. Many tribal members raise and sell horses. In addition, the Apache people and the Pueblo people from the Southwest have consumed horse meat. They were very skilled on horseback, but they valued and cherished the horse as food as well.

The Native American cultures are not the only people to eat or raise horses for meat. The people from the cultures of Japan, Belgium, France, Austria, Quebec, Chile, Germany, Iceland, Kazakhstan, including also the Netherlands, Slovenia, Spain, Sweden, and Italy, all eat horse meat today and all have recipes today.

People in support of this bill have a romantic view of the horse because it helped build America, and in their mind it is not in our culture to eat the horse for that reason. But they fail to understand that the oxen, bovine, was also a great assistance to us and maybe even a greater assistance in building America; but we do not have an aversion to beef, Madam Chairman.

So for these reasons, I would ask support for this cultural exemption amendment.

Madam Chairman, I reserve the balance of my time.

Mr. WHITFIELD. Madam Chairman, I yield 2 minutes to the gentleman from New York (Mr. SWEENEY) in opposition.

Mr. SWEENEY. Madam Chairman, there are two giant loopholes created here, and I will submit for the RECORD statements by a number of Indian tribes, the Great Plains Tribal Chairman's Association, the Inter-Tribal Council of Nevada, and the National Congress of American Indians, in opposition to this amendment.

GREAT PLAINS
TRIBAL CHAIRMAN'S ASSOCIATION,
Eagle Butte, SD, September 6, 2006.

RESOLUTION OF THE GREAT PLAINS TRIBAL CHAIRMAN'S ASSOCIATION

Whereas, the Great Plains (formerly Aberdeen Area) Tribal Chairman's Association (GPTCA) is composed of the elected Chairs and Presidents of the sovereign Indian Tribes and Nations recognized by Treaties with the United States that are within the Great Plains Region of the Bureau of Indian Affairs; and

Whereas, the Great Plains Tribal Chairman's Association was formed to promote the common interests of the sovereign Tribes and Nations and their members of the Great Plains Region; and

Whereas, the United States has obligated itself both through Treaties entered into with the sovereign Tribes and Nations of the Great Plains Region and through its own federal statutes, the Snyder Act of 1921 as amended, the Indian Self-Determination Act of 1976 as amended, and the Indian Health Care Improvement Act of 1976 as amended; and

Whereas, the Tribes of the Great Plains have strong spiritual, cultural, and historical ties to wild horses; and

Whereas, the Tribes of the Great Plains are disheartened and alarmed by the new language in Appropriations Bill H.R. 4818 that would allow the slaughter of these sacred animals; and

Whereas, the Tribes of the Great Plains are concerned that wild horses are fast disappearing and that soon there will not be sufficient numbers to sustain healthy populations; and

Whereas, the Tribes of the Great Plains recognize wild horses as one of the last living symbols that represent our ancestral past; and

Whereas, the wild horses have no one to speak for them and the Tribes of the Great Plains are compelled to step forward on behalf of the last remaining wild horses in the United States; and: Now, therefore be it

Resolved; That the Great Plains Tribal Chairman's Association opposes the slaughter of wild horses and supports adoption of wild horses with the federal government waiving the adoption fee and providing funds for transportation in order to prevent their slaughter; and: Now, therefore be it further

Resolved; That the Great Plains Tribes support and encourage the reintroduction and reinstitution of protective legislation in the 109th United States Congress to prevent wild horses and burros from being slaughtered and maintain a viable number of animals on the public lands; and: Now, be it finally

Resolved; The Great Plains Tribal Chairman's Association call upon other Tribes and Indian Nations to join with us in all efforts to find solutions for the preservation of wild horses.

NATIONAL CONGRESS OF AMERICAN INDIANS
RESOLUTION

Whereas, we, the members of the National Congress of American Indians of the United States, invoking the divine blessing of the Creator upon our efforts and purposes, in order to preserve for ourselves and our descendants the inherent sovereign rights of our Indian nations, rights secured under Indian treaties and agreements with the United States, and all other rights and benefits to which we are entitled under the laws and Constitution of the United States, to enlighten the public toward a better understanding of the Indian people, to preserve Indian cultural values, and otherwise promote the health, safety and welfare of the Indian people, do hereby establish and submit the following resolution; and

Whereas, the National Congress. of American Indians (NCAI) was established in 1944 and is the oldest and largest national organization of American Indian and Alaska Native tribal governments; and

Whereas, the NCAI recognizes that many of the Tribes have strong spiritual, cultural, and historic ties to wild horses; and

Whereas, the Tribes oral history remembers wild horses from ancient times and concurs that wild horses evolved on the North American continent for eons of time; and

Whereas, the NCAI acknowledges wild horses as one of the last living symbols that represent our ancestral past when people and animals were free to live and roam in harmony with Mother Earth; and

Whereas, the Tribes are disheartened and alarmed by the passage of the Burn's amendment to PL 92–195 that allows for the slaughter of these sacred animals; and

Whereas, the Tribes are concerned that wild horses are fast disappearing and that soon there will not be sufficient numbers to sustain healthy populations; and

Whereas, the wild horses have no one to speak for them and the Tribes of the NCAI are compelled to step forward on behalf of the last remaining wild horses in the United States; and Now therefore be it

Resolved, That the NCAI opposes the slaughter of wild horses and supports the relocation of wild horses to Tribal lands with the Department of the Interior waiving the adoption fee and not charging more than $1.00 per animal and providing transportation of the animals at no charge to the accepting Tribes; and Now therefore be it

Resolved, That the Tribes of the NCAI support and encourage the reintroduction and reinstitution of protective legislation in the 109th United States Congress to prevent wild horses and burros from being slaughtered and to maintain a viable number of animals on public lands; and Now be it finally

Resolved, That the NCAI Tribes call upon other Tribes and Indian Nations to join us in all efforts to find solutions for the preservation of wild horses.

INTER-TRIBAL
COUNCIL OF NEVADA, INC.
Reno, NV, September 6, 2006.

RESOLUTION NO. 05–ITCN–02

Whereas, the Inter-Tribal Council of Nevada, Inc., is organized and operates in accordance with its Constitution and By-Laws, amended in November 1974; and

Whereas, the purposes of Inter-Tribal Council of Nevada, Inc. (ITCN), are stated in its Constitution, Preamble; and

Whereas, the Executive Board, a body comprised of the twenty-seven (27) elected representatives of the member tribes in the State of Nevada and whose charter is ratified by these same tribes; and

Whereas, the Inter-Tribal Council of Nevada has a continuing interest in the health, education and well-being of their Indian people; and

Whereas, the Nevada tribes are disheartened and alarmed by the new language in Appropriations Bill H.R. 4818 that would allow the slaughter of these sacred animals; Now therefore be it

Resolved, That the Inter-Tribal Council of Nevada opposes the slaughter of wild horses and supports adoption of wild horses with the federal government waiving the adoption fee and providing funds for transportation in order to prevent their slaughter; and Be it further

Resolved, That the Inter-Tribal Council of Nevada supports and encourages the reintroduction and reinstitution of protective legislation in the 109th United States Congress to prevent wild horses and burros from being slaughtered and utilized for food consumption and maintain a viable number of animals on the public lands: Now be it finally

Resolved, That the Inter-Tribal Council of Nevada call upon other Tribes and Indian Nations to join with us in all efforts to find solutions for the preservation of wild horses.

Madam Chairman, the two loopholes are simply this: first, it would encourage the slaughter facilities to simply relocate to reservations and simply export the meat from there. This would allow the practice of slaughter to continue.

Secondly, the amendment gives ''persons of cultures who have traditionally consumed the meat of horses'' an exemption. It is not defined in the bill, Madam Chairman. These persons of cultures are not specified. The amendment offered, I understand, has given us some definition, saying essentially this bill would say the French, the Belgians, whomever else may continue this practice simply because it is part of their culture. It is not defined. And, therefore, I think it is inappropriate to have it in the bill. It is a poison pill for this bill, and I strongly oppose it.

Mr. KING of Iowa. Madam Chairman, in response to the gentleman from New York, I would point out that I have a letter here from the United Sioux Tribes of South Dakota that I will introduce into the RECORD. And in this letter it says: ''Horses have played, and continue to play, an important role in the Indian culture. That is particularly true for Tribes of the Great Northern Plains.''

And it says: ''Many tribal members raise and sell horses.'' This is currently, today. ''Some of these horses are used for food and exported. It is inconceivable to think the Congress might extinguish our property rights and lessen our income even more.''

And I would point out to the gentleman from New York that we have in this amendment language that says it would be determined by the Secretary as to which cultural exemptions. So it is not simply a blanket exemption. I did not list the Irish in that, and maybe I am remiss in that. But I do not intend to build a record here of all of the cultures that have traditionally eaten horse meat, but there are many of them that do. They do so today. They have recipes today. And this is something that infringes upon people's property rights and their cultural rights. And if we are going to say this to the Native American people that we are going to pull these assets out from underneath you and you can't do with a horse what you have done for hundreds of years, I think that is a message that we are not going to want to send across America.

UNITED SIOUX TRIBES
OF SOUTH DAKOTA,
Pierre, SD, August 22, 2006.

Hon. STEPHANIE HERSETH,
House of Representatives, Washington, DC.
Attention: Ryan Stroschein & Phil Assmus

DEAR STEPHANIE: We greatly appreciate your opposition to H.R. 503. This bill would, in short, prohibit the marketing of our horses to slaughter.

Horses have played, and continue to play, an important role in the Indian culture. That is particularly true for Tribes of the Northern Great Plains, including the Great Sioux Nation. The United States has taken our land and if this bill passes you will be taking our property without compensation.

Many tribal members raise and sell horses. Some of these horses are used for food and exported. It is inconceivable to think the Congress might extinguish our property rights and lessen our income even more. We urge you to ask your colleagues to follow your lead and oppose H.R. 503. Thank you.

Sincerely,

CLARENCE W. SKYE,
Executive Director.

Madam Chairman, I reserve the balance of my time.

Mr. WHITFIELD. Madam Chairman, I rise to oppose the amendment.

I would also submit for the RECORD a letter that we have from Chief Arvol of the Lakota Nation, and he wrote a very long letter in opposition to this amendment. He says: ''I am writing to ask for your support in co-sponsoring the American Horse Slaughter Prevention Act and for our tribe.''

DEAR REPRESENTATIVE: My name is Chief Arvol Looking Horse of the Lakota, Dakota, Nakota Nation. I am also known as ''Sung Wakan'' (Horse Man). My position with my People is the 19th Generation Keeper of the Sacred White Buffalo Calf Bundle. I am the spiritual leader for our Nation.

It has been recorded in ancient petroglyphs and in our oral stories that the horse nation was around our people long before the Spaniards brought the other relative of the horse nation to this land. These ancient horses were much smaller in size and not so much in numbers, to a point of extinction.

With this ancient Bundle, almost 2,000 years old, existed a horse ceremony acknowledging the horse nation in respect to their wise and gentle spirit, as they offered a gift of healing for our own human spirit. My work has involved many efforts in bringing awareness to the importance to all life upon Mother Earth, including Mother Earth herself so that all life may live in Peace. I was raised with the understanding that all forms of life have their own meaning of importance and should not be taken for granted. To ignore and not to try to learn this precious truth of all living beings to live in Peace with us as humans of power and decisions, will affect the lives of our own children in their health of body mind and spirit. We need to teach all children to look at all life as sacred.

The Horse Nation is an important spirit being. The Nation deserves the protection and awareness of what we humans can offer. They have saved, assisted, and given of themselves for all humans throughout history. Whether it was being ridden in battles, or in traveling, and most recently discovered by therapists through friendship, they can give healing to our troubled spirits. The Native Nations always understood these gifts and that was why we had our horse dance ceremony.

This awareness of the horse's gifts to humans has transformed into a strong respect. This awareness has been gathering People across the country to protect this fine spirit from a very negative attack on their health and existence, by unconscious disrespectful humans in the name of greed. A horse can feel impending trauma in their environment. Yet, horses trust humans and so are being led to slaughter.

This is not a way of respecting life that children need to learn, as we adults having positions as role models and leaders in our communities. This energy, as we understand these actions to be, will indeed backfire, if people do not educate themselves about the importance of the different spiritual roles of all life forms. Some animal nations, indeed, give themselves for food. They actually know their purpose in the human's food chain, as long as humans understand this with respect. We should understand the Horse Nation has earned the right to live in Peace for what they have contributed to all our lives throughout history.

I am writing to ask for your support in cosponsoring the American Horse Slaughter Prevention Act. The AHSPA (H.R. 857) has been introduced in the U.S. House of Representatives by Representative John Sweeney (R–NY) who is chair of the Congressional Horse Caucus and Congressman John Spratt (D–SC). A similar bill will soon be before the U.S. Senate.

Despite the passage of the Wild-Free Roaming Wild Horses and Burros Act of 1971 which was enacted to protect the wild horse from slaughter, hundreds, perhaps thousands, continue to be slaughtered each year. The Bureau of Land Management removed too many wild horses from their ranges resulting in ongoing sales to the slaughterhouses. If you wish to learn more about these activities, please contact Chris Heyde of the Society for Animal Protective Legislation.

In a Sacred Hoop of life, where there is no ending and no beginning!

Thank you for your attention to this effort.

Mitakuye Oyasin (All my relations),
Chief ARVOL LOOKING HORSE,
19th Generation Keeper of the Sacred White Buffalo Calf Pipe.

Madam Chairman, the purpose of H.R. 503 has never been to dictate to other cultures what they can and cannot eat. The purpose of H.R. 503 is simply to prohibit the French, the Belgians, the Dutch from offering slaughterhouses in America, taking our

horses, many of which are stolen, obtained by misrepresentation, and shipping the meat to France, Belgium, and Japan.

So this amendment would do one thing. It would make the bill ineffective. It would defeat the bill in its entirety. And so I would urge the Members to oppose this amendment.

Madam Chairman, I reserve the balance of my time.

Mr. KING of Iowa. Madam Chairman, I yield myself 1 minute.

Madam Chairman, in this position that we are in today, to be objective in our perspective about how we deal with this issue, I don't know that there is a precedent in America that we have told an entire country no matter what your culture, no matter what your beliefs, no matter what your traditions, we do not want them here in this country. There are many other elements of other cultures that this civilization would be more healthy without, and yet there is not a single piece of legislation before this body that would define those components of another culture and rip them out and say, in our best judgment we think you ought to quit doing these things.

We accept all beliefs in America. That is part of who we are. Freedom of speech, religion, press, all of our cultural composition comes with all immigrants into this country and with the Native Americans too. And this amendment says to the Native Americans specifically and other cultures inclusively, if certified by the Secretary, we are going to accept your beliefs. We are going to accept your traditions. It is part of who we are as America to blend all those cultures and those civilizations together and come out with this robust nature of our great American culture, and that is what this amendment is about. It is about protecting our traditional values.

Madam Chairman, I reserve the balance of my time.

Mr. WHITFIELD. Madam Chairman, I yield 2½ minutes to the distinguished gentleman from Virginia (Mr. MORAN).

Mr. MORAN of Virginia. Madam Chairman, I very much thank the distinguished gentleman from Kentucky for yielding.

I oppose this amendment because it is not about Native Americans. It is about creating one more loophole. And I oppose the other amendments because they would undermine the intent of this bill.

We cannot be a Nation or a society that reduces everything to dollars and cents, that commoditizes everything. When you see an eagle take wing and soar above the clouds, that is not a commodity. It is a source of inspiration. When you see a horse galloping gracefully across the plains, that is not a commodity. That is a source of inspiration.

Horses have been part of the strength of this country for 400 years. We depended upon the horse. We explored this continent. Our commerce was heavily dependent upon the horse. So many major battles where we prevailed were on horses.

Look at our monuments. Look at the monument in front of the Capitol. It is a horse. And when the horse has one leg up, it means that that person was wounded in battle. But there has been an intrinsic relationship.

Everything cannot be reduced to economics. We need to be inspired by some things, and these amendments would gut a bill that says there is no reason to be slaughtering horses. Three major slaughterhouses owned by foreign nations. Americans don't want to consume meat. Listen to the mayor of the city in Texas. It has ruined her economy. It is a stench. No one wants it. This is not about economics. This is about doing the right thing. And we have been tied to the horse, the eagle. These symbols of American strength, of American greatness, are sources of inspiration.

My very good friend Mr. WHITFIELD understands what this is really about. This is about preserving a symbol. We cannot allow the kind of slaughtering that takes place. More than 100,000 horses. Imagine. And the fact is they are slaughtering the healthy, fatter horses that have been well taken care of. They do not want the infirm, the old, the lame horses. That is not who they want to slaughter. So many of these arguments have been false arguments.

□ 1400

This amendment is doing the right thing. The Department of Agriculture circumvented the right thing that we have already passed. I support Mr. WHITFIELD. Let's pass this amendment.

Mr. KING of Iowa. Madam Chairman, I reserve the balance of my time.

PARLIAMENTARY INQUIRY

Mr. WHITFIELD. Madam Chairman, does he have the right to close or do I have the right to close?

The Acting CHAIRMAN (Mrs. CAPITO). The gentleman from Kentucky has the right to close.

Mr. KING of Iowa. Madam Chair, I yield myself the balance of the time.

Madam Chair, I would reiterate that this amendment is about the cultural exemption to horse slaughter and consumption for human purposes. And this is something that has gone on in this country for hundreds of years.

Since the Spaniards brought the horses here, there have been horses consumed for human consumption. It has been part of the plan, part of the breeding, part of the raising, part of the feeding and part of the strategy.

In fact, as I stand here today, this date here in September is almost very close to the date that, 200 years ago, Lewis and Clark returned, back down the Missouri River. It was in September of 1806. They bought horses from the Native Americans out west for the purposes of taking those horses as pack horses up into the mountains. They knew they would not need those horses when they got to the end of the line. And they bought those horses. Part of their strategy when they left St. Louis was, buy horses in that region and when you are finished working them, eat them. Louis and Clark ate horses. All of these ethnicities and countries that I have named all eat horses.

I do not think there is an ethnicity that has been exempt from having horses in their diet, but particularly Native Americans who, the Great Plains Native Americans, the Sioux Nation, and I represent Sioux County, and I represent two reservations in my district that I have had for over 10 years now, or almost 10 years now; all of those cultures are rooted in this. We need to provide a cultural exemption, Madam Chairman. If we send this message off to Native Americans, in particular, that we would not even let the Secretary of Agriculture designate an exemption for Native Americans no matter how long their tradition is, that will be an insult to Native Americans, an insult to multiculturalism in America. I urge the adoption of this amendment.

Mr. WHITFIELD. Mr. Chairman, I yield myself the balance of the time.

Mr. Chairman, I would just say that this bill certainly does not prevent individual owners from slaughtering a horse and eating the horse if they want to. I think that this amendment is unnecessary. It would defeat the purpose of the bill. All the correspondence we have had with Indian tribes indicates that they do not eat horse meat.

Horses have not been a part of the food chain in America. I would urge the defeat of the amendment and passage of H.R. 503.

Mr. Chairman, I yield back the balance of my time.

Mr. RAHALL. Mr. Chairman, I rise in opposition to this amendment in my capacity as the Ranking Member of the Resources Committee which has legislative jurisdiction over Indian Affairs.

This amendment is an insult to Indian Country. It suggests that Native Americans consume horse flesh. And in doing so, it is derisive of their culture and their society.

The fact of the matter is that Indians do not eat horse flesh, and the three horse slaughter operations in this country do not sell horse flesh to Indians.

The meat of slaughtered horses is all exported by these slaughterhouses to foreign markets.

Indeed, I have before me resolution after resolution from Indian Country opposing the slaughter of horses, including from the National Congress of American Indians.

But to be clear, there is another purpose behind this amendment, because it seeks to also allow horses to be slaughtered for the consumption of people from cultures that eat equine meat. As a general matter.

The fact of the matter is that all of the meat from American slaughtered horses is consumed in European or Asian countries by people who traditionally eat horse flesh.

Adoption of this amendment would gut the pending legislation. It would render it null and void.

My colleagues, do not be fooled, do not be lulled into complacency by the attempt of this amendment to garner sympathy for Native Americans, when no such sympathy is required.

A vote for this amendment is the same as a vote against final passage of H.R. 503.

I urge the defeat of the pending amendment.

The Acting CHAIRMAN (Mr. SIMPSON). The question is on the amendment offered by the gentleman from Iowa (Mr. KING).

The question was taken; and the Acting Chairman announced that the noes appeared to have it.

Mr. KING of Iowa. Mr. Chairman, I demand a recorded vote.

The Acting CHAIRMAN. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from Iowa will be postponed.

ANNOUNCEMENT BY THE ACTING CHAIRMAN

The Acting CHAIRMAN. Pursuant to clause 6 of rule XVIII, proceedings will now resume on those amendments on which further proceedings were postponed, in the following order:

Amendment No. 3 by Mr. GOODLATTE of Virginia.

Amendment No. 4 by Mr. KING of Iowa.

The Chair will reduce to 5 minutes the time for the second electronic vote in this series.

AMENDMENT NO. 3 OFFERED BY MR. GOODLATTE

The Acting CHAIRMAN. The pending business is the demand for a recorded vote on the amendment offered by the gentleman from Virginia (Mr. GOODLATTE) on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The Acting CHAIRMAN. A recorded vote has been demanded.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 177, noes 229, answered ''present'' 1, not voting 25, as follows:

[Roll No. 431]

AYES—177

Akin
Alexander
Baca
Bachus
Baker
Barrett (SC)
Barrow
Barton (TX)
Berry
Bishop (GA)
Bishop (UT)
Blackburn
Blunt
Boehlert
Boehner
Bonilla
Bonner
Boozman
Boren
Boswell
Boucher
Boustany
Boyd
Bradley (NH)
Brady (TX)
Brown-Waite, Ginny
Burgess
Butterfield
Buyer
Camp (MI)
Cannon
Cantor
Cardoza
Carter
Chocola
Coble
Cole (OK)
Conaway
Cooper
Costa
Cramer
Cubin
Cuellar
Culberson
Davis (KY)
Davis (TN)
Deal (GA)
Dingell
Doolittle
Drake
Duncan
Edwards
Ehlers
Emerson
Etheridge
Everett
Feeney
Filner
Flake
Ford
Fortenberry
Foxx
Franks (AZ)
Garrett (NJ)
Gillmor
Gingrey
Gohmert
Goode
Goodlatte
Gordon
Granger
Graves
Gutknecht
Hart
Hastings (FL)
Hastings (WA)
Hayes
Hefley
Hensarling
Herger
Herseth
Hinojosa
Hobson
Holden
Honda
Hulshof
Jenkins
Kennedy (MN)
Kind
King (IA)
Kingston
Knollenberg
Kolbe
Kuhl (NY)
LaHood
Larsen (WA)
Latham
Lewis (CA)
Lewis (KY)
Lucas
Lungren, Daniel E.
Mack
Manzullo
Marchant
Marshall
Matheson
McCaul (TX)
McCrery
McDermott
McHenry
McHugh
McIntyre
McKeon
McMorris Rodgers
Melancon
Mica
Miller (MI)
Moran (KS)
Murtha
Musgrave
Myrick
Neugebauer
Northup
Norwood
Oberstar
Ortiz
Osborne
Otter
Pastor
Pearce
Pence
Peterson (MN)
Peterson (PA)
Petri
Pickering
Poe
Pombo
Pomeroy
Putnam
Radanovich
Rehberg
Reyes
Rogers (AL)
Rohrabacher
Ross
Rush
Ryan (WI)
Ryun (KS)
Salazar
Schwarz (MI)
Sensenbrenner
Sessions
Shadegg
Sherwood
Shimkus
Simpson
Skelton
Smith (TX)
Sodrel
Souder
Stearns
Stupak
Sullivan
Tancredo
Taylor (NC)
Terry
Thomas
Thornberry
Tiahrt
Tiberi
Udall (CO)
Walden (OR)
Wamp
Weldon (FL)
Westmoreland
Wicker
Wilson (NM)

NOES—229

Abercrombie
Ackerman
Aderholt
Allen
Andrews
Baird
Baldwin
Bartlett (MD)
Bass
Bean
Becerra
Berkley
Berman
Biggert
Bilbray
Bishop (NY)
Blumenauer
Bono
Brady (PA)
Brown (OH)
Brown (SC)
Brown, Corrine
Burton (IN)
Calvert
Campbell (CA)
Capito
Capps
Capuano
Cardin
Carnahan
Carson
Case
Castle
Chabot
Chandler
Clay
Cleaver
Clyburn
Conyers
Costello
Crenshaw
Crowley
Davis (AL)
Davis (CA)
Davis (FL)
Davis (IL)
Davis, Jo Ann
Davis, Tom
DeFazio
DeGette
Delahunt
DeLauro
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Doggett
Dreier
Emanuel
Engel
English (PA)
Eshoo
Farr
Fattah
Ferguson
Fitzpatrick (PA)
Foley
Forbes
Fossella
Frank (MA)
Frelinghuysen
Gerlach
Gibbons
Gilchrest
Gonzalez
Green, Al
Green, Gene
Grijalva
Gutierrez
Hall
Harman
Hayworth
Higgins
Hinchey
Hoekstra
Holt
Hooley
Hostettler
Hoyer
Hunter
Hyde
Inglis (SC)
Inslee
Israel
Issa
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Jindal
Johnson (CT)
Johnson (IL)
Johnson, E. B.
Jones (NC)
Jones (OH)
Kanjorski
Kaptur
Keller
Kelly
Kennedy (RI)
Kildee
Kilpatrick (MI)
King (NY)
Kirk
Kline
Kucinich
Langevin
Lantos
Larson (CT)
LaTourette
Leach
Lee
Levin
Lewis (GA)
Linder
Lipinski
LoBiondo
Lofgren, Zoe
Lowey
Lynch
Maloney
Markey
Matsui
McCarthy
McCollum (MN)
McCotter
McGovern
McNulty
Meehan
Meek (FL)
Meeks (NY)
Michaud
Miller (NC)
Miller, George
Mollohan
Moore (KS)
Moore (WI)
Moran (VA)
Napolitano
Neal (MA)
Ney
Olver
Owens
Pallone
Pascrell
Paul
Payne
Pelosi
Pitts
Platts
Porter
Price (GA)
Price (NC)
Pryce (OH)
Rahall
Ramstad
Regula
Reichert
Renzi
Reynolds
Rogers (KY)
Rogers (MI)
Ros-Lehtinen
Rothman
Roybal-Allard
Royce
Ruppersberger
Ryan (OH)
Sabo
Sanchez, Loretta
Sanders
Saxton
Schakowsky
Schiff
Schmidt
Schwartz (PA)
Scott (GA)
Scott (VA)
Serrano
Shaw
Shays
Sherman
Shuster
Simmons
Slaughter
Smith (NJ)
Smith (WA)
Snyder
Solis
Spratt
Stark
Sweeney
Tanner
Tauscher
Taylor (MS)
Thompson (CA)
Thompson (MS)
Tierney
Turner
Udall (NM)
Upton
Van Hollen
Velázquez
Visclosky
Walsh
Wasserman Schultz
Waters
Watson
Waxman
Weiner
Weldon (PA)
Weller
Wexler
Whitfield
Wilson (SC)
Wolf
Woolsey
Wu
Wynn
Young (FL)

ANSWERED ''PRESENT''—1

Obey

NOT VOTING—25

Beauprez
Bilirakis
Cummings
Doyle
Evans
Gallegly
Green (WI)
Harris
Istook
Johnson, Sam
McKinney
Millender-McDonald
Miller (FL)
Miller, Gary
Murphy
Nadler
Nunes
Nussle
Oxley
Rangel
Sánchez, Linda T.
Strickland
Towns
Watt
Young (AK)

□ 1432

Mrs. BIGGERT and Messrs. WYNN, PRICE of Georgia and CLEAVER changed their vote from ''aye'' to ''no.''

Messrs. MCHUGH, FORD, OSBORNE, KUHL of New York, Ms. GINNY BROWN-WAITE of Florida, Mrs. MYRICK, Mr. GOODE, and Mr. AKIN changed their vote from ''no'' to ''aye.''

So the amendment was rejected.

The result of the vote was announced as above recorded.

Stated for:

Mr. MURPHY. Mr. Chairman, on rollcall No. 431, had I been present, I would have voted "aye."

AMENDMENT NO. 4 OFFERED BY MR. KING OF IOWA

The Acting CHAIRMAN. The pending business is the demand for a recorded vote on the amendment offered by the gentleman from Iowa (Mr. KING) on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The Acting CHAIRMAN. A recorded vote has been demanded.

A recorded vote was ordered.

The Acting CHAIRMAN. This will be a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 149, noes 256, answered ''present'' 1, not voting 26, as follows:

[Roll No. 432]

AYES—149

Akin
Baca
Baker
Barrow
Barton (TX)
Berry
Bishop (GA)
Bishop (UT)
Blackburn
Blunt
Boehlert
Boehner
Bonilla
Bonner
Boozman
Boren
Boswell
Boustany
Boyd
Brady (TX)
Brown-Waite, Ginny
Butterfield
Buyer
Camp (MI)
Cannon
Cardoza
Carter
Chocola
Cleaver
Coble
Cole (OK)
Conaway
Cooper
Costa
Cubin
Cuellar
Culberson
Davis (KY)

Davis (TN)
Deal (GA)
Dingell
Doolittle
Drake
Duncan
Edwards
Emerson
Etheridge
Feeney
Flake
Fortenberry
Foxx
Franks (AZ)
Garrett (NJ)
Gingrey
Goodlatte
Gordon
Granger
Graves
Gutknecht
Hart
Hastings (FL)
Hastings (WA)
Hayes
Hefley
Herger
Herseth
Hinojosa
Honda
Hulshof
Jenkins
Kennedy (MN)
Kind
King (IA)
Kingston
Knollenberg
Kolbe
Kuhl (NY)
LaHood
Larsen (WA)
Latham
Lewis (CA)
Lucas
Mack
Manzullo
Marchant
Marshall
Matheson
McCaul (TX)
McCrery
McHenry
McHugh
McKeon
McMorris Rodgers
Melancon
Mica
Miller (MI)
Moran (KS)
Musgrave
Neugebauer
Northup
Norwood
Oberstar
Ortiz
Osborne
Otter
Pastor
Paul
Pearce
Pence
Peterson (PA)
Petri
Pickering
Poe
Pombo
Pomeroy
Putnam
Radanovich
Rehberg
Rogers (AL)
Rohrabacher
Ross
Ryan (WI)
Ryun (KS)
Salazar
Schwarz (MI)
Sensenbrenner
Sessions
Shadegg
Sherwood
Shimkus
Simpson
Skelton
Smith (TX)
Snyder
Sodrel
Souder
Stearns
Stupak
Sullivan
Tancredo
Terry
Thomas
Thornberry
Tiahrt
Walden (OR)
Wamp
Weldon (FL)
Westmoreland
Wilson (NM)

NOES—256

Abercrombie
Ackerman
Aderholt
Alexander
Allen
Andrews
Bachus
Baird
Baldwin
Barrett (SC)
Bartlett (MD)
Bass
Bean
Becerra
Berkley
Berman
Biggert
Bilbray
Bishop (NY)
Blumenauer
Bono
Boucher
Bradley (NH)
Brady (PA)
Brown (OH)
Brown (SC)
Brown, Corrine
Burgess
Burton (IN)
Calvert
Campbell (CA)
Cantor
Capito
Capps
Capuano
Cardin
Carnahan
Carson
Case
Castle
Chabot
Chandler
Clay
Clyburn
Conyers
Costello
Cramer
Crenshaw
Crowley
Cummings
Davis (AL)
Davis (CA)
Davis (FL)
Davis (IL)
Davis, Jo Ann
Davis, Tom
DeFazio
DeGette
Delahunt
DeLauro
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Doggett
Dreier
Ehlers
Emanuel
Engel
English (PA)
Eshoo
Everett
Farr
Fattah
Ferguson
Filner
Fitzpatrick (PA)
Foley
Forbes
Ford
Fossella
Frank (MA)
Frelinghuysen
Gerlach
Gibbons
Gilchrest
Gillmor
Gonzalez
Goode
Green, Al
Green, Gene
Grijalva
Gutierrez
Hall
Harman
Hayworth
Hensarling
Higgins
Hinchey
Hobson
Hoekstra
Holden
Holt
Hooley
Hostettler
Hoyer
Hunter
Hyde
Inglis (SC)
Inslee
Israel
Issa
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Jindal
Johnson (CT)
Johnson (IL)
Johnson, E. B.
Jones (NC)
Jones (OH)
Kanjorski
Kaptur
Keller
Kelly
Kennedy (RI)
Kildee
Kilpatrick (MI)
King (NY)
Kirk
Kline
Kucinich
Langevin
Lantos
Larson (CT)
LaTourette
Leach
Lee
Levin
Lewis (GA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Lofgren, Zoe
Lowey
Lungren, Daniel E.
Lynch
Maloney
Markey
Matsui
McCarthy
McCollum (MN)
McCotter
McDermott
McGovern
McIntyre
McNulty
Meehan
Meek (FL)
Meeks (NY)
Michaud
Miller (NC)
Miller, George
Mollohan
Moore (KS)
Moore (WI)
Moran (VA)
Murtha
Myrick
Napolitano
Neal (MA)
Ney
Olver
Owens
Pallone
Pascrell
Payne
Peterson (MN)
Pitts
Platts
Porter
Price (GA)
Price (NC)
Pryce (OH)
Rahall
Ramstad
Regula
Reichert
Renzi
Reyes
Reynolds
Rogers (KY)
Rogers (MI)
Ros-Lehtinen
Rothman
Roybal-Allard
Royce
Ruppersberger
Rush
Ryan (OH)
Sabo
Sanchez, Loretta
Sanders
Saxton
Schakowsky
Schiff
Schmidt
Schwartz (PA)
Scott (GA)
Scott (VA)
Serrano
Shaw
Shays
Sherman
Shuster
Simmons
Slaughter
Smith (NJ)
Smith (WA)
Solis
Spratt
Stark
Sweeney
Tanner
Tauscher
Taylor (MS)
Taylor (NC)
Thompson (CA)
Thompson (MS)
Tiberi
Tierney
Turner
Udall (CO)
Udall (NM)
Upton
Van Hollen
Velázquez
Visclosky
Walsh
Wasserman Schultz
Waters
Watson
Waxman
Weiner
Weldon (PA)
Weller
Wexler
Whitfield
Wicker
Wilson (SC)
Wolf
Woolsey
Wu
Wynn
Young (FL)

ANSWERED ''PRESENT''—1

Obey

NOT VOTING—26

Beauprez
Bilirakis
Doyle
Evans
Gallegly
Gohmert
Green (WI)
Harris
Istook
Johnson, Sam
McKinney
Millender-McDonald
Miller (FL)
Miller, Gary
Murphy
Nadler
Nunes
Nussle
Oxley
Pelosi
Rangel
Sánchez, Linda T.
Strickland
Towns
Watt
Young (AK)

ANNOUNCEMENT BY THE ACTING CHAIRMAN

The Acting CHAIRMAN (during the vote). Members are advised 2 minutes remain in this vote.

□ 1440

Mr. TAYLOR of North Carolina and Mr. MCINTYRE changed their vote from ''aye'' to ''no.''

So the amendment was rejected.

The result of the vote was announced as above recorded.

Stated for:

Mr. MURPHY. Mr. Chairman, on rollcall No. 432, the King of Iowa amendment, had I been present, I would have voted ''aye.''

(By unanimous consent, Mr. THOMAS was allowed to speak out of order.)

MOMENT OF SILENCE IN MEMORY OF FORMER MEMBER OF THE HOUSE OF REPRESENTATIVES, BOB MATHIAS

Mr. THOMAS. Mr. Chairman, on behalf of Mr. COSTA, Mr. NUNES and myself, I would like to advise the House that this past week an individual passed away, a former Member of the House of Representatives.

Some of you didn't have the privilege of knowing him in person, but all of you knew of him. Bob Mathias as a 17-year-old high school student went to London and came home with a gold medal in the decathlon. Four years later, he went to Helsinki and came home with a gold medal in the decathlon. Bob Mathias was a member of this House from 1966 to 1974.

Bob Mathias thought of himself as an ordinary person. Could we please, in recognition of an extraordinary human being, offer a moment of silence?

The Acting CHAIRMAN. Members will rise and observe a moment of silence.

The Acting CHAIRMAN. There being no other amendments, under the rule, the Committee rises.

Accordingly, the Committee rose; and the Speaker pro tempore (Mr. REHBERG) having assumed the chair, Mr. SIMPSON, Acting Chairman of the Committee of the Whole House on the State of the Union, reported that the Committee, having had under consideration the bill (H.R. 503) to amend the Horse Protection Act to prohibit the shipping, transporting, moving, delivering, receiving, possessing, purchasing, selling, or donation of horses and other equines to be slaughtered for human consumption, and for other purposes, pursuant to House Resolution 981, he reported the bill back to the House.

The SPEAKER pro tempore. Under the rule, the previous question is ordered.

The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

The SPEAKER pro tempore. The question is on the passage of the bill.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

RECORDED VOTE

Mr. SWEENEY. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

The SPEAKER pro tempore. Pursuant to clause 8 and clause 9 of rule XX, this 15-minute vote on passage of H.R. 503 will be followed by 5-minute votes on the motion to instruct on H.R. 5122, and the motion to permit closed conference meetings on H.R. 5122.

The vote was taken by electronic device, and there were—ayes 263, noes 146, answered ''present'' 1, not voting 22, as follows:

[Roll No. 433]

AYES—263

Abercrombie
Ackerman
Aderholt
Alexander
Allen
Andrews
Baca
Bachus
Baird
Baldwin
Barrett (SC)
Bartlett (MD)
Bass
Bean
Becerra
Berkley
Berman
Biggert
Bilbray
Bishop (NY)
Blumenauer
Bono
Boucher
Bradley (NH)
Brady (PA)
Brown (OH)
Brown (SC)
Brown, Corrine
Burgess
Burton (IN)
Calvert
Campbell (CA)
Capito
Capps
Capuano
Cardin
Carnahan
Carson
Case
Castle
Chabot
Chandler
Clay
Cleaver
Clyburn
Conyers
Costello
Cramer
Crenshaw
Crowley
Cummings
Davis (AL)
Davis (CA)
Davis (FL)
Davis (IL)
Davis (KY)
Davis, Jo Ann
Davis, Tom
DeFazio
DeGette
Delahunt
DeLauro
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Doggett
Dreier
Ehlers
Emanuel
Engel
English (PA)
Eshoo
Etheridge
Everett
Farr
Fattah
Ferguson
Fitzpatrick (PA)
Foley
Forbes
Fossella
Frank (MA)
Frelinghuysen
Gerlach
Gibbons
Gilchrest
Gillmor
Gonzalez
Goode
Green, Al
Green, Gene
Grijalva
Gutierrez
Hall
Harman
Hart
Hastings (FL)
Hayworth
Hinchey
Hobson
Holt

Hooley
Hostettler
Hoyer
Hunter
Hyde
Inglis (SC)
Inslee
Israel
Issa
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Jindal
Johnson (CT)
Johnson (IL)
Johnson, E. B.
Jones (NC)
Jones (OH)
Kanjorski
Kaptur
Keller
Kelly
Kennedy (MN)
Kennedy (RI)
Kildee
Kilpatrick (MI)
King (NY)
Kirk
Kline
Kucinich
Kuhl (NY)
Langevin
Lantos
Larsen (WA)
Larson (CT)
LaTourette
Leach
Lee
Levin
Lewis (GA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Lofgren, Zoe
Lowey
Lungren, Daniel E.
Lynch
Mack
Maloney
Markey
Matsui
McCarthy
McCollum (MN)
McCotter
McGovern
McIntyre
McNulty
Meehan
Meek (FL)
Meeks (NY)
Mica
Michaud
Millender-McDonald
Miller (NC)
Miller, George
Mollohan
Moore (KS)
Moore (WI)
Moran (VA)
Murtha
Myrick
Napolitano
Neal (MA)
Ney
Northup
Olver
Ortiz
Owens
Pallone
Pascrell
Payne
Pelosi
Pence
Pitts
Platts
Porter
Price (NC)
Pryce (OH)
Rahall
Ramstad
Regula
Reichert
Renzi
Reyes
Reynolds
Rogers (KY)
Rogers (MI)
Ros-Lehtinen
Rothman
Roybal-Allard
Royce
Ruppersberger
Rush
Ryan (OH)
Sabo
Sanchez, Loretta
Sanders
Saxton
Schakowsky
Schiff
Schmidt
Schwartz (PA)
Scott (GA)
Scott (VA)
Serrano
Shaw
Shays
Sherman
Shuster
Simmons
Slaughter
Smith (NJ)
Smith (WA)
Solis
Spratt
Stark
Stupak
Sweeney
Tanner
Tauscher
Taylor (MS)
Taylor (NC)
Thompson (CA)
Thompson (MS)
Tiberi
Tierney
Turner
Udall (NM)
Upton
Van Hollen
Velázquez
Visclosky
Walsh
Wamp
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Weldon (PA)
Weller
Wexler
Whitfield
Wilson (SC)
Wolf
Woolsey
Wu
Wynn
Young (FL)

NOES—146

Akin
Baker
Barrow
Barton (TX)
Berry
Bishop (GA)
Bishop (UT)
Blackburn
Blunt
Boehlert
Boehner
Bonilla
Bonner
Boozman
Boren
Boswell
Boustany
Boyd
Brady (TX)
Brown-Waite, Ginny
Butterfield
Buyer
Camp (MI)
Cannon
Cantor
Cardoza
Carter
Chocola
Coble
Cole (OK)
Conaway
Cooper
Costa
Cubin
Cuellar
Culberson
Davis (TN)
Deal (GA)
Dingell
Doolittle
Drake
Duncan
Edwards
Emerson
Feeney
Filner
Flake
Ford
Fortenberry
Foxx
Franks (AZ)
Garrett (NJ)
Gingrey
Gohmert
Goodlatte
Gordon
Granger
Graves
Gutknecht
Hastings (WA)
Hayes
Hefley
Hensarling
Herger
Herseth
Higgins
Hinojosa
Hoekstra
Holden
Honda
Hulshof
Jenkins
Kind
King (IA)
Kingston
Knollenberg
Kolbe
LaHood
Latham
Lucas
Manzullo
Marchant
Marshall
Matheson
McCaul (TX)
McCrery
McDermott
McHenry
McHugh
McKeon
McMorris Rodgers
Melancon
Miller (MI)
Moran (KS)
Murphy
Musgrave
Neugebauer
Norwood
Oberstar
Osborne
Otter
Pastor
Paul
Pearce
Peterson (MN)
Peterson (PA)
Petri
Pickering
Poe
Pombo
Pomeroy
Price (GA)
Putnam
Radanovich
Rehberg
Rogers (AL)
Rohrabacher
Ross
Ryan (WI)
Ryun (KS)
Salazar
Schwarz (MI)
Sensenbrenner
Sessions
Shadegg
Sherwood
Shimkus
Simpson
Skelton
Smith (TX)
Snyder
Sodrel
Souder
Stearns
Sullivan
Tancredo
Terry
Thomas
Thornberry
Tiahrt
Udall (CO)
Walden (OR)
Weldon (FL)
Westmoreland
Wicker
Wilson (NM)

ANSWERED ''PRESENT''—1

Obey

NOT VOTING—22

Beauprez
Bilirakis
Doyle
Evans
Gallegly
Green (WI)
Harris
Istook
Johnson, Sam
Lewis (CA)
McKinney
Miller (FL)
Miller, Gary
Nadler
Nunes
Nussle
Oxley
Rangel
Sánchez, Linda T.
Strickland
Towns
Young (AK)

□ 1501

So the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Mr. ANDREWS. Mr. Speaker, I regret that, because I was taking my children to their first day of school, I missed one vote on September 7, 2006. Had I been present I would have voted "yes" on H. Res. 981 (Providing for the consideration of the bill H.R. 503 to amend the Horse Protection Act to prohibit the shipping, transporting, moving, delivering, receiving, possessing, purchasing, selling, or donation of horses and other equines to be slaughtered for human consumption.).

APPOINTMENT OF CONFEREES ON H.R. 5122, G.V. ''SONNY'' MONTGOMERY NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 2007

MOTION TO INSTRUCT OFFERED BY MR. EDWARDS

The SPEAKER pro tempore (Mr. ADERHOLT). The pending business is the vote on the motion to instruct on H.R. 5122 offered by the gentleman from Texas (Mr. EDWARDS) on which the yeas and nays are ordered.

The Clerk will redesignate the motion.

The Clerk redesignated the motion.

The SPEAKER pro tempore. The question is on the motion to instruct.

This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 374, nays 30, not voting 28, as follows:

[Roll No. 434]

YEAS—374

Abercrombie
Ackerman
Aderholt
Akin
Alexander
Allen
Andrews
Baca
Bachus
Baird
Baldwin
Barrett (SC)
Barrow
Bartlett (MD)
Barton (TX)
Bass
Bean
Becerra
Berkley
Berman
Berry
Biggert
Bilbray
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blackburn
Blumenauer
Boehlert
Bonilla
Bonner
Bono
Boozman
Boren
Boswell
Boucher
Boustany
Boyd
Bradley (NH)
Brady (PA)
Brown (OH)
Brown (SC)
Brown, Corrine
Brown-Waite, Ginny
Burgess
Burton (IN)
Butterfield
Calvert
Camp (MI)
Capito
Capps
Capuano
Cardin
Cardoza
Carnahan
Carson
Carter
Case
Castle
Chabot
Chandler
Chocola
Clay
Cleaver
Clyburn
Coble
Cole (OK)
Conaway
Conyers
Cooper
Costa
Costello
Cramer
Crenshaw
Crowley
Cubin
Cuellar
Culberson
Cummings
Davis (AL)
Davis (CA)
Davis (FL)
Davis (IL)
Davis (KY)
Davis (TN)
Davis, Jo Ann
Davis, Tom
Deal (GA)
DeFazio
DeGette
Delahunt
DeLauro
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Doolittle
Drake
Dreier
Duncan
Edwards
Ehlers
Emanuel
Emerson
Engel
Eshoo
Etheridge
Everett
Farr
Fattah
Filner
Fitzpatrick (PA)
Foley
Forbes
Ford
Fortenberry
Fossella
Foxx
Frank (MA)
Gerlach
Gibbons
Gilchrest
Gillmor
Gohmert
Gonzalez
Goode
Goodlatte
Gordon
Granger
Graves
Green, Al
Green, Gene
Grijalva
Gutierrez
Gutknecht
Hall
Harman
Hart
Hastings (FL)
Hastings (WA)
Hayes
Hayworth
Hefley
Herger
Herseth
Higgins
Hinchey
Hinojosa
Hobson
Hoekstra
Holden
Holt
Honda
Hooley
Hostettler
Hoyer
Hulshof
Hyde
Inglis (SC)
Inslee
Israel
Issa
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Jenkins
Jindal
Johnson (CT)
Johnson (IL)
Johnson, E. B.
Jones (NC)
Jones (OH)
Kanjorski
Kaptur
Keller
Kelly
Kennedy (MN)
Kennedy (RI)
Kildee
Kilpatrick (MI)
Kind
King (NY)
Kingston
Kirk
Kline
Kolbe
Kucinich
Kuhl (NY)
LaHood
Langevin
Lantos
Larsen (WA)
Larson (CT)
Latham
LaTourette
Leach
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Lipinski
LoBiondo
Lofgren, Zoe
Lowey
Lucas
Lungren, Daniel E.
Lynch
Maloney
Manzullo
Markey
Marshall
Matheson
Matsui
McCarthy
McCaul (TX)
McCollum (MN)
McCotter
McDermott
McGovern
McHugh
McIntyre
McMorris Rodgers
McNulty
Meehan
Meek (FL)
Meeks (NY)
Melancon
Mica
Michaud
Millender-McDonald
Miller (MI)
Miller (NC)
Miller, George
Mollohan
Moore (KS)
Moore (WI)
Moran (KS)
Moran (VA)
Murphy
Murtha
Musgrave
Myrick
Napolitano
Neal (MA)
Ney
Northup
Norwood
Oberstar
Obey
Olver
Ortiz
Osborne
Otter
Owens
Pallone
Pascrell
Pastor
Paul
Payne
Pearce
Pelosi
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pitts
Platts
Poe
Pombo
Pomeroy
Porter
Price (GA)
Price (NC)
Pryce (OH)
Radanovich
Rahall
Ramstad
Regula
Rehberg
Reichert
Renzi
Reyes
Reynolds
Rogers (AL)
Rogers (KY)
Rohrabacher
Ros-Lehtinen
Ross
Rothman
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Ryan (WI)
Ryun (KS)
Sabo
Salazar
Sanchez, Loretta
Sanders
Saxton
Schakowsky
Schiff
Schmidt
Schwartz (PA)
Schwarz (MI)
Scott (GA)
Scott (VA)
Sensenbrenner
Serrano
Shaw
Shays
Sherman
Shimkus
Shuster
Simmons
Simpson
Skelton
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Sodrel
Solis
Souder
Spratt
Stark
Stearns
Stupak
Sullivan
Sweeney
Tancredo
Tanner
Tauscher
Taylor (MS)
Taylor (NC)
Terry
Thompson (CA)
Thompson (MS)
Tiahrt
Tiberi
Tierney
Turner
Udall (CO)
Udall (NM)
Upton
Van Hollen
Velázquez
Visclosky
Walden (OR)
Walsh
Wamp
Wasserman Schultz
Waters

Watson
Watt
Waxman
Weiner
Weldon (FL)
Weldon (PA)
Weller
Westmoreland
Wexler
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Woolsey
Wu
Wynn
Young (FL)

NAYS—30

Baker
Brady (TX)
Buyer
Campbell (CA)
Cannon
Cantor
Feeney
Ferguson
Flake
Franks (AZ)
Frelinghuysen
Garrett (NJ)
Gingrey
Hensarling
Hunter
King (IA)
Knollenberg
Linder
Mack
Marchant
McCrery
McHenry
McKeon
Neugebauer
Pence
Rogers (MI)
Sessions
Shadegg
Thomas
Thornberry

NOT VOTING—28

Beauprez
Bilirakis
Blunt
Boehner
Doyle
English (PA)
Evans
Gallegly
Green (WI)
Harris
Istook
Johnson, Sam
McKinney
Miller (FL)
Miller, Gary
Nadler
Nunes
Nussle
Oxley
Putnam
Rangel
Royce
Sánchez, Linda T.
Sherwood
Slaughter
Strickland
Towns
Young (AK)

□ 1513

So the motion to instruct was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Stated agains:

Mr. PUTNAM. Mr. Speaker, on rollcall No. 434 I was unavoidably detained. Had I been present, I would have voted "nay."

MOTION TO CLOSE CONFERENCE COMMITTEE MEETINGS ON H.R. 5122, G.V. ''SONNY'' MONTGOMERY NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 2007, WHEN CLASSIFIED NATIONAL SECURITY INFORMATION IS UNDER CONSIDERATION

Mrs. DRAKE. Mr. Speaker, pursuant to clause 12 of rule XXII, I move that meetings of the conference between the House and Senate on H.R. 5122 may be closed to the public at such times as classified national security information may be broached, provided that any sitting Member of Congress shall be entitled to attend any meeting of the conference.

The SPEAKER pro tempore. Pursuant to clause 12 of rule XXII, the motion is not debatable, and the yeas and nays are ordered.

This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 397, nays 10, not voting 25, as follows:

[Roll No. 435]

YEAS—397

Abercrombie
Ackerman
Aderholt
Akin
Alexander
Allen
Andrews
Baca
Bachus
Baird
Baker
Baldwin
Barrett (SC)
Barrow
Bartlett (MD)
Barton (TX)
Bass
Bean
Becerra
Berkley
Berman
Berry
Biggert
Bilbray
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blackburn
Blunt
Boehlert
Boehner
Bonilla
Bonner
Bono
Boozman
Boren
Boswell
Boucher
Boustany
Boyd
Bradley (NH)
Brady (PA)
Brady (TX)
Brown (OH)
Brown (SC)
Brown, Corrine
Brown-Waite, Ginny
Burgess
Burton (IN)
Butterfield
Buyer
Calvert
Camp (MI)
Campbell (CA)
Cannon
Cantor
Capito
Capps
Capuano
Cardin
Cardoza
Carnahan
Carson
Carter
Case
Castle
Chabot
Chandler
Chocola
Clay
Cleaver
Clyburn
Coble
Cole (OK)
Conaway
Conyers
Cooper
Costa
Costello
Cramer
Crenshaw
Crowley
Cubin
Cuellar
Culberson
Cummings
Davis (AL)
Davis (CA)
Davis (FL)
Davis (IL)
Davis (KY)
Davis (TN)
Davis, Jo Ann
Davis, Tom
Deal (GA)
DeGette
Delahunt
DeLauro
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Doolittle
Drake
Dreier
Duncan
Edwards
Ehlers
Emanuel
Emerson
Engel
Eshoo
Etheridge
Everett
Farr
Fattah
Feeney
Ferguson
Filner
Fitzpatrick (PA)
Flake
Foley
Forbes
Ford
Fortenberry
Fossella
Foxx
Frank (MA)
Franks (AZ)
Frelinghuysen
Garrett (NJ)
Gerlach
Gibbons
Gilchrest
Gillmor
Gingrey
Gohmert
Gonzalez
Goode
Goodlatte
Gordon
Granger
Graves
Green, Al
Grijalva
Gutierrez
Gutknecht
Hall
Harman
Hart
Hastings (FL)
Hastings (WA)
Hayes
Hayworth
Hefley
Hensarling
Herger
Herseth
Higgins
Hinchey
Hinojosa
Hobson
Hoekstra
Holden
Holt
Hooley
Hostettler
Hoyer
Hulshof
Hunter
Hyde
Inglis (SC)
Inslee
Israel
Issa
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Jenkins
Jindal
Johnson (CT)
Johnson (IL)
Johnson, E. B.
Jones (NC)
Jones (OH)
Kanjorski
Kaptur
Keller
Kelly
Kennedy (MN)
Kennedy (RI)
Kildee
Kilpatrick (MI)
Kind
King (IA)
King (NY)
Kingston
Kirk
Kline
Knollenberg
Kolbe
Kuhl (NY)
LaHood
Langevin
Lantos
Larsen (WA)
Larson (CT)
Latham
LaTourette
Leach
Levin
Lewis (CA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Lofgren, Zoe
Lowey
Lucas
Lungren, Daniel E.
Lynch
Mack
Maloney
Manzullo
Marchant
Markey
Marshall
Matheson
Matsui
McCarthy
McCaul (TX)
McCollum (MN)
McCotter
McCrery
McGovern
McHenry
McHugh
McIntyre
McKeon
McMorris Rodgers
McNulty
Meehan
Meek (FL)
Meeks (NY)
Melancon
Mica
Michaud
Millender-McDonald
Miller (MI)
Miller (NC)
Mollohan
Moore (KS)
Moore (WI)
Moran (KS)
Moran (VA)
Murphy
Murtha
Musgrave
Myrick
Napolitano
Neal (MA)
Neugebauer
Ney
Northup
Norwood
Oberstar
Obey
Olver
Ortiz
Osborne
Otter
Owens
Pallone
Pascrell
Pastor
Paul
Pearce
Pelosi
Pence
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pitts
Platts
Poe
Pombo
Pomeroy
Porter
Price (GA)
Price (NC)
Pryce (OH)
Putnam
Radanovich
Rahall
Ramstad
Regula
Rehberg
Reichert
Renzi
Reyes
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Ross
Rothman
Roybal-Allard
Royce
Ruppersberger
Rush
Ryan (OH)
Ryan (WI)
Ryun (KS)
Sabo
Salazar
Sanchez, Loretta
Sanders
Saxton
Schiff
Schmidt
Schwartz (PA)
Schwarz (MI)
Scott (GA)
Scott (VA)
Sensenbrenner
Serrano
Sessions
Shadegg
Shaw
Shays
Sherman
Sherwood
Shimkus
Shuster
Simmons
Simpson
Skelton
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Sodrel
Solis
Souder
Spratt
Stearns
Stupak
Sullivan
Sweeney
Tancredo
Tanner
Tauscher
Taylor (MS)
Taylor (NC)
Terry
Thomas
Thompson (CA)
Thompson (MS)
Thornberry
Tiahrt
Tiberi
Tierney
Turner
Udall (CO)
Udall (NM)
Upton
Van Hollen
Velázquez
Visclosky
Walden (OR)
Walsh
Wamp
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Weldon (FL)
Weldon (PA)
Weller
Westmoreland
Wexler
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Woolsey
Wu
Wynn
Young (FL)

NAYS—10

Blumenauer
DeFazio
Honda
Kucinich
Lee
Lewis (GA)
McDermott
Miller, George
Schakowsky
Stark

NOT VOTING—25

Beauprez
Bilirakis
Doyle
English (PA)
Evans
Gallegly
Green (WI)
Green, Gene
Harris
Istook
Johnson, Sam
McKinney
Miller (FL)
Miller, Gary
Nadler
Nunes
Nussle
Oxley
Payne
Rangel
Sánchez, Linda T.
Slaughter
Strickland
Towns
Young (AK)

□ 1522

So the motion was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

PERSONAL EXPLANATION

Mr. GREEN of Wisconsin. Mr. Speaker, I was absent from Washington on Thursday, September 7, 2006. As a result, I was not recorded for rollcall votes Nos. 430, 431, 432, 433, 434 and 435. Had I been present, I would have voted "aye" on rollcall Nos. 430, 433, 434, and 435. I would have voted "no" on rollcall Nos. 431 and 432.

PERSONAL EXPLANATION

Mr. BILIRAKIS. Mr. Speaker, I was absent from votes on September 6 and 7, 2006, due to personal illness. As a result, I was not recorded for a series of votes. Had I been present, I would voted "yea" on rollcall votes 427, 428, 429, 430, 433, 434, and 435.

On rollcall votes 431 and 432, I would have voted "no."

PERSONAL EXPLANATION

Ms. SLAUGHTER. Mr. speaker, I was unable to be present for rollcall votes 434 and 435. Had I been present, I would have voted "yea" on rollcall vote 434 and "yea" on rollcall vote 435.

LEGISLATIVE PROGRAM

(Mr. HOYER asked and was given permission to address the House for 1 minute.)

Mr. HOYER. Mr. Speaker, I rise for the purpose of inquiring of the majority leader the schedule for the week to come, and I yield to my friend, Mr. BOEHNER, the majority leader.

Mr. BOEHNER. I want to thank my colleague from Maryland for yielding.

Mr. Speaker, next week the House will convene on Tuesday at 12:30 for morning hour and 2 p.m. for legislative business.

We will consider a number of measures under the suspension of the rules next Tuesday. We expect to have a final list of those measures to Members' offices by tomorrow afternoon.

For the balance of the week, the House will consider on Wednesday the 5-year anniversary of 9/11, and we will have a resolution on the floor, and we will also begin consideration of H.R. 2965, the Federal Prison Industries Competition in Contracting Act.

On Thursday and Friday, we will complete consideration of the Federal Prison Industries bill, and we will consider a House resolution amending the House rules on earmark reform. I would also note that conference reports may be brought up at any time, and hope to see H.R. 5122, the Sonny Montgomery National Defense Authorization Act for fiscal year 2007 conference report and I hope to see it passed next week. At this point, Members should anticipate that we will have votes on Friday.

I also have an announcement in terms of the schedule. Members have a schedule through September. It is expected that the House will not be back in session until the week of November 13. I do want Members to know that the House will be in session that week. I expect we will have votes on Monday the 13th and through that week. Anything further on the schedule beyond that time, I wish I could tell Members, but I don't know.

Mr. HOYER. I thank the gentleman for bringing us up to date.

Am I to take it that when the gentleman indicated that the 29th would be the last day prior to the election, Members can still rely on that representation?

Mr. BOEHNER. That is correct.

Mr. HOYER. I thank the gentleman for that comment because there has been some discussion there may be another week, and we are glad to advise Members.

Mr. BOEHNER. Somebody else was having those discussions with themselves, not with me.

Mr. HOYER. That happens, I have noticed.

With respect to the schedule that you have just announced, would it be fair to conclude that if we do not have additional conference reports, and you indicate that you will take conference reports if they are available, which I understand, but if there were not additional conference reports beyond those which you have referenced in your announcement, that the probability of Friday is not as great as it otherwise would be? What I am saying, before you respond, is essentially it would appear to me that based upon what has been noticed, that that work would probably be accomplished within the Tuesday, Wednesday, Thursday period.

Mr. BOEHNER. If the gentleman will yield, it is possible that the House could complete its work by Thursday night. It is possible. But I don't want to mislead Members. At this point, I believe that Members should expect votes on Friday. If it becomes clear during the week that we will be able to complete our work, I will give Members as much notice as possible. But I don't want to promise something that we can't deliver.

Mr. HOYER. I understand.

On the following Friday, the 22nd, as the gentleman knows, Rosh Hashanah begins at sundown on that day. That is the first day of Rosh Hashanah. One of the problems, as you know, that we have is Members getting back to the West Coast in time to observe Rosh Hashanah appropriately. Friday the 22nd is currently on the schedule. Can you comment on that?

Mr. BOEHNER. I will work with you to accommodate our Members who want to observe this religious holiday. I do understand the problem for Members on the West Coast. We will work with you to come to some resolution. We don't want to put any Members in a difficult travel position when it comes to observance of their religious holidays.

Mr. HOYER. I thank the gentleman for that, and we look forward to discussing that with you.

You note in the announcement of the 9/11 resolution, and I was asked by the press, were we going to do something on issues that appear to be partisan, and I said no. On September 11th, we will not be here; we will be in our home districts, and it should be a day of remembrance and resolve; remembrance of the heroism of that day and remembrance of the loss of life on that day, and resolve to defeat terrorism and to defeat those who would put our country at risk and put our people in harm's way and at risk. I believe we are united on that.

I just saw the resolution, and I have not had a chance to read the resolution, nor as I understand it have we worked with your side on the resolution.

Mr. Leader, I would hope perhaps we could come together before the resolution is finally introduced. We passed last year's resolution with over 400 votes, very few ''no'' votes. I ask if we could work on this together to ensure that we have that kind of unanimity which I think is appropriate and would help to bring us together.

Mr. BOEHNER. I have not had a chance to read the resolution either, and you have not read the resolution. All I do know is that both Democrats and Republicans have worked closely together to develop the resolution. Again, I will be happy to take a look at it. And I would suggest to the gentleman, if you have any suggestions or concerns, let me know.

□ 1530

Mr. HOYER. I thank the leader for that. And I did not know whether our Democrats had worked with people on your side of the aisle. If that is the case, then when I read the resolution, I am sure I will be pleased. But if there are questions, I will bring them to the attention of the leader.

Mr. Leader, of course we have next week's schedule. Next week's schedule does not include the only appropriation bill that we have not yet passed. As you know, we have passed 10 out of the 11 appropriations bills. The Labor-Health bill was passed through the House Appropriations Committee and ready to report in June. So it has now been pending for approximately 60, 75 days.

Do you have any expectation that the Labor-Health bill will be brought to the floor within the foreseeable future?

I yield to my friend.

Mr. BOEHNER. The issue is under discussion. As the gentleman knows, there are a number of issues in that bill that have caused concern amongst Members. And while one of those appears to have been resolved, there are a number of other issues remaining there. There have been several discussions this week and I think there will be several more discussions next week about how to deal with that particular bill.

Mr. HOYER. I thank the gentleman for that observation. He refers to one or two of the issues in the bill. Obviously, one of the issues is the so-called Hoyer amendment, the Miller bill, which raises the minimum wage. We would hope that that would be brought to the floor. As you well know, we considered it with another bill. A number of items included in it. It went to the Senate. It didn't pass. We believe that the 6.6 million people on the minimum wage are hopeful that we will act before we leave here for the election.

I am very hopeful and I know our side is very hopeful that we could bring that bill to the floor with that amendment protected, voted up or down. If the Members think that we ought not to do it, fine. If the Members think we ought to do it, fine. And pass that bill to the Senate so we can complete the appropriations process.

Mr. BOEHNER. I think the gentleman is well aware that in July before the House went on its August district work period, the House voted to raise the minimum wage, and this bill is pending in the Senate and I am hopeful that the Senate will see fit to deal with it.

Mr. HOYER. Reclaiming my time, Mr. Leader, of course I appreciate your reiterating what we did and we all understand what we did. There are different perspectives on what we did. But I would reiterate this side's strong desire and hope that we would consider the issue of minimum wage on its own merits, as was done in the committee. As you know, it was passed in a bipartisan fashion in committee with one-fourth, I think, or maybe one-fifth of the Republicans in the committee voting for it.

Mr. BOEHNER. Will the gentleman yield?

Mr. HOYER. I would be glad to yield to my friend.

Mr. BOEHNER. We have rules in the House about legislating on an appropriations bill, and it is clear that the intent of the author was to legislate on an appropriations bill. I think the majority did the right thing by moving the authorizing language for the minimum wage through the Rules Committee and brought it to the House floor.

So, again, the House has dealt with this. I am hopeful that the Senate will deal with it soon.

Mr. HOYER. I thank the gentleman for his comment. I understand what the rules are, and both sides have relatively regularly waived those rules when it wanted to do something. And if we want to raise the minimum wage for our workers, we can do it. That is our perspective. But I certainly appreciate the gentleman's further education on what the rules require.

Let me ask you this. It is not on the schedule for next week. Do you anticipate any additional legislation prior to the 29th of September which would further implement the recommendations of the 9/11 Commission? As you know, there are some 19 recommendations which Governor Kean and Congressman Hamilton have observed we have not acted on. Can you tell us whether there is any anticipation of scheduling action on those issues?

I yield to my friend.

Mr. BOEHNER. Over a year ago, the House worked to implement the recommendations of the bipartisan 9/11 Commission. And I believe that Members on both sides of the Capitol, on both sides of the aisle, decided to accept those recommendations that we thought would be helpful. Not all of the recommendations of the 9/11 Commission have, in fact, been adopted because, as I understand it, Members on both sides of the aisle and on both sides of the Capitol have rejected some of the ideas that they put forth.

As we all know, some of these independent commissions get established. They can make recommendations, but the real decisions about what we should enact into law should be left to the Members, and I think the Members have made their decisions very clear.

Mr. HOYER. I thank the gentleman for his observations, while I think we disagree on the substance of the reports and the merits of the recommendations that have not yet been passed. I know on our side, Mr. THOMPSON, who is our ranking member on the Homeland Security Committee, and others are very hopeful that we can move forward on those. But I understand what the gentleman has said.

I will not ask the gentleman further questions. But, Mr. Speaker, under my reservation I would say that we on this side of the aisle are very hopeful that we can consider legislation before we break on the 29th of September which would give the Secretary of Health and Human Services the authority to negotiate lower prescription drug prices for our seniors. We would hope that we would see legislation which would restore the deep cuts in college tuition assistance that were included in the deficit reduction bill that we passed some months ago and that we would reconsider the tax cuts that we gave, deep tax cuts, that we gave to oil companies apparently to spur further investment in exploration for new sources of oil. A worthy objective. But I think, happily or unhappily, depending upon your perspective, whether you are an oil company or whether you are a driver of automobiles and have to pay the gasoline prices, the companies are making great profits and could have great incentive because of those great profits to develop further sources of energy.

I would conclude by saying that we would hope the majority would seriously consider bringing to the floor all of those issues prior to the 29th.

Mr. BOEHNER. Will the gentleman yield?

Mr. HOYER. I yield to my friend, the majority leader.

Mr. BOEHNER. Just so the gentleman understands, and I appreciate his yielding, I am happy to come here and have this colloquy with you about what is going to be on the floor and give you as much information as I can.

Now, I see that my friend from Maryland today has decided to employ a new tactic in bringing campaign themes to the floor during the colloquy. Now, I would be happy to engage in those, but it is not what the colloquy is for. And so I would be happy to engage the gentleman.

The Medicare drug bill has produced premiums for seniors far below, far below, any number that anyone ever expected. And what got us those low drug premium prices was the competition that was created in the creation of the program.

Secondly, when it comes to the college loan program that the gentleman referred to that there were cuts, if the gentleman would look at the bill, he will realize that we widened the ability of more students to get to college under this program than we have ever had. The fact is there are higher numbers for grant programs, higher numbers for what you can borrow from the program, and it could not be working any better. And as a result, the Deficit Reduction Act that we passed last year did, in fact, save $12.5 billion that came out of the hides of the lenders who were involved in the program.

So, again, I would be happy to engage you in this conversation, but we could probably do it under a Special Order rather than during the colloquy.

Mr. HOYER. Mr. Speaker, reclaiming my time, I thank the gentleman for his observations, and perhaps I will take him up on that offer. That might be instructive for both of us and perhaps for the American people as well. I understand the gentleman's perspective. We differ. That is not surprising, I am sure, to the viewers.

But I will say this, Mr. Leader, if I can, that this is about discussing the schedule. We have a very short time frame. We have 14 days left that are scheduled in this session before the election, and we are coming back for a lame duck session. I understand that. But I was simply inquiring of you whether or not those matters which we believe are important might be on the schedule. I am not debating their merits or demerits at this point in time. I can do that and, as a matter of fact, look forward to discussing that in a Special Order with you. But we do believe it was in the realm of a discussion about what might be scheduled.

And I yield to my friend.

Mr. BOEHNER. I thank my colleague. And while we may differ on whether the glass is half full or half empty, I do have great respect for my colleague from Maryland.

Mr. HOYER. I thank the gentleman.

HOUR OF MEETING ON TOMORROW AND ADJOURNMENT FROM FRIDAY, SEPTEMBER 8, 2006, TO TUESDAY, SEPTEMBER 12, 2006

Mr. BOEHNER. Mr. Speaker, I ask unanimous consent that when the House adjourns today, it adjourn to meet at 2 p.m. tomorrow and further, that when the House adjourns on that day, it adjourn to meet at 12:30 p.m. on Tuesday, September 12, 2006, for morning hour debate.

The SPEAKER pro tempore (Mr. CAMPBELL of California). Is there objection to the request of the gentleman from Ohio?

There was no objection.

DISPENSING WITH CALENDAR WEDNESDAY BUSINESS ON WEDNESDAY NEXT

Mr. BOEHNER. Mr. Speaker, I ask unanimous consent that the business in order under the Calendar Wednesday rule be dispensed with on Wednesday next.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Ohio?

There was no objection.

AMENDMENT PROCESS FOR CONSIDERATION OF H.R. 2965, FEDERAL PRISON INDUSTRIES COMPETITION IN CONTRACTING ACT

Mr. GINGREY. Mr. Speaker, the Committee on Rules may meet the week of September 11 to grant a rule which could limit the amendment process for floor consideration of H.R. 2965, the Federal Prison Industries Competition in Contracting Act.

Any Member wishing to offer an amendment should submit 55 copies of the amendment and one copy of a brief explanation of the amendment to the

Rules Committee in room H–312 of the Capitol by noon on Tuesday, September 12, 2006. Members should draft their amendments to the bill as ordered reported by the Committee on the Judiciary, which was filed with the House on July 21, 2006.

Members should use the Office of Legislative Counsel to ensure that their amendments are drafted in the most appropriate format, and they should check with the Office of the Parliamentarian to be certain that their amendments comply with the rules of the House.

APPOINTMENT OF CONFEREES ON H.R. 5122, G.V. ''SONNY'' MONTGOMERY NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 2007

The SPEAKER pro tempore. Without objection, the Chair appoints the following conferees:

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

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

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

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

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

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

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

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

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

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

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

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

From the Committee on Veterans' Affairs, for consideration of sections 666, 682, 683, 687, 721, and 923 of the Senate amendment, and modifications committed to conference: Messrs. BUYER, BOOZMAN, and Ms. HERSETH.

There was no objection.

□ 1545

HONORING THE AHWATUKEE ALL-STARS

(Mr. HAYWORTH asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. HAYWORTH. Mr. Speaker, it is a ritual of the school year where millions of American students return to class and offer an essay entitled, ''What I Did on My Summer Vacation.''

Mr. Speaker, for a special group of 11-, 12- and 13-year-olds from the Fifth Congressional District of Arizona, it is quite a daunting challenge, because, Mr. Speaker, that select group of young men, nicknamed The Dawgs, the all-stars of Ahwatukee's Little League advanced all the way to the Little League World Series in Williamsport, Pennsylvania.

This special team went out as winners. They won their final game but due to a rule for a tie-breaker had the unfortunate experience of not advancing. In fact, of the nine teams that won two games at Williamsport, sadly only the team from Ahwatukee did not advance. But they are more than exceptions, Mr. Speaker; they are true champions, not only the best in the west but a team that went out winners in Williamsport.

Mr. Speaker, I include in the RECORD the roster of this team and their championship season and would remark as I close, Mr. Speaker, with the observation that they have now entered the history of this House as well as the history of the Little League World Series.

ROSTER FOR AHWATUKEE DAWGS

#18 Michael Anderson, #16 Eric Camarillo, #3 Shaun Chase, #5 Max Harden, #9 Justin Hyden, #44 David Hulls, #11 Connor Kelly, #25 Sam Kingery, #17 Scott Kingery, #14 Chase Knox, #7 Ryan Modi, and #10 Hunter Rodriguez.

Overall Record: 4 Tournaments, 22–2.

Record in Williamsport: 2–1. Dawgs vs. Lemont, Illinois 1–0 (Win); Dawgs vs. Columbus, Georgia 4–1 (Loss); and Dawgs vs. Staten Island, New York 4–1 (Win).

TRUTH SQUAD ON WASTE, FRAUD AND ABUSE

(Mr. CARDOZA asked and was given permission to address the House for 1 minute.)

Mr. CARDOZA. Mr. Speaker, the Truth Squad on Waste, Fraud and Abuse is charged with holding the Bush administration accountable for its mishandling of taxpayer dollars.

That is something that this Republican Congress has failed to do. On issue after issue, from Katrina to Iraq to border security, to health care, we have seen outrageous waste of American tax dollars. And this Congress has repeatedly failed to hold the administration accountable for it.

Today, the Truth Squad is unveiling the Golden Drain Award, which you see next to me in this picture. The Golden Drain is an award that will be displayed in my office, and it will be given each week to a recipient who has been most derelict in their duty as stewards of American taxpayer dollars. We will award this award next week for the first time.

All told, the Truth Squad has identified over $150 billion of American tax dollars that have gone down the drain of waste, fraud and abuse. Enough is enough, Mr. Speaker. It is time for accountability. It is time for a new direction. It is time to audit America's books.

NO AMNESTY FOR ILLEGAL ALIENS

(Ms. GINNY BROWN-WAITE of Florida asked and was given permission to

address the House for 1 minute and to revise and extend her remarks.)

Ms. GINNY BROWN-WAITE of Florida. Mr. Speaker, Americans are frustrated. Back in May, the Senate passed the ''No Illegal Alien Left Behind'' bill which hands rights and benefits to lawbreakers on a silver platter. Clearly we have a large hurdle to overcome in compromising with this very atrocious bill.

However, with each day that we fail to pass meaningful border security reform, Americans become anxious that we will do nothing or even worse that we may cave in to the Senate. I heard from more than 14,000 constituents over the last month who emphatically told me that they do not want amnesty for law breakers.

Listen up America: We must stand united behind the border security bill passed by the House, H.R. 4437, and to proclaim to Americans that we agree with them and we will never give amnesty to illegal aliens.

SPECIAL ORDERS

The SPEAKER pro tempore. Under the Speaker's announced policy of January 4, 2005, and under a previous order of the House, the following Members will be recognized for 5 minutes each.

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Oregon (Mr. DEFAZIO) is recognized for 5 minutes.

(Mr. DEFAZIO addressed the House. His remarks will appear hereafter in the Extension of Remarks.)

U.S. MILITARY'S READINESS PROBLEMS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Missouri (Mr. SKELTON) is recognized for 5 minutes.

Mr. SKELTON. Mr. Speaker, on July 5, 1950, near the city of Osan in South Korea, North Korean forces faced a battalion of American soldiers who had been sent to stop the Korean advance. This battalion of 406 soldiers was undermanned, under-trained and poorly equipped. These soldiers fought a 7-hour battle that ended in retreat, and with 150 American infantrymen killed, wounded or missing.

This battalion was known as Task Force Smith, and its failure was due to a lack of readiness on the part of our military after World War II. Today, Mr. Speaker, I am concerned that the low readiness levels of the Army and the Marine Corps are going to once again endanger our troops.

Mr. Speaker, I have spoken about readiness problems before. And it continues to concern me as this situation worsens. Let me be blunt. Our ground forces and their reserves face a crisis with manpower and equipment shortages and will be challenged to complete their missions should they be called to respond to an emergency.

Mr. Speaker, I have used the word ''readiness'' many times before. But I feel it necessary to clearly define its meaning. Readiness describes the condition of our military forces. It is a measure of how well they are manned, trained and equipped to complete the full range of missions necessary to defend our Nation.

This is why the falling readiness levels of our Army and our Marine Corps are so disturbing. They indicate that we may not be able to defend our Nation's interests wherever they may face challenges. The most striking example of this problem is with equipment. Over 40 percent of the Army and Marine Corps ground equipment is now deployed to Iraq or Afghanistan. It is wearing out as much as nine times faster than normal. Only 3 years in Iraq has placed as much as 27 years of wear on our equipment, forcing the Department of Defense to cannibalize the equipment of non-deployed units and the National Guard.

This cannibalization of equipment has left the Army without a single combat brigade in the Continental United States ready for all of their war-time missions.

Simply put, the war in Iraq is sapping our strategic base and leaving us with a broken Army. The Armed Services Committee is nearing agreement to add $20 billion to the Defense Authorization Act for next year to try to help fix this grave situation.

This will help, but the Department's readiness problems are too large to be fixed by a one-time investment. Together, the Army and Marine Corps need an astounding $29 billion in 2007 to repair or replace equipment damaged in Iraq and Afghanistan. The amount is only part of the overall bill that represents a snapshot in time of a problem that is large and continues to grow.

The problem has developed over time due to mismanagement and a failure on the part of the administration to adequately plan for Iraq. It cannot be solved overnight. Congress can continue to provide band-aids for readiness shortfalls by funding through supplementals, but the Army and Marine Corps are limping along. They cannot keep pace with falling readiness levels.

The only way to truly solve this problem is for the administration to commit to fully funding the needs of the Department of Defense. This country is at war. Americans have a right to expect the administration to realistically budget for national defense. The stakes are high. Mr. Speaker, we cannot afford another Task Force Smith.

WAYZATA COMMUNITY CHURCH CELEBRATES 125 YEARS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Minnesota (Mr. RAMSTAD) is recognized for 5 minutes.

Mr. RAMSTAD. Mr. Speaker, I rise to pay tribute to Wayzata Community Church of Wayzata, MN, on its 125th anniversary of ministry and mission.

Founded in 1881 by a dozen early settlers on Lake Minnetonka, Wayzata Congregational Church grew to 70 members within 2 years. In 1912, a new church was built, but it burned down 4 years later. Remarkably, it was rebuilt by a determined congregation in only 7 months.

Then, in 1948, the church officially became Wayzata Community Church, and ground was broken for a new building at Ferndale Road and Wayzata Boulevard in Wayzata, where this dynamic community of faith is located today.

With nearly 3,000 members, Wayzata Community Church is one of the five largest congregations of the United Church of Christ. My family and I are grateful members of this loving and nurturing congregation. Our church is a place of spiritual growth, compassionate support and committed service.

For 125 years, Wayzata Community Church has been a place of growth and renewal, fellowship, outreach, community service, music ministries, and children and youth ministries.

For 125 years, Wayzata Community Church has been there to help people in need, people suffering the ravages of poverty, homelessness, hunger, addiction, broken homes, disease and despair.

One hundred twenty-five years of providing food, shelter, clothing, transportation, counseling and support groups.

Wayzata Community Church, Mr. Speaker, is a key partner of Interfaith Outreach and Community Partners, a partnership of faith communities, other community organizations and individuals that serve low-income people in eight of our west suburban communities.

Wayzata Community Church's extensive commitment to doing the Lord's work here on Earth also includes programs such as Adopt a Family, Families Moving Forward, Hurricane Relief, Loaves and Fishes, Meals on Wheels, Salvation Army bell ringers, the legendary Women's Fellowship annual rummage sale, and the Sleep Out for the Homeless, to name but a few.

Wayzata Community Church, Mr. Speaker, is truly a church that lives out the biblical command to love God, love others and serve the least amongst us.

The church is also a lively hub of activity in the Lake Minnetonka area for seniors, children and their friends and people of all ages. From music performances, authors, workshops, scouting, support groups, basketball games, nursery schools, you name it, it is all there at Wayzata Community Church.

Wayzata Community Church has also been blessed with truly visionary and dedicated leadership over the past 125 years.

On this historic anniversary, we are especially grateful for our current senior minister, Reverend Dr. John Ross,

and the entire pastoral staff, the Reverends Teresa Chamberlain, Kristen Jeide, Dr. James Newby and S. Linda Purdy.

We are also very thankful to all of the clergy who have served Wayzata Community Church during the past 125 years, as well as the other church staff, lay leaders, teachers, musicians, choir members, volunteers and other friends and members of Wayzata Community Church.

Mr. Speaker, on this special anniversary of Wayzata Community Church, let us pay tribute to 125 years of ministry and mission and pray that this wonderful community of faith will provide many more years of spiritual growth, support and service to the people of the Lake Minnetonka community.

□ 1600

The SPEAKER pro tempore (Mr. PRICE of Georgia). Under a previous order of the House, the gentlewoman from New York (Mrs. MCCARTHY) is recognized for 5 minutes.

(Mrs. MCCARTHY addressed the House. Her remarks will appear hereafter in the Extensions of Remarks.)

RESTORING DEMOCRACY TO AMERICA

Mr. MCDERMOTT. Mr. Speaker, I ask unanimous consent to speak out of turn.

The SPEAKER pro tempore. Without objection, the gentleman from Washington is recognized for 5 minutes.

There was no objection.

Mr. MCDERMOTT. Mr. Speaker, you can always tell when the Republicans fear an upcoming election because they start apologizing for their past transgressions.

So it should come as no surprise that the President finally acknowledged the presence and use of secret CIA prisons. The American people happen to think that the U.S. Constitution is a document that was never intended to be shredded and discarded like last week's newspaper, but that is exactly what is happening by the President and his rubber-stamp Republican Congress.

We do not have to subvert the freedoms and principles that make us Americans so that the President can fumble his way through finding and fighting terrorists like bin Laden.

We still believe in the rule of law, the first amendment, the Constitution, and the Bill of Rights. We believe in the Geneva Convention, and the President undermines the American credibility, power and leadership around the world by dismissing a document so important that it is incorporated into the manuals of the U.S. Armed Forces.

America is not a democracy at your convenience, Mr. President. Without the protections provided by the first amendment, the American people might never have known about the abuses at Abu Ghraib; and without the first amendment, the American people would have never known about the unauthorized wiretaps of the American people, even when there is a secret court specifically set up to enable America to defend itself without destroying the Constitution and the Bill of Rights in the process.

The American people still believe in the rule of law, and they can see that the President suspended the Constitution, the Geneva Convention, and the Bill of Rights because he finds them inconvenient.

The policies of this administration and the Republican Congress have not made America safer, but America is in danger on a whole new front, Presidential indifference to the principles and ideals that we are fighting for.

The President was given the tools and the resources after 9/11, but he pulled out before the job was done. He diverted our soldiers and resolve from Afghanistan to Iraq. It was a bad decision then, and it has become disastrous now in both places.

But with an automatic rubber-stamp Congress in the House and the Senate, the President could tell them what to think, tell them how to vote and get whatever he wanted. There was no balance in our government to ask the tough questions and hold the President accountable. There still is no balance in our government that can protect the American people and our founding policies from the brute force of the Republican power machine.

The President finally admitted he authorized secret CIA prisons, and in the next breath, demands the Congress authorize him to keep doing whatever he wants. And if the Republicans remain in power, they will do exactly what the President wants. No debate, no balance, nothing short of outright misrepresentation of the American people.

The Republicans misrepresent the American people when they rubber-stamp everything the President wants. That is not how America works, and it is not how democracy works. America is all about balance, debating different points of view, coming together as one Nation, standing on common ground. But that fundamental approach requires accountability, and there has been none under the Republicans.

For goodness sake, the Republicans could not even swear in Big Oil CEOs when they were called to Capitol Hill over skyrocketing prices. Republicans could not require these people to swear to tell the truth. Maybe they did; maybe they did not. We will never know.

And that is what the midterm election is really all about. America is tilted not merely to the right, but off the map entirely. Neocons who no one elected are telling the President and the Vice President what they are expected to do and what the Republican Congress will pass.

The American people may not understand the rules of Congress; but know this, Republicans delay every vote on the floor of this House until they can twist enough arms to get what the neocons behind the curtain want. Debate is gone. Accountability is gone. And that is why the Republican control should be gone.

The Republicans have squandered their chance to govern. Republicans have shortchanged the American people for 12 long years. With free speech and free press, now the American people know it.

November is about restoring democracy to the Nation best able to protect it. November is about restoring balance to a Republican Congress that has forgotten that it works for the people, not for the neocons. No democracy can survive without a Congress that looks at the President's policies and asks questions and sometimes says no.

This President has had a free hand for far too long, and this election is a referendum on President Bush. If you want more, vote for a Republican. If you want to change it, vote for the Democrats.

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Indiana (Mr. BURTON) is recognized for 5 minutes.

(Mr. BURTON of Indiana addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

THANK GOD FOR THIS DEMOCRACY AND THOSE PROTECTING IT

Mr. GOHMERT. Mr. Speaker, I ask unanimous consent to speak out of turn for 5 minutes.

The SPEAKER pro tempore. Without objection, the gentleman from Texas is recognized.

There was no objection.

Mr. GOHMERT. Mr. Speaker, we hear people across the aisle talk about, gee, a rubber-stamp Congress. Well, I can point to you, that is the reason there is no immigration or border bill right now is because this is not a rubber-stamp Congress. The President wants some things that we simply cannot provide.

But when we talk about the allegations about Republicans or the President shredding the Constitution, let me tell you, he does not shred the Constitution. He has sworn to protect it, and I am proud that people who want to destroy the way of life that we have in this country, people that believe that freedom and democracy and self-government is a terrible thing, they think that that leads to debauchery and degradation, and therefore, you need some holy ayatollah that tells you everything you can or cannot do, that sends women back to being chattels as they never should have been but still are in some areas of the world, that is what they want to do to this country. They want to destroy people. They want to kill us, and we have a President that understands that.

Now, across the aisle we have some folks who want to be part of the blame America first crowd. They want you to know, gee, we are so bad, we are so terrible, look at Abu Ghraib. I asked my good friend SAM JOHNSON that serves here in the Congress what he thought about if he had been given a choice between the absolute horror that he went through in the North Vietnam prison compared to what happened at Abu Ghraib. It was a no-brainer.

What happened there was abuse. The people have gone to prison. They have been punished. What happened to American prisoners in North Vietnam, North Korea, what happened to American prisoners among those killers, those just blood-sucking, killing democracy, wanting to destroy people, terrorists, jihadists, cutting our people's heads off with dull instruments on camera, and that is who you want to embrace? There are even some people here in Washington that before Saddam went down, he flew over there. Never mind that Saddam was a murdering, blood-sucking thief who killed thousands and thousands. We go over and embrace Saddam and then come back and call our President the one in the wrong? My goodness, the blame America first crowd.

Those who want to blame Bush and Rumsfeld for the terrorist acts have missed the whole point. Since 1979 there has been a war going on. We just did not know it. We had a President then who allowed an act of war under international law, the attack of our embassy in Iran, to go unpunished, and for over a year, all we did was beg them to please release our hostages. It sent a bad message.

We were hit again in 1983 with the barracks. We were hit all through the 1990s with acts of war, including the first attack on our own continent at the World Trade Center in 1993. What did the Democratic administration and Democratic Congress do? Well, they wanted to prosecute them in civil court here in America instead of treating it as an act of war.

This President understands we are in war. Now we have a Supreme Court that has expressed concerns about Guantanamo. I went to Guantanamo, and having been a judge and chief justice, I have toured a lot of prisons. That was the nicest prison I have ever visited where the prisoners are being kept. But you know what we noticed? We were told do not let the prisoners hear you because they will think you are with the Red Cross or somebody. One of the people with us, and they heard somebody there and they started all of sudden going from laughing and being giddy and funny between themselves to, oh, please help me, I am being tortured and all this baloney. Well, they are playing to the crowds. That was obvious.

I would submit if the Supreme Court is all that concerned, we need to put that hurricane fence back around the Supreme Court building that was there during construction recently and move those people from Abu Ghraib so they can watch them directly and they can look out their windows, maybe let them use their restroom facilities so they can supervise more closely what this administration is trying to protect us from.

You cannot blame President Bush and Rumsfeld for the current terrorist attacks unless you are squarely willing to put the blame for 9/11 on the Clinton administration because that is when it was planned, that was when it was prepared and almost completed, and then it carried over and was finished during this administration. This President saw it for what it was, an act of war that had to be addressed.

The price for liberty, as our forefathers said, is eternal vigilance. We cannot keep blaming America first, as our friends across the aisle want to do. We have to recognize, as this President and this Secretary of Defense has, we are in a war against us, and we finally have an administration that recognizes that and is out to protect us and protect the Constitution. Thank God for this democracy and those protecting it.

□ 1615

IRAQ POLICY

Ms. WOOLSEY. Mr. Speaker, I ask unanimous consent to speak out of order.

The SPEAKER pro tempore. Without objection, the gentlewoman from California is recognized for 5 minutes.

There was no objection.

Ms. WOOLSEY. Mr. Speaker, yesterday I had the honor to visit a group of folks gathered on the Mall as part of Camp Democracy, a nonpartisan camp for peace, for democracy and for the restoration of rule of law.

Those who gathered are relentlessly working to promote peace and justice. They bring great passion to our shared struggle. They have led one of the most important and powerful grassroots movements in recent memory, and because of the pressure they have applied and the eloquence with which they have made the case, the immorality of the Bush Iraq policy has been exposed.

Mr. Speaker, in a few months, our troops will have been in Iraq for as long as their grandfathers fought in World War II. But unlike the struggle against Nazism, this has been an unmitigated disaster, a national tragedy and a moral outrage. More than 2,650 soldiers of our own are dead, nearly 20,000 wounded by the Pentagon's own count and countless more psychologically traumatized. And for what? So we could make the world a more dangerous place and increase the terrorist threat? So we could create more jihadists and inspire more hatred for Americans among Muslim extremists? So we could foment a bloody civil war and rip a nation apart at its seams, killing tens of thousands of innocent civilians for the cause of their so-called liberation?

Like the people at Camp Democracy, I have been speaking out against this war and this occupation even before they began. I have held forums, forced votes on resolutions and joined demonstrators at rallies across the country. Most recently, I introduced a bill that would rescind the President's authority to use force in Iraq, authority that was granted in 2002 under what we now know are false pretenses. I will not give up this fight until every last American soldier has been returned home to his or her family.

But even after that, we will have plenty of work to do, because Iraq is only a part of the problem. The real problem is a foreign policy that uses too much brawn and not enough brains. The real problem is an approach to national security that says might is always right; that says, when it doubt, shoot first and ask questions later. What we need is to completely overhaul the way we handle global conflict and prevent wars from starting in the very first place.

Working with the Friends Committee, working with WAND and working with Physicians for Social Responsibility, I created the SMART Security plan, which was introduced in the House in 2005. SMART would do just what I was talking about. SMART stands for Sensible Multilateral American Response to Terrorism. It emphasizes peacekeeping and diplomacy instead of invasion and occupancy. It rejects war in all but the most extreme circumstances. It fights terrorism with stronger global partnerships and with sound diplomacy, with better intelligence, with tough weapons inspections but without violating our civil liberties and fundamental freedoms.

SMART would put more resources into securing loose nuclear material and ensuring the United States lives up to the commitments we have made in our Nation on nuclear nonproliferation. SMART would wean us off Middle Eastern oil. It would invest in renewable energy technologies instead of Cold War weapon systems that have outlived their usefulness. SMART would dramatically increase development aid and debt relief for the poorest countries in the world to combat the deprivation and despair that often gives rise to terrorism in the first place. It protects not by wreaking violent havoc around the world but by staying faithful to the most honorable American values.

Armed conflict around the world is destroying our bodies and our souls. I am particularly troubled by the devastating impact this war is having on our children. Our children are the war's most tragic victims. Children represent a disproportionate number of civilian deaths in conflicts worldwide. And for many who survive, their education is disrupted, their communities destroyed and their families separated.

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Texas (Mr. POE) is recognized for 5 minutes.

(Mr. POE addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Illinois (Mr. EMANUEL) is recognized for 5 minutes.

(Mr. EMANUEL addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

STATUS REPORT ON CURRENT SPENDING LEVELS OF ON-BUDGET SPENDING AND REVENUES FOR FY 2007 AND THE 5-YEAR PERIOD FY 2007 THROUGH FY 2011

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Iowa (Mr. NUSSLE) is recognized for 5 minutes.

Mr. NUSSLE. Mr. Speaker, I am transmitting a status report on the current levels of on-budget spending and revenues for fiscal year 2007 and for the 5-year period of fiscal years 2007 through 2011. This report is necessary to facilitate the application of sections 302 and 311 of the Congressional Budget Act and sections 401 and 501 of H. Con. Res. 376, which is currently in effect as a concurrent resolution on the budget in the House under H. Res. 818. This status report is current through September 1, 2006.

The term "current level" refers to the amounts of spending and revenues estimated for each fiscal year based on laws enacted or awaiting the President's signature.

The first table in the report compares the current levels of total budget authority, outlays, and revenues with the aggregate levels set by H. Con. Res. 376. This comparison is needed to enforce section 311(a) of the Budget Act, which creates a point of order against measures that would breach the budget resolution's aggregate levels. The table does not show budget authority and outlays for years after fiscal year 2007 because appropriations for those years have not yet been considered.

The second table compares the current levels of budget authority and outlays for discretionary action by each authorizing committee with the "section 302(a)" allocations made under H. Con. Res. 376 for fiscal year 2007 and fiscal years 2007 through 2011. "Discretionary action" refers to legislation enacted after the adoption of the budget resolution. This comparison is needed to enforce section 302(f) of the Budget Act, which creates a point of order against measures that would breach the section 302(a) discretionary action allocation of new budget authority for the committee that reported the measure. It is also needed to implement section 311(b), which exempts committees that comply with their allocations from the point of order under section 311(a).

The third table compares the current levels of discretionary appropriations for fiscal year 2007 with the "section 302(b)" suballocations of discretionary budget authority and outlays among Appropriations subcommittees. The comparison is also needed to enforce section 302(f) of the Budget Act because the point of order under that section equally applies to measures that would breach the applicable section 302(b) suballocation.

The fourth table gives the current level for 2008 of accounts identified for advance appropriations under section 401 of H. Con. Res. 376. This list is needed to enforce section 401 of the budget resolution, which creates a point of order against appropriation bills that contain advance appropriations that are: (i) not identified in the statement of managers or (ii) would cause the aggregate amount of such appropriations to exceed the level specified in the resolution.

The fifth table provides the current level of the nondefense reserve fund for emergencies established by section 501 of H. Con. Res 376. The table is required by section 505 of the budget resolution, and is needed to determine whether an increase in the reserve fund, allocations and aggregates will be necessary for any pending legislation that contains emergency-designated discretionary budget authority.

REPORT TO THE SPEAKER FROM THE COMMITTEE ON THE BUDGET—STATUS OF THE FISCAL YEAR 2007 CONGRESSIONAL BUDGET ADOPTED IN HOUSE CONFERENCE RESOLUTION 376

[Reflecting Action Completed as of September 1, 2006—On-budget amounts, in millions of dollars]

	Fiscal years—	
	2007	2007–2011
Appropriate Level:		
Budget Authority	2,283,029	(1)
Outlays	2,325,998	(1)
Revenues	1,780,666	10,039,909
Current Level:		
Budget Authority	1,376,976	(1)
Outlays	1,712,503	(1)
Revenues	1,787,468	10,182,129
Current Level over (+) / under (−) Appropriate Level:		
Budget Authority	−906,053	(1)
Outlays	−613,495	(1)
Revenues	6,802	142,220

[1] Not applicable because annual appropriations Acts for fiscal years 2008 through 2011 will not be considered until future sessions of Congress.

BUDGET AUTHORITY

Enactment of measures providing new budget authority for FY 2007 in excess of $906,053,000,000 (if not already included in the current level estimate) would cause FY 2007 budget authority to exceed the appropriate level set by H. Con. Res. 376.

OUTLAYS

Enactment of measures providing new outlays for FY 2007 in excess of $613,495,000,000 (if not already included in the current level estimate) would cause FY 2007 outlays to exceed the appropriate level set by H. Con. Res. 376.

REVENUES

Enactment of measures that would reduce revenue for FY 2007 in excess of $6,802,000,000 (if not already included in the current level estimate) would cause revenues to fall below the appropriate level set by H. Con. Res. 376.

Enactment of measures resulting in revenue reduction for the period of fiscal years 2007 through 2011 in excess of $142,220,000,000 (if not already included in the current level estimate) would cause revenues to fall below the appropriate levels set by H. Con. Res. 376.

DIRECT SPENDING LEGISLATION—COMPARISON OF CURRENT LEVEL WITH AUTHORIZING COMMITTEE 302(a) ALLOCATIONS FOR DISCRETIONARY ACTION, REFLECTING ACTION COMPLETED AS OF SEPTEMBER 1, 2006

[Fiscal years, in millions of dollars]

House Committee	2007		2007–2011 Total	
	BA	Outlays	BA	Outlays
Agriculture:				
Allocation	0	0	0	0
Current Level	0	0	0	0
Difference	0	0	0	0
Armed Services:				
Allocation	45	45	45	45
Current Level	0	0	0	0
Difference	−45	−45	−45	−45
Education and the Workforce:				
Allocation	0	1	0	30
Current Level	16	119	178	−1,733
Difference	16	118	178	−1,763
Energy and Commerce:				
Allocation	0	0	0	0
Current Level	0	0	0	0
Difference	0	0	0	0
Financial Services:				
Allocation	0	0	2	2
Current Level	0	0	−3	−3
Difference	0	0	−5	−5
Government Reform:				
Allocation	0	0	0	0
Current Level	0	0	0	0
Difference	0	0	0	0
House Administration:				
Allocation	0	0	0	0
Current Level	0	0	0	0
Difference	0	0	0	0
Homeland Security:				
Allocation	0	0	0	0
Current Level	0	0	0	0
Difference	0	0	0	0
International Relations:				
Allocation	1	1	5	5
Current Level	0	−5	0	−12
Difference	−1	−6	−5	−17
Judiciary:				
Allocation	19	16	116	113
Current Level	0	0	0	0
Difference	−19	−16	−116	−113
Resources:				
Allocation	0	0	6	6
Current Level	0	0	0	0
Difference	0	0	−6	−6
Science:				
Allocation	0	0	0	0
Current Level	0	0	0	0
Difference	0	0	0	0
Small Business:				
Allocation	0	0	0	0
Current Level	0	0	0	0
Difference	0	0	0	0
Transportation and Infrastructure:				
Allocation	13	13	22	22
Current Level	0	−3	−4	−19
Difference	−13	−16	−26	−41
Veterans' Affairs:				
Allocation	0	0	0	0
Current Level	−3	−3	0	0
Difference	−3	−3	0	0
Ways and Means:				
Allocation	0	0	0	0
Current Level	0	1	−4	−3
Difference	0	1	−4	−3

DISCRETIONARY APPROPRIATIONS FOR FISCAL YEAR 2007—COMPARISON OF CURRENT LEVEL WITH APPROPRIATIONS COMMITTEE 302(a) ALLOCATION AND APPROPRIATIONS SUBCOMMITTEE 302(b) SUBALLOCATIONS

[In millions of dollars]

Appropriations Subcommittee	302(b) suballocations as of June 6, 2006 (H. Rpt. 109–488)		Current level reflecting action completed as of September 1, 2006		Current level minus suballocations	
	BA	OT	BA	OT	BA	OT
Agriculture, Rural Development, FDA	17,812	19,497	7	5,827	−17,805	−13,670

DISCRETIONARY APPROPRIATIONS FOR FISCAL YEAR 2007—COMPARISON OF CURRENT LEVEL WITH APPROPRIATIONS COMMITTEE 302(a) ALLOCATION AND APPROPRIATIONS SUBCOMMITTEE 302(b) SUBALLOCATIONS—Continued

[In millions of dollars]

Appropriations Subcommittee	302(b) suballocations as of June 6, 2006 (H. Rpt. 109–488)		Current level reflecting action completed as of September 1, 2006		Current level minus suballocations	
	BA	OT	BA	OT	BA	OT
Defense	377,357	393,165	42	142,855	−377,315	−250,310
Energy & Water Development	30,017	31,411	0	12,624	−30,017	−18,787
Foreign Operations	21,300	23,441	0	14,607	−21,300	−8,834
Homeland Security	32,080	38,711	0	19,234	−32,080	−19,477
Interior-Environment	25,889	26,902	0	10,660	−25,889	−16,242
Labor, HHS & Education	141,930	145,631	19,168	100,082	−122,762	−45,549
Legislative Branch	4,030	4,013	0	622	−4,030	−3,391
Military Quality of Life-Veterans Affairs	94,705	88,728	−2,329	18,768	−97,034	−69,960
Science-State-Justice-Commerce	59,839	62,143	0	23,536	−59,839	−38,607
Transportation-Treasury-HUD-Judiciary-DC	67,819	130,069	4,273	75,894	−63,546	−54,175
Unassigned	0	0	0	0	0	0
Total (Section 302(a) Allocation)	872,778	963,711	21,161	424,709	−851,617	−539,002

Statement of FY2008 advance appropriations under section 401 of House Concurrent Resolution 376, reflecting action completed as of September 1, 2006

	Budget Authority
Appropriate Level	23,565
Current Level:	
Elk Hills	0
Corporation for Public Broadcasting	0
Employment and Training Administration	0
Education for the Disadvantaged	0
School Improvement	0
Children and Family Services (Head Start)	0
Special Education	0
Vocational and Adult Education	0
Transportation (highway, transit, Farley Building)	0
Payment to Postal Service	0
Section 8 Renewals	0
Total	0
Current Level over (+) / under (-) Appropriate Level	−23,565

Statement of nondefense reserve fund for emergencies under section 501 of House Concurrent Resolution 376, discretionary budget authority for FY2007 reflecting action completed as of September 1, 2006

[In millions of dollars]

	Budget Authority
Appropriate Level	6,450
Current Level	0
Current Level over (+) / under (−) Appropriate Level	−6,450

U.S. CONGRESS,
CONGRESSIONAL BUDGET OFFICE,
Washington, DC, September 7, 2006.

Hon. JIM NUSSLE,
Chairman, Committee on the Budget, House of Representatives, Washington, DC.

DEAR MR. CHAIRMAN: The enclosed report shows the effects of Congressional action on the fiscal year 2007 budget and is current through September 1, 2006. This report is submitted under section 308(b) and in aid of section 311 of the Congressional Budget Act, as amended.

The estimates of budget authority, outlays, and revenues are consistent with the technical and economic assumptions of H. Con. Res. 376, the Concurrent Resolution on the Budget for Fiscal Year 2007, as approved by the House of Representatives. Although the House and the Senate have not reached agreement on a concurrent budget resolution for 2007, H. Con. Res. 376 has the force and effect in the House for all purposes of the Congressional Budget Act of 1974 as though adopted by the Congress pursuant to House Resolution 818.

Pursuant to section 402 of H. Con. Res. 95, the Concurrent Resolution on the Budget for Fiscal Year 2006, provisions designated as emergency requirements are exempt from enforcement of the budget resolution. As a result, the enclosed current level report excludes the exempt amounts that affect 2007 spending (see footnote 2 of the report).

Since my last letter, dated June 28, the Congress has cleared and the President has signed the following acts that affect budget authority, outlays, or revenues for fiscal year 2007:

The Coast Guard and Maritime Transportation Act of 2006 (Public Law 109–241);

The Returned Americans Protection Act of 2006 (Public Law 109–250);

An act approving the renewal of import restrictions contained in the Burmese Freedom Democracy Act of 2003 (Public Law 109–251);

An act to provide funding authority to facilitate the evacuation of persons from Lebanon (Public Law 109–268); and

The Pension Protection Act of 2006 (Public Law 109–280).

In addition, corrections have been made to the final scoring for both the Native American Technical Corrections Act of 2006 (Public Law 109–221) and the Mine Improvement and New Emergency Response Act of 2006 (Public Law 109–236). These corrections resulted in an $11 million increase and a $4 million increase in revenues, respectively.

Sincerely,

DONALD B. MARRON,
Acting Director.

Enclosure.

FISCAL YEAR 2007 HOUSE CURRENT LEVEL REPORT AS OF SEPTEMBER 1, 2006

[In millions of dollars]

	Budget authority	Outlays	Revenues
Enacted in previous sessions:[1]			
Revenues	n.a	n.a	1,819,599
Permanents and other spending legislation	1,355,241	1,303,587	n.a.
Appropriation legislation	0	409,185	n.a.
Offsetting receipts	−549,710	−549,710	n.a.
Total, enacted in previous sessions:	805,531	1,163,062	1,819,599
Enacted this session:			
An act to make available funds included in the Deficit Reduction Act of 2005 for the Low-Income Home Energy Assistance Program for fiscal year 2006 (P.L. 109–204)	−1,000	−520	0
Native American Technical Corrections Act of 2006 (P.L. 109–221)	11	11	11
Tax Increase Prevention and Reconciliation Act of 2005 (P.L. 109–222)	0	0	−32,674
Heroes Earned Retirement Opportunities Act (P.L. 109–227)	0	0	−4
Veterans' Housing Opportunity and Benefits Improvement Act of 2006 (P.L. 109–233)	−3	−3	0
Emergency Supplemental Appropriations Act for Defense, the Global War on Terror, and Hurricane Recovery, 2006 (P.L. 109–234)[2]	0	388	168
Broadcast Decency Enforcement Act of 2005 (P.L. 109–235)	0	0	1
Mine Improvement and New Emergency Response Act of 2006 (P.L. 109–236)	1	0	5
Coast Guard and Maritime Transportation Act of 2006 (P.L. 109–241)	0	−3	0
Returned Americans Protection Act of 2006 (P.L. 109–250)	0	1	0
An act approving the renewal of import restrictions contained in the Burmese Freedom Democracy Act of 2003 (P.L. 109–251)	0	0	−1
An act to provide funding authority to facilitate the evacuation of persons from Lebanon (P.L. 109–268)	0	−5	0
Pension Protection Act of 2006 (P.L. 109–280)	15	119	363
Total, enacted this session:	−976	−12	−32,131
Entitlements and mandatories:			
Budget resolution estimates of appropriated entitlements and other mandatory programs not yet enacted	572,421	549,453	n.a.
Total Current Level[2 3]	1,376,976	1,712,503	1,787,468
Total Budget Resolution	2,283,029	2,325,998	1,780,666
Current Level Over Budget Resolution	n.a	n.a	6,802
Current Level Under Budget Resolution	906,053	613,495	n.a.
Memorandum:			
Revenues, 2007–2011:			
House Current Level	n.a	n.a	10,182,129
House Budget Resolution	n.a	n.a	10,039,909
Current Level Over Budget Resolution	n.a	n.a	142,220
Current Level Under Budget Resolution	n.a	n.a	n.a

1. The effects of the Deficit Reduction Act of 2005 (P.L. 109–171) and the Federal Deposit Insurance Reform Conforming Amendments Act of 2005 (P.L. 109–173) are included in this section of the table, consistent with the budget resolution assumptions. In addition, the scoring for the Deficit Reduction Act of 2005 includes savings from corrections to two provisions (in sections 8006 and 10002) not yet enacted, consistent with the budget resolution assumptions.

2. Pursuant to section 402 of H. Con. Res. 95, the Concurrent Resolution on the Budget for Fiscal Year 2006, provisions designated as emergency requirements are exempt from enforcement of the budget resolution. As a result, the current-level totals exclude $48 million in budget authority for 2007 and $39,461 million in outlays for 2007 from the Emergency Supplemental Appropriations Act for Defense, the Global War on Terror, and Hurricane Recovery, 2006 (P.L. 109–234).

3. Excludes administrative expenses of the Social Security Administration, which are off-budget.

Source: Congressional Budget Office.

Notes: n.a.=not applicable; P.L.=Public Law.

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from New Jersey (Mr. PALLONE) is recognized for 5 minutes.

(Mr. PALLONE addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from California (Mr. SCHIFF) is recognized for 5 minutes.

(Mr. SCHIFF addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

IRAQ WATCH

The SPEAKER pro tempore. Under the Speaker's announced policy of January 4, 2005, the gentleman from Connecticut (Mr. LARSON) is recognized for 60 minutes as the designee of the minority leader.

Mr. LARSON of Connecticut. Mr. Speaker, I rise this evening as we come to the floor again as part of what we have come to call our Iraq Watch, and I am grateful that we are joined by several colleagues this evening, Mr. BISHOP from New York, Mr. MCDERMOTT from Washington State, and others that will be joining us throughout this early part of the evening.

Now, let me start, as we always have, by recognizing the valiant service of the men and women who wear the uniform. And as our leader Ms. PELOSI often says, our men and women who wear the uniform deserve a leadership that is worthy of the sacrifice that they make on a daily basis. I am proud of this Congress, inasmuch as it has been able to distinguish the warriors from the war, and so we continue to honor those brave men and women who wear the uniform of this country and who sacrifice daily on our behalf.

And yet, as events unfold around the globe, but specifically in the Middle East as it relates to Iraq, what we find is even amongst those who initially favored the war, such as pundits like Thomas Friedman, who now have come to say that we have got to come to the realization that we are no longer midwifing democracy in Iraq but, in essence, babysitting an insurgent civil war. So this evening we come here to discuss Iraq from the context of the mistakes that have been made and the need for accountability, starting with the resignation of the Secretary of Defense.

At some point, somewhere along the line, there has got to be accountability for the actions that have transpired in Iraq. We were wrong about the information that led up to going into the war. In fact, the strongest critics against us going into the war were people such as Scowcroft, Eagleburger, Kissinger and Baker, hardly left-leaning liberals, but people who understood international policy and the severe consequences that would result if we ended up going into Iraq without the full support of the world. And so Americans everywhere kind of have to scratch their heads and say, how is it that we had the entire world with us when we invaded Afghanistan and end up virtually with no support in Iraq.

It is clear from discussions with policymakers and former generals that a series of mistakes have been made, not the least of which was going against our own national policy, the Weinberger Doctrine, which stated very clearly the United States should never go to war against another country unless its vital interests are threatened; and the Powell corollary to that, if we do go in, we should go in with overwhelming force.

In both cases, that doctrine and corollary were rejected in favor of the doctrine of preemption and unilateralism, which has left our allies looking at us as we twist slowly in the winds of Iraq, as Friedman says, babysitting an insurrection and civil war while our most precious of resources, our men and women who serve this country, are in harm's way.

We need a new direction. We ought to send a very clear signal to the world, to the people in this country that it is time for accountability; that it is time to say that mistakes were made and then move on. And we can start with Defense Secretary Rumsfeld stepping down, as he should.

The head of the 9/11 Commission has indicated to both Republicans and Democrats alike that we need to continue to adopt those resolutions and recommendations that they have found in their studies, 20 of which still aren't implemented, which is over half. And so in order to prosecute the war on terror, we have got to be able to accomplish those goals. But without a Congress that wants to hold the President accountable, that is not going to happen.

A gentleman that has been doing just that and speaking out in his district has been TIM BISHOP of New York, and at this time, I would like to yield to him.

Mr. BISHOP of New York. I thank my friend from Connecticut for yielding, and I also thank him for his ongoing leadership on this and so many other issues of importance here in our Congress.

Let me just pick up on a few comments that were made with respect to oversight and accountability. And I find it particularly ironic, when one studies the tragic history of our involvement in Iraq, and whether it begins with the misuse of prewar intelligence or whether it begins in effect with the reasons that we were given for going to war, none of which turned out to be accurate, all of which turned out really to be more about marketing a war than about a real threat that imperiled our safety and security, that we are now being told by these very same people that have led us so far astray, that have so weakened our Nation and so exposed us to a war on terror that we must fight much more vigilantly than we have thus far; we are now being told that these are the people that we must continue to keep in leadership positions in order to keep us free and safe. And, in fact, it is their very leadership, and I am speaking specifically about the Secretary of Defense and other civilian leaders in the Pentagon, that have led us so far astray.

When you chronicle the mistakes that were made in Iraq, we best-cased the result of our involvement in Iraq and we worst-cased the threat that was there. We invaded with too few troops. We have certainly sufficient troops to overthrow a regime that spent a fraction on defense relative to what we spend on defense, but we invaded with too few troops to secure the peace. We failed to secure the borders. We failed to secure ammo dumps. We failed to see to it that our troops were properly equipped and outfitted, and that was because the leadership of the Pentagon refused to accept the warnings that had been given by so many different experts in this area, that we weren't going to be welcomed with open arms, that we weren't going to be treated as conquering heroes and liberators, but in fact we were going to be viewed as occupiers and invaders.

But our troops arrived with insufficient body armor, with insufficiently armored vehicles because this insurgency was not recognized or anticipated. And yet we have these very same people telling us that they are the ones that are going to keep us safe.

□ 1630

I will just say one other thing, and then yield back. I think this is an administration that specializes in giving us false choices. We are now being presented with the latest false choice, and that is that those of us who do not support the ''stay the course'' in Iraq can be accused of wanting to abandon the war on terror.

Nothing could be further from the truth. There is not a soul on our side of the aisle that would advocate abandoning the war on terror. Everyone on our side of the aisle would advocate continuing to wage that war, but to wage it with the full resources of this Nation and to wage it much more intelligently than we have thus far.

The sad truth about our involvement in Iraq is that it has stripped us of the resources that we need to wage the war on terror. It is why Osama bin Laden remains at large 5 years after September 11, and it is why al Qaeda remains as powerful as it is.

Mr. LARSON of Connecticut. If the gentleman will let me ask a question, knowing you are from New York and knowing specifically you are from Long Island, and, of course, with a solemn date approaching us of September 11, do most citizens in New York understand, in your estimation, the difference between the war on global terrorism and the war in Iraq and see

them as different subject matters, or, as IKE SKELTON on the Armed Services Committee has been so nobly trying to demonstrate, the difference between the insurrection and civil war in Iraq and the war on terror? Or has the administration's attempts to blur the lines confused people? What is the sense of New Yorkers?

Mr. BISHOP of New York. My sense is that New Yorkers have not been fooled. My sense is that New Yorkers, and there is hardly a New Yorker who did not lose a loved one or did not lose a friend in the Twin Towers, most New Yorkers recognize that we are fighting two separate and distinct wars, despite, as you say, the administration's efforts to blur the distinction and to cojoin them in an effort to justify something that the vast majority of Americans now recognize was a tragic mistake.

When I go around my district, one of the questions I ask people is do they feel safer today, in August of 2006, than they did on September 12, 2001, and the answer overwhelmingly is no. The answer overwhelmingly is no.

I think most people recognize in my district, and I am grateful for this, that the war in Iraq, which was purportedly to make us safe, make us more safe, has in fact imperiled us beyond where we were the day we invaded.

I think that that is an important recognition and an important distinction for those of us who recognize the distinction needs to continue to be made.

Mr. LARSON of Connecticut. We have been joined by the gentleman from Massachusetts. I think for a number of our listeners, really the whole idea for coming to this floor came from BILL DELAHUNT. The idea really wasn't hatched here on the floor of the House of Representatives. It was an idea that was hatched in town hall meetings in Nantucket and on the Cape that BILL DELAHUNT held. He encouraged other Members, including myself, who had them in West Hartford and Manchester, Connecticut, and from there, because our voices were muffled. Or if you spoke out against the war, you were deemed unpatriotic. But it was because of his efforts in organizing an Iraq Watch that this has persisted and the truth has been able to continue to come out with regard to our involvement.

At this time I yield to the gentleman from Massachusetts, the founder of this great movement.

Mr. DELAHUNT. I thank the gentleman for yielding. I think, tragically, and I mean this sincerely, tragically those of us who spoke out early against the invasion in Iraq, because we believed that there was not significant evidence which established that Iraq was a clear and present danger to the United States and our allies, we have been proven to be correct.

TIM BISHOP, our colleague from New York, used the term ''abandoned.'' Accusations have been made that some who have criticized the competence and the rationale of this administration regarding Iraq have ''abandoned'' the war on terror. That is patently false. That is untrue. There is no relationship between the war against terrorism and the war in Iraq.

Now, let me put forth a hypothesis: this administration abandoned the war against terror in a very real way when we were distracted by the neoconservative vision of invading Iraq, because the consequence of the invasion of Iraq was in a large degree the diversion of those assets and initiatives that were necessary to secure Afghanistan, where al Qaeda had been harbored, where al Qaeda thrived, and where there was an opportunity to apprehend Osama bin Laden.

But, no, we were more interested in Saddam Hussein, who was an archenemy of Osama bin Laden. Osama bin Laden considered Saddam Hussein an apostate, an infidel, an enemy of his version, his perverted version, of Islam. In fact, in 1994, it was Osama bin Laden who approached the Saudi royal family and suggested they combine forces and depose Saddam Hussein because he was an apostate; he was a defiler of Islam.

So what do we have today? We have a situation in Afghanistan where the headlines now read: ''A Resurgence of the Taliban.'' That government that harbored and gave support to Osama bin Laden and al Qaeda, they are coming back. Another headline in the past 2 days, the British general who heads the NATO deployment in Afghanistan made this plea: ''I need more troops or we will lose Afghanistan.''

So who abandoned the war on terror? Who abandoned the war on terror? Do not confuse the war in Iraq and the war on terror. We all have an obligation to educate ourselves about the differences, the nuances, the realities on the ground. This is too important. This is about our future, and this is about the future of American generations far into the next decades.

I know my colleague from Maryland who has joined us, CHRIS VAN HOLLEN, has a specific interest in Afghanistan. What is happening today in Afghanistan is a disgraceful example of the incompetence and the legacy of this administration's policy by going into Iraq.

And what have we achieved? We have achieved a resurgence of the Taliban and other terrorist elements in Afghanistan. By the way, what else we have achieved is we have created a new superpower in the region, Iran. Because while we are standing here discussing among ourselves this region in the world, let it be very clear to the American people that there is an emerging warm relationship between Iran and the new government in Iraq. Do your homework, and you will discover that there is a bilateral military cooperation agreement that exists today between Iraq and Iran.

Mr. LARSON of Connecticut. I would like to ask the gentleman a question: What you are telling me and you are telling our viewing audience this evening, you voted, and I believe the vote was near unanimous in the House of Representatives and the Senate, to invade Afghanistan in Operation Enduring Freedom; is that correct?

Mr. DELAHUNT. I voted, and, again, with one exception out of 435 Members, there was a unanimous vote here in this Chamber, bipartisan, Republicans and Democrats and Independent, to go to Afghanistan and destroy al Qaeda and find Osama bin Laden and apprehend him.

Mr. LARSON of Connecticut. Was not the rest of the world united in that effort with the United States?

Mr. DELAHUNT. I have this vivid memory of the day after 9/11, a headline that appeared in the paper of record in France that said: ''We Are All Americans Today.'' We had support in every corner of the world for what we were doing. We would have succeeded in the war on terror by now. But, no. But, no. We invaded Iraq, and clearly that has created implications for our national security.

If I may just for one moment, and I am not alone when I say this, it is interesting, today in the Wall Street Journal a former Republican Speaker of the House of Representatives, Newt Gingrich of Georgia, who succeeded in securing a majority for the Republican Party in this House in 1994, was quoted. Remember, this is a Republican, a leader. The speculation is that he is considering running for the Presidency in 2008.

This is what Newt Gingrich had to say. Just consider the following: ''Osama bin Laden is still at large.'' I agree. ''Afghanistan is still insecure.'' I would suggest that it is unraveling. ''Iraq is still violent.'' 3,000 deaths a month. ''North Korea and Iran are still building nuclear weapons and missiles. Terrorist recruiting is still occurring in the United States, Canada, Great Britain and across the planet.''

Those are Newt Gingrich's words, today, in the Wall Street Journal.

Mr. LARSON of Connecticut. So how is it then, given all that you have said, that with the world behind us in support of Operation Enduring Freedom, that we would, if you will excuse the phrase, why did we ''cut and run'' in Afghanistan and then focus on Iraq?

As the gentleman from New York pointed out, people are able to distinguish between the enemy who actually knocked down the Twin Towers in New York, struck the Pentagon, and, as Tim Roemer pointed out yesterday, were it not for those brave souls on Flight 93, would have hit this Capitol. How did we go from the whole world being behind us, abandoning what has become, as Mr. VAN HOLLEN often points out, the forgotten front in Afghanistan, take our eye off the prize and expend the amount of money, and, most importantly, our most precious resource, our men and women who serve this country in Iraq?

□ 1645

Mr. DELAHUNT. Well, if one reviews the memoir of Paul O'Neill, former Republican Secretary of the Treasury, who served in this Bush administration for 2 years, and in that capacity was a member of the National Security Council, you will discover that he was as surprised as anyone when 10 days after this President was inaugurated at a National Security Council meeting, there was a discussion about Iraq and the need to remove Saddam Hussein who, about 6 weeks later on February 22 of 2001, months before 9/11, there was a meeting when Secretary Rumsfeld had a map of the oil fields in Iraq spread out on a table.

The discussion, it was prepared by the Defense Intelligence Agency, and there was a discussion about how those oil fields would be divvied up between nations and various big oil companies.

Mr. VAN HOLLEN. Thank you, Mr. DELAHUNT, and thank you, Mr. LARSON, and others who are gathered here to talk about these very important national security questions. As you pointed out, Mr. DELAHUNT and Mr. LARSON, we have taken our eye off the ball here. As we approach the terrible fifth anniversary of the tragic attacks of 2001, September 11, it is important to remember that the attacks upon our homeland were launched by al Qaeda from Afghanistan and had nothing to do with Iraq, nothing to do with Iraq.

Yet here, as we gather 5 years later, we have not finished the job in Afghanistan. We have not finished the job against al Qaeda. Indeed, the situation is now getting worse today than it was a year ago and even a year before that.

Now, the President has said in the last 10 days that he wants to have a national conversation about Iraq and national security, and he has delivered a number of speeches. But when you listen to what he has had to say, it is clear that unfortunately once again he is not interested in the national conversation. Conversation implies a give and take, a dialogue, an exchange of views.

But when you listen to the President, on the one hand he lays out his idea of what he wants to go forward and then engages in finger-pointing and name calling of anybody who disagrees with him. Secretary Rumsfeld and Vice President CHENEY have gone around this country engaging in name calling and finger-pointing against anyone who disagrees with them.

They got all the answers, they tell us. You know what? For years and years they have gotten away with that by the majority in this Congress. The Republican majority in this Congress has essentially said, yes, you two have all the answers, and we are going to write you a blank check, and we are not going to ask you the hard questions.

Well, I am glad the President wants to have a big national conversation. Let's make this a real conversation on national security. I say, let's have it, because I think when the American people look at the facts on the ground, and the fact that this administration has made our world and our country a much more dangerous place than it otherwise had to be, that people will ask questions about whose judgment is best in these matters.

Let us just think back to May 2003 aboard the aircraft carrier USS *Lincoln*. The President gave a speech with a big banner behind him, ''mission accomplished,'' mission accomplished. That was May 2003, more than 3 years ago. We haven't finished the mission in Afghanistan, and we have got a mess on our hands in Iraq.

Let us just think back to more than a year ago. Vice President CHENEY said that the insurgency in Iraq was in its, quote, final throes, the last gasp.

Well, we just had a Pentagon report come out a few days ago. Here is what they had to say about that. In addition to a budding civil war or a civil war, they say the Sunni-based insurgency remains, quote, potent and viable.

For years now Secretary Rumsfeld has been giving us these sorts of rosy scenarios about what would happen in Iraq, and he has been proven wrong again and again and again.

So when the President and his people say to the American people, we have got all the answers, I think the American people get it now that they don't have all the answers. We need to have this debate and this discussion.

Let me just quickly go back to the issue of Afghanistan, because the world was with us. We were united as a Nation, we were united as a NATO alliance, and we were united as an international community. The United Nations unanimously passed a resolution saying they were with the United States in its war on terror and its war on al Qaeda.

Yet, today, al Qaeda is still active, they are still plotting, they are still trying to do harm to Americans and others around the world. Yet, if you look at what is happening in Afghanistan right now, we have got to be concerned. The United States is not doing all that it should in Afghanistan. The major resurgence has occurred in the southern part of Afghanistan. That has been the stronghold for the Taliban. Yet we have reduced, reduced, the number of U.S. forces in southern Afghanistan.

Second, we, the Bush administration, disbanded the only unit within the CIA whose specific mission was to go after al Qaeda. They said, we don't need it anymore. That's what they said about a month ago. That was before the President again quoted Osama bin Laden a few days ago in one of his speeches for why we still need to be concerned. Well, we should be concerned. That is why what we are doing in Afghanistan has not made sense.

Third, we just learned the other day that the opium production in Afghanistan is at an all-time record, all-time record. We know that the funds from those sales of those drugs are being used to fuel al Qaeda and the Taliban.

Finally, finally, we just learned yesterday of this agreement now between the Government of Pakistan, General Musharraf, has entered into this agreement with the pro-Taliban militia, and the agreement says we, the Pakistan military, will now take a hands-off posture along the northwest frontier, that was the Waziristan part of Pakistan where the Taliban have regrouped and where al Qaeda has regrouped and what they have used to launch attacks into Afghanistan.

Now Musharraf is saying, no, that is not what he meant. But it is very clear he has essentially said Pakistan military isn't coming after you anymore, you Taliban who are in that part of Pakistan. We have a hands-off policy. That is simply a signal to them that they can now more freely operate to try to step up their attacks in Afghanistan, that they can continue to collaborate with al Qaeda.

So here we are, here we are coming up on the fifth anniversary of those tragic attacks launched from Afghanistan by al Qaeda because they were given safe haven by the Taliban, and we haven't finished the job, and we have reduced the amount of resources that we are committing to completing the mission. Mission accomplished, nowhere near it.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. The Chair would remind all Members to refrain from engaging in personalities toward the President and Vice President.

The gentleman from Connecticut may resume.

Mr. LARSON of Connecticut. Thank you, Mr. Speaker. The President has asked to engage, and the gentleman made several good points and one of them was about a new dialogue, long overdue, and I think welcomed by the American people. But as the gentleman from Maryland points out, a one-way street.

Certainly no one knows better than the gentleman from Washington State. No one was vilified more, both on this floor and in public, because of love of country and speaking out, than JIM MCDERMOTT.

I recognize the gentleman from Washington State.

Mr. MCDERMOTT. Thank you very much. As I sit here and I listen to this today, I think about the Katrina event. You saw the President go down and throw his arm around the guy who was fixing Katrina. He said, Good job, Brownie. I mean, that has become a laughingstock.

Well, this President has done the same thing with Rumsfeld. Beginning in 2004, when Abu Ghraib came out, the President showed up and said the Secretary is doing a great job, right? This will not change as long as the President keeps Rumsfeld in that job, because Rumsfeld is the controlling power behind it all.

As long as the President puts him out there and let's him run, you are going

to continue to have this stuff. Rumsfeld went to Iraq in July while we were on vacation, right at the end, and they found the bodies of 20 kidnapped and murdered bus drivers the day he arrived. A bomber blew himself up and killed seven people. The Secretary of Defense made what I consider to be an interesting statement in response to that. He said, each time I come to Iraq, I see progress.

Now, no one who has any kind of realistic view of this could say that kind of thing. You could not be watching what is going on, when it is to our troops who are dying, or the wounded who are coming home, or the thousands of Iraqis who are being killed and say, I see progress. There is simply, you have got your military people talking about the fact that it is coming apart, you had Rumsfeld this week say to some National Guardsmen from California, no, you can't go home, I know your enlistment is up, but you have got to stay here for another 120 days.

We are going to send you into Baghdad to calm things down. It is a mess, and it has been a mess from the start because Rumsfeld would never listen. Like the President, he wouldn't listen. General Shinseki came in and said, you are going to need 300,000 troops. Rumsfeld said, you don't know what you are saying, you are out of here. Here is your retirement. Get out of here.

That is the response to anybody who comes into this administration and talks. Unless the President will dump Rumsfeld, you are not going to get any change in the policy. What is the alternative to the people of this country? The only alternative they have is on election day to take the gavel away from the Republican majority so that we can have hearings run by Democrats where some questions will be asked, where there will be some accountability so that things will begin to come up into the public view.

We have never found out what Halliburton's contracts are all about. We haven't found out who is responsible for Abu Ghraib. No, there isn't a soldier or a sailor or a marine or anyone near the military.

Mr. LARSON of Connecticut. Is the gentleman suggesting that the more than $9 billion that is unaccounted for, that this Congress actually ought to go and find out what happened with those no-bid contracts, $9 billion?

Mr. McDERMOTT. Only if you care about taxpayer money. I mean, the examples are so bald and so bad that it is almost laughable if it wasn't what was going on today and it was taking us down the wrong trail.

What has been said here today is, I was reading the Middle Eastern papers today, everybody says that half of Afghanistan is now under control of the Taliban. That is universal in the press.

The British general there is saying we are losing this thing; he is worried. We will not get a change unless we get some hard questions asked. We are never going to get them from the Republicans because they are going to rubber-stamp what Mr. Bush and Mr. Rumsfeld and all the rest of that bunch put together. I personally think this election is the most important election we have had in my lifetime.

□ 1700

You say to yourself maybe I am getting old or something, but I went through Vietnam, and I went through a whole bunch of things. But this one, if we have 2 more years of ''stay the course,'' God knows where we are going to be economically and militarily and politically and diplomatically in the world. We have got to get some change, and Rumsfeld would be a start. There are some other people that should go, but if the President can't see that Rumsfeld cannot handle it; he threw out Paul O'Neill as the Secretary of the Treasury, and he threw out some other people, Colin Powell and some others went down the road, but he keeps the guy who got us in the mess because it means he would have to admit that he made a huge mistake, and he can't do it. He can't do it, and that is the biggest problem he has.

As politicians, sometimes you have to say, ''I was wrong. I made a mistake.''

Mr. LARSON of Connecticut. The gentleman from Maine who has been to the floor several times to talk about this very subject recently traveled to New Orleans also where he traveled with the Army Corps of Engineers where he saw firsthand what was going on there. As the gentleman from Washington states, one of the many salient points he made is the lack of accountability and the corollary between what has happened here domestically with Hurricane Katrina and Iraq.

I yield to the gentleman from Maine (Mr. ALLEN).

Mr. ALLEN. I thank you all for the opportunity to be here and discuss some of these important issues that we don't get to do during any debate on resolutions or legislation. These are among the most important issues we deal with.

I was down in New Orleans and in the gulf coast of Mississippi where the incompetence of this administration was on display for everyone to see. The same incompetence is on display with respect to the problems we have created in Iraq. And I say ''created'' because I do believe that in many ways this administration has created more problems in the Middle East than they have solved.

I agree with the gentleman from Washington that a good part of this has to do with the inadequate leadership at the Department of Defense, but we should never forget that this policy is driven by the President and the Vice President and there is a unanimity of thinking in this administration about the Middle East, the conviction that we could simply force our will on several hundred million people and bend them to become something that we want them to become, regardless of their own intentions.

But I wanted to speak for a minute tonight about how Congress, this Republican Congress, has aided and abetted the administration by giving up its constitutional role of exercising oversight over the executive branch. It is absolutely stunning to me how both the House and the Senate have done everything that they could to rubber stamp administration policies in Iraq and cover up for them.

A few examples, going back to when Democrats controlled the Congress in the 1980s, there was an Oversight Subcommittee on Armed Services, and that oversight subcommittee discovered those $500 hammers and $6,000 toilet seats and put an end to much of that kind of overcharging. But when Republicans took over, they eliminated the Oversight Subcommittee on Armed Services and billions of questionable Halliburton contracts have gone unexamined, unexamined by either Armed Services or by the Intelligence Committee or the Committee on Government Reform.

The minority staff on the Committee on Government Reform has identified over 200 specific misleading statements made by the administration in the run-up to the Iraq war. Over on the Senate side, remember they had Phase II, the Senate Intelligence Committee was going to do a Phase II investigation. What they meant by that was instead of beating up on the intelligence agencies like the CIA themselves, they were going to look at the misuse of intelligence by the administration. That was Phase II of their study.

It hasn't happened. Years have gone by, and the chairman of the committee has said several times, ''We are going to get to that later.'' But they are clearly not going to do it before any election.

In 2005, House Republicans voted down a resolution demanding an investigation of Iraq intelligence. When you look at the House and you look at the Senate, there is no question what this Republican Congress has been doing. Rather than gather information, evidence, that could clarify what has happened in the past and guide us to a better policy in the future, it is all politics all the time and that means protecting the President from being exposed, protecting the Vice President from being exposed, protecting Donald Rumsfeld from being exposed for having not spoken the truth.

So this entire Congress is complicit.

The Senate held a few hearings after Abu Ghraib, but no Senate committee has conducted a comprehensive public probe of the alleged abuses at Guantanamo Bay, Abu Ghraib, Bagram or the secret CIA facilities that the President just acknowledged yesterday.

In the House, the majorities on three House committees voted down resolutions seeking documents about detainee abuse. Democrats have been saying we need the information in order to

do a better job in the future, and Republicans have circled the wagons around the administration and refused to basically allow oversight.

On Iraq reconstruction, you go back to 2003, Donald Rumsfeld's Pentagon awarded a $7 billion sole-source contract to Halliburton for reconstruction. And 3 years later, auditors identified more than $1 billion in questionable and unsupported costs under that contract. A billion dollars in Washington is still real money. If Congress was simply doing its constitutionally mandated function, we would be holding hearings on that. But no, the Republicans are not prepared to investigate Halliburton. Vice President CHENEY was once the CEO of Halliburton, and this is ground we dare not go into, apparently, and yet we have to, to fulfill our constitutional responsibility.

That is what we are basically saying here. This Republican Congress has failed the country. The administration has failed the country. And when Democrats control this chamber again, whether you have a Republican President or a Democratic President, we are going to make sure that this Congress acts like the Congress contemplated in the Constitution and do our jobs.

Mr. LARSON of Connecticut. The gentleman from New York started and began this conversation by talking about what has transpired, and the gentleman from Maryland talked about the President and his calling over the last several days, both he and the Secretary of Defense and the Vice President have been out there, along with the Secretary of State, talking about this new agenda, and I believe the gentleman from New York has some thoughts on that.

Mr. BISHOP of New York. It seems like we are being treated to a late summer/early fall offensive, I would say smoke screen on the part of this administration to convince the American people that we need to stay the course in order to be safe.

Basically what they are doing is they are engaged in defending the indefensible. The only way they can defend a war that the American people have clearly turned against is to present it in a context that makes it appear to be reasonable or defensible, but in fact quite the opposite is the case.

I think all of us as elected officials, we have no more solemn responsibility than to provide for the safety and security of those who have elected us to represent them. But I think a fair-minded person has to look at the record of where this administration has taken this Nation and where this Congress, complicit in the strategies and objectives of this administration, have taken this country.

Every single place you look, it reeks with failure. The 9/11 Commission presented to us 41 carefully crafted bipartisan recommendations. This Congress has only acted on 20 or 21 of them. The 9/11 Commission, again a bipartisan group, has given this administration and this Congress 14 Ds, 5 Fs and 2 incompletes on those recommendations.

Mr. LARSON of Connecticut. What is the Congress's report card again?

Mr. BISHOP of New York. Fourteen Ds, five Fs and two incompletes; and this is a leadership that is going to keep us safe and secure?

Mr. LARSON of Connecticut. And we are approaching the fifth anniversary.

Mr. BISHOP of New York. We are approaching the fifth anniversary, and we have outstanding work on the part of this commission, bipartisan work which is what we ought to be striving for. We ought to be approaching the safety and security of this Nation in a bipartisan way.

Mr. LARSON of Connecticut. Are any of those issues going to be brought to the floor? Those recommendations, those outstanding recommendations, will any of them be brought to the floor before we adjourn for elections?

Mr. BISHOP of Utah. I am not aware of anything on the calendar.

Mr. LARSON of Connecticut. I yield to the gentleman from Massachusetts (Mr. DELAHUNT).

Mr. DELAHUNT. If I can just go back to a point made by Tom Allen. The lack of accountability, the abrogation, if you will, of this body's constitutional responsibility to conduct oversight.

We serve on different committees. I happen to be the senior Democrat, the ranking member, on a subcommittee of International Relations that is entitled Oversight and Investigations. We have not held one serious hearing relative to Iraq in the past 2 years. And I know that, prior to that, for the past 5 years, Iraq has been off the chart in terms of the committee's considerations. You don't talk about it unless there is good news.

What I wanted to do was to bring before the committee, not Secretary Rumsfeld because we have heard enough from him. He is an F. He flunked. But I wanted to bring before the committee the men that lead our military and have served in the course of their service to this country in roles implicating Iraq, in some cases very directly in Iraq.

Not one of these men have ever been invited to any committee in the Congress so that we would have an opportunity to hear what they had to say.

So one by one, they felt compelled to speak out themselves and educate us and the American people as to the truth and the reality of Iraq and the incompetence of this administration and most specifically Donald Rumsfeld.

Let me just review a few.

Lieutenant General Greg Newbold, he is the top operations officer for the Joint Chiefs of Staff. He was involved in the planning. He is Commanding General, First Marine Division, with Legion of Merit, Navy and Marine Corps Commendation Medals. He is a highly decorated, well-respected general. He did not seek a promotion because he felt compelled to leave. Here is what he had to say.

''What we are living with now are the consequences of successive policy failures.'' He said that this year.

Major General Paul Eaton, who was given the responsibility but not the resources to train Iraqi security forces, and we know what a joke that has been, here is what he had to say, ''Two and a half more years of that leadership,'' he was referring to Donald Rumsfeld and the civilian leadership, ''two and a half more years of that leadership was too long for my Nation, for my Army, and for my family.'' What an indictment. What an indictment.

Lieutenant General John Riggs, ''They only need the military advice when it satisfies their agenda.'' When it satisfies their agenda, that is when they would call in a general and say, This is our agenda, what do you think, General?

And then General Wesley Clark, ''They pressed for open warfare before the diplomacy was finished. It was a tragic mistake. It was a strategic blunder.''

□ 1715

Mr. McDERMOTT. We could go on with this for a long time, but we have got Major General John Batiste. He was the commander of the 1st Division in Iraq, and he said: ''Rumsfeld and his team have turned what should have been a deliberate victory in Iraq into a prolonged challenge.'' I mean, that is a guy who was on the ground, who was there when the war was going on.

General Zinni, who was the central command of the whole forces, he served in every level of command, and he said: ''We are paying the price for a lack of credible planning, or the lack of a plan.'' Ten years' worth of planning was thrown away. That is why we are in the mess we are. Because Rumsfeld said we don't need these guys like Zinni, who is my number one guy in the U.S. Central Command. That means he headed everything in the whole area of the Middle East.

Major General Swannack said: ''I do not believe Secretary Rumsfeld is the right person to fight that war based on his absolute failures in managing the war against Saddam in Iraq.'' Now, he was commander of the 82nd Airborne. We all know about the Airborne. We know these are real soldiers. These are people who follow the leader. They do not speak out until they cannot stand it any longer.

And, finally, Lieutenant General Paul Riper said: ''If I was President, I would have relieved him 3 years ago.'' And he said that in 2006.

Now, this man was wounded in action in Vietnam. He won the Silver Star medal with a gold star, the Legion of Merit, the Bronze Star. This man has been wounded, has stood up in the worst kind of war. And, remember, Rumsfeld never served. Bush never served. Cheney never served. Wolfowitz never served. You cannot find anybody who has ever been in a war. And the

guys who know, who have done it, who sent people out to die and been right out there with them say things like, If I was President, I would have relieved him 3 years ago. That is 2003. That is when it started, when they started ill prepared without the battle armor, without the vehicle armor, without sufficient supplies. We are going to just run in and do it, and we are going to be out in 6 months. Remember when they told that lie? And all of us stood around and said, 6 months? Really? This is going to be a cakewalk.

They didn't tell the truth to the American people or to their own troops. And that is why guys like this say get them out of there if we are going to have any change.

Mr. LARSON of Connecticut. Mr. Speaker, I thank the gentlemen from Maine, New York, Maryland, Massachusetts, and Washington State for coming down here this evening.

We come down here out of love of country and the desire to fulfill our constitutional responsibility. There is no doubt in my mind that our colleagues on the other side of the aisle love their country as much as we do.

I cannot understand why an administration continues to attack those who, out of love of country, speak out and dare to speak truth to power, that are willing to ask the unimagined questions and perhaps give unwelcomed answers to the administration. But that is the work that is required of elected Members of the United States Congress under our Constitution. That is our sworn obligation to the people of this great country of ours and will continue to be our obligation.

It is our sincere hope that we can move this Nation in a new direction. And with a Democratic-controlled Congress, we believe that is the best hope for our colleagues on the other side to join with us in creating what is in the best interest of our troops, our families, and the very security of this Nation.

Thank you, gentlemen, each of you, for joining us this evening.

NATIONAL SECURITY AND ELECTROMAGNETIC PULSE

The SPEAKER pro tempore. Under the Speaker's announced policy of January 4, 2005, the gentleman from Maryland (Mr. BARTLETT) is recognized for 60 minutes as the designee of the majority leader.

Mr. BARTLETT of Maryland. Mr. Speaker, among many priorities that the country and the Congress face, our national security is probably preeminent today in the minds of many people and in the Congress and in our administration. And today I would like to talk about one aspect of national security that will probably be unknown to a great many Americans, and to those few who know about and have studied it, this will remind them of the potential for this threat to our country, indeed, to our whole society.

Our first glimpse of the possibility of this threat occurred in 1961. It was in the Pacific and we were then doing a series of nuclear tests, and this was our first and last high altitude test. It was over Johnston Island, and the weapon was detonated above the atmosphere the first time that we had done that. No one knew what was going to happen as a result of that test, and the consequences were unexpected and really quite striking.

Hawaii was about 800 miles away. If you think back to 1961, we did not have all of the electronics that we have today. We were more in an electrical infrastructure then than we were in an electronic infrastructure, and the electrical infrastructures are very much more robust than an electronic infrastructure because you are dealing with big structures and heavy wires and so forth. Even so, the effects of this detonation above the atmosphere resulted in the shutdown of electrical circuits. There were many disruptions in electrical and certainly in electronic equipment such as existed those days in Hawaii 800 miles away. The Soviets were also doing testing simultaneously with ours and they had more experience with this phenomenon. We now have a name for this phenomenon. We call it electromagnetic pulse, or EMP.

And here I have a chart which shows very schematically what is happening. We detonate the weapon above the atmosphere, and there is an immediate distribution of gamma rays that travel at the speed of light that will strike every object within line of sight. And when these gamma rays reach our atmosphere, they produce what is called Compton electrons, all of this essentially at the speed of light, and these Compton electrons then become a force which is very much like a nuclear storm magnified many, many times. And if you think, Mr. Speaker, of the disruptions that a robust solar storm can produce to our communications here, you can get some idea as to the potential impact of an EMP. It is sometimes called high altitude or HEMP.

We since have learned a great deal more about that than we knew then, but the feature that we learned then was that wide areas are affected. You can have very high field strengths, and here it says 50 kilovolts per meter. We have since learned, as reported by the Russian generals, and I will come to that report in a few moments, that the Soviets purportedly designed and built electromagnetic weapons that would produce 200 kilovolts per meter; so that is four times larger than the number which is given here in this chart. This was May of 1986. That was 20-some years after the explosion, but a long time before these Russian generals were interviewed. There is a very broad frequency band running from very, very short wavelengths to very long wavelengths. The pulse lasts more than 2 minutes, but it comes on with such abruptness that our surge protectors for your computer and other devices are useless because the pulse is through the surge protector before it sees it. So there is now nothing out there the equivalent of EMP.

The next chart shows on the right that just about everything is affected by EMP. It has a missile which is taking off there. We are not even sure that we can launch through a robust EMP laydown. What I am told is that we tested our missiles and we found some deficiencies and we corrected that and we have done that several times, and the last time we corrected the deficiencies, we intentionally did not test again, hoping that we had fixed all the deficiencies. But knowing that if we tested and found deficiencies that that intelligence would probably get out to our enemies and they would know that we were vulnerable, and rather than run that risk, we believe that we had corrected all the deficiencies; so we have not tested, and, hopefully, a potential enemy will also believe that we have corrected all the deficiencies. But that is not a certainty. We do not yet know for certain that we could launch our ballistic missiles through an EMP laydown. It shows effects on automobiles.

By the way, if you have a car or truck that has a coil and a distributor, you are probably immune to EMP. But all modern cars, as you know when you take your car for service, has a lot of computers. Indeed, a computer is required for servicing your car. So all of the new vehicles are vulnerable to EMP. Airplanes, only a few of our military airplanes are EMP hardened. All of the other planes are vulnerable to EMP effects.

Here on the left it shows the coverage with the height of blast 60 miles and how large an area. That is line of sight, with the simple geometry of the Earth and the height. If you are 200 miles up, you cover a bigger area. And if you are 300 miles high up with the center of that in Iowa, Nebraska, about in that area, it covers our whole country; or the margins of our country in south Florida, northwest Washington State, and Maine, all are covered with a blast of about 300 miles high above Nebraska or Iowa.

The next chart is a little more detailed presentation of the blast area. And it shows that it is not simple concentric rings because of the dynamics of the detonation of a nuclear weapon. You have a distribution of intensities; but generally speaking, out at the margins of the country with 480 kilometers, about 300 miles, with a detonation of that blast, you see from the purple here that you have got about 50 percent of maximum at the margins of our country.

The level to which we tested is classified, but if the Russian generals are correct that they developed weapons at 200 kilovolts per meter, that would mean 100 kilovolts per meter at the margins of our country. And there is concern that even when we test and harden that we may not have hardened it to an adequate level.

The next chart answers an important question that I am sure a lot of people ask at about this point, and that is if there is such enormous vulnerability to EMP, why would you be talking about that and giving our potential adversaries a heads up that we are vulnerable? To help understand that, most Americans may not know about it, but every one of our potential enemies knows about it. I have here just one little chart which, as you can see, is not in English. It is in Russian, as a matter of fact. And although I cannot read Russian, I certainly can look at the sketches here. And what we see is EMP.

□ 1730

Here is a weapon detonated above the atmosphere. And here you see the effect of that. This is the EMP pulse here lasting a long time. By the way, the fact that the wavelengths in that pulse go from extremely short to extremely long mean that they can couple with almost everything.

I am told that the smallest electronic parts on the warehouse shelf will couple with some of the shortest waves. And long, long lines like railroad tracks will couple with the longest waves. As a matter of fact, they will even couple with wires that are buried several feet underground.

Without technical knowledge, what we are talking about almost seems like Buck Rogers and science fiction. A blast of a single weapon up to 300 miles in the sky, and by the way, if it were in the daytime and you were looking away from it, you would not even know it happened. If you were looking at it, obviously, you would see it because it was very bright, and it was line of sight.

You are not hurt by it. It has no effect on our bodies. But if you have an electronic watch, that will stop. If you get in your car, that probably will not run. The phones will not work. There will be no power grid. There are literally tens of thousands of what are called SCADA, which are little control devices in our power grid. And they all contain chips, micro-electronics. And many of them were manufactured by organizations that do not even exist now because they have been in the field for a long time.

And all of those are gone. Signals traveling through fiber will get there. But if you have anything other than optical switching, if you have electronic switching, the switches will be gone. And so even if you are using fiber, you still cannot transmit your data if you are using other-than-optical switching.

So this chart demonstrates very clearly that our enemies know about EMP, because this is from a Russian publication, and it shows the effects of EMP. This is the power grid. They show the transformers going out.

By the way, if our big transformers go out, there are no replacements on the shelf. The biggest ones are not even manufactured in this country. We will need to go to Europe or Scandinavia, and you place your order, and in a year to 18 months, they will have the transformer for you.

I was concerned about EMP, and I called a friend of mine, Tom Clancy, who I knew had an EMP scenario in one of his books. And he lives on the Eastern Shore of Maryland. I knew him. So I called Tom and asked him for some information on EMP.

He said, if you have read my book, you know as much about EMP as I know, but let me refer you to, in his opinion, the smartest man hired by the U.S. Government. And he gave me the name of a Dr. Lowell Wood who worked for Lawrence Livermore Lab, one of our big nuclear labs out in California.

Well, this was back, oh, probably 12, 13 years ago, a while ago. And cell phones were not all that popular. You may remember that we were using pagers. If you wanted to communicate with someone, why you paged them. And that went up to a satellite and back down to their pager. And they got the little message, please call so and so. I did that with Lowell Wood. I thought he was in California. And he happened to be in Washington. And of course the same satellite that would have brought the signal down to California brought it down to Washington. Within an hour, he was sitting with me in my office.

Dr. Lowell Wood was indeed a font of knowledge on electromagnetic pulse. I was concerned that, because of cost considerations, that our military was waiving EMP hardening on essentially all of its new weapons systems and that that made us vulnerable to an EMP attack.

And so I got in legislation the establishment of an EMP commission. And the EMP commission was set up and functioned for 2 years. Normally our commissions work for a year. But because of the details of this legislation, they were able to work for 2 years. They brought forth a big report. This is the executive summary of that report. And this was issued in 2004.

This is the Executive Summary of the Report of the Commission to Assess the Threat to the United States from Electromagnetic Pulse EMP Attack.

And here are a number of PowerPoint presentations that they prepared, because they were going around the country briefing a large number of organizations, Federal and State and private, on the results of their study.

The next chart shows the commissioners. Here you will see Dr. Johnnie Foster is the developer of almost all of our new atomic weapons. Dr. Bill Graham, who was the chair of this, was Rumsfeld's co-chair when they did that very important study on the emerging ballistic missile threat that came out a few years ago.

It is interesting. I spent a couple of days in Moscow with Bill Graham and Rumsfeld when we were briefing members of the Russian Duma so that they would understand that our withdrawal from this treaty that prohibited us from protecting ourselves against intercontinental ballistic missiles had nothing to do with Russia because we cannot imagine that we could produce a robust enough protection system to protect us against the literally thousands of intercontinental ballistic missiles that Russia has. But there are some new players on the scene out there, like China and North Korea and Iran and who knows who may get in line.

And we could, we felt, with the development of a system, the successful test just a few days ago, be able to take out a few weapons from a country like this.

Another very important member of this commission was Dr. Joan Woodward, who is the deputy director of the Sandia Labs out in Albuquerque, New Mexico. I was out visiting my son there who works at the labs. And he brought me home some material from the lab that led me to believe that they might have some knowledge that would be helpful in this EMP study.

So I asked for a briefing. I had not looked at the list and remembered specifically who was on this list of commissioners. And I came in for a 5-hour classified briefing on the commission's work. And Dr. Joan Woodward had at her disposal all of the resources of the Sandia Labs. So they did a really magnificent job of studying the threat, not just to our military but to our national infrastructure.

The next chart shows something which alarmed them. This is from their commission report. We have redacted here the names of the Russian generals. But they interviewed two Russian generals who told them that Russia had designed and built a super EMP nuclear weapon capable of generating 200 kilovolts per meter. That is an enormously high pulse.

Russian, Chinese and Pakistani scientists are working in North Korea. Now, I am not saying this. I am taking this from the report of the EMP commission. Russian, Chinese and Pakistani scientists are working in North Korea and could enable that country to develop an EMP weapon in the near future. Now, this is the assessment of the EMP commission.

The next chart just builds on the point that I made that most of our citizens may not know anything about EMP, because it is really a Buck Rogers Star Wars kind of a phenomena. It almost seems like science fiction.

The fact is that, although few of our people know about EMP, all of our potential enemies know about EMP.

And I just wanted to make that very clear, because I do not want anybody to have the notion that we are somehow informing a potential enemy of something that he does not know about.

This first quote here is a very interesting one. This is not exactly the quote as I remember, but it is a pretty

good paraphrase, because I was there. It was May 2nd of 1999. And I was sitting in a hotel in Vienna, Austria, with ten other Members of our Congress and three members of the Russian Duma.

I can tell you exactly when we were there. We were there when the three prisoners, hostages, whatever you want to call them were released by Yugoslavia. You may remember that event. They were released to Jesse Jackson as you may remember.

For 2 days we sat in that hotel room hammering out a framework for an agreement. Five days later, that was voted by the G–8. Russia joined the G–7, because the only country that the Bosnians had enough respect for to be controlled by them was Russia. And when the G–7 joined with Russia, they used the framework agreement that we had developed. And that ended the hostilities there as you may remember.

Well, one of the three Russians there was Vladimir Lukin. He was the ambassador here at the end of Bush 1, the beginning of the Clinton administration. At the time we were there, he was the chair of their equivalent of our International Relations Committee in the Russian Duma.

He is a fairly short fellow with even shorter arms. And he was extremely angry. And he sat there for 2 days with his arms folded across his chest looking at the ceiling. And then he made this statement, and what he said was, as I remember it, ''if we really wanted to hurt you with no threat of retaliation, we would launch an SLBM and we would detonate a nuclear weapon high above your country and shut down your power grid and your communications for 6 months or so.''

That was Vladimir Lukin. Another Russian who was there, who was I think the third ranking Communist, and yes, there is still a big Communist Party in Russia, who was the third ranking Communist, Alexander Shurbanov. And he smiled and he said, ''if one weapon would not do it, we have some spares, like I think at least 7,000 spares.''

You see, the reason for no fear of retaliation was that if it was launched from the ocean, we would never know where it came from. Well, that was his comment.

Now, all of this is from the EMP commission. None of those are my statements. Chinese military writings describe EMP as the key to victory and describe scenarios where EMP is used against U.S. aircraft carriers in a conflict over Taiwan.

Again, a survey of worldwide military and scientific literature sponsored by the commission found widespread knowledge about EMP and its potential military utility, including in Taiwan, Israel, Egypt, India, Pakistan, Iran and North Korea.

This next bullet is kind of repeated in the next chart, so I will skip to this one. Iran has tested launching a Scud missile from a surface vessel, a launch mode that could support a national or transnational terrorist EMP attack against the United States.

□ 1745

It should be noted that you do not have to be very technically adroit or very competent to launch an EMP weapon, because if you miss by 100 miles that is just about as good as a direct hit because there is a large area that this covers.

A Scud missile can launch about 180 miles high. That will not blanket the whole United States, but a Scud missile launched from a ship off our coast could shut down all of New England and much of the mid-Atlantic area with an EMP blast. Now, if you thought recovery from Katrina was difficult, imagine an area many times that large with no remaining infrastructure in terms of communications or power. That is the problem we would have. If it blankets our Nation, of course, we have an essentially irresolvable problem.

The next chart continues with what our potential adversaries know about EMP, and again, all of this is from the EMP commission report. If the world's industrial countries fail to devise effective ways, and this is an interesting one from Iranian Journal in 1998, even before the present wild man who is there, if the world's industrial countries fail to devise effective ways to defend themselves against dangerous electronic assaults, then they will disintegrate within a few years. 150,000 computers belong to the U.S. Army. It is probably more than that now, and if the enemy forces succeeded in infiltrating the information network, which an EMP would do if it shuts us down, then the whole organization would collapse, the American soldiers could not function, nor would they be able to fire a single shot. Now, I am not sure that is totally true, because I think our guns are pretty much immune to the EMP, but it is largely true.

We have now about 35,000 people in South Korea. We believe that with the technology we have that we are a match for the million-man North Korean Army, but if the North Koreans were to launch an EMP weapon, just fire straight up, if you will, and detonate a weapon above the atmosphere, our soldiers would, in effect, be no taller in terms of combat capability than the North Korean soldiers who probably are pretty EMP immune because they do not have very sophisticated equipment.

Terrorist information warfare includes using the technology of directed energy weapons or electromagnetic pulse. This is the Iranian Journal. Terrorists have attempted to acquire nonnuclear radio frequency weapons. This is a statement from the EMP Commission.

So you see that essentially all of our presently believed potential enemies are writing about EMP. It is not that they do not know about it, and my concern is that most Americans do not know about it, which is why we are talking about it.

Why would they be interested in EMP? Again, this is from the commission. States or terrorists may well calculate that using a nuclear weapon for EMP test offers the greatest utility. We talk about asymmetric warfare. An EMP weapon is the ultimate asymmetric weapon. One little country with a Scud launcher and a crude nuclear weapon and a transsteamer from which they could launch it, and by the way, we cannot see with our satellites through the thinnest canvas. If the Scud launcher is on the deck and covered by a canvas, we could not distinguish it from baled hay or crates of bananas.

In fact, there is one interesting story on an EMP attack in our country, and this may be kind of a look at the future. It has our country attacked from the sea, and after the weapon is launched, the ship is sunk. So now even if you find the ships there are no fingerprints. The ship is gone.

Well, these are the reasons they may use it. EMP offers a bigger bang for the buck against U.S. military forces in a regional conflict or a means of damaging the U.S. homeland. There is no way that a nuclear weapon could be used to produce so much damage to our country as with an electromagnetic pulse detection by detonating it at high altitude.

If it took out all of Los Angeles or New York City, you would not have done anywhere near as much damage to our country as simply detonating it above the atmosphere and for using an EMP pulse which would shut down all of our communications and all of our power grids.

Mr. Speaker, think about a world, and it would not be quite this but nearly this, a world in which the only person you can talk to is the person next to you unless you happen to be a ham operator with a vacuum tube set, and then you could talk to another operator who had a vacuum tube set. By the way, the vacuum tubes are a million times less susceptible to EMPs than the microelectronics that we use now. And in this world, the only way pretty much you can go anywhere is to walk unless you happen to have a friend who has a car that has a coil and distributor, and that car probably will work.

The second bullet here is a very interesting one, for two reasons. The country that does this believes they are relatively immune to a massive retaliation with our nuclear weapons. Even if we knew who did it, are we justified in incinerating their grandmothers and their babies because they took out our computers? That is in effect, Mr. Speaker, all they would have done is take out our microelectronics. The consequences of that, of course, are devastating, but the second reason is that we probably would not know who did it.

I cannot imagine, except for Russia, any country that would launch a nuclear weapon from their soil. Our satellites are really good. We would certainly detect it. We would know where it came from, and we would retaliate. If they attack us, it is going to be from the sea. They cover three-fourths of the Earth's surface. They are very difficult to monitor. The north Atlantic shipping lanes are crowded with ships. It is essentially impossible to keep track of specific ships in that shipping lane.

EMP could, compared to a nuclear attack on the cities, kill many more Americans in the long run from indirect effects of collapsed infrastructure, power, communications, transportation, food and water.

I was given a prepublication copy of a novel which I hope comes out because I think Americans need to know what the potential is, and it was the story of a community in the hills of North Carolina after an EMP attack. It goes through the first year; and to give some emphasis to this statement, it could kill many more Americans. This is a novel, but they did a lot of research. They had reason to believe, I think, it was probably pretty close to the truth.

If you go to a country that has no communications and no power and will not have any communications or power and essentially no transportation because all of our transportation now except for these old cars and trucks are dependent on microelectronics, the story they told was that at the end of the first year 80 percent of the people in this North Carolina community were dead, most of them from lack of food.

The average city has 3 days' supply of food. If the trucks do not keep coming in over the superhighway, and by the way the serving of food on your plate tonight, the average serving traveled 1,500 miles to get there, to give you some idea of how vulnerable we are to transportation losses.

They were lucky, because the authors concluded in their book that probably 90 percent of our population would be dead by the end of the year, and in New York City with its millions of people, the novel at the end of the year had them with 25,000 people still alive.

These are unimaginable consequences. The effects could be just overwhelmingly devastating, and a little later I will give you some quotes from some very prominent Americans who understand, and you may be surprised of the source of these quotes when you see them.

Strategically and politically, an EMP attack can threaten entire regional or national infrastructures that are vital to U.S. military strengths and societal survival, challenge the integrity of allied regional coalitions, and pose an asymmetrical threat more dangerous to the high-tech West than to rogue states. Most of these rogue states have little microelectronics. If we retaliate with EMP laydown, they would be a little discomfited compared to the effect on us.

The next chart is an interesting one and far too complex to go through in the few moments we have to look at it here. But they spent a lot of time looking at our national infrastructure and the interdependency of the various aspects of our infrastructure.

Their study and conclusions reminded me of the counsel of a very prominent American. This was a number of years ago, Harrison Scott Brown, from CalTech, a geophysicist who I think held a number of seminars called ''The Next Hundred Years,'' and in those seminars, he looked at where the world might be and the various scenarios for the next hundred years.

One of the scenarios way back in the 1960s and 1950s that had been looked at was a nuclear war. He cautioned that recovery from a nuclear war would be very difficult, and what he said then is true in spades today. He noted that our very complex infrastructure was developed through an evolutionary process, through the exploitation of high-quality, readily-available raw materials, iron ore in the Midwest, which was so good that you could almost literally have a backyard smelter. There is still one of those little smelters, by the way, not working of course, just a tourist site now up near Thurmont, Maryland, not very many miles from here.

He cautioned that since our infrastructure was built with these high-quality, readily-available materials like coal that was exposed by erosion of the soil from the coal, oil that was very shallow and very abundant in Pennsylvania, that if our infrastructure collapsed, that we probably could not reestablish it without heavy industry, and heavy industry would have collapsed.

I thought just in the last day or two how appropriate his concerns were when I thought of this recent big, and it is big but it is not going to save the day, oil find in the Gulf of Mexico. How could you ever drill through 7,000 feet of water and I think about 30,000 feet of soil without the products of heavy industry? You could not, of course, and what this chart shows is that all of our infrastructure, like a house of cards, is interrelated. Any one is pulled out and the rest collapse. Of course, the one essential to everything is power. When that is gone, all is gone. Nothing works.

They spent a great deal of time, and you can get a copy of this report, and you can read the concerns that they have.

One of the few high altitude nuclear detonations, to confuse the EMP, one 300 miles will cover the whole country. Unprecedented cascading failure of our electronics-dependent infrastructure could result. I think, Mr. Speaker, we probably ought to change that verb. It would result.

Power energy transport, telecom and financial systems are particularly vulnerable and interdependent. EMP disruption of these sectors could cause large scale infrastructure failures for all aspects of the national life. Both civilian and military capabilities depend on these infrastructures without adequate protection, and today, we have essentially none, Mr. Speaker. Without adequate protection, recovery could be prolonged months to years.

Mr. Speaker, you cannot hold your breath for months or years. Now, all of this is from the EMP Commission set up by Public Law 106–398, title XIV. These are not my words. These are the words of the people from the EMP Commission.

The next chart, again directly from the commission, says that EMP is one of a small number of threats that may, and, boy, are they capable of understatement. These are scientists primarily, and scientists are not preachers or politicians. They are given to understatement. EMP is one of a small number of threats that may hold at risk the continued existence of today's U.S. civil society. That is the way of saying, Mr. Speaker, that EMP could end our civil society. When they say ''hold at risk the continued existence,'' that means discontinue the society, disrupt our military forces and disrupt our ability to project military power.

Far too many of our weapons systems are not hardened. At a series of hearings over the last several years, I have frequently asked, after a robust EMP laydown, how much of our war fighting capability remains? And the short answer is, usually not much.

□ 1800

Now, that is about to change, because I now understand that a memo is circulating in the Pentagon asking all of our departments there to make an assessment of their EMP vulnerabilities. Hopefully, that will result in a program to correct this deficiency.

The number of U.S. adversaries capable of EMP attack is greater than in the Cold War. Then there was one. Today, who knows how many there are. Any country that has a crude nuclear weapon that they might make or buy, a Scud launcher and a transsteamer they can put it on is capable; not of blanketing our whole country, but taking out the whole northeast and Mid-Atlantic area would be devastating. This would be orders of magnitude greater than Katrina, and we still really haven't recovered from that one.

Potential adversaries are aware of the EMP strategic attack option. I read earlier a number of quotes from the commission, from journals in these foreign countries noting that they really know about it, the threat not adequately addressed in U.S. national and homeland security programs. I said, Mr. Speaker, they were capable of gross understatement. We are paying essentially no attention to it.

You know, my house is probably not going to burn down, but I wouldn't sleep well tonight, I wouldn't sleep tonight if I knew that I didn't have fire

insurance on my home. I would want to call the agent and get a binder. Now, what are the odds that my house is going to burn tonight? Very small. I would submit, Mr. Speaker, that in the reality of today's world, there is a bigger probability that there will be an EMP laydown than that any one house or building will burn. Now, if you are uncomfortable being unprotected by fire insurance, you really ought to be uncomfortable being unprotected from EMP.

The next chart shows the conclusions of the EMP Commission. The EMP threat is one of a few potentially catastrophic threats to the United States. As a matter of fact, there is almost no other single event that you can name, except the impact of a large meteor from space perhaps, that you could note that would have the devastating effects of an EMP laydown. By taking action, the EMP threat can be reduced to manageable levels. And they have a large number of pages and a lot of recommendations.

We just recently extended the life of the EMP Commission for 18 months after their first meeting, and their first meeting was just a few weeks ago. So the EMP Commission, unlike most commissions doing this kind of work, they produce a paper, and then the report just collects dusts, and they go away. But this one is not going away, and I hope we can keep it in existence for a long time.

The EMP Commission needs to be there watching our response to make sure that we are doing the right thing. They now have an extension of life of about 18 months. They are a few weeks into that, so they are going around educating people, sectors of government, private sector and so forth.

By taking action, this EMP threat could be reduced. It could be reduced to manageable levels. If you are building a device, and EMP hardened, it may increase the cost of the device only 5 or 10 percent, maybe even less. If you wait until after the device is built, it may cost you as much to harden the device as it did to build it. If you are building in the hardening, it is not all that expensive or not all that difficult.

The strategy to address the EMP threat should balance prevention, and that is telling other people you do this, you are going to pay for it; preparation, protection and recovery. We need to be looking at all of these.

A fascinating study is, what would you do if this happened? What resources do you have available? How would you mobilize those resources? What would you do to provide the most good for the most people with the resources you have available? These are fascinating studies, and essentially nobody is looking at them.

Critical military capabilities must be survivable; and they are not today, I hope we are moving to address that; and endurable to underwrite U.S. strategy.

The next chart shows a continuation of their conclusions, and this reflects that, in the 2006 Defense Authorization, we extended it for 18 months.

Terrorists are looking for vulnerabilities to attack, and our civilian infrastructure is particularly susceptible to this kind of an attack.

Vulnerability invites attack. I really am a pacifist. I don't like war. That is why I am a big, big supporter of our military, because I really subscribe to the philosophy that the most certain path to peace is to prepare for war. If you are really prepared for war, you are probably not going to have a war. We are not prepared for this kind of an eventuality, and our very unpreparedness invites this kind of an asymmetric attack.

The Department of Homeland Security needs to identify critical infrastructure. And what do we do to protect it? And what do we do to recover? And it notes here that the power grid is a particularly vulnerable and essential one. Without power, you have essentially nothing. Everything goes down without power.

The Department of Homeland Security also needs to develop a plan to help citizens deal with such an attack should it occur. What do you do as a family to prepare? What do you do as a community to prepare? What do you do when it happens? Citizens need to become as self-sufficient as possible.

I am not telling you this; I am reading this from the report. If you are not as self-sufficient as possible, then you become a liability. You are no longer an asset to your country. You become a liability. So it should be the goal of every American to be as self-sufficient as possible, because then you become an asset and not a liability.

The next quote is a really interesting one, and I mentioned some really prominent Americans are concerned about this, and so this is from the Washington Post, ''One Way We Could Lose the War on Terror'' by U.S. Senator JON KYL from Arizona. ''Last week, the Senate Judiciary Committee's Subcommittee on Terrorism, Technology and Homeland Security, which I chair,'' he says, ''held a hearing on a major threat to the United States not only from terrorists but from rogue nations like North Korea. An electromagnetic pulse, an EMP attack, is one of only a few ways America could be essentially defeated by our enemies, terrorists or otherwise. Few, if any, people would die right away, but the long-term loss of electricity would essentially bring our society to a halt. Few could conceive of a possibility that terrorists could bring American society to its knees by knocking out our power supply from several miles in the atmosphere, but this time, we've been warned, and we better be prepared to respond.''

Thank you, Senator KYL. Thank you for your recognition that this is a problem. Thank you for your counsel that we ought to be doing something about it. But, you know, I still don't see us doing much about it.

Another article that appeared in the public, ''The Impact of EMP is Asymmetric.'' This is by Major Franz Gayl. ''The impact of EMP is asymmetric in relation to our adversaries. The less developed societies of North Korea, Iran and other potential EMP attack perpetrators are less electromagnetically dependent and less specialized and are more capable of continued functionality in the absence of modern conveniences.''

If you don't have modern conveniences, you are not going to miss modern conveniences.

''Conversely, the United States would be subject to widespread paralysis and doubtful recovery,'' he says. That really is true, doubtful recovery, ''following a surprise EMP attack. Therefore, terrorists and their coincidentally allied state sponsors may determine that, given just a few nuclear weapons and delivery vehicles, the subjection of the United States to a potentially nonattributable,'' from the sea, from above, ''nonattributable EMP attack is more desirable than the destruction of selected cities.'' I would think so.

''Delayed mass lethality is assured over time through the cascade of EMPs indirect effects that would bring our highly specialized and urbanized society to a disorderly halt.'' That is a very euphemistic way, Mr. Speaker, of saying that most of us would die.

The next chart shows the capability, which we exercised and have now mothballed, where we could put a whole airplane and zap the airplane. Now, this is not quite a realistic simulation of an EMP attack, but it is the best we could do, because there are no long line effects here. You just can't simulate miles of wire and railroad tracks. But we used to have these facilities, and we have now mothballed them. We used to test our airplanes. And some of our most important airplanes are hardened. Indeed, those which are hardened are, obviously, classified. But it is not that we would not have an ability to respond. We would. But to whom? Who did it? And what would be our response?

Mr. Speaker, we have spent several minutes now talking about a threat which I suspect few listeners had any idea existed. I hope that quoting this report and high profile people like JON KYL has convinced the listener that this is not just science fiction, that this is a real possibility indeed.

If there is going to be a conflict, Mr. Speaker, with these powers, I think it is more than a possibility, I think it is a probability that any of these small adversaries that have a nuclear weapon could devastate us more with an EMP laydown than with any other use of that weapon. And the reason I am here in this time that we are talking about national security, Mr. Speaker, is because I believe that, although there are more urgent concerns about national security, like an open border through which 11, 12, 20, who knows how many million illegal immigrants could come,

there could just as well have been that many terrorists. By the way, there is an old adage that talks about the tyranny of the urgent.

Iraq and what we are doing there is really urgent. Every day it is on the President's plate. The border and the outrage of American citizens that we haven't been able to close that border is really urgent. And it is just a truism for families, for businesses, for countries, the tyranny of the urgent. The urgent always sweeps the important off the table. And one of the really important things that we need to be about is preparing for the eventuality of an EMP laydown.

My last chart is a kind of a colorful one. This is a satellite photograph of the Ural Mountains, and it is labeled the Yamantau region in Russia. And this facility is ordinarily spoken of as Yamantau Mountain because it is in a mountain, and you can see from the figure down in the lower right there, it is about 600 miles almost due east of Moscow in the Ural Mountains.

Beginning with Brezhnev, in about 1980, the Soviets, and now the Russians, have a closed city there. In our liaison with the Russian Duma, we have become fairly friendly with a number of those Duma members, our counterparts there, and we asked them about closed cities. And they say, oh, yes, we have closed cities. When you draw a map of the region, the city is not even on the map. It is closed. People don't go there unless they are needed to work there, and they do not leave there unless they are no longer needed there.

Mezhgorye is the closed city. It happens to be in two little pockets in the mountains, because one valley wasn't big enough to house it, but there were at one time 60,000 people that we could estimate from our satellite living there. That would be about 20,000 workers that were working on Yamantau Mountain.

Yamantau Mountain is the largest nuclear secure facility in the world. We have had two defectors from that Yamantau Mountain. They each have told us what they know.

□ 1815

What we know from what they told us is that it is enormously large, as large as inside our beltway; it has train tracks running in two directions, so they intend to move a lot of material; and it has enormous rooms carved out of soft rock beneath hard rock. It is an ideal geologic formation for producing this kind of a facility.

The number of people at Mezhgorye, since they are finished digging, has now shrunk to about 15,000, as our satellites indicate, which means there are about 5,000 working at Yamantau Mountain.

What are they doing there? By the way, this is so secret in Russia that the cost of this, which has to be enormous, does not show in the financial lines of any of the ministries. It is the equivalent of our black programs, for those of you who are familiar with black programs.

To give you some idea how important this is to the Russians, continuing work on Yamantau Mountain is more important than paying their military officers, because they have continued work there when they couldn't pay their military officers. It is more important to them than the $200 million for the service module on the International Space Station. That was embarrassing to them when they couldn't fund that and we had to fund the service module, which was their responsibility, on the International Space Station.

Now, there is no conceivable use of Yamantau Mountain except during or after a nuclear war. This kind of gives you a little opportunity to get into the heads of the Russian leaders. From their writings and from their actions, it is quite justified to draw the conclusion that they believe that nuclear war is inevitable and winnable.

Now, I have no idea, and I have had a number of classified briefings, I have no idea what they plan to do in Yamantau Mountain. But one thing is certain, it has no use except during or after a nuclear war.

I wanted to end with this, Mr. Speaker, to bring the message that nuclear war is not unthinkable and therefore it will not happen, because apparently the Russians do not believe that it is unthinkable.

By the way, they span 11 time zones. Their enormous country goes almost halfway around the world. They have less than half the people that we have and a geography that size, I think only six cities of more than 1 million people. And if wealth is determined by natural resources and raw materials, Russia is the wealthiest country on the globe. They have everything their heart could desire, except a rational government, their heart could desire for a robust economic system. They could close the door and with their resources live happily ever after.

Almost nobody else can do that. We cannot do that. We import about two-thirds of our oil, we have no diamonds, nickel, chromium, tungsten. You would not have these lights in the ceiling without importing things.

So I just wanted to end, Mr. Speaker, with this chart which shows that our potential enemies believe that there could be a nuclear war and they are preparing for it by spending money on Yamantau Mountain, scarce money.

They were doing this, by the way, when money was scarce. It is not scarce now. They are awash in cash because oil is $65, $70, $75 a barrel. But they were spending money on this before they were flush with money.

So my hope is, and I believe we should have time, that the American people in our society and in our military can plan, adapt, design, build, so that we will be immune.

We are much more likely to have this attack if we are vulnerable to the attack, and at the moment we are explicitly vulnerable. We don't need to be that way. The creativity and ingenuity of the American people can make us essentially immune to this, Mr. Speaker, and we need to be about it.

BIG-GOVERNMENT SOLUTIONS DON'T WORK

The SPEAKER pro tempore. Under the Speaker's announced policy of January 4, 2005, the gentleman from Texas (Mr. PAUL) is recognized for 60 minutes.

Mr. PAUL. Mr. Speaker, politicians throughout history have tried to solve every problem conceivable to man, always failing to recognize that many of the problems we face result from previous so-called political solutions.

Government cannot be the answer to every human ill. Continuing to view more government as the solution to problems will only make matters worse.

Not long ago, I spoke on this floor about why I believe Americans are so angry in spite of rosy government economic reports. The majority of Americans are angry, disgusted, and frustrated that so little is being done in Congress to solve their problems. The fact is, a majority of American citizens expect the Federal Government to provide for every need without considering whether government causes many economic problems in the first place. This certainly is an incentive for politicians to embrace the role of omnipotent problem-solvers, since nobody asked first whether they, the politicians themselves, are at fault.

At home, I am frequently asked about my frustration with Congress since so many reform proposals go unheeded. I jokingly reply, No, I am never frustrated because I have such low expectations. But the American people have higher expectations, and without forthcoming solutions are beyond frustrated with their government.

If solutions to American problems won't be found in the frequent clamor for more government, it still is up to Congress to explain how our problems developed and how solutions can be found in an atmosphere of liberty, private property, and a free market order.

It is up to us to demand radical change from our failed policy of foreign military interventionism. Robotic responses to cliches of Big Government intervention in our lives are unbecoming to Members who are elected to offer ideas and solutions. We must challenge the status quo of our economic and political system.

Many things have contributed to the mess we are in. Bureaucratic management can never compete with the free market in solving problems.

Central economic planning doesn't work. Just look at the failed systems of the 20th century. Welfarism is an example of central economic planning. Paper money, money created out of thin air to accommodate welfarism and government deficits, is not only silly;

it is unconstitutional. No matter how hard the big spenders try to convince us otherwise, deficits do matter. But lowering the deficit through higher taxes won't solve anything.

Nothing will change in Washington until it is recognized that the ultimate driving force behind most politicians is obtaining and holding power, and money from special interests drives the political process.

Money and power are important only because the government wields power not granted by the Constitution. A limited constitutional government would not tempt special interests to buy the politicians who wield power. The whole process feeds on itself. Everyone is rewarded by ignoring constitutional restraints while expanding and complicating the entire bureaucratic state.

Even when it is recognized that we are traveling down the wrong path, the lack of political courage and the desire for reelection results in ongoing support for the pork-barrel system that serves special interests.

A safe middle ground, a don't-rock-the-boat attitude, too often is rewarded in Washington, while meaningful solutions tend to offend those who are in charge of the gigantic PAC lobbyist empire that calls the shots in Washington.

Most Members are rewarded by reelection for accommodating and knowing how to work the system. Though there is little difference between the two parties, the partisan fights are real. Instead of debates about philosophy, though, the partisan battles are about who will wield the gavels. True political debates are rare. Power struggles are real and ruthless, and yet we all know that power corrupts.

Both parties agree on monetary, fiscal, foreign and entitlement policies. Unfortunately, neither party has much concern for civil liberties. Both parties are split over trade, with mixed debates between outright protections and those who endorse government-managed trade agreements that masquerade as free trade.

It is virtually impossible to find anyone who supports hands-off free trade defended by the moral right of all citizens to spend their money as they see fit without being subject to any special interest.

The Big Government nanny state is based on the assumption that free markets cannot provide the maximum good for the largest number of people. It assumes people are not smart or responsible enough to take care of themselves, and thus their needs must be filled through the government's forcible redistribution of wealth.

Our system of intervention assumes that politicians and bureaucrats have superior knowledge and are endowed with certain talents that produce efficiency. These assumptions don't seem to hold much water, of course, when we look at agencies like FEMA. Still, we expect the government to manage monetary and economic policy, the medical system and the educational system, and then wonder why we have problems with the cost and efficiency of all these programs.

On top of this, the daily operation of Congress reflects the power of special interests, not the will of the people, regardless of which party is in power. Critically important legislation comes up for votes late in the evening without much warning, leaving Members little chance to read or study the bills. Key changes are buried in conference reports, often containing new legislation not even mentioned in either the House or the Senate versions.

Conferences were meant to compromise two different positions in the House and Senate, not to slip in new material that had not been mentioned in either bill.

Congress spends hundreds of billions of dollars in emergency supplemental bills to avoid the budgetary rules meant to hold down the deficit. Wartime spending money is appropriated and attached to emergency relief funds, making it difficult for politicians to resist. The principle of the pork barrel is alive and well, and it shows how huge appropriations are passed easily with supporters of the system getting their share for their district.

Huge omnibus spending bills introduced at the end of legislative years are passed without scrutiny. No one individual knows exactly what is in the bill. In the process, legitimate needs and constitutional responsibilities are frequently ignored. Respect for private property rights is ignored. Confidence in the free market is lost or misunderstood. Our tradition of self-reliance is mocked as archaic.

Lack of real choice in economic and personal decisions is commonplace. It seems that too often the only choice we are given is between prohibitions and subsidies. Never is it said, let the people decide on things like stem cell research or alternative medical treatments.

Nearly everyone endorses exorbitant taxation. The only debate is about who should pay. Either tax the producers and the rich, or tax the workers and the poor through inflation and outsourcing jobs.

Both politicians and the media place blame on everything except bad policy authored by the Congress. Scapegoats are needed since there is so much blame to go around and so little understanding as to why we are in such a mess.

In the 1920s and the 1930s, Europe's financial system collapsed and inflation raged. It was commonplace to blame the Jews. Today, in America the blame is spread out: illegal immigrants, Muslims, big business, whether they got special deals from the government or not, price gouging oil companies, regardless of the circumstances, and labor unions. Ignorance of economics and denial of the political power system that prevails in the District of Columbia makes it possible for Congress to shift the blame.

Since we are not on the verge of mending our ways, the problems will worsen and the blame game will get much more vicious. Shortchanging a large segment of our society surely will breed conflict that could get out of control.

This is a good reason for us to cast aside politics as usual and start finding some reliable answers to our problems. Politics as usual is aided by the complicity of the media. Economic ignorance, bleeding heart emotionalism, and populist passion pervade our major networks and cable channels.

This is especially noticeable when the establishment seeks to unify the people behind an illegal, unwise war. The propaganda is well coordinated by the media, government and military-industrial complex. This collusion is worse than when state-owned media do the same thing.

In countries where everyone knows the media produces government propaganda, people remain wary of what they hear.

□ 1830

In the United States, the media are considered free and independent. Thus, the propaganda is accepted with less questioning.

One of the major reasons we have drifted from the Founders' vision of liberty in the Constitution was the division of the concept of freedom into two parts. Instead of freedom being applied equally to social and economic transactions, it has come to be thought of as two different concepts. Some in Congress now protect economic liberty and market choices but ignore personal liberty and private choices. Others defend personal liberty but concede the realm of property and economic transaction to government control.

There should be no distinction between commercial speech and political speech with no consistent moral defense of true liberty. The continued erosion of personal property rights is inevitable.

This careless disregard for liberty, our traditions and the Constitution, have brought us disaster with a foreign policy of military interventionism supported by the leadership of both parties. Hopefully, some day, this will be radically changed.

Everyone is aware of the law of unintended consequences. Most Members of Congress understand that government actions can have unintended consequences. Yet few quit voting for government solutions, always hoping there won't be any particular unintended consequences the next time.

They keep hoping there will be less harmful complications from the solution that they are currently supporting. Free market economics teaches us that for every government action to solve an economic problem, two new ones are created. The same unwanted results occur with foreign policy meddling. The law of opposites is just a variation of the law of unintended consequences. When we attempt to achieve

a certain goal, like, say, make the world safe for democracy, a grandiose scheme of World War I, one can be sure the world will become less safe and less democratic regardless of the motivation. The First World War was sold to the American people as the war to end all wars.

Instead, history shows it was the war that caused the 20th Century to be the most war-torn century in all of history. Our entry into World War I helped lead us into World War II, the Cold War, the Korean War and the Vietnam War. Even our current crisis in the Middle East can be traced to the great wars of the 20th Century.

Though tens of millions of deaths are associated with these wars, it seems we haven't learned a thing. We went into Korea by direction of the United Nations, not a Congressional declaration of war, to unify Korea. Yet that war ensured that Korea remained divided to this day. Our troops are still there. South Korea today is much more willing to reconcile differences with North Korea, and yet we obstruct such efforts. It doesn't make much sense.

We went into Vietnam and involved ourselves unnecessarily in the civil war to bring peace and harmony to that country. We lost 60,000 troops and spent hundreds of billions of dollars, yet failed to achieve victory. Ironically, since losing in Vietnam, we now have a better relationship with them than ever. We now trade, invest, travel and communicate with a unified Western-leaning country that is catching on quickly to capitalist ways. This policy, not military confrontation, is exactly what the Constitution permits and the Founders encouraged in our relationship with others.

This policy should apply to both friends and perceived enemies. Diplomacy and trade can accomplish goals that military intervention cannot, and they certainly are a lot less costly.

In both instances, Korea and Vietnam, neither country attacked us, and neither country posed a threat to our national security.

In neither case did we declare war. All of the fighting and killing was based on lies, miscalculations and the failure to abide by constitutional restraint with regard to war.

When goals are couched in terms of humanitarianism, sincere or not, the results are inevitably bad. Foreign interventionism requires the use of force. First, the funds needed to pursue a particular policy required that taxes be forcibly imposed on the American people either directly or indirectly through inflation. Picking sides in foreign countries only increases the chances of antagonism toward us.

Too often, foreign economic and military support means impoverishing the poor in America and enhancing the rich ruling classes in poor countries. When sanctions are used against one undesirable regime, it squelches the resistance to the very regimes we are trying to undermine.

Forty years of sanctions against Castro have left him in power and fomented continued hatred and blame from the Cuban people directed at us. Trade with Cuba likely would have accomplished the opposite, as it has in Vietnam, China and even the Eastern Bloc nations of the old Soviet empire.

We spend billions of dollars in Afghanistan and Colombia to curtail drug production. No evidence exists that it helps. In fact, drug production and corruption have increased in both countries. We close our eyes to it because the reasons we are in Colombia and Afghanistan are denied.

Obviously, we are not putting forth the full effort required to capture Osama bin Laden. Instead, our occupation of Afghanistan further inflames the Muslim radicals that came of age with their fierce resistance to the Soviet occupation of a Muslim country. Our occupation merely serves as a recruiting device for al Qaeda, which has promised retaliation for our presence in their country.

We learn nothing, after first allying ourselves with Osama bin Laden when he applied the same logic towards the Soviets. The net result of our invasion and occupation in Afghanistan has been to miss capturing Osama bin Laden, assist al Qaeda's recruitment, stimulate more drug production and lose hundreds of American lives and allow spending of billions of American taxpayers dollars with no end in sight.

Bankruptcy seems to be the only way we will reconsider the foolishness of this type of occupation. It is time for us to wake up.

Our policy toward Iran for the past 50 years is every bit as disconcerting. It makes no sense, however, unless one concedes that our government is manipulated by those who seek physical control over the vast riches of the Middle East and egged on by Israel's desires. We have attacked the sovereignty of Iran on two occasions and are in the process of threatening her for the third time.

In 1953, the U.S. and British overthrew the democratically elected Mohammed Mossadegh and installed the Shah. His brutal regime lasted for over 25 years and ended with the Ayatollah taking power in 1979. Our support for the Shah incited the radicalization of the Shiite clerics in Iran, resulting in the hostage takeover.

In the 1980s, we provided weapons, including poisonous gas, to Saddam Hussein, as we supported his invasion of Iran. These events are not forgotten by the Iranians, who, once again, see us looking for another confrontation with them.

We insist that the U.N. ignore the guarantees under the Nuclear Nonproliferation Treaty that grants countries like Iran the right to enrich uranium. The pressure on the U.N. and the threats we cast toward Iran are quite harmful to the cause of peace. They are entirely unnecessary and serve no useful purpose. Our policy toward Iran is much more likely to result in her getting a nuclear weapon than preventing it.

Our own effort at democratizing Iran has resulted, instead, in radicalizing a population whose instincts are to like Americans and our economic system. Our meddling these past 50 years has only served to alienate and unify the entire country against us. Though our officials only see Iran as an enemy, as does Israel, our policies in the Middle East these past 5 years have done wonders to strengthen Iran's political and military position in the region. We have totally ignored serious overtures by the Iranians to negotiate with us before hostilities broke out in Iraq in 2003.

Both immediately after 9/11 and especially at the time of our invasion in Iraq in 2003, Iran particularly, partially out of fear and realism, honestly sought reconciliation and offered to help the U.S. in its battle against al Qaeda. They were rebuked outright.

Now, Iran is negotiating from a much stronger position, principally as a result of our overall Middle East policy.

We accommodated Iran by severely weakening the Taliban in Afghanistan on Iran's eastern borders. On Iran's western borders, we helped Iranians by eliminating their arch enemy, Saddam Hussein. Our invasion in Iraq and the resulting chaos have inadvertently delivered up a large portion of Iraq to the Iranians, as the majority Shiites in Iraq ally themselves with the Iranians.

The U.S.-Israel plan to hit Hezbollah in Lebanon before taking on Iran's military has totally backfired. Now Hezbollah, an ally of Iran, has been made stronger than ever with the military failure to route Hezbollah from southern Lebanon.

Before the U.S.-Israeli invasion of Lebanon, Hezbollah was supported by 20 percent of the population. Now its revered by 80 percent. A democratic election in Lebanon cannot now serve the interests of the U.S. or Israel; it would only support the cause of radical clerics in Iran.

Demanding an election in Palestinian Gaza resulted in enhancing the power of Hamas. The U.S. and Israel promptly rejected the results. So much for our support for democratically elected government. Our support for dictatorial Arab leaders remains a thorn in the side of the large Muslim population in the Middle East and one of the main reasons Osama bin Laden declared war against us.

We talk of democracy and self-determination, but the masses of people in the Middle East see through our hypocrisy when we support the Sunni secular dictators in Saudi Arabia, Egypt and Jordan and, at one time, Saddam Hussein.

In the late 1970s and the late 1980s, the CIA spent over $4 billion on a program called Operation Cyclone. This was our contribution to setting up training schools in Pakistan and elsewhere, including the U.S. itself, to

teach sabotage skills. The purpose was to use these individuals in fighting our enemies in the Middle East, including the Soviets. But as one could predict, this effort has come back to haunt us as our radical ally, Osama bin Laden, turned his fury against us after routing the Soviets.

It is estimated that over 12,000 fighters were trained in the camps we set up in Afghanistan. They were taught how to make bombs, carry out sabotage and use guerrilla war tactics, and now we are on the receiving end of this U.S.-financed program, hardly a good investment. It is difficult to understand why our policymakers aren't more cautious in their effort to police the world once they realize how unsuccessful we have been. It seems they always hope that the next time our efforts won't come flying back in our face.

Our failed efforts in Iraq continue to drain our resources, costing us dearly both in lives lost and dollars spent, and there is no end in sight. No consideration is given for rejecting our obsession with a worldwide military presence which rarely, if ever, directly enhances our security.

A much stronger case can be made that our policy of protecting our worldwide interest actually does the opposite by making us weaker, alienating our allies, inciting more hatred and provoking our enemies. The more we have interfered in the Middle East the past 50 years, the greater the danger has become for an attack on us.

The notion that Arab Muslim radicals are motivated to attack us because of our freedoms and prosperity and not our unwelcome presence in their country is dangerous and silly.

We were told we needed to go into Iraq because our old ally, Saddam Hussein, had weapons of mass destruction. Yet no weapons of mass destruction were found. We were told we needed to occupy Iraq to remove al Qaeda, yet al Qaeda was nowhere to be found. And now it is admitted it had nothing to do with 9/11.

Yet, today, Iraq is infested with al Qaeda, achieving exactly the opposite of what we sought to do. We were told that we needed to secure our oil to protect our economy and to pay for our invasion and occupation. Instead, the opposite has resulted. Oil production is down. Oil prices are up, and no oil profits have been used to pay the bills. We were told that a regime change in Iraq would help us in our long-time fight with Iran, yet everything we have done in Iraq has served the interests of Iran.

□ 1845

We are being told in a threatening and intimidating fashion that if America were to pull out before Iraq could defend itself, the consequences would be absolutely predictable and absolutely disastrous. I am convinced, though, that the law of opposites could well apply here. Going into Iraq we know produced exactly the opposite results of what was predicted. Leaving also likely will have results opposite of those we are being frightened with. Certainly leaving Vietnam at the height of the Cold War did not result in the disaster predicted by the advocates of the domino theory: an inevitable Communist takeover of the entire Far East.

We are constantly being told that we cannot abandon Iraq, and we are obligated to stay forever if necessary. This admonition is similar to a rallying cry from a determined religious missionary bent on proselytizing to the world with a particular religious message. Conceding that leaving may not be a panacea for Iraqi tranquility, this assumption ignores two things: One, our preemptive war ignited the Iraqi civil war; and, two, abandoning the Iraqi people is not the question. The real question is whether or not we should abandon the American people by forcing them to pay for an undeclared war with huge economic and human costs while placing our national security in greater jeopardy by ignoring our borders and serious problems here at home.

In our attempt to make Iraq a better place, we did great harm to the Iraqi Christians. Before our invasion in 2003, there were approximately 1.2 million Christians living in Iraq. Since then, over half have been forced to leave due to persecution and violence. Many escaped to Syria. With the neocons wanting to attack Syria, how long will they be safe there? The answer to the question, aren't we better off without Saddam Hussein, is not an automatic ''yes'' for Iraqi Christians.

We have been told for decades that our policy of militarism and preemption in the Middle East is designed to provide security for Israel. Yet a strong case can be made that Israel is more vulnerable now than ever with moderate Muslims being challenged by a growing majority of Islamic radicals. As the invincibility of the American and Israeli military becomes common knowledge, Israel's security is diminished, and world opinion turns against her, especially after the failed efforts to remove Hezbollah from southern Lebanon.

We were told that attacking and eliminating Hezbollah was required to diminish the Iranian threat against Israel. The results again were the opposite. This failed effort has only emboldened Iran. The lack of success of conventional warfare, the U.S. in Vietnam, the Soviets in Afghanistan, the U.S. in Iraq and Afghanistan, Israel in Lebanon, should awaken our policymakers to our failure in war and diplomacy. Yet all we propose are bigger bombs and more military force for occupation rather than working to understand an entirely new generation of modern warfare.

Many reasons are given for our preemptive wars and military approach for spreading the American message of freedom and prosperity, which is an obvious impossibility. Our vital interests are always cited for justification, and it is inferred that those who do not support our militancy are unpatriotic. Yet the opposite is actually the case: Wise resistance to one's own government doing bad things requires a love of country, devotion to idealism and respect for the rule of law.

In attempting to build an artificial and unwelcome Iraqi military, the harder we try, the more money we spend and the more lives we lose, the stronger the real armies of Iraq become: The Sunni insurgency, the Badr Brigade, the Sadr Mahdi Army and the Kurdish Militia.

The Kurds have already taken a bold step in this direction by hoisting a Kurdish flag and removing the Iraqi flag, a virtual declaration of independence. Natural local forces are winning out over outside political forces.

We are looking in all of the wrong places for an Iraqi army to bring stability to that country. The people have spoken, and these troops that represent large segments of the population need no training. It is not a lack of training, weapons or money that hinders our efforts to create a new superior Iraqi military. It is the lack of inspiration and support for such an endeavor that is missing. Developing borders and separating the various factions, which our policy explicitly prohibits, is the basic flaw in our plan for a forced, unified Western-style democracy for Iraq. Allowing self-determination for different regions is the only way to erase the artificial nature of Iraq, an Iraq designed by Western outsiders nearly 80 years ago. It is our obsession with control of the oil in the region and imposing our will on the Middle East and accommodating the demands of Israel that is the problem. And the American people are finally getting sick and tired of all of their sacrifices. It is time to stop the bleeding.

Instead we continue to hear the constant agitation for us to confront the Iranians with military action. Reasons to attack Iran make no more sense than our foolish preemptive war against Iraq. Fictitious charges and imaginary dangers are used to frighten the American people into accepting an attack on Iran. First it may only be sanctions, but later it will be bombs and possible ground troops if the neocons have their way. Many of the chicken-hawk neoconservative advisors to the administration are highly critical of our current policy because it is not aggressive enough. They want more troops in Iraq. They want to attack Syria and Iran and escalate the conflict in Lebanon.

We have a troop shortage. Morale is low, and our military equipment is in bad shape, yet the neocons would not hesitate to spend, borrow, inflate and reinstate the draft to continue their grandiose schemes in remaking the entire Middle East. Obviously, a victory of this sort is not available no matter what effort is made or how much money is spent.

Logic would tell us there is no way we will contemplate taking on Iran at

this time, but logic did not prevail with our Iraq policy and look at the mess we have there. Besides, both sides, the neoconservative extremists and the radical Islamists, are driven by religious fervor. Both are convinced that God is on their side, a strange assumption since theologically it is the same God.

Both sides of the war in the Middle East are driven by religious beliefs of omnipotence. Both sides endorse an eschatological theory regarding the forthcoming end of time. Both anticipate the return of God personified and as promised to each. Both sides are driven by a conviction of perfect knowledge regarding the Creator, and though we supposedly worship the same God, each sees the other side as completely wrong and blasphemous. The religiously driven Middle East war condemns tolerance of the other's view. Advocates of restraint and the use of diplomacy are ridiculed as appeasers and equivalent to supporting Nazism and considered un-American and un-Christian.

I find it amazing that we in this country seem determined to completely separate religious expression and the state, even to the detriment of the first amendment, yet we can say little about how Christian and Jewish religious beliefs greatly influence our policies in the Middle East? It should be the other way around. Religious expression, according to the First Amendment, cannot be regulated anywhere by Congress or the Federal courts. But deeply held theological beliefs should never dictate our foreign policy. Being falsely accused of anti-Semitism and being a supporter of radical fascism is not an enviable position for any politician. Most realize it is best to be quiet and support our Middle East involvement.

Believing one can have perfect knowledge of God's will and believing government can manage our lives and world affairs have caused a great deal of problems for man over the ages. When these two elements are combined, they become especially dangerous. Liberty, by contrast, removes power from government and allows total freedom of choice in pursuing one's religious beliefs. The only solution to controlling political violence is to prohibit the use of force to pursue religious goals and reject government authority to mold the behavior of individuals.

Both sides in the Middle East are enamored with the so-called benefit that chaos offers to those promoting revolutionary changes. Both sides in situations like this always underestimate the determination of the opposition and ignore the law of unintended consequences. They never consider that these policies might backfire.

Declaring war against Islamic fascism or terrorism is vague and meaningless. The enemy that we are fighting at the expense of our own liberties is purposely indefinable. Therefore the government will exercise wartime powers indefinitely. We have been fully warned to expect a long, long war.

The Islamic fascists are almost impossible to identify and cannot be targeted by our conventional weapons. Those who threaten us essentially are unarmed and stateless. Comparing them to Nazi Germany, a huge military power, is ridiculous. Labeling them as a unified force is a mistake. It is critical that we figure out why a growing number of Muslims are radicalized to the point of committing suicide terrorism against us. Our presence in their countries represents a failed policy that makes us less safe, not more.

These guerilla warriors do not threaten us with tanks, gunboats, missiles or nuclear weapons, nor do they have a history of aggression against the United States. Our enemies' credibility depends instead on the popular goal of ending our occupation of their country.

We must not forget that the 9/11 terrorists came principally from Saudi Arabia, not Iraq, Iran, Lebanon or Syria. Iran has never in modern times invaded her neighbors, yet we worry obsessively that she may develop a nuclear weapon some day. Never mind that a radicalized Pakistan has nuclear weapons and our so-called friend Musharraf won't lift a finger against bin Laden who most likely is hiding in Pakistan. Our only defense against this emerging nuclear threat has been to use and threaten to use weapons that do not meet the needs of this new and different enemy.

Since resistance against the Iraq war is building here at home, hopefully it will not be too long before we abandon our grandiose scheme to rule the entire Middle East through intimidation and military confrontation.

But economic law eventually will prevail. Runaway military and entitlement spending cannot be sustained. We can tax the private economy only so much, and borrowing from foreigners is limited by the total foreign debt and our current account deficit. It will be difficult to continue this spending spree without significantly higher interest rates and further devaluation of the dollar. This all spells more trouble for our economy and certainly higher inflation. Our industry base is shattered, and our borders remain open to those who exploit our reeling entitlement system.

Economic realities will prevail regardless of the enthusiasm by most Members of Congress for a continued expansion of the welfare state and support for our dangerously aggressive foreign policy. The welfare/warfare state will come to an end when the dollar fails and the wealth simply runs out.

The overriding goal should then be to rescue our constitutional liberties which have been steadily eroded by those who claim that sacrificing liberties is required and legitimate in times of war, even the undeclared and vague war that we are currently fighting.

A real solution to our problems will require a better understanding of and a greater dedication to free markets and private property rights. It can't be done without restoring a sound asset-backed currency. If we hope to restore any measure of constitutional government, we must abandon the policy of policing the world and keeping troops in the four corners of the earth. Our liberties and our prosperity depend on it.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Ms. MCKINNEY (at the request of Ms. PELOSI) for today.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Ms. WOOLSEY) to revise and extend their remarks and include extraneous material:)

Mr. DEFAZIO, for 5 minutes, today.

Mrs. MCCARTHY, for 5 minutes, today.

Mr. SKELTON, for 5 minutes, today.

Mr. EMANUEL, for 5 minutes, today.

Mr. PALLONE, for 5 minutes, today.

Mr. MCDERMOTT, for 5 minutes, today.

Ms. WOOLSEY, for 5 minutes, today.

Mr. SCHIFF, for 5 minutes, today.

(The following Members (at the request of Mr. RAMSTAD) to revise and extend their remarks and include extraneous material:)

Mr. POE, for 5 minutes, today and September 14.

Mr. NUSSLE, for 5 minutes, today.

Mr. JONES of North Carolina, for 5 minutes, September 12, 13, 14, and 15.

Mr. GILCHREST, for 5 minutes, September 12, 13, 14, and 15.

Mr. GOHMERT, for 5 minutes, today.

ADJOURNMENT

Mr. PAUL. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 6 o'clock and 58 minutes p.m.), under its previous order, the House adjourned until tomorrow, Friday, September 8, 2006, at 2 p.m.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 8 of rule XII, executive communications were taken from the Speaker's table and referred as follows:

9190. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Bifenazate; Pesticide Tolerance [EPA-HQ-OPP-2006-0327; FRL-8090-1] received August 25, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

9191. A letter from the Principal Deputy Associate Administrator, Environmental

Protection Agency, transmitting the Agency's final rule — Ethofumesate; Pesticide Tolerance [EPA-HQ-OPP-2005-0537; FRL-8086-2] received August 25, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

9192. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — S-metolachlor; Pesticide Tolerance [EPA-HQ-OPP-2006-0292; FRL-8090-2] received August 25, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

9193. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Azoxystrobin; Pesticide Tolerance [EPA-HQ-OPP-2005-0540; FRL-8086-9] received August 15, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

9194. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Dimethenamid; Pesticide Tolerance [EPA-HQ-OPP-2006-0165; FRL-8079-3] received August 15, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

9195. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Triflumizole; Pesticide Tolerances for Emergency Exemptions [EPA-HQ-OPP-2006-0461; FRL-8078-1] received August 15, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

9196. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Bifenthrin; Pesticide Tolerance [EPA-HQ-OPP-2006-0366; FRL-8081-7] received August 9, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

9197. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Copper Sulfate Pentahydrate; Tolerance Exemption in or on Various Food and Feed Commodities [EPA-HQ-OPP-2005-0314; FRL-8085-3] received August 15, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

9198. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Imidacloprid; Pesticide Tolerances [EPA-HQ-OPP-2005-0542; FRL-8081-8] received August 9, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

9199. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Lepidopteran Pheromones; Exemption from the Requirement of a Tolerance [EPA-HQ-OPP-2006-0529; FRL-8083-8] received August 9, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

9200. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Pesticide Management and Disposal; Standards for Pesticide Containers and Containment [EPA-HQ-OPP-2005-0327; FRL-8076-2] (RIN: 2070-AB95) received August 9, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

9201. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Pesticides; Procedural Regulations for Registration Review [EPA-HQ-OPP-2004-0404; FRL-8080-4] (RIN: 2070-AD29) received August 9, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

9202. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Sanitizers with No Food-Contact Uses in Registered Pesticide Products; Revocation of Tolerance Exemptions [EPA-HQ-OPP-2006-0495; FRL-8086-1] received August 9, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

9203. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Inorganic Bromide; Tolerance Actions [EPA-HQ-OPP-2005-0123; FRL-8077-6] received August 9, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

9204. A letter from the Chief, Programs and Legislation Division, Department of the Air Force, Department of Defense, transmitting Notice of the decision to conduct a standard competition of the 57th Maintenance Groups performed by civilian personnel in the Department of the Air Force, pursuant to 10 U.S.C. 2461; to the Committee on Armed Services.

9205. A letter from the Principal Deputy Under Secretary for Personnel and Readiness, Department of Defense, transmitting authorization of the enclosed list of officers to wear the insignia of the grade of brigadier general accordance with title 10, United States Code, section 777; to the Committee on Armed Services.

9206. A letter from the Principal Deputy Under Secretary for Personnel and Readiness, Department of Defense, transmitting the Department's report on how information is provided to potential recruits and to new entrants into the Armed Forces on ''Stop Loss'' authorities and initial periods of military service obligation, pursuant to Section 546 of the National Defense Authorization Act for Fiscal Year 2006; to the Committee on Armed Services.

9207. A letter from the Principal Deputy Under Secretary for Personnel and Readiness, Department of Defense, transmitting authorization of the enclosed list of officers to wear the insignia of the next higher grade in accordance with title 10, United States Code, section 777; to the Committee on Armed Services.

9208. A letter from the Assistant Secretary for Health Affairs, Department of Defense, transmitting a letter in response to Senate Report 109-141 requesting comparison of accession bonuses, salaries and other benefits offered by the Department of Defense and the Department of Veterans Affairs; to the Committee on Armed Services.

9209. A letter from the Chairman and President, Export-Import Bank, transmitting a report on transactions involving U.S. exports to Mexico pursuant to Section 2(b)(3) of the Export-Import Bank Act of 1945, as amended; to the Committee on Financial Services.

9210. A letter from the Chairman and President, Export-Import Bank, transmitting a report on transactions involving U.S. exports to India pursuant to Section 2(b)(3) of the Export-Import Bank Act of 1945, as amended; to the Committee on Financial Services.

9211. A letter from the Chairman and President, Export-Import Bank, transmitting a report on transactions involving U.S. exports to Brazil pursuant to Section 2(b)(3) of the Export-Import Bank Act of 1945, as amended; to the Committee on Financial Services.

9212. A letter from the Chairman and President, Export-Import Bank, transmitting a report on transactions involving U.S. exports to Mexico pursuant to Section 2(b)(3) of the Export-Import Bank Act of 1945, as amended; to the Committee on Financial Services.

9213. A letter from the Chairman and President, Export-Import Bank, transmitting a report on transactions involving U.S. exports to Mexico pursuant to Section 2(b)(3) of the Export-Import Bank Act of 1945, as amended; to the Committee on Financial Services.

9214. A letter from the Chairman and President, Export-Import Bank, transmitting a report on transactions involving U.S. exports to India pursuant to Section 2(b)(3) of the Export-Import Bank Act of 1945, as amended; to the Committee on Financial Services.

9215. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Tribal Strategy; Solid Waste Disposal Act, Subtitle I, as amended by Title XV, Subtitle B of the Energy Policy Act of 2005 [FRL-8208-4] received August 14, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

9216. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Approval and Promulgation of Implementation Plans; State of Iowa [EPA-R07-OAR-2006-0484; FRL-8213-9] received August 25, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

9217. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Amendments to Regulations for Heavy-Duty Diesel Engines [EPA-HQ-OAR-2005-0474; FRL-8214-9] (RIN: 2060-AN70) received August 25, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

9218. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Determination of Attainment; Approval and Promulgation of Implementation Plans and Designation of Areas for Air Quality Planning Purposes; Indiana; Redesignation of Allen County 8-hour Ozone Nonattainment Area to Attainment for Ozone [EPA-R05-OAR-2006-0399; FRL-8214-5] received August 25, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

9219. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Revisions to the California State Implementation Plan, South Coast Air Quality Management District [EPA-R09-OAR-2006-0225; FRL-8207-9] received August 25, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

9220. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Approval and Promulgation of Air Quality Implementation Plans; Virginia; Amendments to Existing Regulation Provisions Concerning Maintenance, Nonattainment, and Prevention of Significant Deterioration Areas [EPA-R03-OAR-2005-VA-0010; FRL-8211-2] received August 15, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

9221. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Approval and Promulgation of Air Quality Implementation Plans; Virginia; Revised Definition of ''Volatile Organic Compound'' [EPA-R03-OAR-2006-0153; FRL-8211-1] received August 15, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

9222. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Approval and Promulgation

of Implementation Plans; State of Missouri [EPA-R07-OAR-2006-046 7; FRL-8209-9] received August 15, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

9223. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Health and Safety Data Reporting; Addition of Certain Chemicals [EPA-HQ-OPPT-2005-0055; FRL-7764-7] (RIN: 2070-AB11) received August 15, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

9224. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Preliminary Assessment Information Reporting; Addition of Certain Chemicals [EPA-HQ-OPPT-2005-0014; FRL-7764-9] (RIN: 2070-AB08) received August 15, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

9225. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Reportable Quantity Adjustments for Carbamates and Carbamate-Related Hazardous Waste Streams; Reportable Quantity Adjustment for Inorganic Chemical Manufacturing Process Waste (K178) [EPA-HQ-SFUND-2002-0010; EPA-HQ-SFUND-2002-0011; FRL-8210-5] (RIN: 2050-AE12) received August 15, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

9226. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Approval and Promulgation of Air Quality Implementation Plans; State of South Dakota; Revisions to the Administrative Rules of South Dakota [EPA-R08-OAR-2006-0604; FRL-8208-8] received August 9, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

9227. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Approval and Promulgation of Implementation Plans and Designation of Areas for Air Quality Planning Purposes; Tennessee; Redesignation of the Montgomery County, Tennessee Portion of the Clarksville-Hopkinsville 8-Hour Ozone Nonattainment Area to Attainment; Correcting Amendment [EPA-R04-OAR-2005-TN-0007-200527(c) FRL-8208-9] received August 9, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

9228. A letter from the Assistant Legal Adviser for Treaty Affairs, Department of State, transmitting Copies of international agreements, other than treaties, entered into by the United States, pursuant to 1 U.S.C. 112b; to the Committee on International Relations.

9229. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting consistent with the Authorization for Use of Military Force Against Iraq Resolution of 2002 (Pub. L. 107-243), the Authorization for the Use of Force Against Iraq Resolution (Pub. L. 102-1), and in order to keep the Congress fully informed, a report prepared by the Department of State for the June 15, 2006 — August 15, 2006 reporting period including matters relating to post-liberation Iraq under Section 7 of the Iraq Liberation Actof 1998 (Pub. L. 105-338); to the Committee on International Relations.

9230. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting a report for 2005 on the International Atomic Energy Agency (IAEA) Activities in countries described in Section 307 (a) of the Foreign Assistance Act, pursuant to Public Law 105-277, section 2809(c)(2); to the Committee on International Relations.

9231. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting pursuant to section 36(c) of the Arms Export Control Act, certification regarding the proposed license for the export of defense equipment to the Government of the Kingdom of Saudi Arabia (Transmittal No. DDTC 028-06); to the Committee on International Relations.

9232. A letter from the White House Liaison, Department of Commerce, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Government Reform.

9233. A letter from the Secretary, Department of Housing and Urban Development, transmitting the Department's FY 2007 Annual Performance Plan; to the Committee on Government Reform.

9234. A letter from the Attorney Advisor, Department of Transportation, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Government Reform.

9235. A letter from the Attorney Advisor, Department of Transportation, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Government Reform.

9236. A letter from the Chairman, Federal Deposit Insurance Corporation, transmitting the Corporation's report for FY 2005 and the preceding four fiscal years on the activities to ensure accountibility for antidiscrimination and whistleblower laws related to employment, pursuant to Public Law 107-174, section 203; to the Committee on Government Reform.

9237. A letter from the Chairman, National Endowment for the Arts, transmitting pursuant to the provisions of the Federal Activities Inventory Reform (FAIR) Act of 1998 (Pub. L. 105-270) and OMB Circular A-76, Performance of Commercial Activities, the Endowment's FY 2006 inventory of commercial activities performed by federal employees and inventory of inherently governmental activities; to the Committee on Government Reform.

9238. A letter from the Chairman, National Labor Relations Board, transmitting the Inherently Governmental and Commercial Activities Inventory as required by the Federal Activities Inventory Reform Act of 1998 (the FAIR ACT); to the Committee on Government Reform.

9239. A letter from the Chairman, National Transportation Safety Board, transmitting the Board's 2006 FAIR Act inventory; to the Committee on Government Reform.

9240. A letter from the Commissioner, Social Security Administration, transmitting the second annual report of the Administration's use of the category rating system; to the Committee on Government Reform.

PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions were introduced and severally referred, as follows:

By Ms. GINNY BROWN-WAITE of Florida:

H.R. 6039. A bill to expand retroactive eligibility of the Army Combat Action Badge to include members of the Army who participated in combat during which they personally engaged, or were personally engaged by, the enemy at any time on or after December 7, 1941; to the Committee on Armed Services.

By Mr. CRENSHAW:

H.R. 6040. A bill to establish the Accountable Budgeting Commission; to the Committee on the Budget.

By Mrs. JO ANN DAVIS of Virginia:

H.R. 6041. A bill to amend the Small Business Act to make service-disabled veterans eligible under the 8(a) business development program; to the Committee on Small Business.

By Mrs. EMERSON:

H.R. 6042. A bill to amend the Animal Health Protection Act to prohibit the Secretary of Agriculture from implementing or carrying out a National Animal Identification System or similar requirement and to require the Secretary to protect information obtained as part of any voluntary animal identification system; to the Committee on Agriculture.

By Mr. HASTINGS of Washington:

H.R. 6043. A bill to amend the Native American Graves Protection and Repatriation Act so that it will be interpreted in accordance with the original intent of Congress to require a significant relationship be found between remains discovered on federal lands and presently existing Native American tribes for those remains to be applicable under the Native American Graves Protection and Repatriation Act; to the Committee on Resources.

By Mr. HINOJOSA:

H.R. 6044. A bill to authorize appropriations for the rural housing and economic development program of the Department of Housing and Urban Development; to the Committee on Financial Services.

By Mrs. MALONEY (for herself, Mr. FOSSELLA, Mr. KING of New York, Mr. NADLER, Mr. RANGEL, Mr. HINCHEY, Mr. SERRANO, and Mr. ENGEL):

H.R. 6045. A bill to extend the time for filing certain claims under the September 11th Victim Compensation Fund of 2001, and for other purposes; to the Committee on the Judiciary.

By Mr. NADLER (for himself, Mr. OWENS, Mr. ISRAEL, Mr. CROWLEY, Mr. SERRANO, Mr. HINCHEY, Mr. ENGEL, Mrs. MCCARTHY, Mr. BISHOP of New York, Mr. TOWNS, Mr. ACKERMAN, Mrs. LOWEY, and Mr. WEINER):

H.R. 6046. A bill to amend title XVIII of the Social Security Act to provide for comprehensive health benefits for the relief of individuals whose health was adversely affected by the 9/11 disaster; to the Committee on Energy and Commerce, and in addition to the Committee on Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. ORTIZ:

H.R. 6047. A bill to amend the Immigration and Nationality Act to waive inadmissibility based on a misrepresentation in the case of an immediate relative of an active duty or reserve member of the Armed Forces and to extent the V nonimmigrant visa program for spouses and children of such a member; to the Committee on the Judiciary.

By Mrs. WILSON of New Mexico:

H.R. 6048. A bill to amend title XVIII of the Social Security Act to provide incentives to Medicare participating suppliers and providers of services that are outpatient physical therapy services (including outpatient speech-language pathology services) and occupational therapy services to report quality and efficiency measures and to provide for a value-based purchasing program for payments for such services under the Medicare Program, and for other purposes; to the Committee on Energy and Commerce, and in addition to the Committee on Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Ms. FOXX:

H.J. Res. 94. A joint resolution recognizing the contributions of the Christmas tree industry to the United States economy and

urging the Secretary of Agriculture to establish programs to raise awareness of the importance of the Christmas tree industry; to the Committee on Agriculture.

By Mr. BERMAN (for himself and Mr. DELAHUNT):

H. Res. 985. A resolution directing the Secretary of State to provide to the House of Representatives certain documents in the possession of the Secretary of State relating to the report submitted to the Committee on International Relations of the House of Representatives on July 28, 2006, pursuant to the Iran and Syria Nonproliferation Act; to the Committee on International Relations.

By Ms. GINNY BROWN-WAITE of Florida (for herself, Ms. JACKSON-LEE of Texas, and Mr. WALSH):

H. Res. 986. A resolution recognizing youth court programs for the efforts of such programs in enhancing the quality of the juvenile justice system in the United States and encouraging the recognition of a National Youth Court Month; to the Committee on Education and the Workforce.

By Mr. DOGGETT:

H. Res. 987. A resolution providing for consideration of the bill (H.R. 147) to amend title II of the Social Security Act to repeal the Government pension offset and windfall elimination provisions; to the Committee on Rules.

By Mr. POE:

H. Res. 988. A resolution honoring the life and accomplishments of Joe Rosenthal; to the Committee on Government Reform.

By Mr. POE:

H. Res. 989. A resolution commending the United Kingdom for its efforts in the War on Terror, and for other purposes; to the Committee on International Relations.

By Ms. WATERS:

H. Res. 990. A resolution expressing the sense of the House of Representatives that the original authorization for use of force against Iraq contained in Public Law 107-243 is outdated and Congress should vote on a new use of force resolution that reflects the current situation in Iraq; to the Committee on International Relations.

By Mr. WESTMORELAND (for himself, Mr. BISHOP of Georgia, Mr. GINGREY, Mr. KINGSTON, Mr. MARSHALL, Ms. MCKINNEY, Mr. LEWIS of Georgia, Mr. PRICE of Georgia, Mr. LINDER, Mr. NORWOOD, Mr. DEAL of Georgia, Mr. BARROW, Mr. SCOTT of Georgia, Mr. PETERSON of Pennsylvania, and Mr. SHERWOOD):

H. Res. 991. A resolution congratulating the Columbus Northern Little League Baseball Team from Columbus, Georgia, on its victory in the 2006 Little League World Series Championship games; to the Committee on Government Reform.

By Mr. WOLF (for himself, Mr. PAYNE, Mr. SMITH of New Jersey, Mr. LANTOS, Mr. CAPUANO, and Mr. TANCREDO):

H. Res. 992. A resolution urging the President to appoint a Presidential Special Envoy for Sudan; to the Committee on International Relations.

ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 19: Mr. WAMP.
H.R. 23: Mr. SABO, Mr. MOLLOHAN, and Mr. DENT.
H.R. 65: Mr. GOODE.
H.R. 111: Mr. PAUL.
H.R. 294: Mr. HIGGINS.
H.R. 303: Mrs. MALONEY.
H.R. 566: Mr. BISHOP of New York and Mr. ACKERMAN.
H.R. 615: Mr. MARCHANT.
H.R. 752: Ms. WATSON and Mr. KUCINICH.
H.R. 817: Mr. MARCHANT.
H.R. 823:. Mr. TERRY.
H.R. 896: Mr. FORTUÑO and Mr. LOBIONDO.
H.R. 941: Mr. GERLACH, Mr. ENGLISH of Pennsylvania, Mr. LATOURETTE, Mr. GOHMERT, Mr. SOUDER, Mr. COLE of Oklahoma, Mr. LUCAS, and Mr. POMBO.
H.R. 1070: Mr. BONNER.
H.R. 1188: Mr. DOYLE.
H.R. 1243: Mr. ISTOOK, Mr. MOLLOHAN, Mr. RYUN of Kansas, and Mr. PITTS.
H.R. 1264: Ms. MCCOLLUM of Minnesota, Mr. WYNN, Ms. WOOLSEY, and Mr. WEXLER.
H.R. 1288: Mr. DEFAZIO.
H.R. 1384: Mr. MARCHANT, Mr. GOHMERT, Mr. GRAVES, and Mr. CARDOZA.
H.R. 1405: Mr. DOYLE and Mr. MURPHY.
H.R. 1634: Mr. LEWIS of Kentucky and Mr. GINGREY.
H.R. 2047: Mr. SOUDER and Mr. WELDON of Pennsylvania.
H.R. 2088: Mr. GRAVES and Mr. CARDOZA.
H.R. 2343: Mr. GERLACH.
H.R. 2421: Mrs. KELLY, Mr. REICHERT, Mr. BAKER, Mr. JINDAL, Mr. MCINTYRE, Mr. INSLEE, Mr. NADLER, Mr. DOOLITTLE, Mr. BONNER, Mr. WALSH, Mr. HOLT, Mr. LATOURETTE, Mr. FERGUSON, Ms. ROYBAL-ALLARD, Mr. ETHERIDGE, Mr. YOUNG of Florida, Mr. DELAHUNT, Mr. BOUCHER, and Mr. KIRK.
H.R. 2567: Mr. EHLERS and Mrs. LOWEY.
H.R. 2671: Mr. GUTIERREZ and Mr. HIGGINS.
H.R. 2679: Mr. HAYES, Mr. KENNEDY of Minnesota, and Ms. HARRIS.
H.R. 2680: Mr. GERLACH.
H.R. 2694: Ms. MOORE of Wisconsin.
H.R. 2717: Mr. NADLER.
H.R. 2719: Ms. SCHWARTZ of Pennsylvania.
H.R. 2861: Mr. AL GREEN of Texas, Mr. EHLERS, and Mr. BILIRAKIS.
H.R. 2869: Mr. GERLACH.
H.R. 2945: Mr. NADLER.
H.R. 3005: Mr. CRENSHAW.
H.R. 3195: Mr. ANDREWS and Mr. OBERSTAR.
H.R. 3361: Mr. ALLEN.
H.R. 3436: Mr. PLATTS and Mr. MCCAUL of Texas.
H.R. 3478: Mr. AL GREEN of Texas, Mr. HINCHEY, Mr. FORTUÑO, and Mr. ALEXANDER.
H.R. 3479: Mr. UDALL of Colorado.
H.R. 3559: Mr. BISHOP of Georgia, Mrs. MILLER of Michigan, Mr. CUMMINGS, Mr. HAYWORTH, Mr. JEFFERSON, Mr. SCOTT of Georgia, and Mr. WICKER.
H.R. 3584: Mr. ANDREWS and Ms. DEGETTE.
H.R. 3762: Mr. SMITH of New Jersey, Mr. YOUNG of Florida, and Mr. WEXLER.
H.R. 3850: Mr. TURNER.
H.R. 3931: Mr. HINCHEY.
H.R. 3954: Mr. PAUL.
H.R. 4098: Mr. BOUCHER.
H.R. 4156: Mr. CONYERS and Mr. BOYD.
H.R. 4222: Mr. BROWN of Ohio.
H.R. 4232: Mr. FARR.
H.R. 4264: Mr. GRIJALVA.
H.R. 4277: Mr. PEARCE.
H.R. 4293: Mr. GENE GREEN of Texas.
H.R. 4304: Mr. ACKERMAN.
H.R. 4341: Mr. KIND.
H.R. 4347: Mr. BROWN of Ohio and Mr. KILDEE.
H.R. 4366: Mr. GORDON, Mr. DOYLE, Mr. WELDON of Pennsylvania, and Mr. BOYD.
H.R. 4429: Mr. KUCINICH.
H.R. 4491: Mr. FORD and Mr. MURPHY.
H.R. 4547: Mr. GENE GREEN of Texas and Mr. MOLLOHAN.
H.R. 4560: Mr. MORAN of Virginia, Mr. GILCHREST, and Mr. LEACH.
H.R. 4597: Ms. WOOLSEY, Mr. MARCHANT, and Mr. BURTON of Indiana.
H.R. 4609: Mr. FORD.
H.R. 4623: Mr. MCHUGH.
H.R. 4716: Mr. MCCOTTER and Mrs. MCMORRIS RODGERS.
H.R. 4747: Mr. BERMAN.
H.R. 4751: Mr. CUMMINGS, Mr. PLATTS, Mrs. MALONEY, and Mr. REHBERG.
H.R. 4771: Mr. MCCOTTER.
H.R. 4800: Mr. HINCHEY and Ms. WOOLSEY.
H.R. 4823: Mr. ENGLISH of Pennsylvania.
H.R. 4856: Mr. LEWIS of Georgia.
H.R. 4925: Mr. CONYERS.
H.R. 4964: Mr. BILBRAY.
H.R. 5005: Mr. MARCHANT and Mr. GRAVES.
H.R. 5056: Mr. MCCOTTER.
H.R. 5072: Ms. BORDALLO, Mr. NUSSLE, Mr. MICHAUD, and Mr. LAHOOD.
H.R. 5092: Mr. PETERSON of Minnesota, Mr. MARCHANT, and Ms. GRANGER.
H.R. 5099: Mr. EDWARDS.
H.R. 5100: Mr. WALSH, Mr. HINCHEY, Mr. PAYNE, and Mr. RUSH.
H.R. 5139: Mrs. DAVIS of California and Mr. WEXLER.
H.R. 5148: Mr. WOLF.
H.R. 5150: Mr. WEINER.
H.R. 5161: Mr. KUCINICH.
H.R. 5167: Mr. PRICE of North Carolina, Mr. LEACH, and Ms. HOOLEY.
H.R. 5173: Mr. REHBERG and Mr. WOLF.
H.R. 5179: Ms. EDDIE BERNICE JOHNSON of Texas and Mr. PETERSON of Pennsylvania.
H.R. 5182: Mrs. NAPOLITANO, Mr. MORAN of Virginia, Mr. UDALL of New Mexico, Mr. STUPAK, Ms. CORRINE BROWN of Florida, Mr. SALAZAR, Mr. HINCHEY, Mr. CUMMINGS, Mr. SMITH of Washington, and Mr. RYUN of Kansas.
H.R. 5185: Mr. BARROW and Ms. SCHAKOWSKY.
H.R. 5234: Mr. DOYLE and Ms. JACKSON-LEE of Texas.
H.R. 5236: Mr. CUMMINGS.
H.R. 5249: Mr. HALL, Mr. BARROW, Mr. SPRATT, Mr. SHIMKUS, and Mr. MURPHY.
H.R. 5255: Mr. MCINTYRE.
H.R. 5280: Mrs. MYRICK.
H.R. 5388: Mr. MATHESON.
H.R. 5452: Mr. PEARCE and Mr. ROGERS of Kentucky.
H.R. 5460: Mr. RENZI.
H.R. 5465: Mr. PASTOR.
H.R. 5478: Mr. GOHMERT and Mr. KLINE.
H.R. 5550: Mr. ABERCROMBIE and Mr. KUCINICH.
H.R. 5555: Mr. BOUSTANY.
H.R. 5557: Mr. STARK.
H.R. 5558: Mr. PENCE, Mr. POE, and Mr. MICHAUD.
H.R. 5562: Mr. MCINTYRE, Ms. ROS-LEHTINEN, and Mr. MCGOVERN.
H.R. 5575: Mr. ROSS.
H.R. 5579: Mr. TIERNEY.
H.R. 5608: Mr. FRANK of Massachusetts, Mr. MOORE of Kansas, Mr. RAMSTAD, Mr. GERLACH, and Mr. LATHAM.
H.R. 5624: Mr. LIPINSKI, Ms. EDDIE BERNICE JOHNSON of Texas, Mr. BOEHLERT, Mr. NEY, and Mr. PORTER.
H.R. 5630: Mr. UDALL of Colorado.
H.R. 5644: Mr. MCCOTTER and Mr. FORD.
H.R. 5650: Mr. MCCOTTER.
H.R. 5671: Mr. BOUSTANY.
H.R. 5680: Mrs. DAVIS of California and Ms. ZOE LOFGREN of California.
H.R. 5698: Mr. KENNEDY of Rhode Island and Mr. BOSWELL.
H.R. 5704: Mr. GERLACH and Mr. MCCAUL of Texas.
H.R. 5707: Mr. TERRY.
H.R. 5738: Mr. ALLEN.
H.R. 5743: Mr. RAMSTAD and Mr. PEARCE.
H.R. 5746: Ms. LEE, Mr. GEORGE MILLER of California, Mr. EHLERS, Ms. MATSUI, Ms. ESHOO, Mr. BEAUPREZ, Mr. FARR, Mr. BOUCHER, Ms. MCCOLLUM of Minnesota, and Mr. SALAZAR.
H.R. 5751: Mr. GONZALEZ, Mr. GENE GREEN of Texas, Mr. EDWARDS, Mr. MARCHANT, and Mr. WESTMORELAND.
H.R. 5755: Mr. TERRY and Mr. MARCHANT.
H.R. 5758: Ms. JACKSON-LEE of Texas and Mr. FORTENBERRY.

H.R. 5769: Mr. CANNON and Mr. BISHOP of Utah.

H.R. 5772: Mr. GALLEGLY and Mr. LOBIONDO.

H.R. 5803: Mr. TERRY.

H.R. 5805: Mr. ENGLISH of Pennsylvania.

H.R. 5806: Mr. WEXLER, Mr. MEEKS of New York, Mr. HONDA, and Mr. GUTIERREZ.

H.R. 5818: Mr. ENGLISH of Pennsylvania.

H.R. 5837: Mr. CARNAHAN.

H.R. 5862: Mr. PEARCE.

H.R. 5866: Mr. SESSIONS, Mr. GERLACH, Mr. THORNBERRY, Ms. GRANGER, Mr. HEFLEY, Mr. CARTER, Mr. MANZULLO, Mr. HALL, and Mr. WELDON of Pennsylvania.

H.R. 5871: Mr. EHLERS, Mr. HINOJOSA, Ms. JACKSON-LEE of Texas, Mr. FORD, Mr. BOEHLERT, and Mr. RUPPERSBERGER.

H.R. 5890: Mr. KLINE and Mr. MCHUGH.

H.R. 5905: Mr. VAN HOLLEN and Mr. CASE.

H.R. 5948: Mr. LIPINSKI.

H.R. 5977: Ms. HARRIS.

H.R. 5986: Mr. SAM JOHNSON of Texas.

H.R. 6033: Mr. GILLMOR.

H. J. Res. 79: Ms. PELOSI.

H. Con. Res. 222: Mr. LEWIS of Kentucky.

H. Con. Res. 346: Ms. WASSERMAN SCHULTZ.

H. Con. Res. 391: Mr. LEACH.

H. Con. Res. 424: Mr. MCCOTTER, Mr. PITTS, Mr. FORTUÑO, Mr. LIPINSKI, Mr. BRADLEY of New Hampshire, Mr. SANDERS, Mr. REHBERG, Mr. GILCHREST, Mr. MOORE of Kansas, Ms. JACKSON-LEE of Texas, and Mr. BERRY.

H. Con. Res. 465: Mr. PAUL, Ms. CORRINE BROWN of Florida, Mrs. JO ANN DAVIS of Virginia, Mr. FILNER, Mr. PLATTS, Mr. GORDON, Mrs. MALONEY, and Mr. ROTHMAN.

H. Res. 20: Mr. DAVIS of Kentucky.

H. Res. 518: Mr. TERRY, Mr. MCHUGH, Mr. RUPPERSBERGER, Mr. CARDIN, and Mr. MORAN of Kansas.

H. Res. 622: Mr. ENGEL, Mr. ABERCROMBIE, Mr. LANTOS, Mr. LEACH, Mr. ROHRABACHER, Ms. MCCOLLUM of Minnesota, Mr. CROWLEY, Mr. GEORGE MILLER of California, Mr. RUPPERSBERGER, and Mr. BURTON of Indiana.

H. Res. 745: Mr. BARRETT of South Carolina.

H. Res. 874: Mr. FOSSELLA.

H. Res. 938: Mr. GENE GREEN of Texas, Mr. PAYNE, and Ms. DEGETTE.

H. Res. 940: Mr. MCNULTY, Mr. BACA, Mr. BECERRA, Mrs. LOWEY, Mrs. NAPOLITANO, Mr. GRIJALVA, Mr. ORTIZ, Mr. HONDA, Ms. DELAURO, Mr. SMITH of Washington, Mr. HIGGINS, Mr. ACKERMAN, Mr. DOGGETT, Mr. CARDOZA, Mr. CARNAHAN, Mr. CLEAVER, Ms. WATSON, Mr. WAXMAN, Mr. PENCE, Mr. WEXLER, Mr. ISSA, Mr. WILSON of South Carolina, Mr. ROHRABACHER, Mr. KING of New York, Mr. MCCAUL of Texas, and Mr. SWEENEY.

H. Res. 943: Ms. KILPATRICK of Michigan.

H. Res. 971: Mr. SHAYS.

H. Res. 973: Mr. POMEROY, Mr. KUHL of New York, and Mr. KIND.

H. Res. 976: Mr. DINGELL and Mr. ROHRABACHER.

H. Res. 983: Mr. DENT.

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PROCEEDINGS AND DEBATES OF THE 109th CONGRESS, SECOND SESSION

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Senate

(Legislative day of Wednesday, September 6, 2006)

The Senate met at 9:30 a.m. and was called to order by the Honorable JOHN E. SUNUNU, a Senator from the State of New Hampshire.

PRAYER

The PRESIDING OFFICER. Today's prayer will be offered by Father Costa Christo of the Holy Trinity Greek Orthodox Church, Wilmington, DE.

The guest Chaplain offered the following prayer:

Let us pray.

Be mindful, O Lord, of our civil authorities, of our Armed Forces by land, sea and air and of these God-crowned United States of America. Grant us peaceful times that we may lead a calm and tranquil life in all godliness and sanctity. Teach us to put away all bitterness and misunderstanding, all hatred and prejudice, that we may draw together as one family in Your caring embrace.

Bless and grant perfect health of mind and body to our esteemed Senators. Oversee them and protect them from every evil, adverse encounter, and distress. Direct their thoughts, Lord, in the way of truth, that they may enact, order, and enforce those things that are true, those things that are pure, those things that are just, tending toward all excellence and virtue. Grant unto them Your divine grace for their enlightenment to govern and lead the people of this Nation in the ways of righteousness.

Indeed, let them be Your instruments to bless our Nation and the entire world. For to You belong the kingdom, the power, and the glory, forever more. Amen.

PLEDGE OF ALLEGIANCE

The Honorable JOHN E. SUNUNU 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. STEVENS).

The legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, DC, September 7, 2006.

To the Senate:

Under the provisions of rule I, paragraph 3, of the Standing Rules of the Senate, I hereby appoint the Honorable JOHN E. SUNUNU, a Senator from the State of New Hampshire, to perform the duties of the Chair.

TED STEVENS,
President pro tempore.

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

RECOGNITION OF THE MAJORITY LEADER

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

SCHEDULE

Mr. FRIST. Mr. President, this morning the first 30 minutes of session will be devoted to a morning business period for Senators to make statements. Shortly after 10 a.m., we will resume our work on the Defense appropriations bill. We worked into the evening last night and voted on a couple of the pending amendments. Therefore, we will finish the bill during today's session. The two managers can update us when we return to the bill, but it is my hope we can finish the bill early today and move on to other business. I know I can speak for the chairman and say it is imperative we do not delay this defense funding bill any longer and we move toward passage quickly.

Several committees have been meeting on the issue of port security. We should be ready to begin that important Homeland Security bill next. We will have further updates during today's session as to the timing of finishing the Defense bill as well as the next order of business.

RESERVATION OF LEADER TIME

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

MORNING BUSINESS

The ACTING PRESIDENT pro tempore. Under the previous order, there is now a period of 30 minutes for the transaction of morning business, with the first half of the time under the control of the minority leader or his designee and the second half of the time under the control of the majority leader or his designee.

The ACTING PRESIDENT pro tempore. The Senator from Delaware.

WELCOMING THE GUEST CHAPLAIN

Mr. BIDEN. Mr. President, I rise this morning as a point of personal privilege to welcome a friend and leader in our community in Wilmington, DE. Father Christo opened the Senate in prayer this morning. It may be the only time the entire Greek community in Wilmington, DE, was tuned in to C–SPAN as we opened up the morning session. I want this Senate to know and I hope my colleagues will get a chance to meet Father Christo.

Many who were raised with a parochial education got an opportunity to meet religious teachers. The kind of guy one always looked for was Father. Father is a guy whom everyone knew was much smarter than you. You knew he was probably a better athlete than you were. You knew he had thought through whatever you were thinking of before you thought it. And you also knew you could go to him whenever you needed help.

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

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That is the role he continues to play with an adult parish in one of the most active communities in my State. The Greek-American community is small in our State, but it is extremely vibrant. Similar to many communities, the heart and soul of it is the church. The heart and soul of it is not only the spiritual center of the community, it is the political center of the community. I mean that in a nonpartisan way. It is the social center of the community. It is the community. It is the embodiment of community.

We have very important business this morning, and I will yield to my distinguished colleague, Senator CARPER.

I can say to Father, it is an honor to have him here this morning. I hope he has an even greater impression than I know he possessed when he came, of the majesty of this place. This is the people's Chamber. They talk about the people's House, this building, this Senate, all of the Capitol. Every time people come to visit, I remind them that this belongs to them. This is theirs. We are only here as hired hands for a while. I hope Father takes back to his parish the notion that there is an awful lot of good that can be done here.

I am delighted he took the time this morning to remind us of the relationship between temple, Government, and the spiritual leadership that comes directly and immediately from God. I thank him for that. I thank him for his generosity and leadership back home in our community beyond Holy Trinity. Thank you very much.

I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Delaware.

Mr. CARPER. Mr. President, I add a couple of comments to the words of our colleague, Senator BIDEN, in welcoming Father Christo to the Senate Chamber today.

We are proud of our Constitution. Delaware was the first State to ratify the Constitution of our country. The Constitution calls for separation of church and state. Some people may find, given that as our heritage, it is unusual we begin each of our sessions in the Senate with an opening prayer.

Today, we are honored for all in Delaware, for everybody in the Greek community in our State, and everyone in the country, to be able to welcome one of our own to open the Senate in prayer.

I am struck by the number of times I talk to people in my State and around the country who say: We pray for you—not just me as an individual but for us as a collective body, as we meet. I always say: We welcome your prayers; keep praying. We certainly need those prayers.

I asked my staff to give me a little bit of background on Father, to say a few words. I have 10 pages of accomplishments. What a remarkable tale of accomplishment—and still a young pup.

I am honored you are here. Thank you for coming and starting our day on the right foot.

I would say to those people from other States, in talking to the Presiding Officer before the session began, he was asking where the Greek Church is in our State. If you come through Delaware on I–95, and a lot of people do, in the early part of June, you get off on Pennsylvania Avenue and head north a couple of blocks, make a left turn on Broom Street, you will find the Greek Church. They hold a great festival there. It is not only a church where people go for their souls, but three nights in the early part of June you can go there and enjoy great Greek food, dance, and drink. It is a wonderful time of fellowship with people who are Greek their whole lives and people who are Greek for a night or two.

We are honored by your presence, Father, and thank you for embracing us and thank you for your warm and wonderful prayer.

The ACTING PRESIDENT pro tempore. The Senator from Montana.

Mr. BAUCUS. Mr. President, I ask unanimous consent for 15 minutes to speak in morning business.

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

HONORING OUR ARMED FORCES

CPL PHILLIP BAUCUS

Mr. BAUCUS. Mr. President, west of Baghdad in Iraq's Al Anbar Province, the 3rd Light Armored Reconnaissance Battalion of the 1st Marine Division rested for the night. On Saturday, June 29, a suicide bomber crashed his vehicle into a barrack. The structure collapsed. Four marines died. Among them was a 28-year-old corporal named Phillip Baucus. He is my nephew.

When I first took my wife Wanda to the family ranch many years ago, about 23, young Phillip, 5 or 6 years old, received Wanda. He walked up to Wanda and said: Wanda, welcome to the ranch. He had a wildflower in his hand and he gave it to Wanda. That is how he was.

Wanda and I had the sad duty at Dover Air Force Base to receive Phillip's casket. When we asked, they said, no, we could not touch his casket, but they reconsidered—the colonel did—and said, yes, it was all right for Wanda and let Wanda touch Phillip's casket. Beneath the flag that draped the casket, Wanda slipped a wildflower. That is how she is. North of Helena, in Montana's Lewis and Clark County, Phillip came to his final rest. On the afternoon of Sunday, August 6, more than 500 Montanans gathered under the willow trees of the family ranch to remember Phillip.

A Chinook helicopter flew overhead, a massive American flag draped below it. White doves were released into the sky. A bagpipe played ''Amazing Grace,'' and the ''Marine Corps Hymn.'' Bugles played ''Taps.'' The funeral ended with a family tradition, a tradition that Phillip loved. We packed 2 pounds of black gunpowder, fired an anvil weighing about 60 pounds several hundred feet into the air. It fell to the ground with a heavy thud.

Marines folded the flag that had covered Phillip's casket into a triangle and handed it to his widow Katherine. Phillip and Katherine had been married at that very same place less than a year before. Phillip's Marine colleague, Sergeant Raymond Rios, spoke to Phillip saying: ''Baucus, you will always be here with every shadow, the sun shining and the trees blowing.''

My brother John and I planted two trees there a few weeks ago on the ranch in memory of Phillip. They will blow in the winds and grow in the sun there in his memory. It was at that ranch where he was laid to rest on the same mountain where my father lies.

In the days since, I have been moved by the hundreds of handwritten notes I have received from Montanans, friends, and colleagues. I have been moved by these many tributes. In the Native American culture there is no greater honor than dying for your community, being a warrior. American Indians have answered this country's call to service in numbers far greater than their fair share of the population. When injured or killed in war, Native American service men and women are honored as fallen warriors. Their praises are sung before every powwow and special occasion.

I visited several Indian tribes last August. Time after time, I was honored when the tribal leaders honored Phillip as a fallen warrior. Following one tribal council meeting, an elderly grandmother asked if she could honor Phillip. She told me she had two grandsons in Iraq. She wanted to express her condolences to my family. She had made a quilt with the American flags interspersed throughout the quilt for the fallen warrior. She asked me to turn around. And reaching on her tiptoes, she draped the quilt around my shoulders. Then she embraced me.

(The remarks of Mr. BAUCUS pertaining to the introduction of S. 3865 are located in today's RECORD under ''Statements on Introduced Bills and Joint Resolutions.'')

Mr. BAUCUS. I yield the floor.

The ACTING PRESIDENT pro tempore. The minority leader.

Mr. REID. Mr. President, coincidentally, coming to the floor this morning, I signed two letters of condolences to families, one in northern Nevada—Silver Springs, NV—and one in Las Vegas, NV, to parents who lost young men in Iraq during the last week or so. I have signed lots of these letters for Nevadans, but signing one of these letters in the future will never be the same after listening to my friend from Montana.

When I first learned of Phillip's death, I said on the Senate floor: MAX BAUCUS has a son. I know him, a wonderful young man. But this nephew of Senator BAUCUS was like his second son. So in the future, when I sign these letters, I will think of MAX BAUCUS because it is easy, it is human nature, to

feel sorrow when we sign these letters and see these names—approaching 2,700—but when you have actually experienced the loss, I know, having witnessed the distress my friend has gone through, I repeat, signing that letter to one of these families will never be the same.

So I say to Senator BAUCUS, who is part of the Senate family, one of the senior Members of the Senate, the thoughts of every Senator go out to you, MAX. And you did today what your heart said you should do. I wish we could convey to everyone in America, through you, what is going on in our country and what sacrifices families are making. We have to make their sacrifices stand for something.

Again, it is wonderful to have MAX BAUCUS as our friend. And more especially to me, on a personal note, it is important he is my friend.

Mr. BAUCUS. Mr. President, I thank my very good friend from Nevada. I thank you very much. And I thank all my colleagues very much. We are one big family here in the Senate and in the country, and we are a great country. We will see our way through all this.

The ACTING PRESIDENT pro tempore. The Senator from North Dakota.

Mr. CONRAD. Mr. President, we have just heard a very powerful and moving statement from the senior Senator from Montana, and we all understand he has suffered a deep and personal loss. I heard about the very close relationship Senator BAUCUS had with the nephew he lost, and he should know that his friends and his colleagues share that loss, that we grieve with him and we grieve with the family, that we especially appreciate the very moving statement he made.

It is our obligation—it is our obligation—to make certain these losses mean something and that, in the end, our country is successful against this threat.

I think every Member of this Chamber recognizes there is a real threat to our Nation and that we owe a deep debt of gratitude to those who answer the country's call, who come forward and serve when they are asked. This Nation owes much to those who have sacrificed, and we should never forget it.

Senator BAUCUS, you should know that your friends and your colleagues—this is a family—mourn with you and grieve with you and your family.

I yield the floor.

The ACTING PRESIDENT pro tempore. Under the previous order, the time for morning business allotted to the minority has expired. The majority controls 15 minutes.

Who seeks time?

The Senator from Kentucky.

NATIONAL SECURITY

Mr. BUNNING. Mr. President, I rise today to discuss the issue of national security. Safety and security of the American people must be our Government's top priority, and we must not lose sight of the threat that faces our Nation. As we approach the anniversary of the attacks of September 11, 2001, I wish to remind all Americans that these were acts of war against the United States.

Since then, the United States and our coalition partners have fought back.

Despite what some might say, we have seen many successes. We have dismantled al-Qaida's terrorist network in Afghanistan and helped democracy rise in its place.

We are working with our allies to secure a united, stable, and democratic Iraq.

We have led an international campaign against terrorist financing, freezing over $1.5 billion in terrorist assets in the United States alone.

Since September 11, there have been no terrorist attacks or acts on American soil. Our intelligence system has prevented 15 major terrorist plots that we know of and likely many others that are undisclosed. We have convicted over 261 defendants in terrorism-related cases and charged more than 180 others.

While we are continually working to make America safer, we still face serious threats from our enemies both at home and abroad.

To win the war against the Islamic fascists, we need an effective intelligence system that is lawful but also provides us with the necessary information to prevent attacks before they occur.

Only last month we were once again reminded that there are people out there who want to kill us and what we stand for. Fortunately, with the help of our British allies, we were able to prevent the terrorists from killing innocent civilians. These threats are real, this war is real, and the outcome will be determined by the action of our Congress and our people, and it will determine the future of our Nation.

This war is unlike any other war we have ever fought. It is both a battle of arms and a battle of ideas. This war of ideology is not an easy one and requires an advancement of freedom.

I know it is often difficult to turn on the news and hear reports from Iraq and Afghanistan and question what type of effective democracy we have in place. Have we so quickly forgotten the image 9 months ago of Iraqis waving their blue fingers in the air after they had voted in the first free elections in their nation's history? Have we forgotten the images of women and children sitting in classrooms in Afghanistan, free to learn without the fear of persecution or execution?

These are images I will never forget. They are images of democracy at work.

Just this morning we saw democracy at work when coalition forces in Iraq handed over control of the Iraqi armed forces to the Iraqi Government.

Effective democracies do take time and hard work. They cannot be created overnight, but in the end they combat the ideology of Islamic fascists.

These terrorists recognize this and because of it are willing to kill innocent people to stop the spread of freedom.

I urge my colleagues not to let them succeed in their efforts and to join me in maintaining a united front against these terrorist nations and the terrorists across the world as we press ahead with important national security legislation in the coming weeks.

While we may disagree about different policies in our war against these terrorists, we must not lose sight of what is at stake for our country. We owe it to future generations—my 35 grandkids, 4 great-grandkids, 9 children, and their spouses—we owe it to all Americans because the cost of failure is too great.

I, for one, will not back down from the challenges and look forward to working with my colleagues on this matter.

I yield the floor.

The PRESIDING OFFICER (Ms. MURKOWSKI). The Senator from Mississippi.

Mr. COCHRAN. Madam President, I am pleased to join my colleague from Kentucky in commenting this morning during morning business on our efforts to protect against the continuing threats to our Nation, specifically protecting ourselves against the continuing threat from terrorists.

I am pleased to see President Bush in recent days presenting to the American people and the world what the facts are, what we have achieved in our efforts to defend our country against the terrorist acts and to protect against those who would harm American citizens around the world.

I am pleased to see that we have the strong leadership of the President on this issue and those who are working with him in the administration to carry out his policies and the policies we have identified here to support through votes in the Senate and the House.

Secretary Rumsfeld has come under a lot of criticism recently. Many people have been making speeches, calling for his resignation. I think he has done a good job. I think he has been a solid performer to carry out the mission that we have to perform to succeed in the war on terror.

The Congress has approved appropriations bills, authorizations for the work that is being done in this very difficult and challenging area. We now have before us in the Senate another appropriations bill providing funds for the Department of Defense. We have a bill that has been approved by our Appropriations Committee funding the Department of Homeland Security. In both of these measures, we have outlined an aggressive effort that should be carried out by our Government to protect our country, and the efforts that we have made and the administration has made are working. They are doing a great job.

Recent events in England have shown us how difficult the challenge is for other countries and how sometimes preemptive and decisive action is needed in order to protect the citizens of England and our country as well. We applaud the close working relationship we have with them. We benefit from their efforts, and we are grateful to them for the courage and the skill they have shown in this war on terror.

The Congress should continue to support the administration, not take advantage of opportunities for political bickering, partisan nitpicking—whatever one might want to call it. I think we need to take a higher ground in this debate and discussion of what our options are for protecting our country and our people. We don't need the constant drumbeat of partisan criticism against the President and the Secretary of Defense.

I think we should consider instead the impressive success of our soldiers, their courage, and the courage of their leaders and the skill of their leaders in mobilizing the resources of our country to guarantee success in the war on terror.

Just consider what is going on in Iraq right now. Madam President, under the leadership of President Bush and Secretary of Defense Rumsfeld and GEN George Casey, our outstanding commander who is responsible for the multinational force that is in Iraq today, we are successfully helping Iraq organize, equip, and train their forces so they can take care of their own security interests.

Iraqi security forces are now in the lead and responsible for almost 75 percent of the military obligations and challenges that are faced today in Iraq.

There are currently 5 Iraqi divisions, 26 brigades, and 88 battalions that are in the lead in their areas of responsibility in Iraq.

More and more of the land area in Iraq is now under the control of Iraqi's own security forces, supported, of course, by coalition government troops who are there as well.

The other day, at a news conference in Baghdad, General Casey explained that he can see U.S. troop reductions in Iraq over the next 12 to 18 months because Iraqi security forces are progressing to a point where they can take on the security responsibilities of the country.

We have seen a significant step being taken when the Iraqi Ministry of Defense announced it is assuming direct operational control over the country's Armed Forces. That announcement was made today. The Iraqi joint headquarters, under the direction of the Ministry of Defense, will be fully responsible now for the Iraqi Air Force, the Iraqi naval force, and the Iraqi ground forces command.

These are facts, Madam President, which we ought to consider and applaud, and our Government and our Department of Defense and our soldiers deserve credit for the successes they have achieved and the strong leadership that has been provided to them.

The United States and coalition forces have gradually turned over other security operations in Afghanistan, for example, to NATO forces. This has been a very impressive feat of leadership to bring together the forces of NATO originally responsible for European defense and now enlarged to include areas of concern to other NATO countries in what had been previously considered out-of-area interests.

NATO forces have taken control of the International Security Assistance Force in the north, west, most recently in the south, and now are making progress in the east to achieve control and success in defending the security of the people of Afghanistan.

There are 37 nation states involved in this effort. We ought to applaud the President, and we ought to applaud the Secretary of Defense for the successes they have achieved in moving us to this point in our dealings with Afghanistan. We have liberated Afghanistan. The Russians had experiences there. We recall their failures and the dangers that continued under the Taliban—the deprivation of rights, particularly of women and children. No schools were available. Now we have moved into a new area of freedom and hope because of the work that these 37 nations have achieved under U.S. leadership and with the U.S. military very actively involved.

So today I am pleased to say to the administration and the Secretary of Defense and the President specifically: We are proud of the work you are doing. We are going to continue to support you by providing the funding you need to carry out your missions and protect our country against terrorists and the other threats that we have looming on the horizon.

Madam President, I yield the floor.

The PRESIDING OFFICER. The Senator from Kansas.

Mr. BROWNBACK. Madam President, how much time is remaining in morning business on our side?

The PRESIDING OFFICER. There is only 15 seconds remaining.

Mr. BROWNBACK. Madam President, I ask unanimous consent to speak for up to 5 minutes as in morning business. I want to speak about the Iranian President who is going to be in Washington speaking today.

The PRESIDING OFFICER. Is there objection?

Mr. CONRAD. There is no objection on our side.

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

IRAN

Mr. BROWNBACK. Madam President, I thank my colleagues for this opportunity to speak.

Later today, President Khatami of Iran will be speaking at the National Cathedral. I hope he is asked and he answers a number of questions about what happened during his reign of terror in Iran.

President Khatami was the President of Iran, the lead sponsor of terrorism around the world.

President Khatami was President of Iran, a country that seeks to have the United States bow down in front of Iran and to Iran.

President Khatami worsened the human rights record in Iran to its own people. As we speak right now, a press conference is going on at the National Press Club of Iranians who have somehow gotten out of that country who were tortured under President Khatami and President Ahmadi-Nejad, the current President of Iran.

I hope that as we deliberate the Department of Defense appropriations bill, we recognize this threat. This is a country, Iran, that seeks to destroy Israel, seeks to attack and destroy the West, seeks to have us bow down. I will read the quote from President Ahmadi-Nejad that he said in July. He called on America and the West to bow before Iran saying:

> If you would like to have good relations with the Iranian nation in the future, bow down before the greatness of the Iranian nation and surrender. If you don't accept to do this, the Iranian nation will force you to surrender and bow down.

Those are his words. We will not bow down. We are in a war on terrorism. We are in a war against Islamic fascism, which this is a statement of. I hope we recognize that. In the war on terrorism, terrorism is their tactic, and they use it through Hezbollah and Hamas, which Iran is supporting and operating. They direct it at us. We have to confront this and we have to confront this Islamic fascism. What they seek to establish is a militant dictatorship, an Islamic fascist dictatorship. This group has an object. They don't just wander around. Step 1 is to remove the United States from the Middle East. Step 2 is to establish an Islamic caliphate. This is an Islamic dictator over an entire region—a Shia crescent over an entire region of the world. These are his words. This is what they seek. They seek a nuclear weapon to be able to threaten the region, to be able to use in this region. Ayatollah Khamenei, the lead sponsor and organizer of the current Islamic Republic, in 1979, removing the Shah, came in and said if we destroy Israel, Allah will reward us. This is a governing theological philosophy that has not been walked away from by the current leadership in Iran. Let's listen to the words they say themselves.

Former President Khatami is going to be speaking in Washington, DC, tonight. He said in October 2000:

> If we abide by the Koran, all of us should mobilize to kill.

This is October 2000. He should be asked, does he still believe that statement or support that statement.

Today, I will be introducing the Iran Human Rights Act, legislation designed to focus our attention on the

human rights abuses taking place in Iran today and support the efforts of the Iranian people to enact peaceful, democratic reforms.

While we have been focusing on the nuclear weapon development by the Iranians and on their support for terrorism, we should not forget about the plight of the Iranian people and their difficulties under this regime. The bill creates a special envoy to focus on human rights abuses in Iraq and to work with groups who support human rights and democracy in Iran.

The bill provides financial supports to these groups supporting human rights and that are working toward democracy in Iran. Finally, it ensures that the United States broadcast into Iran emphasize U.S. support for the rights and well-being of the Iranian people. We need to focus on the nuclear weapons, and we also need to focus on the rights of the Iranian people being abused by this regime. It is also my hope that we will grant visas to this country to professors being kicked out of universities in Iran because they don't tow the line of the ruling clerics in that country. Currently, the universities are being purged in Iran of the dissident voices of these professors.

We stand with the Iranian people. We stand against this Iranian tyrannical regime. I hope we can move this legislation forward to show our support for the suffering people. I ask the people who go to the meetings where President Khatami is speaking to ask these questions:

Why did he support terrorism? Why did the human rights record get worse under his 8 years of leadership in Iran? Why do they persecute religious minorities and women? Why do they persecute those who have peaceful protests inside Iran? Why does Iran need to enrich uranium when they have plentiful oil and gas supplies? These are serious questions in serious times.

I hope that as we consider this Department of Defense bill, we will consider what the words of those who have vowed to destroy us are and that we take appropriate action against them.

I yield the floor.

CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER. Morning business is now closed.

DEPARTMENT OF DEFENSE APPROPRIATIONS ACT, 2007

The PRESIDING OFFICER. Under the previous order, the Senate will resume consideration of H.R. 5631, which the clerk will report.

The assistant legislative clerk read as follows:

A bill (H.R. 5631) making appropriations for the Department of Defense for the fiscal year ending September 30, 2007, and for other purposes.

Pending:

Rockefeller amendment No. 4906, to strike the section specifically authorizing intelligence and intelligence-related activities.

Mr. STEVENS. Madam President, what is the pending business?

The PRESIDING OFFICER. The amendment of the Senator from West Virginia, Mr. ROCKEFELLER.

Mr. STEVENS. I ask unanimous consent that that amendment be set aside in order to consider the amendment to be offered by the Senators from North Dakota.

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

The Senator from North Dakota, Mr. CONRAD, is recognized.

AMENDMENT NO. 4907

Mr. CONRAD. Madam President, I send an amendment to the desk.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from North Dakota [Mr. CONRAD], for himself, Mr. DORGAN, Mr. SALAZAR, and Mr. MENENDEZ, proposes an amendment numbered 4907.

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

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

The amendment is as follows:

(Purpose: To enhance intelligence community efforts to bring Osama bin Laden and other key leaders of al Qaeda to the justice they deserve)

On page 230, beginning on line 15, strike "$19,265,000" and all that follows through line 16 and insert the following: "$219,265,000, to remain available until September 30, 2008: *Provided*, That $200,000,000 of such funds is available only for a unit dedicated to bringing to justice Osama bin Laden and other key leaders of al Qaeda: *Provided further*, That the Secretary of Defense shall, not later than 60 days after the date of the enactment of this Act, and every 90 days thereafter, submit to the congressional defense committees, the Committee on International Relations of the House of Representatives, and the Committee on Foreign Relations of the Senate a classified report on progress made by the operations in the global war on terrorism for which funding is provided in this Act, including an assessment of the likely current location of terrorist leaders, including Osama bin Laden and other key leaders of al Qaeda, a description of ongoing efforts to bring to justice such terrorists, a description of the cooperation provided by the governments of any countries assessed as likely locations of top leaders of al Qaeda and by other relevant countries, a description of diplomatic efforts currently being made to improve the cooperation of any such governments, and a description of the status of, and strategy for bringing to justice, perpetrators of terrorism including the top leadership of al Qaeda: *Provided further*, That the Secretary of Defense shall prepare such reports in consultation with other appropriate officials with regard to funds appropriated under this chapter: *Provided further*, That the amount provided under this heading is designated as making appropriations for contingency operations directly related to the global war on terrorism, and other unanticipated defense-related operations, pursuant to section 402 of H. Con Res. 376 (109th Congress), as made applicable to the House of Representatives by H. Res. 818 (109th Congress) and is designated as an emergency requirement pursuant to section 402 of S. Con. Res. 83 (109th Congress), the concurrent resolution on the budget for fiscal year 2007, as made applicable in the Senate by section 7035 of Public Law 109–234."

Mr. CONRAD. The amendment is on behalf of myself and Senators DORGAN, SALAZAR, and MENENDEZ.

Five years ago, our Nation was viciously attacked by al-Qaida. We all remember the horrific images from that fateful day. I remember so well arriving at the Capitol building for early morning meetings and, as we entered, security personnel ordered an evacuation. Those of us who were evacuated from this building went back to our offices and were again evacuated there, as there was a belief that there was a potential threat to the Capitol complex. Later on, we saw the results of the attack. We saw people jumping from the World Trade Center. We saw the attack on the Pentagon. We did not know, in the early hours, who was responsible, but we knew the world had changed.

I remember very well that night, as Members of Congress stood on the steps of the Capitol showing that we were shoulder to shoulder in defense of America. That night, there were no Republicans, there were no Democrats; there were just proud Americans on the steps of this Capitol, men and women elected to represent our individual States here in this Capitol. In the 20 years I have been in this Chamber, I never saw such unity, such a sense of purpose that we would not let these acts stand and that those who were responsible would be held to account.

We need to renew that spirit. We need Democrats and Republicans standing together to bring to justice those who were responsible for these horrific acts. In this photo is the man who planned, financed, and organized those operations, Osama bin Laden, the head of al-Qaida. It has now been over 1,800 days since those attacks, and this man is still on the loose. This man has still not been brought to justice. I believe it is one of our Nation's highest priorities that he and the other top leadership of al-Qaida be brought to justice. I include Mr. al-Zawahiri. I think we also know that Mullah Omar, the leader of the Taliban in Afghanistan, has not been apprehended and brought to justice either.

To me, this is centrally important to the war on terrorism. We have to get the terrorist leaders who designed the attack on our country. I say to my colleagues that I graduated from high school from an American military base in Tripoli, Libya, North Africa, Willis Air Force Base. I had relatives who were in the intelligence service of the United States who served in that part of the world as well. One thing I learned when I was in that part of the world is that if a fight started, you better get the leaders and you better get them quick; otherwise, it mushroomed and escalated. My experience was very minor. It was on the basketball court, where we would have shepherds periodically come and start throwing

stones. We found out early that you better get a stone and you better nail a couple of their guys or the thing got worse. I think all of us who have studied the Arab world know that in that culture, if somebody attacks and is not held to account, that person grows in stature in that culture.

We have to hold to account Osama bin Laden, al-Zawahiri, and all of the rest of the al-Qaida leadership. I think that is absolutely critical for success in the war on terror. Osama bin Laden continues to call for attacks on us. We are now seeing a Taliban resurgence in Afghanistan. Last month, we saw a plot that may have been orchestrated by al-Qaida to blow up airliners flying between Britain and the United States. Unfortunately, the latest intelligence—and this is not classified, so I am not disclosing any state secrets here—according to the National Institute for the Prevention of Terrorism, the number of al-Qaida operatives worldwide has grown from 20,000 in 2001 to 50,000 today.

Some of our colleagues have likened this to World War II. I don't believe that. This is not like World War II. This is fundamentally and profoundly different. In World War II, we had Hitler Germany attempting to achieve world dominance. In World War II, we had a state, the nation of Germany, attacking its neighbors, seeking hegemony throughout Europe and beyond. We had Germany attacking its neighbors. We had Germany on the move against Great Britain. We had Germany with its allies attacking the Soviet Union. That was profoundly different than a network of terrorists spread in over 70 countries around the world seeking to weaken our country. That is a profoundly different circumstance than we faced in World War II. In World War II, we faced the sneak attack by Japan on the United States, and Japan being allied with Germany in a move to achieve world dominance. That is a profoundly different circumstance than the one we face today. And if we don't adapt our methods and tactics and strategy, we will be less successful.

It is critical that we have this debate, and it should not be a partisan debate. To me, this is not a matter of Republicans and Democrats; this is a question of how does our country succeed in this battle against terrorism? How do we best succeed? My own conviction is, it starts with this man. It doesn't end there, but it starts here. Osama bin Laden has got to be brought to justice. Mr. Zawahiri has got to be brought to justice. Mullah Omar has got to be brought to justice. And I don't question—I don't question the intention of this administration to attempt to do that, but I do note that it has now been 5 years, and there has been a failure to get those who organized the attack on our country. That is a fact. And we need to deal with that fact and we need to adopt new methods, new strategies in order to achieve success. That is my conviction.

These are things that disturb me greatly. In March of 2004, USA Today reported:

> In 2002, troops from the fifth special forces group who specialize in the Middle East were pulled out of the hunt for Osama bin Laden to prepare for their next assignment: Iraq. Their replacements were troops with expertise in Spanish cultures.

Let's think about that a minute. After Osama bin Laden, who led the attacks, we put in special forces to find him who were experts in Arab culture and in Arab languages. But when we diverted our attention and moved to Iraq, we pulled those forces out of Afghanistan in the search for Osama bin Laden and replaced them, according to these news reports, with troops with expertise in Spanish culture. There aren't many Spanish speakers or much Spanish culture in Afghanistan. I think this was a profound mistake.

The article goes on to say:

> The CIA meanwhile was stretched badly in its capacity to collect, translate, and analyze information coming from Afghanistan.

When some say the center of the war on terrorism is Iraq, I think they have it wrong. The center is in Afghanistan where Osama bin Laden and Zawahiri have been located. I am not saying I know that they are located there now. We know they were located there; perhaps they are somewhere else at this point. But at the time we shifted our focus, I believe it was a mistake. I believe we ought to have focused like a laser on the leadership of al-Qaida. Al-Qaida attacked us; not Iraq. There wasn't a single Iraqi on those airplanes that crashed into the World Trade Center. There wasn't a single Iraqi on the plane that hit the Pentagon. There wasn't a single Iraqi on the plane that went down in Pennsylvania. They were al-Qaida operatives led by Osama bin Laden, not Iraqis led by Saddam Hussein.

I might add that once we took our eye off the ball in getting the terrorists and instead went to Iraq, we have now unfortunately freed up Iran for all kinds of troublemaking in the Middle East. Iran is behind the operations of Hezbollah in Lebanon. Is there any doubt that they are the financial muscle behind that operation? This is a battle. It is a battle that is critically important to our Nation's security, and we have to fight it in a smart and disciplined and focused way if we are to succeed. That is my belief.

Now we learn that the CIA has closed the unit that is focused on the capture of Osama bin Laden. This report from July of this year says:

> The Central Intelligence Agency has closed the unit that for a decade had the mission of hunting Osama bin Laden and his top lieutenants. The unit, known as Alec Station, was disbanded late last year and its analysts reassigned within the CIA Counter-Terrorist Center.

The article goes on to say:

> In recent years, the war in Iraq has stretched the resources of the intelligence agencies and the Pentagon, generating new priorities for American officials.

I believe the priority remains getting those who attacked us. It wasn't Iraq that attacked us; it was al-Qaida that attacked us, and it is critically important we hold them to account.

On August 21, the President said this:

> The terrorists attacked us and killed 3,000 of our citizens before we started the freedom agenda in the Middle East.

He was then interrupted by a reporter who asked:

> What did Iraq have to do with that?

The President:

> What did Iraq have to do with what?

The reporter:

> The attacks upon the World Trade Center.

The President:

> Nothing.

That is correct, nothing. We know from the 9/11 Commission Iraq was not involved in the attacks of 9/11. It was al-Qaida—al-Qaida led by Osama bin Laden. That is where we have to focus. And this, to me, is not a political debate. This is a question of the strategic policy of the United States. How do we best defend America against those who have already attacked us and intend to attack us again? I would submit the first thing we have to do is get the leadership of the organization that is worldwide in scope, that seeks to take us down. Make no mistake, this is a battle with real consequences, and we have got to fight it in the smartest, most effective way.

It has now been 1,823 days since Osama bin Laden attacked us. Madam President, 1,823 days; that is a long time. That is nearly 5 years. The President just issued a new intelligence estimate and analysis. There is only one mention of Osama bin Laden in that document, and it is a reference in passing.

I don't think it should be a matter that is mentioned in passing. I deeply believe we have to refocus and we have to go after, in a disciplined and dedicated way, the leadership of al-Qaida, starting with Osama bin Laden, going to Zawahiri, and right down the list. I applaud those successes that we have had in getting Zarqawi and others. Thank God for that. But we have got to get those at the top.

This amendment adds $200 million to the intelligence budget for a unit explicitly dedicated to bringing Osama bin Laden and other top al-Qaida leadership to justice. The second part of this amendment requires a classified report every 90 days on activities of our Government related to bringing Osama bin Laden to justice. A classified report because, obviously, we don't want to signal the game plan.

This is the amendment that I offer, and I thank my colleagues who have cosponsored it with me: Senator DORGAN, my colleague from North Dakota; Senator SALAZAR from Colorado; Senator MENENDEZ from New Jersey; and now I am informed that additional Senators have asked to join, including Senator LINCOLN of Arkansas, Senator KERRY of Massachusetts, and Senator OBAMA of Illinois.

I ask unanimous consent to add them as original cosponsors of the amendment.

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

Mr. CONRAD. Madam President, I yield the floor.

Mr. DORGAN. Madam President, Senator CONRAD and I have, over the last 2 days, talked about the need for an amendment of this type to be offered to the Defense appropriations bill. We have talked about several different ways of offering this amendment and the circumstances that require us to come here and draft an amendment and offer it to our colleagues. This amendment represents some discussions, as well, with colleagues. I want to say that almost all of that which persuaded us to do this has now been described by my colleague, Senator CONRAD.

He talked about 9/11 2001. I recall going to Ground Zero in New York as the fire was still burning, smoke coming out of the wreckage of the World Trade Center from the bombing of the trade center by the terrorists and the murder of 3,000 innocent Americans. And as we toured just several days after those terrorists had hit the World Trade Center in New York, and the smoke was still billowing out of that twisted steel wreckage, one of the grizzled firefighters who had not shaved for several days, obviously had not slept, had bloodshot eyes, came up to me as we were touring—a group of Senators—and he said to me: ''Get 'em. Ya'll have to get 'em. If you don't get 'em, they are going to do it to us again.''

Having worked in this wreckage of the World Trade Center and having seen the carnage and the bodies, what he meant was that if we don't get those who did this, they will repeat it. That firefighter was speaking with a real passion, a passion that I think is shared by the American people. That passion was shared on that day and it is now, today.

That attack on 9/11—my colleague showed a picture of it—was with commercial airplanes loaded with fuel used as weapons. The New York Times ran a piece on August 11, 2004, by Nicholas Christoff, about a book by Harvard professor Graham Allison called ''Nuclear Terrorism.'' Allison told a story in this book that exactly 1 month after 9/11, on October 11 in 2001, aides told President Bush that a CIA source named Dragon Fire had reported that al-Qaida had obtained a 10-kiloton nuclear weapon, apparently stolen from Russian stockpiles, and had smuggled it into New York City, and al-Qaida terrorists were now prepared to detonate it. This is described in some detail in the book.

The CIA apparently found this report plausible. They knew that apparently Russia had small 10-kiloton nuclear weapons. Russia was reported to have lost some nuclear materials. Al-Qaida had made a determined effort to acquire them. The CIA had apparently picked up al-Qaida chatter about an ''American Hiroshima.'' This issue was taken very seriously in October of 2001. Later it was determined the lead by the agent named Dragon Fire was a false lead. But in retrospect of this issue, all of those who evaluated it determined it could well have been true.

It is not implausible that a nuclear weapon could be stolen. After all, there are some 30,000 nuclear weapons on this Earth. It is not implausible that having a nuclear weapon stolen by a terrorist group, it could be detonated. And it is certainly likely they would attempt to detonate a nuclear weapon in the center of a major city, especially a city in the United States.

I describe that only to say these issues are critically important. Yes, 9/11 breaks our heart—all of the innocent Americans killed by acts of terrorism. But that will be an event that will be small by comparison if, in fact, a nuclear weapon is acquired by a terrorist group like al-Qaida and detonated in an American city in the future.

There are responsible people who have said they believe there is a very substantial likelihood such an event could or will happen in the next 10 years, unless this country provides the leadership to stop the spread of nuclear weapons, stops the proliferation of nuclear weapons and does everything necessary to keep nuclear weapons out of the hands of terrorists.

The evil of terrorism requires and demands a unified American resolve. As my colleague has previously said, when it comes to fighting terrorism, there are no D's or R's, there are no Republicans or Democrats, conservatives or liberals, there are only Americans resolved to confront this evil.

We are determined to confront and defeat those who are intent on murdering innocent people in the name of terrorism. We fight terrorism to preserve freedom, but we betray rather than serve our freedom if we turn a blind eye to the actions which will diminish the very freedoms we cherish, even as we confront the actions of terrorists. As we wage this fight against terrorism, we do not serve the interests of our country by labeling others who may disagree with strategies as appeasers, of the type who appeased Nazism. That does not serve America's interests either.

I have heard colleagues today come to the floor to lament that there have been some criticisms of Administration strategies. Let's all understand no one is perfect. Big mistakes have been made. Mistakes, and big mistakes, have been made, both with respect to Iraq and also with respect to the war against terrorism.

In Iraq, we discovered later there were no weapons of mass destruction. There was no yellow cake from Niger. The aluminum tubes were not for the purpose of building a nuclear capability. There were no mobile chemical weapons labs. Would we be treated as liberators as was suggested? No. It turns out that was not the case.

Were mistakes made? Two days ago, a young fellow who left law school after 9/11 to enlist in the Army to go to Iraq told me that when he got to Iraq his mother, an elementary schoolteacher, had to go on the Internet to buy body armor to send it to him. Were mistakes made? You darned right mistakes were made. Mistakes were made. Let's understand that. Recognizing and understanding that and admitting it allows us to decide not to make those mistakes again.

All of us are here to support our soldiers in their fight against terrorism, in their mission in Iraq. Let me say, as an aside as well, that the violence and terrorism in Iraq does have an al-Qaida component; it does. But by far the bulk and the majority of the violence and terrorism in Iraq is Iraqi upon Iraqi, Sunni upon Shia, Shia upon Sunni. There was not an Iraq connection with al-Qaida prior to the war in Iraq.

Having said all of that, with respect to the broader war on terror, when we open the newspaper this morning and we see the front page of the Washington Post—and I suspect every other daily paper in this country—and we see the pictures of terrorists who will now be transferred to Guantanamo and be brought to justice, all of us say to the President it is the right thing to do. We support that. Yes, this is progress. We understand that progress and we salute it.

My colleague and I believe there is more to do, however. When we talk about the war against terrorism and we talk about al-Qaida and those who have orchestrated the vicious terrorist attacks that have murdered so many innocent people in this country and around the world, the point is there is one person who is the head of that organization, who has admitted ordering the attacks against this country. That is Osama bin Laden. It is 5 long years since 9/11, 2001, and Osama bin Laden is still here.

The President, day before yesterday, mentioned Osama bin Laden 17 times in his speech of 45 minutes. That is appropriate to do, although I might observe Osama bin Laden has not been mentioned at all with respect to the war on terror by anyone in the Administration for some long while until a couple of days ago. But I want to describe why I think there is an urgency here and why my colleague, Senator CONRAD, and I put together an amendment and are offering it to this bill.

I have a record here going back to December 13, 2001—it is about eight pages of Osama bin Laden talking to us, in America, talking to people in the rest of the world, and talking to al-Qaida, his organization. It is December 13, 2001; November 2, 2002; February 11, 2003; February 13, 2003; April 7, 2003; September 10, 2003. I shall not go through the rest of it. But I want to talk about this year. Just this year we have heard from Osama bin Laden on 5 occasions. This chart shows January 19 this year. This is from the news report

that evening, Osama bin Laden speaking to the people of the United States and the people of the world. That is the first message this year.

Here is the second message, Osama bin Laden speaks again, the head of al-Qaida, 5 years after 9/11. On April 23, he issues his second tape of the year.

May 23, this year, once again the news reports:

Bin Laden boasts of masterminding the 9/11 attacks.

I was responsible for entrusting the 19 brothers. Those 19 who attacked this country.

June 29 of this year, another news report, the fourth tape of the year by Osama bin Laden.

July 1, this year, the fifth tape of the year by Osama bin Laden.

We are talking a lot about the war on terrorism. We are talking a lot about al-Qaida. This is the head of al-Qaida. This is the leader of that terrorist group. This is the person who says he masterminded the attack against this country, and 5 years after that attack he is still sending us messages—five of them in this year alone. My colleague and I do not question anyone's commitment to doing the right thing. That is not the purpose of our amendment. My colleague, Senator CONRAD, and I believe, however, that it is important as we put together a piece of legislation providing funding for the Department of Defense, for the war against terrorism, that we decide on focus and priority with respect to one issue and that is bringing to justice the head of an organization that attacked this country and is determined to attack this country again.

The amendment we have offered is not a particularly complex amendment. It simply does two things. It asks that the unit in the CIA, our intelligence community, that used to exist but was closed be reconstituted. Let me describe that unit. I will describe it by a New York Times, July 4, story. The lead of the story is:

The Central Intelligence Agency has closed the unit that for a decade had the mission of hunting Osama bin Laden and his top lieutenants, intelligence officials confirmed on Monday. Agency officials said that tracking Mr. bin Laden and his deputies remained a high priority and that the decision to disband the unit was not a sign that the effort had slackened. Instead, the official said, it reflected a belief the agency could better deal with high level threats by focusing on regional trends rather than on specific organizations or individuals.

Let me quote the former senior CIA official who is quoted by name, Mr. Michael Scheuer, a former senior CIA official, who was the first head of this unit at the CIA. He said the move ''reflected a view within the agency that Mr. Bin Laden was no longer the threat he once was.'' Mr. Scheuer says, ''That view is mistaken.''

Madam President, our amendment would provide the funds to reconstitute that unit, to provide focus, clarity and a specific set of goals. And, second, to require a quarterly classified report to the Congress that would describe, from the standpoint of those in the intelligence community and the defense community who are involved, what they have done with respect to apprehending and bringing to justice those who head the organization called al-Qaida.

My hope and expectation would be that upon passage of this amendment my colleague and I will have provided some more clarity and some more focus and even perhaps some more determination that a significant goal of ours is the apprehension of the head of the organization that attacked our country. I do not think that apprehension will occur by accident. I think it will occur if it is in fact a significant goal and one that we pursue with the resources and the vigor that is necessary.

I understand that there will be some who say that we have other priorities; this remains a priority but there are many other things to do. Let me go back to the position that I started with and that is this. We live in a very dangerous world, a very uncertain world. The President is dead right when he talks about the war on terrorism being a war in which we must prevail. He is absolutely right that we have to work together and have to be as one as we confront this evil that exists around the world.

But I also want to point out that we live in a world, now, where, as I indicated before, there are almost 30,000 strategic and tactical nuclear weapons that exist in this world. Going back to October 11 of 2001, the threatened loss of one of those nuclear weapons, because of a rumor that it had been stolen from the Russian stockpile, caused an apoplectic seizure in parts of the government because everyone, at that point, in the intelligence community, who had heard of this rumor, knew it was plausible and that the detonation of a nuclear weapon in a major American city by al-Qaida would be devastating. The consequences of that are impossible to describe. The next terrorist act may render the attack of 9/11/2001, a much less significant attack in terms of casualties. Let's hope that is not the case.

That is why it is so urgent for us to determine that we are going to apprehend and bring to justice those who head the al-Qaida organization and who masterminded the attack against this country on 9/11/2001. That is what our amendment seeks to do, to provide the resources and the assistance to make that possible.

I yield the floor.

The PRESIDING OFFICER. The Senator from North Dakota.

Mr. CONRAD. Madam President, I ask unanimous consent that Senator PRYOR be added as an original cosponsor as well.

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

Mr. CONRAD. Madam President, I ask the Senator from Massachusetts if he seeks time on this amendment.

Mr. STEVENS. Madam President, we have time on the floor. I seek recognition.

Mr. CONRAD. Madam President, I have not relinquished my right to the floor. I simply asked a question.

Mr. STEVENS. He is right.

The PRESIDING OFFICER (Mr. ENSIGN). The Senator from North Dakota.

Mr. CONRAD. Mr. President, this amendment is an urgent matter. I hope very much our colleagues would support this amendment on a bipartisan basis so that we send the clear message that this country intends to hold to account those who organized the attack on America. I think that is absolutely essential.

I also say to my colleague, if the Senator from Alaska seeks recognition, I will be happy to yield the floor so he can do that.

I ask him at this point if he would have an interest in a time agreement on the amendment? We were approached earlier with a request on that matter. I would be happy to explore that, if the Senator from Alaska has any interest.

Mr. STEVENS. If that is an inquiry to me, I am interested in a time agreement, without any question. I am happy to set a time to vote, at noon or at any time.

Mr. CONRAD. We would be happy to agree to a time. Would noon be an acceptable time?

Mr. STEVENS. We are checking.

Mr. CONRAD. Perhaps later on in this discussion we can reach an agreement. We would certainly be willing to agree to that.

The PRESIDING OFFICER. The Senator from Massachusetts.

Mr. KENNEDY. Mr. President, I would welcome the opportunity to make some brief comments on this amendment.

The PRESIDING OFFICER. The Senator from Massachusetts has been recognized.

Mr. KENNEDY. Mr. President, I commend my colleagues from North Dakota and Colorado and others who are supporting this amendment. In many respects, this gives real focus to what I think is part of the dilemma that we are facing in our battles with al-Qaida and the issues of security. A number of us opposed the resolution to go to war in Iraq. I did. I said it was the best vote that I cast in the U.S. Senate. And I did it primarily as a result of listening to military commanders in the Armed Services Committee.

We had testimony—although he didn't testify personally—from General Zinni. We listened to General Hoar of the U.S. Marine Corps, actually from my own State of Massachusetts. We listened to General Wesley Clark and General Nash—a number who have been combat commanders. If you look back in terms of the history and the testimony of those military commanders, virtually all of them were saying to the Armed Services Committee that we ought to keep our focus

on what was really the challenge: Osama bin Laden, al-Qaida, and Afghanistan. That was the testimony before the Armed Services Committee.

I will not take the time now to repeat the series of statements and comments that were made by the President and the Secretary of Defense. I remember the testimony of the Secretary of Defense before the Armed Services Committee when he talked about weapons of mass destruction. He was asked at that time by the ranking minority member, Senator LEVIN. His response was they were north, south, east, and west of Baghdad. That was where the weapons of mass destruction were. That is the testimony of the Secretary of Defense.

We remember all of those comments. We saw the Nation move and shift thinking that there were weapons of mass destruction, and al-Qaida was the primary force in bringing about 9/11. Of course, there wasn't adequate intelligence to justify that. Even the President admitted that there were no weapons of mass destruction. Even the bipartisan 9/11 Commission's thorough examination shows very clearly that those were the representations made by the Vice President of the United States.

During that period of time, the combat commanders who testified understood where we were going—the real challenge was finding Osama bin Laden. We saw the extraordinary efforts that were made by the military, all of which had this Nation focused on trying to get al-Qaida. The world was supporting the United States. The world understood that the United States had been assaulted and attacked. The world intelligence community was coming together and saying we are going to help the United States of America find the person who perpetrated the 9/11 attack in the United States. All of that was happening all over the world.

Then what happened? The judgment and the decision was made in the White House: Well, we have the role of going over there to Afghanistan, so we are going into Iraq. The rest is history.

In spite of the fact that Osama bin Laden was on the run, despite the fact that the intelligence reports showed that he was just within hours of almost getting captured, the diversion of both troops and diversion of focus, the diversion of intelligence went to Iraq.

Now we have an amendment to try to get us back in focus on the primary individual who was the organizer of 9/11.

I share the concerns that have been stated by both Senators and the frustration when the judgment and decision was made by the Pentagon that they no longer had the priority of going after bin Laden.

We all understand the complexities of trying to find him in the mountainous areas around Afghanistan's border and into Pakistan. We all understand those complexities and those difficulties and the political problems and all the rest. But, nonetheless, we had the world combined to find him and bring him to account. We have failed to do so.

I think this amendment brings the Senate, in hopefully a bipartisan way, to say we want to give focus and attention to finding and bringing to justice Osama bin Laden.

Listening to Senators, I am mindful that at the end of this year we will have been fighting the war in Iraq longer than we fought in World War II. Understand that we took on the Germans in western Europe, north Africa, the Japanese in the Far East, mobilizing 12 million to 14 million people over this period of time. And we will have by the end of the year—we are now in September—we have been fighting in Iraq longer than we fought in World War II—28 million people. We virtually occupied with air supremacy over the whole country—the top third of it and the lower third of it was a heavy embargo, violations of embargoes. But the amount was $14 billion a year in terms of the military, and we now have servicemen still weighted down over there.

I agree with those who said the service men and women have done their job. The politicians haven't done theirs with regard to Iraq.

That doesn't get away from the point that our focus has been diverted to Iraq.

We have seen the number of al-Qaida grow. According to the National Security Project, in 2001 it was 20,000. In 2006, it is 50,000. The number of al-Qaida terrorist attacks 5 years before 1991 was 3. But now the number 5 years since 9/11 is 30. We have the growth happening all over the world and no accounting for Osama bin Laden.

This is what has happened with al-Qaida. The number of significant global terrorist attacks reported by the U.S. State Department in 2003 was 175. The number exceeded 3,000 in 2004, and 11,000 in 2005.

Look at the growth. We are weighted down in Iraq, and Osama bin Laden is out there someplace.

This amendment makes a great deal of sense. I thank both my colleagues for doing something. This is a small amount of resources which are asked for. Look at what we are spending, more than $200 million a day in Iraq. I believe this is $20 million—$200 million a day we are spending in Iraq.

Do we realize that if we weren't spending $200 million a day—and over $350 billion has been expended—what we could have done with regard to homeland security? How could we have protected Americans with those resources more effectively? How could we have gone after al-Qaida more effectively? How could we have enhanced the security of the American people more effectively?

This has been a catastrophic miscalculation on the part of the administration, and the amendment of the Senators is trying to give focus and attention and priority to where we ought to give focus and attention and priority.

I commend them for doing something.

I hope this amendment will be accepted and embraced and passed overwhelmingly.

Mr. STEVENS. Mr. President, it has been cleared on this side by Senator INOUYE and myself.

I ask unanimous consent that the Senate proceed to a vote in relation to the pending Conrad amendment at 12 noon, with no second-degree amendments in order prior to the vote, and with the time equally divided between the two managers or their designees.

The PRESIDING OFFICER. Is there objection?

Mr. CONRAD. There is no objection on our side.

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

Mr. STEVENS. Mr. President, I am, as are the Senators from North Dakota, quite worried about this amendment. It is my intention to ask the Senate to vote. It is my understanding that they want a vote on this amendment. It is my intention to ask every Senator to vote for the amendment.

It is a political season. I understand that. I consider this amendment to be a slam at the intelligence community.

I can tell the Senate that there is more money than this available. If I tried to discuss the amount of money which is available, I would be violating my oath as far as confidential and classified material. For reasons of national security, I cannot elaborate on that.

I arranged for the two Senators from North Dakota to be briefed about the programs which Senator INOUYE and I know about. We urged them not to offer this amendment. There are many funds dedicated in our bill for the global war on terrorism. There are funds in our bill to continue the search for Osama bin Laden. That has never lapsed. It does not need this amendment.

The classified annex accompanying this bill provides details of classified programs in this bill, and they are available to every Senator in room 405 if they want to question my view. Those were offered to the Senators from North Dakota. I do not know whether they took advantage of that or not.

We cannot discuss those programs here. We would jeopardize the lives of many people if we did so.

I know of no way to handle this amendment except, as I said, I ask all Senators to join and vote for this amendment and to trust Senator INOUYE and myself to find a way to deal with it in conference. Maybe the Senate will listen to us when we come back.

I remember once, years ago when I offered an amendment to provide funds to deal with Osama bin Laden, offering a reward of dead or alive. That was objected to by a Member on the other side of the aisle.

I note that this amendment says to bring Osama bin Laden to justice. To bring him to justice—does that mean dead or alive? Must we keep him alive if we find him?

There are a lot of things we could discuss on the floor of the Senate about this issue.

I am going to sit down in a minute and I am not going to answer any questions. I am not going to discuss it any more because I consider it to be an irresponsible amendment that should never have been brought before the Senate.

With all of these pictures, it is a campaign period. But to imply to the American public that we have not been looking for Osama bin Laden for years—I can tell you, I am not going to press my friend from Hawaii, but we have spent hours and hours and hours with the intelligence community seeing how we can better devise methods to find this man.

I can assure the Senate that without any question the search for Osama bin Laden has not been hampered by a lack of funds. It has not been hampered by a lack of funds in this bill. If I tried to tell you where the funds are, I would violate my oath.

It is time for us to come to some understanding about what led to this amendment. It was the President's statement the other day. I was there. The conversation on this floor misses the point. It was not Hitler during World War II he was talking about; it was Hitler before World War II. Let me quote what he said on September 5. I listened to it. He said:

> In the 1920's, a failed Austrian painter published a book in which he explained his intention to build an Aryan super-state in Germany and take revenge in Europe and eradicate the Jews. The world ignored Hitler's words, and paid a terrible price. His Nazi regime killed millions in gas chambers, and set the world aflame in war, before it was finally defeated at a terrible cost in lives.
>
> Bin Laden and his terrorist allies have made their intention as clear as Lenin and Hitler before them. The question is: Will we listen? Will we pay attention to what these evil men say?

The world can tell I am close to losing my famous temper. I do have one. As I said, I arranged for these Members to be briefed on information that is in this classified annex. I don't understand this amendment.

I intend to let the Senators have their half of the time. The balance of the time will be spent in a quorum.

I yield to my friend from Hawaii.

Mr. INOUYE. Mr. President, the record should show that there are significant amounts of money allocated in this bill to several agencies. But to go beyond that and discuss in greater detail would be, as the chairman indicated, a violation of the rules of classification. I will cease at this point.

The PRESIDING OFFICER. The Senator from North Dakota.

Mr. CONRAD. Mr. President, I say to my colleague that it is a curious conclusion to suggest that adding more resources to the intelligence community for the purpose of bringing to justice Osama bin Laden is a slap in the face to the intelligence community. It is no slap in the face to the intelligence community. If anything, it is a vote of confidence in the intelligence community.

We owe the country this debate and this discussion. I believed when we went to Iraq we were making a mistake. I said on the floor of the Senate right before that vote that I thought we were diverting our attention from those who attacked us. It was al-Qaida, led by Osama bin Laden, not Iraq, led by Saddam Hussein. The simple fact is we have not brought them to justice.

The Senator wonders, what does it mean to bring to justice? We all know what it means to bring someone to justice. Osama bin Laden deserves to be brought to justice. There is no one in this Chamber who doesn't know what that means.

The Senator says this amendment is irresponsible. I think it would be irresponsible not to have this amendment.

The Senator indicated that he asked us to be further briefed yesterday. We did that. There is not one thing I heard in that room that doesn't tell me that what we are seeking to do here is not the right thing, the responsible thing. We cannot talk about those briefings, and we will not talk about them.

Finally, I say to my colleague, this is not political with me. I don't need a political amendment. Anyone who has analyzed my race knows that what I am saying is true. I don't need a political amendment. I have a responsibility to my constituents and to the future of our country. I believe deeply we have not done the job of protecting America when we have failed for 5 years to get the man and the leadership cadre of al-Qaida that organized the attack on this country. I don't choose to make this political.

I made very clear in my statement that I don't question for one moment the commitment of this administration to protect America. I don't question for one moment the intention of every Member on both sides of this aisle to protect our country. I don't question that. I did not make this a political matter; I make this a matter of policy—what is the right thing to do for our country.

I yield the floor.

The PRESIDING OFFICER. The Senator from North Dakota.

Mr. DORGAN. Mr. President, there are areas of classified information that are not discussed in the Senate. Senator CONRAD has just described that we both have had access to that information. It is the information to which my colleagues allude. There is nothing—I repeat, nothing—that we are doing here that does anything to injure anything else that was being done anywhere, at any time. There is nothing here that does injury to anything I know about.

Frankly, it is far too easy to jump up from a chair in the Senate and allege that the amendment you do not like is somehow borne of politics. Yes, there is a barrel full of politics around these days, a barrel full of politics in this Chamber and downtown. We know it when we see it. But I think it ill serves this discussion to talk about irresponsibility, to talk about politics on the issue of what the role of this country is, the determination and the resolve of this country, to decide to provide more focus, more clarity, and more energy to apprehending the head of al-Qaida, Osama bin Laden, the person who masterminded the attack against this country. Again, there is never a circumstance where anyone would find myself or my colleague, Senator CONRAD, coming to the Senate to do injury to anything else we are doing in this country together.

I indicated when I started that I don't think the fight against terrorism is about Democrats or Republicans. It is certainly not about politics, or shouldn't be. However, it is almost unbelievable to me that this amendment is described as ''political season'' campaign period-motivated and, even more, a slam at our national security. Nothing could be further from the truth than that. This is not slamming anyone. This is trying to provide additional resources, additional focus, additional energy toward a goal that I hope every single American shares. In fact, I bet we would be hard pressed to find an American citizen who says this is not a worthy goal for our country.

My colleague has said that there has been a continuing, unwavering effort to apprehend the top of the terrorist groups, including the leaders of al-Qaida. Let me read, from 2002, the President's response when asked about Osama bin Laden:

> I don't know where he is. I know I just don't spend much time on him, to be honest. I am not truly that concerned about him. I know he's on the run.

The fact is, there have been times when we have been diverted to other areas. Does anyone here believe Iraq has not detracted substantially from what is happening in Afghanistan? Does anyone here believe that? Most of us have been over those mountains. I have flown over those mountains and looked down at the mountains between Afghanistan and Pakistan. That is where most believe Osama bin Laden is hiding, among supporters. I understand how difficult it is to apprehend someone hiding in that region. I don't diminish the difficulty and the complexity of accomplishing that mission.

My colleague and I offered an amendment which is relatively simple which tries to provide more focus and more clarity on the goal, which tries to provide resources. These resources are not dramatic or substantial resources relative to the amount of money we have been spending, for example, in Iraq.

A Member brings an amendment to the floor and someone says: This is political, this is campaign season. That is too easy. I don't think that treats serious issues seriously enough. This is an

issue which is serious. It is an issue that deserves attention by this Congress, deserves a statement by this Congress, which I expect we will make unanimously, I hope we will make unanimously. It is a statement that almost every American, I believe, would say they agree with, a statement that says to the American people: Here is a priority, a very substantial priority for which we will dedicate the resources and rededicate ourselves to address these issues.

My understanding is the Senator from Alaska will seek a quorum call, which is just fine.

Mr. KENNEDY. Will the Senator yield?

Mr. DORGAN. I am happy to yield.

Mr. KENNEDY. I listened with great interest to both of my friends and colleagues in their comments.

As I understand, the amount included in the Senator's amendment is $200 million to be expended over a 2-year period?

Mr. DORGAN. The Senator is correct.

Mr. KENNEDY. And the Senator mentioned a figure, and it is my understanding we are spending $200 million a day, virtually, in Iraq at the present time. I think that gives some proportion as to requested resources—$200 million a day in Iraq and $200 million over a 2-year period for this effort.

I thank the Senator.

Mr. DORGAN. I think the Senator puts in perspective the amount of money that is being described.

Let me finally say that I noticed yesterday—I was not in the Senate, but I had the television on—noticed the same issue developing yesterday on an amendment my colleague offered. There was a suggestion that this is all political, all politics, every time someone offers an amendment that someone disagrees with. That is total nonsense. This issue deserves much more serious treatment and much more serious debate than that.

I am pleased that apparently there will be a unanimous vote.

I yield the floor, and I reserve the remainder of time.

The PRESIDING OFFICER. The Senator from North Dakota.

Mr. CONRAD. Mr. President, I will discuss a bit more fully what led me to this amendment. It is not the President's comments of several days ago. That was not the genesis of this amendment. I have believed since we went to war in Iraq—anyone can look at the record and what I said in this Senate the night of the vote—I said then that I believed going to Iraq was a distraction. I believe it diverted our attention and resources from going after the al-Qaida leadership that organized the attack on America. I said that then. I believed it then. I believe it now.

I have a bit of a different background from many of my colleagues. I went to high school at an American military base in Tripoli, Libya, North Africa. I lived in the Arab culture. One of the ironies was the Senator from Alaska suggested this is a slap in the face at the intelligence community. My family served in the intelligence services of our country in that part of the world. I am precluded from going further than that because of classification issues. I have great respect for those who serve in the clandestine and the intelligence services of our country. I have consulted many of them in writing this amendment.

I believe deeply this is the right approach to operationalize, to more fully fund the efforts, not only to get Osama bin Laden—although I believe he is at the top of the list—I also believe it is critically important to get Zawahiri, I believe it is critically important to get Mullah Omar. I regret deeply that resources were transferred from Afghanistan to Iraq. that we had forces that were experts in Arab culture and Arab language and we shifted them to Iraq.

The hard reality is, while there have been successes, which I acknowledged in my opening remarks—I would say to the Senator from Alaska, there have been very excellent successes. Getting Zarqawi, thank God, we got him. Thank goodness for each of those who have been captured and taken out of operational involvement in planning additional attacks on the country.

But the job is not done. We know that. I believe very strongly that we made a strategic error in going to Iraq. I said it then, I say it now. I believe the focus and the energy and the attention ought to have gone—the priority ought to have been al-Qaida, its leadership, and its worldwide network.

I believe this is fundamentally different than World War II. I believe this is a long and difficult struggle. I believe this is a dangerous world. I believe there are people who are plotting right now to again attack our country. And I want to be part of an effort to do everything we can to stop them. That is why I offer this amendment, and for no other reason.

Mr. President, I ask unanimous consent that Senator DAYTON be added as an original cosponsor of the amendment.

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

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

The PRESIDING OFFICER. The Senator from North Dakota.

Mr. DORGAN. Mr. President, how much time remains on our side?

The PRESIDING OFFICER. There is 8 minutes 49 seconds remaining.

Mr. DORGAN. Mr. President, I reserve the remainder of our time.

The PRESIDING OFFICER. Who yields time?

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

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. DORGAN. 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. DORGAN. Mr. President, let me read one additional piece I did not describe in my earlier presentation. Let me read from the State Department's latest report on terrorism because I think it is important for all of us to understand.

This is, again, from the U.S. State Department's latest report on terrorism:

> Al-Qaida's top leaders continue to plot and direct terror attacks worldwide. . . . Over the past four years, al-Qaida, its affiliates and those inspired by the group were also involved in many anti-U.S. or anti-coalition attacks in Africa, Europe, the Middle East, Afghanistan, Pakistan, and Iraq, including suicide bombings and vehicle-borne improvised explosive devices.

Again, the first sentence:

> Al-Qaida's top leaders continue to plot and direct terror attacks worldwide. . . .

''Direct terror attacks worldwide''—it is why I think there is no more important goal for this country than to add additional resources, provide additional focus to this question of bringing to justice the head of the organization that has attacked this country and that now organizes and expands and continues to attack around the rest of the world.

I previously described that just in this year alone we have been the recipients of five messages from Osama bin Laden—five just this year. It has been dozens since 2001. I think all of us share a goal and the view that we need to apprehend and bring to justice those who head the organization that attacked this country.

Fighting terrorism is difficult and dangerous and complex. We understand all that. All of us salute our troops. All of us want to work together. As I have indicated, this is not about Republicans and Democrats. It is about Americans sharing and aspiring to achieve a goal. And that goal is to defeat terrorism.

I think the most effective and important way to defeat terrorism, however, is to try to dismantle the organization, and especially dismantle the organization by apprehending the head of that organization and bringing the head and top officials of that organization to justice.

That has not been done, and we are not blaming anybody. I join my colleague, Senator CONRAD, in saluting those in our intelligence service and our military who risk their lives every day. But I believe it is very important for us, as we put together a piece of legislation with substantial resources, to provide greater clarity and focus on this goal. That is why Senator CONRAD and I have written this amendment and offer it today.

I understand there are some who do not want it offered, do not want to have this discussion. I respectfully believe they are wrong. I do not allege that they have political motives. I just believe they are wrong. My hope is,

when the Senate speaks to this, it will have accomplished something that is productive and substantial in its comments on this issue.

Mr. President, I yield the floor.

The PRESIDENT pro tempore. Who yields time?

The Senator from North Dakota.

Mr. CONRAD. Mr. President, there are other Members who are on their way who wish to speak on this matter. I do not know if they will make it.

Senator MENENDEZ has arrived.

I yield the floor.

The PRESIDING OFFICER (Mr. ENSIGN). Who yields time?

Mr. CONRAD. I say to Senator MENENDEZ, we could give you 2 minutes.

Mr. MENENDEZ. I thank the Senator.

The PRESIDING OFFICER. The Senator from New Jersey.

Mr. MENENDEZ. Mr. President, I rise to strongly support Senator CONRAD's and Senator DORGAN's amendment and to join with them in it.

It seems to me, as someone who on the anniversary of September 11 is reminded of the 700 New Jersey lives that were lost on that fateful day, as well as all of those other Americans who lost their lives on that fateful day, that the central figure, the individual who was the mastermind of their deaths, who struck on that fateful day, is Osama bin Laden. It is very clear to me that we must either catch or kill Osama bin Laden, the mastermind of those attacks.

I know many Americans were as shocked as I was when they heard the news reports that the administration had allegedly closed down or realigned the Osama bin Laden unit at the CIA. And while there is a very difficult process to publicly confirm these reports, I believe the Senate must make it very clear that the United States can in no way reduce or dilute our efforts to kill or capture Osama bin Laden.

With this amendment, we ensure that not only is that unit not disbanded and not merged and not diluted, but, in fact, we ensure that we increase our efforts.

To anyone who would like to argue that we do not need to focus on al-Qaida or bin Laden, I would remind them that just because there has not been another terrorist attack on U.S. soil that does not mean al-Qaida has been eliminated or that bin Laden has been rendered ineffective.

So I am in incredibly strong support of Senator CONRAD's amendment. Perhaps the face of Islamic terrorism has evolved, but he still is our central focus.

The PRESIDING OFFICER. The Senator's time has expired.

The Senator from North Dakota has 1 minute remaining.

Mr. CONRAD. Mr. President, I yield 1 minute to the Senator from New York.

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

Mr. SCHUMER. Mr. President, I thank my colleague from North Dakota. And I thank both of my colleagues from North Dakota for offering this outstanding amendment.

If there were ever a metaphor for what is wrong with the war on terror, it is the fact that Osama bin Laden is alive. He continues to taunt us on al Jazeera broadcasts that we have not found him.

Now, if we said we were doing everything we could to find him, that would be one thing. But the unit to get him was disbanded. Many report that the number of troops in Afghanistan is not adequate. They have just asked for more today. And he is our No. 1 danger.

So I hope my colleagues on both sides of the aisle will support this amendment. The fact that 5 years after 9/11 we have not yet found bin Laden shows we can do a whole lot better in the war on terror than we are doing.

This amendment will help bring us there. I urge full bipartisan support of it.

The PRESIDING OFFICER. The Senator's time has expired.

The Senator from Alaska.

Mr. STEVENS. Mr. President, I announce to the Senate that the next vote will be Senator DOMENICI's 13,000th vote.

I also announce to the Senate that my younger brother, from Hawaii, Senator INOUYE, has a birthday today.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

Mr. STEVENS. Mr. President, I hope every Senator will vote for the amendment. I don't know any Senator who will vote against providing money to continue the search for Osama bin Laden. If I could disclose to you how much money is in this bill otherwise for a classified program, you would understand why this is a superfluous amendment.

Understanding that nobody would want to vote against something like this, if this amendment becomes law, the freedom of information provisions would mean all of the activities would be available to anybody. This is not a classified $200 million to search for bin Laden. Again, it is irresponsible, but I would not vote against the amendment. I don't want to be known for voting against additional money to search for Osama bin Laden.

Mr. President, I ask for the yeas and nays on the Senator's amendment.

The PRESIDING OFFICER (Mr. GRAHAM). Is there a sufficient second?

There is a sufficient second.

The question is on agreeing to amendment No. 4907 offered by the Senator from North Dakota. The clerk will call the roll.

The legislative clerk called the roll.

Mr. MCCONNELL. The following Senators were necessarily absent: the Senator from Georgia (Mr. CHAMBLISS), the Senator from Georgia (Mr. ISAKSON), and the Senator from Pennsylvania (Mr. SANTORUM).

Mr. DURBIN. I announce that the Senator from Connecticut (Mr. LIEBERMAN) is necessarily absent.

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

[Rollcall Vote No. 235 Leg.]

YEAS—96

Akaka	Dole	McCain
Alexander	Domenici	McConnell
Allard	Dorgan	Menendez
Allen	Durbin	Mikulski
Baucus	Ensign	Murkowski
Bayh	Enzi	Murray
Bennett	Feingold	Nelson (FL)
Biden	Feinstein	Nelson (NE)
Bingaman	Frist	Obama
Bond	Graham	Pryor
Boxer	Grassley	Reed
Brownback	Gregg	Reid
Bunning	Hagel	Roberts
Burns	Harkin	Rockefeller
Burr	Hatch	Salazar
Byrd	Hutchison	Sarbanes
Cantwell	Inhofe	Schumer
Carper	Inouye	Sessions
Chafee	Jeffords	Shelby
Clinton	Johnson	Smith
Coburn	Kennedy	Snowe
Cochran	Kerry	Specter
Coleman	Kohl	Stabenow
Collins	Kyl	Stevens
Conrad	Landrieu	Sununu
Cornyn	Lautenberg	Talent
Craig	Leahy	Thomas
Crapo	Levin	Thune
Dayton	Lincoln	Vitter
DeMint	Lott	Voinovich
DeWine	Lugar	Warner
Dodd	Martinez	Wyden

NOT VOTING—4

Chambliss	Lieberman
Isakson	Santorum

The amendment (No. 4907) was agreed to.

The PRESIDING OFFICER. The majority leader is recognized.

CONGRATULATING SENATOR PETE DOMENICI ON HIS 13,000TH VOTE

Mr. FRIST. Mr. President, on this last rollcall vote, No. 235, the distinguished Senator from New Mexico, the current chairman of the Energy and Natural Resources Committee, and the former long-serving chairman of the Budget Committee, Senator PETE DOMENICI, cast his 13,000th vote in this Chamber—13,000 votes. Senator DOMENICI now joins a very historic and select club of Senators who can claim this distinction. Senators now cast more votes than ever in each Congress, so while historical records are not perfect, the Senate Librarian says that we are safe to conclude that among all Senators who have served since the beginning of the Republic, Senator DOMENICI is in a class of only eight. Since the beginning of the Republic, only seven other Senators have similarly cast more than 13,000 votes in their careers in the Senate, and four of them are serving today. The club of seven now becomes the club of eight with Senator DOMENICI's last vote here today.

Those other seven Senators are Senator Clayburn Pell, the current President pro tempore, Senator TED STEVENS, Senator TED KENNEDY, Senator DANIEL INOUYE, Senator Ernest Hollings, the late Senator Strom Thurmond, and with over 17,733 votes, the all-time record, Senator ROBERT C. BYRD.

Senator DOMENICI, I know I speak for all of your fellow Senators when I say congratulations on this achievement. But more importantly, thank you for your tremendous service over the years to New Mexico, to your country, and importantly to the U.S. Senate.

(Applause, Senators rising.)

The PRESIDING OFFICER. The minority leader.

Mr. REID. Mr. President, why would I, the Democratic leader of the Senate, stand to offer effusive praise for my Republican colleague, the Senator from New Mexico, PETE DOMENICI? The reason is, I know him. He is my friend. PETE DOMENICI and I have worked on a subcommittee that is so important to this country, Energy and Water. My entire tenure in the Senate has been with him. The last many years Senator DOMENICI and I have worked as ranking member and chair. Whoever controls the Senate, Democrat or Republican, the person whose party is controlling becomes the chairman, the member of the other party becomes the ranking member of that committee. It doesn't matter to PETE DOMENICI or HARRY REID, as it relates to that subcommittee, which is the party in power because we have worked as partners on that subcommittee. We have done some tremendously important things for this country, not only in funding important projects but changing policy.

I like PETE DOMENICI for a number of reasons. I admire PETE DOMENICI for a number of reasons. As a boy, I wanted more than anything else to be a baseball player. I wanted to be a good baseball player. In my child's mind, I figured I could be. But as I got older, I didn't run very fast. I wasn't as strong as I thought I was, so my baseball career was not much to write home about. PETE DOMENICI's is. PETE DOMENICI was a pitcher. PETE DOMENICI pitched for a farm club of one of my favorite baseball teams, the Dodgers, where my good, close friend, Hall of Famer Greg Maddux, now pitches.

PETE DOMENICI will not make the Hall of Fame for baseball, but he will for U.S. Senator. He is a wonderful man.

One reason he is as good as he is is because of the woman he married in 1958 by the name of Nancy Burke. They are a wonderful team. I admire and respect them both very much. They have a wonderful family, a large family—two sons and six daughters.

I congratulate PETE DOMENICI, a U.S. Senator from New Mexico.

The PRESIDING OFFICER. The Senator from New Mexico.

Mr. BINGAMAN. Mr. President, I want to add my congratulations to Senator DOMENICI on this great achievement, achieving this milestone of becoming one of eight Senators in the history of our country to have cast this many votes.

I have had the good fortune in the 24 years I have been here in the Senate to serve with Senator DOMENICI, and also, of course more recently, to serve with him on the Energy Committee as the ranking member. I have seen the leadership he has provided to deal with our energy issues.

He is the longest serving Senator to have served from the State of New Mexico. Of course, he has cast more votes on behalf of the people of the State of New Mexico than anyone in the history of this country. For that he deserves great recognition.

The people of the State I represent recognize his great contribution and appreciate it greatly. I congratulate him today on reaching this milestone.

I yield the floor.

The PRESIDING OFFICER. The Senator from New Mexico.

Mr. DOMENICI. Mr. President, first of all, let me say thank you to each Senator who commented on my many years of voting, which has yielded 13,000 today. I thank you very much and, in particular, I thank the majority leader for doing what he has done, by setting aside these few moments. I greatly appreciate it.

I guess it is pretty easy to get to 13,000. You just stick around long enough and come and vote and you will get there. I don't know how many more I will get but certainly a lot more because there are a lot of years left to come. I don't know how many we will be celebrating, but this is a very special one because of the special people who are here, indicating to me in their own gracious way their appreciation for what I do or don't do in the Senate. I thank all of them for that.

Frankly, I don't feel as if I have cast 13,000 votes, so I don't know what that means. Maybe it means I have a lot more to come. I hope so. Maybe it means we are voting a lot more in the Senate than we used to.

In any event, it is a proud day because you all have made it one. Thank you very much.

I yield the floor.

The PRESIDING OFFICER. The Senator from New Jersey.

Mr. MENENDEZ. Mr. President, before I speak to an amendment, let me join in the commendations to our colleague, Senator DOMENICI. I am privileged to serve on the Energy Committee which Senator DOMENICI chairs. I appreciate his leadership, as well as his commitment to our country. I am pleased to join the many voices that have spoken about his service.

Mr. DOMENICI. I thank the Senator.

The PRESIDING OFFICER. The Senator from New Jersey.

Mr. MENENDEZ. Mr. President, I ask unanimous consent the pending amendment be set aside.

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

AMENDMENT NO. 4909

Mr. MENENDEZ. Mr. President, I have an amendment at the desk. I ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from New Jersey [Mr. MENENDEZ] proposes an amendment numbered 4909.

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

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

The amendment is as follows:

(Purpose: To prohibit the use of funds for a public relations program designed to monitor news media in the United States and the Middle East and create a database of news stories to promote positive coverage of the war in Iraq)

At the end of title VIII, add the following:

SEC. 8019. (a) PROHIBITION ON USE OF FUNDS FOR CERTAIN PUBLIC RELATIONS ACTIVITIES.—None of the amounts appropriated or otherwise made available by this Act may be obligated or expended for a public relations program designed to monitor news media in the United States and the Middle East and create a database of news stories to promote positive coverage of the war in Iraq.

(b) SCOPE.—The prohibition in subsection (a) shall not apply to programs and activities of the Department of Defense directed at collecting or analyzing information in the news media.

Mr. MENENDEZ. Mr. President, I rise today to offer an amendment that would limit funds for any future public relations campaign being commissioned by the Pentagon to promote positive coverage of the war in Iraq. We first learned about this $20 million PR campaign to improve the image of President Bush's Iraq policy in the Washington Post last week. In my mind, this proposal is not just irresponsible, it is an insult to the thousands of Iraqi citizens and coalition forces who have died in this war. At a time when this violent insurgency continues to expand and American troops are putting their lives on the line day in and day out, what is the administration's focus? A better public relations campaign? The Bush administration doesn't need a new PR campaign in Iraq. They need a new policy in Iraq.

We must change the course in Iraq, not waste time or money for public relations efforts. We must work to reduce the insurgency, not suppress news reports of its existence. We must strive to improve the situation on the ground in Iraq, not focus on changing the spin. That is why I am offering this amendment that would prohibit funds being used for this type of public relations campaign.

Let me be clear. This amendment prohibits the use of funds for a public relations campaign and a database of news stories that is designed to promote positive coverage of the war. But the amendment specifically does not prohibit the normal work of the Department of Defense for collecting or analyzing information in the news

media. The fact is, we do not need more propaganda. We need a new policy. I can certainly understand why the Bush administration would want to sugarcoat the news coming out of Iraq. The facts and the figures about the reality on the ground tell a somber story.

When more than 250 Iraqis were killed last week alone, and the killings continue today; when kidnapping by those wearing Iraqi security force uniforms becomes commonplace, and average Iraqis now flee from Iraqis in uniform; when the U.S. Special Inspector General for Iraq Reconstruction comes out with a report that paints a picture of incompetence, fraud, and failure, and USAID, the agency in charge of over $1.4 billion in reconstruction, has been hiding millions of dollars in construction overruns and failing to report the true costs and problems to the Congress; when some Iraqis are now too afraid to go to the morgue to retrieve the bodies of their loved ones for fear of being killed or kidnapped themselves; and when instead of reducing troops, thousands of troops have been ordered to go to Baghdad, and an Army brigade had its tours extended, it is time to change the course in Iraq.

It is certainly easy to see why the Bush administration is afraid of the truth, and it is no surprise that a CNN poll released on Monday showed that 61 percent of Americans said they oppose the war as it is in Iraq, the highest opposition shown in any CNN poll since the war began.

For those in the Bush administration who complain that the media only reports bad news coming out of Iraq, I invite them to look at the facts and figures offered by the Pentagon itself last week. In its latest report to Congress, the Pentagon found that Iraqi casualties are up by more than 50 percent in recent months. Violence in Iraq continues to rise, and innocent Iraqi civilians are paying the price. The casualty rate is now almost 120 a day, compared to 30 a day 2 years ago.

The President continues to speak of progress, but the numbers tell a different story. From the time the new Iraqi Government was established on May 20, until August 11, the number of attacks were almost 800 per week. That is a huge increase from the beginning of the year and almost double from the beginning of 2004. So it is clear that the Bush policy in Iraq simply is not working, and it is time for a new direction.

The President needs to realize that we do not need a new propaganda campaign, we need a new policy. Frankly, I personally never believed the administration's false arguments about why we should go to war in Iraq, and I believe this administration never had a strategy for success in Iraq, and that is why I voted against the war in Iraq even when that vote was unpopular. That is why I am standing up for a new direction in Iraq today.

The President led us into this war based on false premises and false promises. President Bush went into the war without a plan to win the peace.

Unfortunately, this administration still doesn't have a real plan for success in Iraq. Our soldiers have performed bravely under the most difficult of circumstances. But as Iraq moves closer and closer to an all-out civil war, as even the commander, General Abizaid, admitted was possible, it is time to change policy.

The fact is that the war in Iraq has hurt us along the way in terms of our national security. By changing course in Iraq, we can make our own country more secure.

I look back at Hurricane Katrina just a year ago. I see the terrible price the people of the gulf paid when their National Guard troops were away in Iraq and unable to protect their neighbors here at home. Our homeland is simply less secure when our National Guard and Reserves are being kept in permanent rotation in Iraq.

This war has also distracted us from the great international security threats to the United States. While the administration is focused on the war in Iraq, North Korea has only become more defiant because they know we are bogged down in Iraq and have lost credibility with the international community.

Under this administration, North Korea has conducted launched missile tests and has likely increased the size of its nuclear arsenal. They have withdrawn from the Non-proliferation Treaty. The Congressional Research Service has estimated that the number of simple, fission-type weapons produced by the North Koreans prior to 2001 was between zero and two. Now this defiant regime has an estimated three to nine nuclear weapons.

While the administration has been distracted in Iraq, Iran has also become more defiant and has started enriching uranium, flaunting an international package designed to help end their nuclear weapons program, and is supporting Hezbollah's attacks against Israel.

It is in Afghanistan that we have paid one of the heaviest security costs for the war in Iraq. The bottom line is the administration never finished the job in Afghanistan. Afghanistan—not Iraq—was the right place to pursue the national security of the United States. It was in Afghanistan—not Iraq—that the murderers of September 11 were located. Our lack of attention and resources in Afghanistan has allowed the country to once again become a land of increased turmoil.

Many of us have been horrified as we have watched the resurgence of Taliban and strong anti-American sentiment in Afghanistan. In the past 3 years, there have been 284 attacks by the Taliban, and the number of suicide attacks continues to rise sharply. We have also seen poppy cultivation more than double since 1999. That ultimately is what emanates the opium on the streets of our cities and across the world.

I believe it is long past time for the United States to focus attention on Afghanistan and on the current threats from Iran and North Korea.

Let me simply say that the war in Iraq has not helped quell terrorism. In fact, it has fueled the proliferation of terrorist organizations and has increased instability in Iraq at the expense of our Nation's economy and the lives of our service men and women. The Iraq war has drained our Treasury of $320 billion. Well over 2,600 of our bravest men and women have lost their lives, and nearly 20,000 have been injured. That is the most fundamental issue facing our country today.

Three and a half years into the war and the administration's overhyped spin has become unwound. Predictions that we would be greeted as liberators have proven false, and the President's partisan attacks on anyone who dares criticize his failed policy have led to the hollow truth behind both the original decision to go to war and the propaganda he and his supporters still spew forth every day. The facts are as clear as the day, and a majority of Americans know the decision to invade Iraq was the wrong one.

In light of this knowledge, it is time to tell the President that we don't need a new propaganda campaign; we need a new policy. It is time to make clear that the Defense bill should be about flak jackets for our troops, not PR flak for the Bush administration. That is why I have offered this amendment which tells the administration to forget about the spin and concentrate on the mission at hand.

I urge my colleagues to support this important amendment.

I yield the floor.

The PRESIDING OFFICER. The Senator from New York.

Mr. SCHUMER. Mr. President, I ask unanimous consent that the pending amendment be set aside.

The PRESIDING OFFICER. Is there objection?

Mr. STEVENS. I object. What is this? I thought we would dispose of the Menendez amendment first. Are there further speakers on the amendment? I would like to see the amendment. Will the Senator agree to a time agreement for a vote on the Menendez amendment? Will Senator MENENDEZ agree to vote at a time certain on his amendment?

Mr. MENENDEZ. Sure. I would consider such an agreement.

Mr. SCHUMER. Mr. President, will my colleague from Alaska yield?

Mr. STEVENS. I would be happy to yield.

Mr. SCHUMER. I don't believe my amendment will take much time. It might be good to dispose of both of them together.

Mr. STEVENS. Very well. I hope we can get a time agreement for a vote.

The PRESIDING OFFICER. Without objection, the pending amendment is set aside.

AMENDMENT NO. 4897

Mr. SCHUMER. Mr. President, I send an amendment to the desk.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from New York [Mr. SCHUMER] proposes an amendment numbered 4897.

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

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

The amendment (No. 4897) is as follows:

(Purpose: To make available up to an additional $700,000,000 for Drug Interdiction and Counter-Drug Activities to combat the growth of poppies in Afghanistan, to eliminate the production and trade of opium and heroin, and to prevent terrorists from using the proceeds for terrorist activities in Afghanistan, Iraq, and elsewhere, and to designate the additional amount as emergency spending)

At the end of title VIII, add the following:

SEC. 8109. (a) ADDITIONAL AMOUNT FOR DRUG INTERDICTION AND COUNTER-DRUG ACTIVITIES.—The amount appropriated by title VI under the heading ''DRUG INTERDICTION AND COUNTER-DRUG ACTIVITIES'' is hereby increased by $700,000,000, with the amount of the increase designated as an emergency requirement pursuant to section 402 of S. Con. Res. 83 (109th Congress), the concurrent resolution on the budget for fiscal year 2007, as made applicable in the Senate by section 7035 of Public Law 109–234.

(b) AVAILABILITY.—Of the amount appropriated or otherwise made available by title VI under the heading ''DRUG INTERDICTION AND COUNTER-DRUG ACTIVITIES'', as increased by subsection (a), up to an additional $700,000,000 may be available to combat the growth of poppies in Afghanistan, to eliminate the production and trade of opium and heroin, and to prevent terrorists from using the proceeds for terrorist activities in Afghanistan, Iraq, and elsewhere.

(c) SUPPLEMENT NOT SUPPLANT.—The amount available under subsection (b) for the purpose set forth in that subsection is in addition to any other amounts available in this Act for that purpose.

Mr. SCHUMER. Mr. President, I will be brief.

I rise to offer an amendment to the DOD appropriations bill to address what is literally a growing problem in the fight on the war on terror. We are not really doing enough to counteract an ever-increasing production of opium in Afghanistan, a problem that is threatening the ever fragile Government. Not only does opium production fuel its heroin trade around the globe, but the heroin funds terrorists who aim to attack America and our allies around the world.

We all note the deterioration of the situation in Afghanistan. One of the main reasons that situation is deteriorating is the opium production is increasing dramatically. It will increase by a huge 50 percent over last year. A large portion of the opium trade is controlled by the Taliban, the very people who provide the ''warm'' reception.

I say that with sarcasm. It is due to bin Laden and al-Qaida. And yet the Taliban is increasing their reach, their strength, their hold on the country, and their wealth through opium.

As I mentioned, there has been a surge by over 50 percent over the last year's harvest, a surge in production largely in the southern part of the country where the Taliban has reasserted control. It is in part because we have abandoned Afghanistan and the country is steadily descending into chaos as we have less and less to say over it. We have abandoned large parts, and opium rules.

I hope my colleagues will listen to the fact. Afghanistan now supplies more than 90 percent of the world's opium. In this year alone, there were over 400,000 acres of poppies planted, compared to 250,000 acres in 2005—a 50-percent increase. Why is this happening? It is happening in Afghanistan because the administration failed to finish the job when we changed our focus to Iraq, and now the country is swarming with corrupt warlords and the Taliban is once again taking control over a large portion of the country. Our soldiers fought long and hard to rid Afghanistan of terrorists and the Taliban; however, if the drug trade continues to surge and consume the nation, their heroic efforts may be undone.

The Taliban draws its strength from the drug trade, and in order to prevent them from reclaiming the country, we need to crack down on the drugs that fuel its regime. The Taliban generates an amazing 70 percent of its income through the production and sale of opium. Those poppies generate a whole lot of money. This year's opium harvest is worth roughly $4 billion.

In addition, the Taliban is fueling the production of opium from behind the scenes and using the profits to fund its brutal and oppressive regime. Every night, the Taliban drops off ''night letters'' encouraging poor Afghan farmers to grow poppies in exchange for ''protection.'' Unfortunately, just like in ''The Godfather,'' that is an offer they cannot refuse.

Now Afghanistan's narcotrade is spreading outside its borders and funding insurgents and foreign terrorists in Iraq. Money from the sale of Afghan-produced heroin is being used by terrorists to buy weapons and equipment, to create improvised explosive devices, and to pay ordinary Iraqi citizens to attack U.S. soldiers in Iraq. If foreign terrorists are using Afghanistan's opium production to fund their deadly activities in Iraq, what is to stop them from using the same funds to attack the United States? On 9/11, it is estimated that the horrible acts by al-Qaida cost only $500,000 to carry out. Can you imagine how many more attacks they could carry out given how huge the profits are from Afghanistan's opium?

Given the magnitude of this problem, a total of $350 million to the Departments of State and Defense to fight opium in this part of the world is not enough. Those funds weren't enough—it is proven fact—when the production has doubled in a year's time. I am not saying the funds are not being used effectively. They may well be. They are clearly not enough. Fighting Afghanistan's drug production and trade is elemental to our success in fighting global terrorism. It is essential to protect our troops in Iraq, keep Afghanistan from descending into chaos, and save American lives here at home.

My amendment will increase counternarcotics funding in Afghanistan by $700 million. With additional funds, the Department of Defense can work to ensure that the Taliban and other foreign terrorists don't use Afghanistan's opium crop against the United States.

Last year, the U.S. Government spent less than $350 million fighting the drug trade. Afghanistan produced its largest poppy crop in recorded history and raised billions of dollars to fund terrorism.

For people who say this significant amount of money is not useful, it sure is. On a cost-effective basis, it is. It costs a lot more to fight terrorists who use the money from the poppy trade than to fight the poppy trade itself.

Some may suggest the money is not useful to DOD, but I would argue that DOD clearly doesn't have enough resources just on the basis ipso facto that the crop doubled last year. We have to make sure the Department of Defense and the State Department have all the available resources to combat this threat.

Others may say this issue is not a priority to DOD and we should let other agencies take the lead on this issue. The problem clearly is not a priority to DOD, but it absolutely should be, and this amendment will make clear that is our intent.

The growing insecurity in Afghanistan clearly requires that DOD take a more active role in combating the rise in the Taliban and corresponding rise in production of opium. To show that we are serious about combating cultivation of poppies and the production and trade of opium and heroin, we must put additional resources into the fight. If we don't, Afghanistan's drug trade will come back to haunt us.

I urge my colleagues to support this amendment when we have a vote on it later today. I thank the President and my colleagues from Alaska and Hawaii.

I ask unanimous consent that Senator FEINSTEIN be added as an original cosponsor.

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

AMENDMENT NO. 4909

Mr. STEVENS. Mr. President I ask unanimous consent that the Menendez

amendment be put before the Senate again. I ask unanimous consent that it be the pending business.

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

Mr. STEVENS. Mr. President, I want to be as courteous as possible. It is not a very good word to use, but it seems to me the Menendez amendment places a gag order on the Department of Defense. It says that the gains made by our military people and by the Iraqi forces cannot be reported to our people or to the Iraqi people.

It is a strange amendment, if you want to look at it, because it just says no funds may be expended for a public relations program to monitor news media in the United States and Middle East and create a database of news stories to promote a positive image of the war in Iraq.

The Department's press office normally reports day-to-day activities and is doing just that—getting the stories around and making sure we at home and the people in Iraq and our people in uniform know the positive side of this engagement.

I can tell you that at home we see the negative side all the time. It seems to me that answering questions with positive stories would be considered a PR effort. I do think it would have unintended consequences potentially impacting intelligence activities. I don't want to go into that too much, but the world knows about this information and the activities that have been going on for years. They have been going on for years.

We should not allow the Senate to take the position that prevents the Department of Defense to report on favorable news and to create a program to do that. To me, it constitutes a gag order.

I move to table the Senator's amendment.

AMENDMENT NO. 4897

It is my intention now to ask the Senate to make the Schumer amendment the pending business. I ask unanimous consent that is the pending business.

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

Mr. STEVENS. Mr. President, funding in this current year for activities in Afghanistan is $116.5 million.

That money is being used to build border crossing points and police headquarters and to train and equip Afghan national police and other security forces in drug detection and eradication.

A significant portion of those funds is still being programmed to be spent. There was a delay in getting that bill ready for expenditures for 2006 so there will be some carryover into 2007. We don't know how much that will be.

The President asked for an additional $18.5 million for this year in this bill, and the committee supported that request.

In addition to the funding in the Department of Defense appropriations bill before the Senate, the fiscal year 2007 Foreign Operations bill as reported to the Senate has $297 million for counterdrug activities in Afghanistan. The Commerce Science Justice bill includes $30.5 million for counterdrug activities in Afghanistan. This means in the current bills pending for approval, there is already $346 million for counterdrug activities in Afghanistan for 2007, notwithstanding the carryover money that is available. This means there is approximately $400 million that will be available in 2007 already and the Senator wants to add $700 million to that. That is an enormous amount of money.

The British Government actually takes the lead in counterdrug operations in Afghanistan. As we all know, NATO is in there now. The United States should not offer to take the entire financial burden of this operation. It is a multinational effort.

The Senator is right in his premise that poppy production sales are a funding mechanism for terrorist activities in Afghanistan. We do support poppy eradication efforts. However, we do not need to throw money at that problem. Four-tenths of a billion dollars ought to be enough for one year.

We have reviewed the counterdrug budgets for DOD and other agencies, and we believe they are sufficiently budgeted not only for this current year but for the 2007 year. If the Department needs additional funds for 2007, we will have a supplemental in the spring. I would be the first to support it if the Department came in and said they needed more money. However, in view of the fact that we are working with NATO and working with the British Government, which has the lead on this program, I do not think doubling the amount available for this program is prudent.

As a matter of fact, obviously from the experience in the current year, it would not be spent.

That should not be voted upon by the Senate. I move to table Senator SCHUMER's amendment.

I ask unanimous consent at 2 p.m. today the Senate proceed to a vote in relation to the pending Menendez amendment, to be followed by a vote in relation to the Schumer amendment—I have always made the motions to table—that no second-degree amendments be in order prior to the vote, and there be 2 minutes equally divided prior to the vote on each amendment. I believe this has been cleared.

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

Mr. STEVENS. I don't wish to seem preemptory about this. I thank the Senators for their courtesy in bringing the amendments to the Senate.

Can we make the second vote 10 minutes? I ask unanimous consent the vote on the Menendez amendment be a 15-minute vote and the Schumer amendment be a 10-minute vote.

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

Mr. STEVENS. I ask unanimous consent it be in order for me to ask for the yeas and nays on both amendments at the same time.

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

Mr. STEVENS. I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second. The yeas and nays were ordered.

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

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

AMENDMENT NO. 4911

Mr. REED. Mr. President, I also ask unanimous consent to lay aside the pending amendment and send an amendment to the desk.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

The clerk will report the amendment.

The assistant legislative clerk read as follows:

The Senator from Rhode Island [Mr. REED], for himself and Mr. BAYH, proposes an amendment numbered 4911.

The amendment is as follows:

(Purpose: To make available an additional $65,400,000 for additional appropriations for Aircraft Procurement, Air Force, for the procurement of Predators for Special Operations forces, and to designate the amount as an emergency requirement)

At the end of title IX, add the following:

SEC. 9012. (a) ADDITIONAL AMOUNT FOR AIRCRAFT PROCUREMENT, AIR FORCE.—The amount appropriated by chapter 3 of this title under the heading ''AIRCRAFT PROCUREMENT, AIR FORCE'' is hereby increased by $65,400,000, with the amount of the increase designated as appropriations for contingency operations directly related to the Global War on Terrorism, and other unanticipated defense-related operations, pursuant to section 402 of H. Con. Res. 376 (109th Congress), as made applicable to the House of Representatives by H. Con. Res. 818 (109th Congress) and designated as an emergency requirement pursuant to section 402 of S. Con. Res. 83 (109th Congress), the concurrent resolution on the budget for fiscal year 2007, as made applicable in the Senate by Section 7035 of Public Law 109–234.

(b) AVAILABILITY FOR PROCUREMENT OF PREDATORS.—Of the amount appropriated by chapter 3 of this title under the heading ''AIRCRAFT PROCUREMENT, AIR FORCE'', as increased by subsection (a), up to $65,400,000 may be available for procurement of Predators for Special Operations forces.

(c) SUPPLEMENT NOT SUPPLANT.—The amount available under subsection (b) for the purpose specified in that subsection is in addition to any other amounts available in this Act for that purpose.

Mr. REED. Mr. President, I rise to offer an amendment along with my colleague from Indiana, Senator EVAN BAYH, which would provide an additional $65.4 million for the procurement of Predators for our special operations forces. The Predator is an unmanned aerial vehicle—or UAV, for

short—used for armed reconnaissance, airborne surveillance, and target acquisition. It has become a critical asset in the war on terror. It is a small, remotely piloted aircraft that brings the battlefront to the military.

Through the use of cameras and other sensors, the Predator monitors, in real time, buildings or people. Because it is unmanned, it is ideal for use in areas that are inaccessible to the U.S. military such as areas where the airspace is unsecure, the terrain is unpassable, or the environment is contaminated by chemical or biological weapons. The Predator system's hardware consists of a small monoplane with sensors, a ground control station, and data communications system.

The special operations forces—the front line in our war on terror—rely on Predator surveillance as part of their work to capture and kill the terrorists targeting our troops and the Governments of Iraq and Afghanistan.

There has been a lot of discussion recently about the war on terror. This is actually one of the systems which has been most decisive in killing the terrorists. That is why I think we have to support additional funding for this antiterrorist system.

Right now, special operations forces depend upon Air Force assets, which are already in high demand, for Predator support. With more Predators, we can be more effective in going after and taking out the terrorists. According to the Defense News article entitled ''Inside the Zarqawi Takedown: Persistent Surveillance Helps End 3-Year Manhunt,'' the capture of the terrorist Abu Mus'Ab al-Zarqawi—the leader of al-Qaida in Iraq, notorious for his despicable conduct—was facilitated decisively by Predator surveillance provided to special operations forces.

The Quadrennial Defense Review recognized that special operators need dedicated UAV support and called for the establishment of a UAV squadron organic to special operations forces.

The QDR reads:

> To achieve the future force characteristics for SOF—special operations forces—and to build on progress to date, the Department will: . . . establish a SOF unmanned aerial vehicle squadron to provide organic capabilities to locate and target enemy capabilities in denied or contested areas.

This special operations squadron would eventually provide coverage 24 hours a day, 7 days a week, to assist the forces working to capture and kill terrorists in Iraq and Afghanistan. The objective, according to GEN Doug Brown, Commander of the Special Operations Command, SOCOM, is to establish an ''unblinking eye,'' which would help special operators targeting terrorists.

The President's budget request for fiscal year 2007 included funding sufficient to begin to build the squadron, including the purchase of eight UAVs.

On April 6, VADM Eric Olson, Deputy Commander of SOCOM, testified to the Armed Services Committee that the command did not have sufficient surveillance platforms. On April 27, Senator BAYH sent a letter to the Armed Services Committee expressing his intent to address this issue via legislation. Subsequently, the Appropriations Committee took action in the fiscal year 2006 supplemental and accelerated funding for this purpose. This funding would have allowed the initial operating capability to be achieved in 2007, rather than 2008, and for the squadron to be fully operational with 24 UAVs in 2010 instead of 2011.

I believe this acceleration would have been significantly contributing to the capability of our Special Operations Command. However, the acceleration was reversed by the Appropriations Committee just a few months later when it cut the funding for the UAV procurement for SOCOM—a cut to the Air Force aircraft procurement line.

According to the Special Operations Command, this cut ''would negate the effect of the FY2006 Supplemental, . . . causing Full Operation Capability to revert back to the original timeline. This delay will adversely affect AFSOC's urgent ongoing requirement to conduct persistent intelligence, surveillance, reconnaissance, and targeting missions.''

The amendment Senator BAYH and I are offering would put the acceleration back on track by adding $65.4 million for six UAVs and associated equipment.

Just 2 weeks ago, during a trip to Afghanistan and Iraq, the Armed Services Committee staff was told by the special operations forces in both countries, who are working hard to track the terrorists targeting our troops and the Governments of Iraq and Afghanistan, that their No. 1 need is for Predator coverage. They need dedicated UAV support.

We have not captured Osama bin Laden yet, and unfortunately there are many more targets for the special operators to conduct reconnaissance, surveillance, and, we hope, preemption. There is no rationale for not accelerating the establishment of the UAV squadron.

SOCOM wants this, and they have stated such. They can execute this in the timeframe they have given the Congress. We need to increase the pressure on al-Qaida operatives in Iraq and Afghanistan as well as other terrorists attacking U.S. and coalition troops. These terrorists are threatening, each day, the success of our operations in Iraq and Afghanistan and the safety of our personnel.

If we really want to carry the fight to the terrorists, if we really want to individually and collectively go after and take out these terrorists, the Predator, according to our special operations forces, is a key ingredient in this effort. Rather than rhetoric about fighting the war on terrorism, let's give these special operators the tools to effectively fight and destroy terrorists wherever they may be.

Mr. President, I yield the floor.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

Mr. STEVENS. Mr. President, I was off the floor, but I was informed of the amendment offered by Senators REED and BAYH. It is my understanding—the Senator from Hawaii concurs—we would be willing to accept this amendment.

Does the Senator want a vote on it? We would be happy to take it by voice vote if he is ready to let us accept it.

Mr. REED. Mr. President, I say to the Senator, my preference would be for a recorded vote, if possible. I think this is an important point about providing adequate resources to our special operators. Also, I would like to at least confer with Senator BAYH.

Mr. STEVENS. Very well. I have no objection. This money, if nothing else, would be available to replace some of the Predators that have been lost. So we are willing to accept it, but if the Senator wishes a vote, I would ask that—Mr. President, I ask for the yeas and nays on his amendment.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

Mr. STEVENS. Mr. President, I ask unanimous consent that the time for voting on this amendment be delayed until we can confer with the leadership.

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

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

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

The assistant legislative clerk proceeded to call the roll.

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

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

AMENDMENT NO. 4909

Mr. LAUTENBERG. Mr. President, I rise to talk about the amendment offered by my friend and colleague from New Jersey, Senator MENENDEZ. As has been his tradition, as has been his experience, he brings forth an issue that I think is of special importance at this moment because while we discussed in these last few days the honesty with which we get information and data, we have recognized that there is often an attempt to obscure the truth from the American people about the war we are in at the moment.

We see it in different ways. We see it in the fact that, for instance, flag-draped coffins are not permitted to be photographed when the remains of our most courageous people fighting the

battle in Iraq are returned home. They come to a base in the State of Delaware, and it is prohibited to take pictures of those flag-draped coffins. That testimonial the country gives to these fallen soldiers is denied public view, as is the fact that there is another American, or more, lost in this quest to bring democracy to a country in which there is considerable doubt about whether they want our form of democracy. This amendment would make certain that no Department of Defense funds are used for propaganda.

Last week, we learned that the Defense Department wants to pay a company $20 million to monitor and analyze American and Middle East media to help improve the image of the U.S. Government and the military. I fully agree with him on the importance of limiting these funds for a propaganda campaign. I will not support the use of these funds in that manner.

The contractor being hired is expected to put together a database of news stories and assess their tone to come up with ways to get more glowing news coverage for the administration to try to convince the American people that things are going pretty much to plan and it just needs more time.

We don't talk about the fact that it needs, very often, more troops to do this assignment, without regard to whether we ought to be there at this time or whether they deserve the protections and equipment that is often missing. But we are not just talking about the Middle East press. This is Department of Defense money provided by U.S. taxpayers to comb American newspapers to track and evaluate their stories.

I can't say I am surprised by this development. After all, this administration has mastered the art of propaganda, and after I asked for investigations of the administration's propaganda activity, the Government Accountability Office, GAO, ruled that the administration violated law in several cases. Propaganda efforts by the Department of Health and Human Services and the Department of Education were ruled illegal by GAO.

So what did the administration do? Did it agree to abide by the law? Of course not. That is not their customary action, not this administration. The administration announced that it would ignore the GAO rulings. The administration sees the rule of law as kind of a speed bump, not a roadblock. That is why Congress has to cut off these funds for these propaganda efforts.

This isn't the Soviet Union. We promote a free press in this country. It is essential to our democratic functioning. Learn the truth, pleasant or unpleasant, and deal with it as we should—honestly. We should not be manipulating the news media in our country.

I want the news about Iraq to be better, too. We all have great respect and affection for those who are on the front line who are doing their duty in spite of questions about what the purpose is or when the return to their homes begins. But maybe if we made some changes in our leadership and in our strategy we wouldn't need a PR campaign to improve our image here or abroad. Instead of trying to make the current situation look better, we ought to focus on actually making it better.

If we have any money to spare, let's spend it on our troops making sure that everybody has body armor, the latest there is, to protect them, or that the humvees and other vehicles are appropriately armored to see if we can defend ourselves better against these roadside bombs and these attacks on our troops, or on developing better strategies to fight terrorism and to defend our country.

We are on the eve of the commemoration of 9/11. It was one of the events in American history that still shocks our psyche. The fact that in a single day almost 3,000 Americans were killed on our soil by foreign intervention still astounds even the grimaced imagination. The fact that these two tall towers fell—I had an office in one of those towers when I was a commissioner of the Port Authority of New York and New Jersey before I came to the Senate. They stood like cities, with 50,000 people going in and out, moving to their jobs, to their assignments, to their responsibilities, to their families, not only to their companies, not only to the services they provided. And we are still in search of the perpetrators.

We all want to see victory come out of this war. The problem is I am not sure we can define victory. It is too late for us to resume our lives as we used to live them without constantly having to show an ID, without constantly having to be in lines waiting, interfered with in our normal routine. The last thing we need is to cover up reality. That is what is taking place. This is an attempt to further cover up the reality, cover up the losses we are enduring, cover up the expense it is costing us. The financial costs are secondary to the loss of life, but, nevertheless, that is reality.

I commend my colleague from New Jersey, Senator MENENDEZ. He has brought thoughtful discourse to this body, and we welcome his attempt to clear the air, to make sure we are not spending money to color the issues, to give it a rosy tone, but to tell the truth and to not spend $20 million of taxpayer money on glossing over what is a very painful reality.

I hope our colleagues will fully support this amendment.

I yield the floor.

The PRESIDING OFFICER. There is now 2 minutes of debate equally divided on the Menendez amendment. Who yields time? The Senator from New Jersey.

Mr. MENENDEZ. Mr. President, I urge my colleagues to vote no on the motion to table the amendment. With all due respect, this isn't about any gag order. It is not about promoting whatever gains are made. We are happy to see whatever gains are made in the Defense Department, in the White House, and all of the Republican administration. They can roll out all of the good news they have. But what we don't need and what I hope the Senate will not vote for is $20 million of taxpayer funds for the purpose of having a public relations firm ultimately generate ''good press out of Iraq.'' That is not what we need. We need a change in policy, not a $20 million public relations contract.

Our amendment specifically allows the Department of Defense to continue to collect or analyze information in the news media, as they do now, but we do not need a $20 million public relations program. If my colleagues vote for the motion to table, they are voting to have that $20 million public relations program that the taxpayers will fund.

We can generate whatever good news may exist, but what we need is a change in policy. We don't need a PR program. This bill should be about flack jackets for our soldiers, not for the administration.

The PRESIDING OFFICER. The Senator's time has expired. The Senator from Alaska.

Mr. STEVENS. Mr. President, the Senator's amendment will prohibit spending monies for a program to create a database for news stories that are positive. I do think there is an exception to that which says it does not apply to collecting and analyzing information in the news media. So they can spend money to analyze all the negative aspects of our news media, but they cannot spend money to collect the data that is necessary to provide the positive side of what our people are doing and what the Iraqi people are doing in Iraq in this terrible situation over there. I really think it is a gag order. I don't see why they should be able to collect all the news stories, but they can't collect the information that is positive and make it available.

So I move to table this, and I believe we will have a vote here fairly soon. The 2 minutes equally divided will be after this amendment; is that correct?

The PRESIDING OFFICER. The Senator is correct. Yes.

Mr. STEVENS. The yeas and nays have been ordered?

The PRESIDING OFFICER. The yeas and nays have been ordered. The question is on agreeing to the motion.

The clerk will call the roll.

The legislative clerk called the roll.

Mr. MCCONNELL. The following Senators were necessarily absent: the Senator from Rhode Island (Mr. CHAFEE), the Senator from Georgia (Mr. CHAMBLISS), the Senator from Georgia (Mr. ISAKSON), and the Senator from Pennsylvania (Mr. SANTORUM).

Mr. DURBIN. I announce that the Senator from Connecticut (Mr. LIEBERMAN) is necessarily absent.

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

The result was announced—yeas 51, nays 44, as follows:

[Rollcall Vote No. 236 Leg.]

YEAS—51

Alexander	DeWine	McCain
Allard	Dole	McConnell
Allen	Domenici	Murkowski
Bennett	Ensign	Roberts
Bond	Enzi	Sessions
Brownback	Frist	Shelby
Bunning	Graham	Smith
Burns	Grassley	Snowe
Burr	Gregg	Specter
Coburn	Hagel	Stevens
Cochran	Hatch	Sununu
Coleman	Hutchison	Talent
Collins	Inhofe	Thomas
Cornyn	Kyl	Thune
Craig	Lott	Vitter
Crapo	Lugar	Voinovich
DeMint	Martinez	Warner

NAYS—44

Akaka	Feingold	Mikulski
Baucus	Feinstein	Murray
Bayh	Harkin	Nelson (FL)
Biden	Inouye	Nelson (NE)
Bingaman	Jeffords	Obama
Boxer	Johnson	Pryor
Byrd	Kennedy	Reed
Cantwell	Kerry	Reid
Carper	Kohl	Rockefeller
Clinton	Landrieu	Salazar
Conrad	Lautenberg	Sarbanes
Dayton	Leahy	Schumer
Dodd	Levin	Stabenow
Dorgan	Lincoln	Wyden
Durbin	Menendez	

NOT VOTING—5

Chafee	Isakson	Santorum
Chambliss	Lieberman	

The motion was agreed to.

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

The motion to lay on the table was agreed to.

AMENDMENT NO. 4897

The PRESIDING OFFICER. There are 2 minutes evenly divided prior to the vote on the motion to table the Schumer amendment. The Senator from New York.

Mr. SCHUMER. Mr. President, this amendment is very simple. The Taliban is gaining huge parts of Afghanistan, southern Afghanistan. The Taliban is all over the place. How do they fund themselves? How do they spread their hegemony? It is through opium. Opium production has doubled in a year. While we are making some efforts to fight it, we are not doing close to enough. If we want to stop the Taliban from going back to where they were before 9/11, we must stop the way they prosper, survive, and fund themselves. It is opium production. They make 90 percent of the world's heroin.

This amendment, very simply, adds money to the DOD budget so we can fight the scourge of opium and the scourge of terrorism to which it is interlinked in Afghanistan.

The PRESIDING OFFICER. The Senator from Alaska is recognized.

Mr. STEVENS. Mr. President, NATO is in charge, now, of Afghanistan. The British Government is the lead agency in counterdrug operations. Notwithstanding that, in this budget we have $346 million for counterdrug efforts in Afghanistan. In addition to that, there is a carryover available from 2007. It will be almost $400 million already, and the Senator wishes to add another $700 million. It is not our function. The lead agency is NATO, now, in Afghanistan.

I have made a motion to table. I urge the Senators to vote to table this amendment.

The PRESIDING OFFICER. The question is on agreeing to the motion. The yeas and nays were ordered. The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. MCCONNELL. The following Senators were necessarily absent: the Senator from Rhode Island (Mr. CHAFEE), the Senator from Georgia (Mr. CHAMBLISS), and the Senator from Georgia (Mr. ISAKSON).

Mr. DURBIN. I announce that the Senator from Connecticut (Mr. LIEBERMAN) is necessarily absent.

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

The result was announced—yeas 45, nays 51, as follows:

[Rollcall Vote No. 237 Leg.]

YEAS—45

Alexander	Domenici	McConnell
Allard	Enzi	Murkowski
Bennett	Frist	Nelson (NE)
Bond	Graham	Roberts
Brownback	Grassley	Santorum
Bunning	Gregg	Sessions
Burns	Hagel	Shelby
Burr	Hatch	Smith
Coburn	Hutchison	Specter
Cochran	Inhofe	Stevens
Cornyn	Kyl	Sununu
Craig	Lott	Thomas
Crapo	Lugar	Thune
DeMint	Martinez	Vitter
Dole	McCain	Voinovich

NAYS—51

Akaka	Dorgan	Menendez
Allen	Durbin	Mikulski
Baucus	Ensign	Murray
Bayh	Feingold	Nelson (FL)
Biden	Feinstein	Obama
Bingaman	Harkin	Pryor
Boxer	Inouye	Reed
Byrd	Jeffords	Reid
Cantwell	Johnson	Rockefeller
Carper	Kennedy	Salazar
Clinton	Kerry	Sarbanes
Coleman	Kohl	Schumer
Collins	Landrieu	Snowe
Conrad	Lautenberg	Stabenow
Dayton	Leahy	Talent
DeWine	Levin	Warner
Dodd	Lincoln	Wyden

NOT VOTING—4

Chafee	Isakson
Chambliss	Lieberman

The motion was rejected.

The PRESIDING OFFICER. The amendment remains pending. If there is no further debate on the amendment, the question is on agreeing to the amendment.

The amendment (No. 4897) was agreed to.

Mr. KENNEDY. I move to reconsider the vote.

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

The motion to lay on the table was agreed to.

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

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

AMENDMENT NO. 4857

Mr. KENNEDY. Mr. President, I had filed an amendment on behalf of myself and the Senator from Utah, Mr. HATCH, amendment No. 4857, and I ask for its immediate consideration.

The PRESIDING OFFICER. Without objection, the pending amendments are set aside.

The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Massachusetts [Mr. KENNEDY], for himself and Mr. HATCH, proposes an amendment numbered 4857.

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

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

The amendment is as follows:

(Purpose: To provide that none of the funds appropriated by this Act may be available for the conversion to contractor performance of certain activities or functions of the Department of Defense in cases where the contractor receives a competitive advantage by offering inferior retirement benefits to workers who are going to be employed in the performance of such activities or functions than those offered by the Department to comparable civilian employees)

On page 160, line 7, strike ''; or'' and insert a semicolon.

On page 160, line 14, strike the period at the end and insert the following: ''; or

(C) offering to such workers a retirement benefit that in any year costs less than the annual retirement cost factor applicable to Department of Defense civilian employees under chapter 84 of title 5, United States Code.

Mr. KENNEDY. Mr. President, we know that vast numbers of Americans are increasingly concerned about their economic future. More than half of all workers describe themselves as ''worried'' or ''stressed'' about the state of the economy, and growing numbers of workers fear they will not be able to meet, much less surpass, the standard of living of their parents.

One of the primary factors contributing to these fears is the worsening crisis in the Nation's retirement system. The cornerstones of retirement security—private pensions, private savings, and Social Security—are increasingly at risk. Far too many working Americans will face retirement with little in their pocket—and with nothing to show for their long years of loyal service and hard work.

The pension reform legislation enacted this year will help companies keep the pension promises they have already made to workers, but we need to do much more to encourage employers to provide adequate retirement benefits to their hardworking employees.

Today, less than half of all private-sector employees have any retirement plan at all at work, and the number of workers with a secure defined-benefit pension plan has been cut in half since 1980.

Employer-provided retirement plans are essential for retirement security for working families. Workers are far more likely to save money for retirement through an employer-offered pension than if they are left to save on their own.

Unfortunately, instead of encouraging more companies to provide good retirement benefits to their employees, current Federal contracting rules actually discourage many private companies from helping their employees save for retirement. The competitive bidding process for contracts favors private employers who shortchange their workers on retirement benefits. Firms that provide no retirement benefits or only meager benefits often win bid to perform Government work even when the cost savings from their bid are attributable solely to the lack of retirement benefits they provide.

This unfair policy creates a dangerous race to the bottom in which private sector companies compete against each other to see who can provide the fewest benefits to their workers. As a result, the bidding process is actually increasing the number of Americans whose retirement security is in jeopardy. That is both illogical and unconscionable.

In addition, this skewed privatization policy is fundamentally unfair to Federal workers who lose contracts simply because they receive decent benefits. Valued Federal employees are losing their jobs because they cannot compete on an unfair playing field with employers who are shortchanging their workers.

Defense workers are particularly at risk. Now, this year alone, the Department of Defense is putting more than 10,000 civilian employees at risk of unfair termination—more than any other Federal agency—and it has announced plans to increase this number in the future.

Thirty-five percent—35 percent—of civilian Defense employees are veterans. Hundreds more are active reservists currently serving in the Iraq war. The least we can do for these dedicated and patriotic Americans is to let them compete on a level playing field to save the jobs they come home to after their service to their country.

The amendment Senator HATCH and I are offering will protect these workers by preventing contractors from winning bids for Government work solely because they provide inadequate retirement benefits to their employees or no retirement benefits at all. Our goal is obvious: to protect hard-working Federal employees from unfair competition. They should not lose their jobs because they cannot compete with private contractors on an unlevel playing field.

The amendment does not dictate the retirement benefits that employers must provide or require contractors to change their existing benefits. It simply levels the playing field for Federal employees and contract employees by excluding costs related to retirement from a privatization review. All the amendment does is prevent contractors from winning bids solely because they offer inferior retirement benefits.

The underlying bill already includes provisions to level the playing field for health care benefits. We need to do the same for retirement benefits.

Our bipartisan amendment is an issue of basic fairness. It is fair to private sector workers who will otherwise lose their retirement benefits in a ''race to the bottom.'' And it is fair to Federal employees who will otherwise lose their jobs to unfair competition.

I strongly urge my colleagues to support our amendment.

Mr. President, just a few additional comments. The question that is raised is, is this going to add complicated accounting procedures? The answer is, quite clearly, no. We have seen, for example, that when we eliminated the current health issues out of the contracting, that worked out very easily and worked out in a way to ensure a greater fairness. As I mentioned, a great percentage of these workers are both men and women who have been in the military; a great percentage of them are both in the Reserve and the Guard. It is an unusually high percentage of them because we know that preference is given, and legitimately so, when there is an opening in the contracting for veterans.

So there is a particularly and disproportionately high number of these workers who have served their country in the service, in the Reserves, and in the National Guard.

This is really what we are doing. I have the good opportunity to be with my chairman, Senator ENZI, chairman of our conference on pensions. We worked very closely with the members of the Finance Committee, Senators GRASSLEY and BAUCUS, in an often tedious conference. We spent a great deal of the time on retirement benefits and on what is happening to those benefits for workers. We have seen the results. Savings are way down. We are going to have to give focus and attention to the issues on Social Security. Pensions are the third part of that stool, which is absolutely essential in terms of a secure retirement.

In so many instances, those pension rights, as we read in the newspapers every day, are increasingly threatened, and increasingly at risk, and increasingly lost. I agree with Senator HATCH and others that it would be poor policy for us to have as a matter of Federal preference competitions. These Federal employees have certain kinds of retirement benefits, and that is being held against them in a competition in which they otherwise would be successful. That will obviously result in companies that want to do business with the Federal Government getting rid of their pension plans, and it will disadvantage those who are working in the Federal employment system.

Mr. President, I commended our colleagues previously for taking into consideration the current health issues and comparisons. We are talking about retirement benefits. I think the case is strong and, hopefully, we can take this to conference and have the opportunity to explore it. I have talked to both the chairman and the ranking minority member over the last few days. I believe the staffs are familiar with the issue. Hopefully, we can accept this and take it to conference. Senator HATCH and I would be glad to respond to additional questions.

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.

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

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

Mrs. BOXER. Mr. President, I ask unanimous consent that the pending amendment be laid aside.

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

AMENDMENT NO. 4913, AS MODIFIED

Mrs. BOXER. Mr. President, I call up amendment No. 4913 and ask unanimous consent to send a modification of the amendment to the desk.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from California [Mrs. BOXER] proposes an amendment numbered 4913, as modified.

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

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

The amendment, as modified, is as follows:

(Purpose: To require a report on procedures and guidelines in the event of further sectarian violence)

At the end of title IX, add the following:

SEC. 9012. (a) Not later than 30 days after the date of the enactment of this Act, the Secretary of Defense shall submit to the appropriate committees of Congress a report setting forth procedures and guidelines of the Department of Defense to protect United States military and civilian personnel (should sectarian violence further increase in Iraq.)

(b) FORM.—The report required by subsection (a) may be submitted in classified form.

(c) APPROPRIATE COMMITTEES OF CONGRESS DEFINED. In this section, the term ''appropriate committees of Congress'' means—

(1) the Committee on Armed Services, the Committee on Foreign Relations, the Select Committee on Intelligence, and the Committee on Appropriations of the Senate; and

(2) the Committee on Armed Services, the Committee on International Relations, the Permanent Select Committee on Intelligence, and the Committee on Appropriations of the House of Representatives.

Mrs. BOXER. Mr. President, my amendment simply requires the Secretary of Defense to submit a report on the procedures and guidelines necessary to protect U.S. military and civilian personnel in the event of a further increase in sectarian violence in Iraq.

Right off the top, I thank Senator STEVENS and his staff and Senator INOUYE and his staff. They really helped me in getting this amendment accepted. It means a lot to me because I worry deeply about this situation.

The reason I worry is, as we look at this war, we just have not seen plans. We have not seen that we have been ready for the contingencies we face. We never seem to plan for the worst-case scenario. Frankly, I think we need to do that in this case because we have not been right in predicting what would happen. We have seen, over time, that we have not had enough body armor, we have not had enough up-armored HMMWVs or countermeasures against roadside bombs.

Frankly, the American people are losing confidence that we are prepared to protect our troops in the case of a full-scale sectarian conflict.

There was a quote in the paper recently from the commander of day-to-day operations in Iraq. This is the quote:

> Quite frankly, in 33 years in the United States Army, I never trained to stop a sectarian fight.

Let me repeat that. This is from the commander on the ground in Iraq:

> Quite frankly, in 33 years in the United States Army, I never trained to stop a sectarian fight.

Now, for 6 months I have been asking Secretary Rumsfeld for a plan for our troops in the event there is a full-blown civil war in Iraq. And I have not received any kind of answer on it. After I sent my first letter to the Secretary asking for such a plan, I got a letter back from Under Secretary of Defense Eric Edelman. And he said:

> Recent acts of violence intended to spark civil war have failed.

That is the answer to my letter. When I asked: What is your plan in case civil war breaks out, he said: Well, there isn't a civil war. Obviously, that is not good enough.

My second letter to Secretary Rumsfeld was answered by Deputy Secretary Gordon England. He told me:

> Iraq's enemies are intent on provoking widespread intercommunal conflict but they are not succeeding.

So, again, a lot of reassurances but no plan.

So, once again, I did not receive any type of answer that gave me any solace that there is some planning to protect our troops and our civilian personnel if things get worse over there.

Now, we know the number of monthly incidents of sectarian violence increased from 5 per month in 2003 to 250 per month in 2006. Let me say that again. Monthly incidents of sectarian violence increased from 5 per month in 2003 to 250 per month in 2006.

Well, why do we need a plan now? I think the facts speak for themselves. The Pentagon's latest report that we received on conditions in Iraq, which was dated August 2006, said:

> Concern about civil war within the Iraqi civilian population and among some defense analysts has increased in recent months.

And this is what they said:

> Conditions that could lead to civil war exist in Iraq.

So if the Pentagon is telling us conditions that could lead to civil war exist in Iraq, the least we can expect from our Pentagon leadership is for them to provide some kind of contingency plan to protect our troops and civilian workers we have over there.

July saw the highest level of weekly attacks since military operations in Iraq began. Since last spring, the number of daily casualties, both military and civilian, reached nearly 120 per day, up from approximately 80 per day.

According to the United Nations—and I believe this is also quoted in this report, so this is the Pentagon quoting the United Nations—an estimated 22,977 families—or 137,862 individuals—have been displaced in Iraq due to sectarian strife since the February 22, 2006, Samarra Mosque bombing.

So for those people who put their head in the sand and say, this sectarian strife, it is going to go away, the people really do not want it, the facts belie that. I would say to my colleagues, think of one of your towns. And 137,862 would be one of your very large towns. If everyone in that town left that town, that is how many people have been displaced in Iraq due to sectarian strife.

General Peter Pace, Chairman of the Joint Chiefs, acknowledged to one of our committees there is a possibility of the situation in Iraq evolving into civil war. And he did not anticipate such a situation a year ago.

So when I heard about that, I sent a third letter—a third letter—to Secretary Rumsfeld asking: What is the plan in case of civil war? That letter remains unanswered.

Now, there is no reason the Secretary of Defense cannot provide the relevant committees in the House and the Senate a plan in case of civil war. My amendment will allow for this plan to be submitted in a classified form. I think that is very important because we certainly do not want that published. But we want to know that it exists and that there is a plan to protect our troops and civilians. Congress has the responsibility to provide oversight of the executive branch. Congress failed to ensure that the administration had a plan to win the peace in Iraq. We all know that. I saw Senator BIDEN just briefly on the Senate floor, and he was one of those voices, along with Senator LUGAR—bipartisan—way early asking: Where is the plan? Where is the plan? Where is the plan? We never had it.

Now the President says: We will be in Iraq. As long as I am President, we will stay in Iraq.

That is not a plan. That is an admission of no plan, no exit strategy. So at least let us have a plan, a contingency plan, that if the sectarian violence escalates, we know that our people will be protected.

I again thank Senator INOUYE, Senator STEVENS, and their staffs because I have to say without their help—this was a bit contentious, but we worked on it until we got it so that it could be accepted on both sides. I am very grateful.

At this time, I yield the floor and ask, at the appropriate time, we have a voice vote on this amendment.

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. BURNS. 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. BURNS. Mr. President, I ask unanimous consent that Senator DORGAN and I be added as cosponsors to amendment No. 4914.

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

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

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

Mr. STEVENS. Mr. President, the pending business is the Boxer amendment?

The PRESIDING OFFICER. The Senator is correct.

Mr. STEVENS. I ask for the adoption of the Boxer amendment at this time with a voice vote.

The PRESIDING OFFICER. The question is on agreeing to amendment No. 4193, as modified.

The amendment (No. 4193), as modified, was agreed to.

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

The motion to lay on the table was agreed to.

Mr. STEVENS. Mr. President, I ask unanimous consent that the Kennedy amendment No. 4857 be agreed to, with the motion to reconsider laid upon the table. I further ask unanimous consent that the Rockefeller amendment No. 4906 be withdrawn, and further, that the managers' amendment, which has been cleared by both managers, which is at the desk, be considered and agreed to and the motion to reconsider be laid upon the table. I ask unanimous consent that following this action, the Senate proceed to vote in relation to

the Reed amendment No. 4911, with no second-degree amendment in order to the amendment prior to the vote and that there be 4 minutes for debate equally divided prior to that vote. I ask unanimous consent that following disposition of that amendment, the only other amendment in order to the bill be the Bingaman-Domenici-Burns-Dorgan amendment relating to firefighters, and that following disposition of that amendment, the bill be read a third time and the Senate proceed to vote on final passage of the bill, the Senate then insist on its amendments, request a conference with the House, and the Chair be authorized to appoint conferees on the part of the Senate.

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

The amendment (No. 4857) was agreed to.

The amendment (No. 4906) was withdrawn.

The amendments were agreed to, as follows:

AMENDMENT NO. 4900

(Purpose: To make available up to $2,000,000 for infrastructure for the Afghanistan military legal system)

At the end of title VIII, add the following:

SEC. 8109. Of the amounts appropriated or otherwise made available by this Act, up to $2,000,000 may be available for infrastructure for the Afghanistan military legal system.

AMENDMENT NO. 4894

(Purpose: To make available from Other Procurement, Army, up to $1,500,000 for a Convoy Training Simulator for the Montana Army National Guard)

At the end of title VIII, add the following:

SEC. 8109. Of the amount appropriated or otherwise made available by title III under the heading ''OTHER PROCUREMENT, ARMY'', up to $1,500,000 may be available for a Convoy Training Simulator for the Montana Army National Guard.

AMENDMENT NO. 4916

(Purpose: To make available from Research, Development, Test and Evaluation, Navy, up to $300,000 for independent testing of the Joint Improvised Explosive Device Neutralizer III)

At the end of title VIII, add the following:

SEC. 8109. Of the amount appropriated or otherwise made available by the title IV under the heading ''RESEARCH, DEVELOPMENT, TEST AND EVALUATION, NAVY'', up to $300,000 may be available for independent testing of the Joint Improvised Explosive Device Neutralizer III, with such test to be designed and conducted by the Marine Corps Warfighting Laboratory.

AMENDMENT NO. 4901

(Purpose: To make available from Research, Development, Test and Evaluation, Defense-Wide, up to $1,500,000 for the development of a field-deployable hydrogen fueling station)

At the end of title VIII, add the following:

SEC. 8109. Of the amount appropriated or otherwise made available by title IV under the heading ''RESEARCH, DEVELOPMENT, TEST AND EVALUATION, DEFENSE-WIDE'', up to $1,500,000 may be available for the development of a field-deployable hydrogen fueling station.

AMENDMENT NO. 4903

(Purpose: To make available from Research, Development, Test and Evaluation, Defense-Wide, up to $6,000,000 for research and development on bioterrorism threats to troops)

At the end of title VIII, add the following:

SEC. 8109. Of the amount appropriated or otherwise made available by title IV under the heading ''RESEARCH, DEVELOPMENT, TEST AND EVALUATION, DEFENSE-WIDE'', up to $6,000,000 may be available for bioterrorism protection research (PE #0601384BP).

AMENDMENT NO. 4917

(Purpose: To provide the Secretary of the Army the ability to reimburse servicemembers and their families for financial hardships due to extended deployment overseas)

At the end of title VIII, add the following:

SEC. 8109. Notwithstanding any other provision of law, the Secretary of the Army may reimburse a member for expenses incurred by the member or family member when such expenses are otherwise not reimbursable under law:

Provided, That such expenses must have been incurred in good faith as a direct consequence of reasonable preparation for, or execution of, military orders:

Provided further, That reimbursement under this section shall be allowed only in situations wherein other authorities are insufficient to remedy a hardship determined by the Secretary, and only when the Secretary determines that reimbursement of the expense is in the best interest of the member and the United States:

Provided further, That this provision shall only apply to soldiers assigned to the 172nd Stryker Brigade Combat Team.

AMENDMENT NO. 4912

(Purpose: To increase by $20,000,000 the amount made available by chapter 2 of title IX for Operation and Maintenance, Defense-Wide for the purpose of assisting the African Union force in Sudan)

At the end of title IX, add the following:

SEC. 9012. (a) Congress makes the following findings:

(1) Despite the signing of the Darfur Peace Agreement on May 5, 2006, the violence in Darfur, Sudan, continues to escalate and threatens to spread to other areas of Sudan and throughout the region.

(2) The African Union Mission in Sudan (AMIS) currently serves as the primary security force in Sudan, but is undermanned and under-equipped.

(3) Although the United Nations has approved sending a peacekeeping force to Darfur, the African Union Mission in Sudan (AMIS) will need to expand its manpower and capability in order to assist or serve as a bridge force until the United Nations peacekeeping force can be deployed.

(b) The amount appropriated or otherwise made available by chapter 2 of this title under the heading ''OPERATION AND MAINTENANCE DEFENSE-WIDE'' is hereby increased by $20,000,000.

(c) Of the amount appropriated or otherwise made available by chapter 2 of this title under the heading ''OPERATION AND MAINTENANCE, DEFENSE-WIDE'', as increased by subsection (b), $20,000,000 may be available—

(1) to assist in the training, support, and equipping of the African Union Mission in Sudan (AMIS) to bolster its efforts to protect the civilian population in Darfur;

(2) to facilitate the air-lifting of AMIS forces into the Darfur region as quickly as possible; and

(3) to assist and expand the logistics capability of the African Union Mission in Sudan (AMIS).

(d) The amount made available by subsection (b) is designated as appropriations for contingency operations directly related to the global war on terrorism, and other unanticipated defense-related operations, pursuant to section 4502 of H. Con. Res. 376 (109th Congress), as made applicable to the House of Representatives by H. Res. 818 (109th Congress) and is designated as an emergency requirement pursuant to section 402 of S. Con. Res. 83 (109th Congress), the concurrent resolution on the budget for fiscal year 2007, as made applicable in the Senate by section 7035 of Public Law 109–234.

(e) The Secretary of Defense may transfer funds made available by subsection (b) to other appropriations to accomplish the purposes of this section. This transfer authority is in addition to any other transfer authority available to the Department of Defense. The Secretary shall, not fewer than five days prior to making transfers from this appropriation account, notify the congressional defense committees in writing of the details of any such transfer.

AMENDMENT NO. 4918

(Purpose: To make available from Research, Development, Test and Evaluation, Defense-Wide, up to $1,000,000 for research and development on the heavy fuel diesel engine)

At the end of title VIII, add the following:

SEC. 8109. Of the amount appropriated or otherwise made available by title IV under the heading ''Research, Development, Test and Evaluation, Defense-Wide'' for DARPA Management Headquarters, up to $1,000,000 may be available for the Heavy Fuel Diesel Engine (PE #0603286E).

Mr. STEVENS. Mr. President, that now means the floor is open for consideration of the Bingaman-Domenici-Burns-Dorgan amendment.

The PRESIDING OFFICER. The Senator from New Mexico.

AMENDMENT NO. 4915

Mr. BINGAMAN. Mr. President, I send an amendment to the desk and ask for its consideration.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from New Mexico [Mr. BINGAMAN], for himself, Mr. DOMENICI, Mr. BURNS, Mr. DORGAN, and Ms. CANTWELL, proposes an amendment numbered 4915.

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

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

The amendment is as follows:

(Purpose: To appropriate funds for emergency wildlfire suppression)

On page 230, between lines 16 and 17, insert the following:

DEPARTMENT OF THE INTERIOR

For an additional amount for ''WILDLAND FIRE MANAGEMENT'' under the heading ''DEPARTMENT OF THE INTERIOR'' of title I of the Department of the Interior, Environment, and Related Agencies Appropriations Act, 2006 (Public Law 109–54), $100,000,000 for the conduct of emergency wildfire suppression activities of the Secretary of the Interior, *Provided*, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of S. Con. Res. 83 (109th Congress), the concurrent resolution on the budget for fiscal year 2007, as made applicable in the Senate by section 7035 of Public Law 109–234.

DEPARTMENT OF AGRICULTURE

For an additional amount for ''WILDLAND FIRE MANAGEMENT'' under the heading ''DEPARTMENT OF AGRICULTURE'' of title III of the Department of the Interior, Environment, and Related Agencies Appropriations Act, 2006 (Public Law 109–54), $175,000,000 for the conduct of emergency wildfire suppression activities of the Secretary of Agriculture, acting through the Chief of the Forest Service, *Provided,* That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of S. Con. Res. 83 (109th Congress), the concurrent resolution on the budget for fiscal year 2007, as made applicable in the Senate by section 7035 of Public Law 109–234.

The PRESIDING OFFICER. The Senator from New Mexico.

Mr. BINGAMAN. Mr. President, this amendment is the one that the floor manager, the chairman, indicated was to be considered now. It relates to wildfire management and is one that has strong support on both sides of the aisle. I urge my colleagues to support the amendment.

I know Senator BURNS wishes to speak as well.

I yield the floor.

Mr. STEVENS. Mr. President, it is my understanding this is a modified amendment, modified from the original form. I ask the Senator from New Mexico if that is the case.

Mr. BINGAMAN. Mr. President, that is correct. This is in modified form from what was earlier filed as an amendment. I believe the concerns earlier raised have been resolved.

Mr. STEVENS. Mr. President, I thank the Senator and ask for adoption of the amendment.

Does Senator BURNS wish to comment?

The PRESIDING OFFICER. The Senator from Montana.

Mr. BURNS. Mr. President, I thank the Senator from Alaska. I thank Senator BINGAMAN for his work on this amendment. We heartily approve the amendment. It has strong support on this side of the aisle.

Ms. CANTWELL. Thank you, Mr. President. Before I make my statement, I want to take a moment to thank Chairman STEVENS and Senator INOUYE for their leadership in getting this vitally important defense appropriations bill to the Senate floor. I know that that the chairman and ranking member believe, as I do, that ensuring sufficient funding for our brave fighting men and women during this incredibly challenging Iraq war is an urgent national priority. I appreciate their hard work and look forward to making sure we complete work on this legislation before the end of the fiscal year.

Today, I am here to speak on another issue critical to Washington State, and many States throughout the Nation: the threat of wildfires. To date, we are in the midst of the most active fire year of the decade. That may surprise many of my colleagues who remember the devastating fires a few years ago. But as of today, more than 8.4 million acres have burned as a result of 84,000 fires across the Nation this year. To put this year into perspective—compared to the 10-year national average, this year 73 percent more acres have already burned. Already, this is the third worst fire year since 1960.

As we speak, our brave wildland firefighters across the Nation are fighting 62 wildfires that have burned more than 1 million acres and continue to burn in 11 States. Idaho, Montana, Nevada, Oregon, and Wyoming all have active fires that have burned at least 25,000 acres.

In my State, Washington, an area nearly half the size of Rhode Island is ablaze. More than 309,000 acres have burned in Washington State as a result of 13 active fires. The largest fire in Washington, the Tripod Complex Fire, has burned 163,000 thousand acres. In Southeastern Washington, residents and farmers alike have been dealing with and fighting the Columbia Complex Fire. That fire has burned more than 90,000 acres—including some homes and valuable wheat crops—forcing the evacuation of hundreds of Columbia County residents in and around the city of Dayton during the last month.

Fighting these fires has truly been a national priority and I want to thank all of the firefighters, soldiers, local and State officials, and many others who have worked so hard to protect our citizens and property. Last week, when my office called the Incident Command Center for the Columbia Complex Fire in Waitsburg, Washington, a firefighter from Louisiana picked up the phone. Louisiana joined firefighting personnel from the State of Washington, Oregon, Arizona and New Mexico, the Confederated Tribes of the Umatilla Indian Reservation, Australia, Canada, and New Zealand.

This year the Department of Defense has been involved for the first time since 2003. ''Task Force Blaze,'' a 550-soldier battalion was mobilized from Fort Lewis to assist with firefighting activities on the Tripod Fire last month. Air National Guard Units in Wyoming, Colorado, Oregon, and California have been mobilized as part of the firefighting effort.

This situation is all too familiar to this part of the Pacific Northwest. Citizens in Columbia County were forced to deal with the School Fire last year that raged for 13 days, burning 52,000 acres and destroying 215 homes and other structures. Unfortunately, we are facing another all too familiar situation, running out of money to fight these fires.

While Congress is aware of this perennial problem, and has wisely boosted wildland fire fighting money the last few years, this season's unusually high fire activity in Washington State and across the Nation has strained us further still. In Washington State for example, more than 3,300 firefighting personnel are bravely fighting these stubborn blazes. That is why I am a cosponsor of Mr. BINGAMAN's critical amendment.

Any day now, the Federal Government will have spent all of its available funding for wildland firefighting for this fiscal year. This will leave our primary firefighting agencies—the Forest Service and the Department of Interior—stuck with the choice of either cutting back firefighting efforts from the more than 1 million acres burning today, or cutting back from other necessary activities. Without these emergency funds, national forests throughout the country would likely have to cut back on vital maintenance or services to the public. And if we are forced to tap into the land and water conservation fund, we might have to forgo preserving pristine or unique lands.

In these extraordinary circumstances with thousands of people affected by wildfires from Montana to Washington to Wyoming—I believe that providing Federal wildland firefighting agencies with the adequate resources should be a top priority. That's why I support the Bingaman amendment to provide an additional $275 million in emergency funding for wildfire suppression activities. Specifically, based on the resource projections provided to us by the administration, $175 million would be made available for the Forest Service and $100 million to the Department of Interior. These funds will help assure the thousands of our citizens in communities across the Nation that the Federal Government will have the adequate resources to continue fire suppression activities without borrowing from other important programs.

When we run out of funding, we will have depleted available appropriations for fire suppression and a nearly $500 million reserve fund to deal with these emergencies. I recognize that we will probably need to do a lot more for firefighting and I look forward to supporting those efforts. However, based on available projections from the Federal Government providing $275 million now will help provide some immediate relief.

While this is an extraordinary fire year, this is not a new issue for Congress to deal with. Over the last few years, Congress has added emergency appropriations and reserve accounts in response to wildfire suppression activities and other fire-related activities. As recently as 2004, we added $500 million in emergency funding to the fiscal year 2005 Defense appropriations bill for wildfire suppression activities.

With a million acres burning across the Nation in 11 States—American citizens deserve to know that the Federal Government is doing everything it can to protect them, their property, and their communities. I think it is critical to provide these additional funds and I urge adoption of the Bingaman amendment.

The PRESIDING OFFICER. The question is on agreeing to the amendment No. 4915.

The amendment (No. 4915) was agreed to.

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

The motion to lay on the table was agreed to.

Mr. STEVENS. Mr. President, are there any other pending amendments not taken care of by the unanimous consent agreement? It is my understanding from the unanimous consent agreement that the only other amendment to be considered on this bill was the Bingaman amendment, and we now have a vote on the Reed amendment.

The PRESIDING OFFICER. The Senator is correct. The Reed amendment is the only remaining amendment under the unanimous consent agreement.

Mr. STEVENS. There is 4 minutes equally divided. I suggest the absence of a quorum, awaiting the arrival of the Senator from Rhode Island.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

AMENDMENT NO. 4911

Mr. STEVENS. Mr. President, I understand the pending business is the Reed amendment with 4 minutes equally divided; is that correct?

The PRESIDING OFFICER. The Senator is correct.

Mr. REED. Mr. President, I ask unanimous consent that Senator CONRAD be added as a cosponsor of this amendment.

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

Mr. REED. Mr. President, this amendment that is offered by myself and Senator BAYH would add $64.7 million to continue an accelerated acquisition of Predator. These are unmanned aerial vehicles that are critical to our war on terror. They were instrumental in the detection and the ultimate destruction of Zarqawi and other terrorists. They are the chief tool of our special operations forces in terms of going after, seeking, finding, and destroying terrorists and terrorist networks.

There was a plan to accelerate the deployment of these UAVs. That plan was disrupted, if you will, because of decisions previously made. But I think today we can send a uniform and unanimous message that we need to acquire these six additional UAVs to create ultimately a squadron of UAVs for our special operations command. With these weapons systems, we can continue to deal effective and decisive blows against terrorists. I urge unanimous passage of this legislation adding $64.5 million. I commend Senator BAYH because he really was a leader in this effort in terms of drawing the attention of the committee to this shortfall in funding and requesting that it be added with this amendment.

I reserve the balance of any time remaining.

The PRESIDING OFFICER. Who yields time?

Mr. STEVENS. Mr. President, we were willing to accept this amendment when the Senator first brought the Predator to the attention of this Congress. I am delighted to see more Predators being bought. This is sort of a premature type of advance. These monies would have been requested anyway for 2007, but we checked with the Department and they are willing to proceed with it now.

I urge the adoption of the amendment, and I yield back the remainder of my time.

Mr. REED. Mr. President, I yield back the remainder of my time.

The PRESIDING OFFICER. All time has been yielded back.

Mr. REED. 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 question is on agreeing to amendment No. 4911.

The clerk will call the roll.

The legislative clerk called the roll.

Mr. MCCONNELL. The following Senators were necessarily absent: the Senator from Rhode Island (Mr. CHAFEE).

Mr. DURBIN. I announce that the Senator from Connecticut (Mr. LIEBERMAN) is necessarily absent.

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

The result was announced—yeas 98, nays 0, as follows:

[Rollcall Vote No. 238 Leg.]

YEAS—98

Akaka	Domenici	McConnell
Alexander	Dorgan	Menendez
Allard	Durbin	Mikulski
Allen	Ensign	Murkowski
Baucus	Enzi	Murray
Bayh	Feingold	Nelson (FL)
Bennett	Feinstein	Nelson (NE)
Biden	Frist	Obama
Bingaman	Graham	Pryor
Bond	Grassley	Reed
Boxer	Gregg	Reid
Brownback	Hagel	Roberts
Bunning	Harkin	Rockefeller
Burns	Hatch	Salazar
Burr	Hutchison	Santorum
Byrd	Inhofe	Sarbanes
Cantwell	Inouye	Schumer
Carper	Isakson	Sessions
Chambliss	Jeffords	Shelby
Clinton	Johnson	Smith
Coburn	Kennedy	Snowe
Cochran	Kerry	Specter
Coleman	Kohl	Stabenow
Collins	Kyl	Stevens
Conrad	Landrieu	Sununu
Cornyn	Lautenberg	Talent
Craig	Leahy	Thomas
Crapo	Levin	Thune
Dayton	Lincoln	Vitter
DeMint	Lott	Voinovich
DeWine	Lugar	Warner
Dodd	Martinez	Wyden
Dole	McCain	

NOT VOTING—2

Chafee	Lieberman

The amendment (No. 4911) was agreed to.

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

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

The motion to lay on the table was agreed to.

FUNDING TRAUMATIC BRAIN INJURY

Mrs. HUTCHISON. Mr. President, as the Senate prepares for final passage of H.R. 5631, the fiscal year 2007 Defense appropriations bill, I would like to thank my colleagues for accepting an amendment that I cosponsored which addresses the growing concern of a number of veterans returning from combat operations overseas that may have traumatic brain injury, TBI.

According to reports, preliminary research by the center shows that about 10 percent of all service personnel, and up to 20 percent of frontline personnel, suffer concussions during combat tours. Like any medical condition, early diagnosis is the key to successful intervention and treatment.

Unfortunately, many are not being properly screened for this serious and debilitating condition. TBI clinically presents many of the same signs and symptoms of post traumatic stress disorder, PTSD. These two serious but very different medical conditions require separate and distinct treatment programs.

Because it is so important that our veteran care facilities have the proper training to distinguish between these two illnesses, I included language in the fiscal year 2007 Military Construction and Veterans Affairs appropriations bill requesting the Department of Veterans Affairs to establish a separate education program to better diagnose TBI.

With final passage of this bill, we have another opportunity to further strengthen our efforts to better understand and treat TBI. I am proud to cosponsor this amendment which will add an additional $12 million in funding for the Defense and Veterans Brain Injury Center, DVBIC. The DVBIC is a collaboration between the Defense Department and the VA to deliver care to patients with TBI.

During testimony earlier this year, leaders of the DVBIC testified that the center needed $19 million in funding for fiscal year 2007. This amendment brings the total funding from the $7 million requested to a total of $19 million. This funding level is important because it will ensure our combat veterans receive the quality care they deserve.

Mr. ALLEN. I thank my good friend from Texas for her support by cosponsoring my amendment. I have enjoyed a wonderful working relationship with Senator HUTCHISON on a number of issues, especially veterans issues. We have worked together to increase veterans health care funding as well as veterans research funding. We just recently worked together on an amendment to provide credit monitoring services to Veterans and active duty servicemembers at no cost in response to the theft of a Veterans Administration laptop computer.

Senator HUTCHISON and I, as well as other Senators from both sides of the aisle, are here today in an effort to give our veterans the health care they

so rightfully deserve. Those returning servicemembers who suffered a traumatic brain injury need the best quality care available and this amendment is a long step in that direction. I thank the Senior Senator from Texas for her support and her leadership as chairman of the Veterans Affairs Appropriations Committee on this issue.

OPERATION AND MAINTENANCE

Mr. KOHL. Mr. President, I rise today to ask the chairman and ranking member of the Defense Appropriations Subcommittee for clarification of language that appears in title IX, on page 238 of the committee's report. Under the heading ''Operation and Maintenance'' there is a writeup entitled ''Pre-Deployment and Post-Deployment Training.'' The committee states in part ''The Committee believes that costs accrued at home station for the aforementioned activities are allowable costs for the use of title IX funding. To the extent that such training, maintenance and reset activities displace normal peacetime training events, the amounts provided to the Department in title IX operation and maintenance accounts should be used to ensure full support of pre-deployment and post-deployment operations, as well as for continuing combat and security operations in support of the global war on terror.''

Senator INOUYE and Senator STEVENS, is it the committee's intent that funds provided in this title for national and field level reset repair be available for the reset of equipment used for predeployment and post training but not otherwise deployed?

Mr. STEVENS. Yes, that is the committee's intent.

Mr. INOUYE. I concur with the Senator from Alaska in regards to the committee's intended purpose of funds provided for Army reset programs.

Mr. KOHL. Given this interpretation, I urge the committee to work with the Army to ensure that funds provided in this title and elsewhere in this bill should be used for upgrading equipment to current production type, model, and series, where determined by the Army Acquisition Executive to be required and cost effective, to include equipment used for predeployment training but not otherwise deployed.

Mr. STEVENS. The committee will encourage the Army to do so and thanks the Gentleman from Wisconsin for raising this important issue.

Mr. INOUYE. Yes, thank you.

Ms. MIKULSKI. Mr. President, next week we will be commemorating an event that none of us can forget and none of us wants to relive.

We mark September 11, 2001, as a day of national tragedy. But out of the ashes rose a determination to bring the sponsors of this terrorism to justice and to reform the intelligence system that that we depend on to prevent such predatory attacks in the future.

In those first weeks and months after the attacks, we were united as a nation and enjoyed the sympathy and support of the world. We went after Osama bin Ladin and the government that hosted him, with some of America's best and bravest. We assembled some of our wisest and most experienced leaders to investigate the events leading up to the attack and to recommend a path of reform.

Since 2001 when I joined the Senate Intelligence Committee, I have worked to bring about intelligence reform. The Intelligence Reform and Terrorism Prevention Act of 2004 was an important milestone on this journey. Important structural changes were made to our intelligence community and barriers removed to information sharing between agencies.

But where are we now?

The operational failure of 9/11 was followed by an analytical failure in Iraq. The hidden agenda of the White House and the President's lack of interest in objective analysis compounded the consequences of flawed intelligence. The President did not level with the public before the war. He did not keep his eye on hunting down al-Qaida. Instead, he led us into an unnecessary and disastrous war in Iraq.

Instead of providing oversight of the executive branch, congressional leadership has provided a rubberstamp. Instead of providing an independent voice, it has offered an echo chamber. Instead of helping the Senate Intelligence Committee investigate the Iraq intelligence failure, it has helped the White House push roadblocks in our path. And instead of taking care to safeguard liberty as we enhance security, it has closed its eyes on violations of the law and betrayal of our values.

In spite of some strong disagreements on specific issues, the Senate Intelligence Committee has come together on a bipartisan basis to implement the reforms already adopted and advance additional reform measures.

But last year, the leadership in the Senate did not allow the committee's authorization bill to be debated and voted on by the full Senate. For the first time in 28 years, the committee was blocked from carrying out its most basic function—the authorization of U.S. intelligence programs.

This month, we have learned that the majority leader does not intend to bring the fiscal year 2007 intelligence authorization bill to the floor before the Senate's fall recess. Again we face the prospect of the leadership preventing the Intelligence Committee from doing its job.

This is irresponsible and unacceptable. The authorizing committee should be the congressional vehicle for intelligence reform. The members of the committee spend the time needed to understand the issues. And we operate under special rules to keep our Nation's most sensitive secrets.

As a member of the Senate Appropriations Committee, I will do my best to make sure the intelligence community is adequately and appropriately funded. But providing direction and guidance for intelligence activities is the job of the Intelligence Committee.

Senator ROCKEFELLER, the distinguished vice chairman of the Intelligence Committee, elaborated from the floor this week about what is at stake. The fiscal year 2007 intelligence authorization bill, passed unanimously by the committee, included provisions: to enhance or clarify the authority of the Director of National Intelligence; to encourage information sharing and access; to establish a statutory inspector general of the intelligence community; to elevate the heads of the technical intelligence agencies by requiring them to be appointed by the President with Senate advice and consent; to improve the timeliness and completeness of information provided to the committee, and; to streamline the security clearance process for National Geospatial-Intelligence Agency employees and contractors.

These measures are not trivial. If enacted, they will save lives and they will save money. They will help restore congressional oversight where it is lacking. They will help prevent abuses in intelligence operations, which bring dishonor to our nation.

In short, these measures are critical to our national security. They should not be casually discarded.

Senator ROCKEFELLER has repeatedly raised his concerns with the lack of congressional oversight of the warrantless surveillance program conducted by the National Security Agency. I join him in expressing those concerns from the perspective of a member whose state proudly hosts the headquarters of that invaluable agency.

After a long struggle against White House foot-dragging, members of congressional intelligence committees are finally being briefed on this 5-year-old program.

But as Senator ROCKEFELLER points out, we have still not received the information necessary to adequately understand and evaluate the program. Nor have we been allowed to use the Intelligence Committee's specialized staff—such as the minority counsel and the NSA monitor—who are best qualified to help us with this task.

Under these conditions, the Senate cannot evaluate the need for the warrantless surveillance program and cannot propose legislative remedies for the alleged deficiencies of the current law. These circumstances must change.

Mr. President, intelligence is at the forefront in our fight against terrorism, just as it was in our long Cold War struggle against communism. Congress has a duty under the Constitution to be a critical and coequal partner in this fight. I join Senator ROCKEFELLER in urging the leadership of the Senate to let us get on with it.

Mr. MCCAIN. Mr. President, I want to discuss the Defense Appropriations Act for fiscal year 2007, which is one of the most important of the appropriations measures that we consider annually. This legislation will provide critical funding for the men and women in

our armed forces who, at this very moment, are in harm's way. We must support them, and, for that reason, I will vote in favor of its passage. But I have serious concerns over the earmarks contained in the committee report accompanying this bill.

The bill reported out of committee appropriates over $453 billion. This is more than $9 billion below the President's request and I am discouraged that it required a $13 billion amendment designated as emergency funding to get back to the President's requested funding level. Also, as is the case with so many of the appropriations bills that come to the floor, the report accompanying it contains hundreds of earmarks that were neither requested nor authorized—to the tune of over $4 billion. During a time of war we should be making every effort to support the President's budget request instead of slashing it and then adding earmarks for favored projects.

Every day we ask the brave men and women who fight for freedom on behalf of our great nation to make sacrifices. They sacrifice in Iraq and Afghanistan as well as several other places around the globe. Our soldiers have sacrificed and their families have sacrificed. And so, we in the Congress should exercise some degree of self-restraint and sacrifice as well.

Let me mention a few of the add-ons that were included in the bill's accompanying report that were not requested in the President's budget and were not on any of the armed services unfunded priority lists—some of which have next to nothing to do with the Department of Defense or its mission:

$2 million for automotive research;

$2 million for Precision Polishing of Large Objects;

$3 million for improved shelf-life for Vegetables;

$2 million for Brown Tree Snakes;

$117 million for an Oceanographic Survey Ship;

$75 million for the Allegany Ballistics Lab in West Virginia;

$18.5 million for a Air Force C–17 Maintenance Training System in Hawaii;

$8 million for the Allen Army Airfield in Alaska;

$1.5 million for Fort Detrick in Maryland;

$4 million for disposable dental masks; and

$3.5 million for Hibernation Genomics.

Once again, there are also many earmarks that may be for worthy causes, such as ovarian cancer research, but there is no compelling national defense reason for these items to be funded through this legislation. These earmarks include:

$115 million for Breast Cancer Research;

$80 million for Prostate Cancer Research;

$6 million for Integrated Translational Prostate Disease Research;

$34 million for the Hawaii Federal Health Care Network; and

$15 million for Ovarian Cancer Research.

Mr. President, as we are engaged fully in the global war on terror, it is imperative that we get the most of each and every defense dollar. The money that is being diverted to projects like the ones I have mentioned could instead be used for body armor or other critical needs to protect our troops and help win the war on terror. The earmarks I have mentioned are just a small sampling of the many, unrequested earmarks that fill the accompanying report. These earmarks are draining our precious resources and are not vital to our long term national security. I strongly encourage the Federal agencies affected to use their judgement to ensure they are not allocating resources to projects that are not legislatively mandated or authorized, but rather, are merely the wish lists of the committee.

Beyond the earmarks contained in the Senate report, this bill contains numerous authorizing provisions, some of which are outside of the scope of defense policy. Some of these provisions include:

Authorizing medical services at Army medical facilities located in Hawaii for civilian patients;

Authorizing the use of up to $50 million for operational ranges managed by the Air Force in Alaska; and

A provision that protects jobs in Hawaii and Alaska.

Mr. President, I have no doubt that some of these provisions may be important while others are questionable at best. What is important is that we follow the authorization process and restrain ourselves from using appropriations bills to authorize projects on this bill that have not been requested by the Department of Defense, nor approved by the authorizing committee.

I would also like to discuss the Buy America restrictions that cost the Department of Defense and the American taxpayers. Like in previous appropriations bills, this year's bill imposes a number of Buy America restrictions.

For example, the bill would prevent the purchase of ball bearings unless domestically produced. It requires that welded shipboard anchor and mooring chain be manufactured in the United States. Another section prohibits the Department of Defense from purchasing supercomputers from a foreign source.

I continue to be very concerned about the potential impact on readiness of our restrictive trade policies with our allies. From a philosophical point of view, I oppose these types of protectionist policies. I believe free trade is an important element in improving relations among all nations and essential to economic growth. From a practical standpoint, ''Buy America'' restrictions could seriously impair our ability to compete freely in international markets and also could result in the loss of existing business from long-standing trade partners.

Some legislative enactments over the past several years have had the effect of establishing a monopoly for a domestic supplier in certain product lines. This not only adds to the pressure for our allies to ''Buy European'' but it also raises the costs of procurement for DOD and cuts off access to potential state-of-the-art technologies. DOD should have the ability to make purchases from a second source in an allied country covered by a defense cooperation memorandum of understanding when only one domestic source exists. This would ensure both price and product competition.

Defense exports improve interoperability with friendly forces with which we are increasingly likely to operate in coalition warfare or peacekeeping missions. They increase our influence over recipient country actions, and in a worse case scenario, allow the U.S. to terminate support for equipment. Exports lower the unit costs of systems to the U.S. military. In recent years they have kept mature lines open while the U.S. has developed new systems that will go into production around the turn of the century. Finally, these exports provide the same economic benefits to the U.S. as all other exports—well paying jobs, improved balance of trade, and increased tax revenue. These are really issues of acquisition policy, not appropriations matters.

Mr. President, I would prefer not to criticize this legislation. It is very important to the ultimate success of our ongoing war on terror. Yet I believe it is important to point out to the American taxpayer where some of their money is going. And some of it is not going to projects that have anything to do with our defense.

Mr. FEINGOLD. Mr. President, as the Senate prepares to vote on the Department of Defense appropriations bill for fiscal year 2007, I want to thank all of our brave soldiers, sailors, airmen, and marines for their hard work in the ongoing fight against terrorism, in Iraq, in response to natural disasters here at home, and in the many other missions to which they have been assigned around the world. These dedicated men and women, along with their families, are making great sacrifices in service to our country. We owe a tremendous debt of gratitude to the members of the United States Armed Forces for their selfless service.

I am pleased that the Senate is about to pass the Defense Department appropriations bill. While I continue to have grave concerns about the misguided strategy this administration is pursuing in Iraq, the Senate bill includes funds for many important programs and priorities for our servicemen and women. In particular, the bill includes a well-deserved, although modest, 2.2 percent across-the-board pay raise for our military personnel. It also increases funding for vital equipment for those in uniform facing daily dangers in Iraq and Afghanistan. I am also pleased to support a number of good

provisions in this bill that seek to ensure that our troops have the equipment they need to perform their duties on the ground, including increased funding for body armor and personal protection equipment, as well as additional funding for up-armored humvees.

I am also pleased to support increased funds for the National Guard and Reserve, including an additional $340 million for force protection equipment. This bill includes critical funding that will help the National Guard repair its equipment and reinstate a superior readiness level so that it is capable of defending our country and responding to natural disasters within the continental United States.

While I strongly support increased funding for the National Guard, and for border security, I opposed Senator SESSIONS' amendment to appropriate nearly $2 billion to the Army National Guard solely to build hundreds of miles of fencing along the southern border. I did so because it is difficult to justify pouring massive Federal dollars into efforts that have not been shown to be effective. We must improve border security but we simply do not have the data to show that border fences are an effective deterrent to illegal immigration. For that reason, I opposed the authorization of this fencing when it was proposed as an amendment to S. 2611, the Comprehensive Immigration Reform Act of 2006, and I opposed appropriating the funds for it in this appropriations bill.

The better approach would be to first implement another provision of S. 2611 that directs the Attorney General, in cooperation with other executive branch officials, to conduct a study on this question. The study would analyze the construction of a system of physical barriers along the southern international land and maritime border, including the necessity, feasibility, and impact of such barriers on the surrounding area. It is estimated that construction costs for these border fences is more than $1 million per mile. And that doesn't include the cost of maintaining these structures. Furthermore, there are very serious concerns about the environmental impact this type of massive construction project would have. Before we commit to pouring precious Federal dollars into a massive fencing system, at the very least we should do a thorough analysis of the most effective and fiscally responsible means of securing our borders against illegal transit.

While I support much of the funding for intelligence activities contained in the bill, I am deeply concerned at the failure of this Congress to pass an intelligence authorization bill. Congressional oversight of intelligence has never been more important. Strengthening our Nation's intelligence capabilities after the attacks of September 11 requires the involvement of Congress, which is why the 9/11 Commission described strengthened oversight as one of its most important recommendations. The disastrous failures of intelligence related to Iraq, both by the intelligence community and by the administration, further highlight the importance of thorough congressional scrutiny. Recently revealed programs such as the NSA's illegal warrantless wiretapping and secret CIA detention facilities, are among the intelligence activities that the congressional intelligence committees must examine. Thirty years after the Senate Intelligence Committee was created in the aftermath of well-documented abuses, we need to ensure that Congress does not abdicate its important oversight responsibilities.

While I do support many of the provisions in this bill, I am deeply disappointed that the bill fails to put our Iraq policy on a better footing. My vote for this bill in no way signals support for that policy, which is hurting our national security. The war in Iraq is having a negative—and dramatic—effect on our military's capability and readiness levels. Because of the heavy usage of military equipment in Iraq, the Army National Guard's 34 brigades are not combat-ready, and it will be no easy task getting our physical capacity back up to full strength. The costs we are incurring in Iraq are devastating and they are not advancing our national interests particularly when they are undermining our military's capacity to defeat the terrorist networks that attacked us on 9/11. I will continue to call for the redeployment of our forces from Iraq so that our military remains strong and so that our country can refocus on fighting the terrorist networks that attacked us on 9/11.

Unfortunately this spending bill contains many unnecessary items. The administration continues to request large amounts for Iraq and Afghanistan through ''additional'' or ''emergency supplemental'' appropriations not subject to limits on total discretionary Federal spending and not subject to the full congressional authorization and appropriations review process. I continue to be deeply concerned about this administration's priorities and about the process by which we consider the Department of Defense authorization and appropriations bills, a concern I voice every year at this time. However, on balance, this legislation contains many good provisions for our men and women in uniform who serve our country selflessly around the world. That is why I support it.

Mr. SANTORUM. Mr. President, in the course of attending a funeral today, I missed two votes. On the Conrad amendment No. 4907, I ask that the record reflect that, had I been here, I would have voted ''aye.'' And on the motion to table the Menendez amendment No. 4909 I ask that the record reflect that I would have voted ''aye.''

Mr. President, I rise today to offer my support for Department of Defense funding for the National Drug Intelligence Center in Johnstown, PA.

The National Drug Intelligence Center, NDIC, established in 1993, is a component of the U.S. Department of Justice and a member of the intelligence community. The General Counterdrug Intelligence Plan, implemented in February 2000, designated NDIC as the Nation's principal center for strategic domestic counterdrug intelligence. NDIC's mission is to provide strategic drug-related intelligence and assistance to the drug control, public health, and national security authorities of the United States in order to reduce the adverse impact of drug trafficking, drug abuse, and related harms in this country.

Since September 11, 2001, we have become gravely aware of the importance of intelligence to all aspects of our national defense. This lesson is certainly applicable when assessing the resources generated by drug trafficking among terrorist groups and their sympathizers. I have been told that, since January 2005, NDIC has provided support to the Department of Treasury's Office of Terrorism and Financial Intelligence to produce the Nation's first National Money Laundering Threat Assessment. For this effort, NDIC received a letter of commendation from the Treasury Department for its ''extraordinary contribution'' to this effort. This is but one example of the fine work that is provided by those who serve this country at NDIC. The center is also actively contributing to the Department of Homeland Security's Office of Counter Narcotics Enforcement on an ongoing drug/terror nexus project. Further, NDIC personnel support the Drug Enforcement Administration's Special Operations Division which targets the convergence of terrorism and traditional drug trafficking networks. These contributions go along with the center's Document Exploitation Division which, I am told, is second to none in extracting useful information from lawfully-seized evidence.

NDIC is providing a valuable service to this country. It is the only agency with the independence to provide the National Drug Threat Assessment while still maintaining the versatility to assist in the ongoing operations and assessments conducted by the organizations that I have mentioned. The people of Johnstown who staff this facility are of the highest professional capabilities. It is important that we maintain these capabilities as we fight the war on Islamic fascism on many different fronts.

The House Defense appropriations bill provides $39 million for the center. I look forward to working with the chairman and ranking member to ensure that this funding is included in the final conference report with the House. I firmly believe that the National Drug Intelligence Center is an important instrument in providing for our Nation's security. I believe that the administration should include it in its budget in future fiscal years. I will be writing President Bush in the coming days to make this case. At a time

when the nexus between drug traffic and terrorist groups is becoming more acute, we need to make funding for our intelligence capabilities one of our highest priorities.

Mr. FRIST. Mr. President, the next vote will be on passage of the Defense appropriations bill. I congratulate the managers. It has been a job well done.

We are going to be on the port security bill tomorrow and on Monday. The managers are here, and they are ready to debate and take up amendments. We will not be voting tomorrow.

I remind my colleagues that we have scheduled an event on Monday at 6 o'clock to commemorate the fifth anniversary of the 9/11 attacks. We invite all Members to participate.

There will be no more votes tonight. We will not be voting tomorrow. We want to have all opening statements tonight and tomorrow on the port security bill.

We will have announcements tomorrow morning as to whether we will be voting on Monday. The Democratic leader and I will make that announcement.

The PRESIDING OFFICER. The question is on the engrossment of the amendments and third reading of the bill.

The amendments were ordered to be engrossed and the bill to be read a third time.

The bill was read a third time.

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

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The bill having been read for the third time, the question is, Shall the bill pass? On this question, the yeas and nays have been ordered, and the clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. MCCONNELL. The following Senator was necessarily absent: the Senator from Rhode Island (Mr. CHAFEE).

Mr. DURBIN. I announce that the Senator from Connecticut (Mr. LIEBERMAN) is necessarily absent.

The ACTING PRESIDENT pro tempore. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 98, nays 0, as follows:

[Rollcall Vote No. 239 Leg.]

YEAS—98

Akaka	Clinton	Feingold
Alexander	Coburn	Feinstein
Allard	Cochran	Frist
Allen	Coleman	Graham
Baucus	Collins	Grassley
Bayh	Conrad	Gregg
Bennett	Cornyn	Hagel
Biden	Craig	Harkin
Bingaman	Crapo	Hatch
Bond	Dayton	Hutchison
Boxer	DeMint	Inhofe
Brownback	DeWine	Inouye
Bunning	Dodd	Isakson
Burns	Dole	Jeffords
Burr	Domenici	Johnson
Byrd	Dorgan	Kennedy
Cantwell	Durbin	Kerry
Carper	Ensign	Kohl
Chambliss	Enzi	Kyl
Landrieu	Nelson (FL)	Smith
Lautenberg	Nelson (NE)	Snowe
Leahy	Obama	Specter
Levin	Pryor	Stabenow
Lincoln	Reed	Stevens
Lott	Reid	Sununu
Lugar	Roberts	Talent
Martinez	Rockefeller	Thomas
McCain	Salazar	Thune
McConnell	Santorum	Vitter
Menendez	Sarbanes	Voinovich
Mikulski	Schumer	Warner
Murkowski	Sessions	Wyden
Murray	Shelby	

NOT VOTING—2

Chafee	Lieberman

The bill (H.R. 5631), as amended, was passed.

The ACTING PRESIDENT pro tempore. Under the previous order, the Senate insists on its amendments, requests a conference with the House, and the Chair appoints the following conferees: Mr. STEVENS, Mr. COCHRAN, Mr. SPECTER, Mr. DOMENICI, Mr. BOND, Mr. MCCONNELL, Mr. SHELBY, Mr. GREGG, Mrs. HUTCHISON, Mr. BURNS, Mr. INOUYE, Mr. BYRD, Mr. LEAHY, Mr. HARKIN, Mr. DORGAN, Mr. DURBIN, Mr. REID, Mrs. FEINSTEIN, and Ms. MIKULSKI.

The ACTING PRESIDENT pro tempore. The Senator from Alaska.

Mr. STEVENS. Mr. President, I take this opportunity to thank my staff for all their hard work on this bill, especially my clerk, Sid Ashworth. As always, she has done the work on this bill and a multitude of amendments, along with the staff. And Charlie Houy, on Senator INOUYE's staff, has given good advice and leadership.

I also thank my colleague and partner, Senator INOUYE. It is a nice birthday present to pass a bill of this size, I say to the Senator.

As I said, Charlie Houy, Betsy Schmid, Nicole Di Resta, and Kate Fitzpatrick for their support on this bill.

There is a large staff that works on this bill. We do not often name them all, but I will do it this time. This was a tough bill. I give credit to Kate Kaufer, Brian Wilson, Brian Potts, Alycia Farrell, Mark Haaland, Ellen Maldonado, Michael Pollock, Alison Garfield, Bridget Zarate, Jennifer Chartrand, and Janelle Treon. Miss Treon is not with us. She recently left the committee, but she was a vital partner in the creation of the bill. We wish her good luck in her new life in North Carolina. She can learn to dodge the hurricanes.

Thank you very much.

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

ORDER OF BUSINESS

Mr. FRIST. Mr. President, just for the purpose of our colleagues' schedules, we will not be voting Monday evening. Monday is September 11. As we said, there will be an event here at 6 o'clock, and I encourage all our colleagues to participate. But a number of our colleagues did ask whether we will be voting Monday evening, and we will not. So there will be no rollcall votes on Monday.

We are going to turn to the port security bill, a bill that has been the subject of a whole lot of work by a number of our colleagues by both sides of the aisle. We have three committees that have parts of jurisdiction here. It is a very important bill. As we work to secure this country and secure the safety of the American people, we absolutely must address the issue of port security. So I am very pleased we are bringing that bill to the floor. We will address it tonight and tomorrow and Monday, and hopefully we can finish it shortly thereafter. I talked to the Democratic leader, and the managers on both sides of the aisle will be working to gather the amendments. We will be discussing and talking about those at the appropriate time.

SECURITY AND ACCOUNTABILITY FOR EVERY PORT ACT

Mr. FRIST. Mr. President, I ask unanimous consent that the Senate now proceed to Calendar No. 432, H.R. 4954, the port security bill.

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

The legislative clerk read as follows:

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

AMENDMENT NO. 4919

(Purpose: To provide a complete substitute)

Mr. FRIST. Mr. President, I ask unanimous consent that the substitute amendment at the desk be considered and agreed to and further that it be considered as original text for the purpose of additional amendments and for debate only this evening.

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

The amendment (No. 4919) was agreed to.

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

The ACTING PRESIDENT pro tempore. The Senator from Maine.

Ms. COLLINS. Mr. President, I rise to present the Port Security Improvement Act of 2006. This bill will help to close dangerous gaps in our ability to protect our shipping lanes and seaports from attack.

A number of our colleagues have worked very hard on this bill. This bill reflects not only bipartisan consultation and support but coordination among the Senate Homeland Security Committee, the Commerce Committee, and the Finance Committee. I thank our leader, Senator FRIST, for encouraging and facilitating those discussions.

I particularly wish to thank my colleague, Senator MURRAY, who joined me in sponsoring the GreenLane cargo security bill in November of 2005, which

has served as the basis for the legislation we debate tonight. Senator MURRAY has been steadfast in her commitment to enhancing port security. She has been working on it since the attacks on our country 5 years ago. She has been a terrific partner.

Senator STEVENS, Senator INOUYE, Senator GRASSLEY, Senator LIEBERMAN, Senator BAUCUS, Senator COLEMAN, and Senator ALLEN have also played critical roles on this important legislation. Their support and involvement have been invaluable in crafting a measure that I believe is going to make a real difference and that will improve our protection against terrorist threats without crippling the operations of our ports. This is very important. We need to strengthen security at our ports, but we need to do so in a way that does not cripple our system of trade, that does not place barriers in the way of moving legitimate goods.

This legislation will provide the structure and the resources needed to better protect the American people from attack through seaports that are both vulnerable points of entry and vital centers of economic activity.

Our legislation, our joint legislation, which is the product of so many weeks, months, and years of study and compromise, is a comprehensive approach that addresses all major aspects of maritime cargo security. It would require the Department of Homeland Security to develop a comprehensive strategic plan for all transportation modes by which cargo moves into, within, and out of American ports. It creates an Office of Cargo Security Policy to coordinate departmental activities and to be a central contact point for interagency, private sector, and international partners in cargo security. It requires the Department of Homeland Security to develop protocols for the resumption of trade at seaports after an incident. That is necessary to minimize economic losses. It authorizes risk-based grants, training, and exercises for port security. It improves and expands several security programs, such as the Container Security Initiative, known as CSI, and the Customs-Trade Partnership Against Terrorism, or C-TPAT, and establishes deadlines for DHS action on these programs. And it provides incentives for shippers and importers who meet the highest levels of cargo security standards.

Before commenting further on these provisions, let me offer a few facts that illustrate the importance of strengthening the security of our seaports.

America's 361 seaports are vital elements of our Nation's transportation network. Our seaports move more than 95 percent of overseas trade. In 2005 alone, U.S. ports logged 53,000 calls by foreign-flagged vessels, including 16,000 container ship calls that brought 11 million shipping containers to our shores.

The largest 22 ports, ranging from Los Angeles to Boston, handle 98 percent of the container traffic. Nearly half of all container ship calls are made in just three States—California, New York, and Virginia—but traffic arrives at many ports, from Maine to Hawaii, including a port in my State, Portland, the largest port by tonnage in new England. Coming from a State with three international cargo ports, I am keenly aware of the importance of seaports to our national economy and to the communities in which they are located.

In addition to our ports' economic significance, the link between maritime security and our national security is obvious and the vulnerabilities of our ports worrisome. Shipping containers are a special source of concern. When we look at shipping containers, we know, in most cases, they contain useful consumer goods. But shipping containers could also be used to convey a squad of terrorists or a dirty bomb. In some sense, containers could be the 21st century ''Trojan horse.''

The vulnerabilities of containers are evident when one considers a recent incident that occurred in Seattle. In May, several Chinese nationalists illegally smuggled themselves within a shipping container that made its way to Seattle. Now, they were discovered, fortunately, but think if that container had, instead of including illegal Chinese immigrants seeking a better way of life, included individuals, terrorists, who were dedicated to destroying our way of life.

The container has also been called ''the poor man's missile'' because a low-budget terrorist could ship one across the Atlantic or the Pacific to a U.S. port for just a few thousands dollars. And the contents of a container do not have to be as complex as a nuclear or chemical or biological weapon. As former Customs and Border Protection Commissioner Robert Bonner told the New York Times last year, a single container packed with readily available ammonium sulfate fertilizer and a detonation system could produce 10 times the blast that destroyed the Murrah Federal Building in Oklahoma City.

Whatever the type of weapon, an attack on an American port could cause great loss of life, damage our energy supplies and infrastructure, cripple retailers and manufacturers dependent on just-in-time inventory, prevent farmers from exporting their crops, and hamper our ability to move and supply American military forces.

Earlier this year, I visited the ports in L.A. and Long Beach and Seattle. At the invitation of Senator MURRAY, I examined the Seattle port. When one looks at the busy harbor in Seattle, one sees ferries bringing thousands of passengers—a large urban population—in sight of the port and two stadiums nearby. You realize immediately the depth and destruction that a ship carrying a container with a weapon of mass destruction could inflict at a single port.

Moreover, a successful port attack would likely trigger a security lockdown of all of our ports, just as the attacks 5 years ago grounded all commercial aircraft. So the economic damage would swiftly spread across the entire country. The Pacific Coast has already given us a glimpse of the economic damage that an attack on a port would cause. The west coast dock strike of 2002 was peaceful and anticipated, unlike any terror attack would be, but it cost an estimated $1 billion a day in economic losses for each of the 10 days it lasted.

Of course, a port could also be a conduit for an attack as well as being a target itself. A container with dangerous cargo could be loaded on a truck or a railcar or have its contents unpacked at a port and distributed to support an attack elsewhere—perhaps in the heartland of this country.

For these reasons, and many others, including the risks of container tampering or false documentation, the 9/11 Commission concluded that ''Opportunities to do harm are as great, or greater, in maritime and surface transportation'' as in commercial aviation.

Some actions have been taken to improve security at our seaports. The 9/11 terror attacks prompted some useful moves toward better security for vessel shipping lanes and the ports themselves. But, unfortunately, many of these initiatives have not proceeded under a comprehensive, strategic security plan. Some of them have lagged, and some of them have not been effectively implemented.

The Senate Homeland Security Committee has conducted five hearings on port security and the failures of DHS's cargo security programs. The first hearing we held back in March of 2003 when the committee heard testimony from several experts that cargo containers could well be the next target of terrorists. Three of these hearings have been conducted by the Permanent Subcommittee on Investigations, chaired by Senator COLEMAN, and I thank him and Senator LEVIN for their efforts in this area. Indeed, several provisions in our bill address concerns that were identified through that joint investigative work.

Mr. LOTT. Mr. President, will the distinguished Senator from Maine yield for just a brief comment or question or two?

Ms. COLLINS. I am happy to.

The ACTING PRESIDENT pro tempore. The Senator from Mississippi.

Mr. LOTT. Mr. President, let me just take a moment to thank Senator COLLINS for her leadership and the work of her committee in this area. I say to the Senator, I have been listening to her remarks. I think it is very important we outline the risks that are involved here and the importance of our ports to the economy of America.

Like the Senator from Maine, I myself recently went around looking at large and small ports, from the gulf all the way to Seattle and Tacoma. I must

say, I was somewhat pleased with the amount of effort that has been put in place in those ports.

But it also dramatizes how much more we need to do. We do need the macro legislation to deal with this. One of the great concerns is, as the Senator outlined, what would happen if we did have an event in one of those West Coast ports? It would lock them all down. What would be the process to restart them? I am also very much impressed with the appearance of those ports and the volume of the training activities. It is a critical area.

While a lot of work has been done and money has gone to our ports, big and small, we need this legislation. There is a lot more to it than just the restart protocols. It hasn't been easy because we have three committees with interest and jurisdiction, including Commerce and Finance. The Senator worked with the leadership of our Commerce Committee and of the Finance Committee, and I thank the Senator for that.

I urge my colleagues in the Senate that we move expeditiously on this legislation and that we not play games with it in any way because this is serious business. I feel for the person who would oppose this kind of legislation, or delay it, if some incident occurs. We need to move on it. This is the time to do it. It has been a real yeoman's task to bring it to this point. I wanted to be on record early commending the Senator from Maine, and I hope I will have an opportunity to talk later about some of the substantive parts of this legislation, which is critical for our country. I thank the Senator for yielding.

Ms. COLLINS. Mr. President, I thank the junior Senator from Mississippi for his kind comments. He has been so helpful as a member of the Commerce Committee and the Finance Committee in helping us weave our way through a very difficult maze. Without his advice and support, I doubt that we would be here tonight. I express my personal appreciation to Senator LOTT for his guidance and his assistance and for keeping us all focused on the goal. We could never let turf battles or jurisdictional disputes block us from accomplishing such a needed and important task. He helped us keep our eye on the ball. I thank the Senator very much for his comments.

Mr. President, I was talking about the hearings we were having. Our most recent hearing was in April on the GreenLane Maritime Cargo Security Act, which I mentioned Senator MURRAY and I had introduced. We heard also from the House leaders on port security, including Representative DAN LUNGREN and Representative JANE HARMAN, as well as other experts on our Nation's ports. The following month, that bill was reported out of the Homeland Security Committee.

The Port Security Improvement Act will clarify the roles, responsibilities, and authorities of Government agencies at all levels and of private sector stakeholders. It will establish clear and measurable goals for better security of commercial operations from the point of origin to the destination. It will also establish mandatory baseline security standards and provide incentives for additional voluntary measures.

Perhaps most importantly, the Secretary of Homeland Security would be required to develop protocols for the resumption of trade in the wake of an attack. Five years after the 9/11 attacks, the Federal Government still has not established adequate protocols for resuming port operations and setting cargo release priorities after an attack. I will tell you, when I talk to port authority directors, every single one of them brings this up as a major issue. If we don't have a plan for restarting our ports and for releasing cargo, then our ports will be closed far longer than they would need to be and economic losses would multiply.

This legislation would also establish priorities for critical DHS programs necessary to improve maritime cargo security and would set clear timelines to ensure steady progress on their development and expansion. Let me give another example of where DHS has languished in some areas. They have made progress in others but languished in some.

For example, the Department has been working on a minimum standard for mechanical seals on containers for more than 2 years but has yet to issue it. Under our bill, the Department would have 6 months to establish minimum standards for securing containers in transit to the United States. All containers bound for U.S. ports of entry would have to meet those standards no later than 2 years after they are established.

The bill also provides guidance and deadlines for essential improvements in the Automated Targeting System, the Radiation Portal Monitor Program, the CSI and C-TPAT.

The Automated Targeting System, ATS, is a screening mechanism that the Federal Government uses to help it determine which of the 11 million containers entering this country should receive further scrutiny. The GAO has criticized ATS for utilizing inadequate information to accurately assess the risk of cargo, and our legislation will ensure that the DHS improves that program.

Another notable provision of the bill is the requirement that radiation scanning be applied to 100 percent of the containers entering the 22 largest U.S. ports by December 31, 2007. Now, the result of that is that 98 percent of all cargo containers coming into U.S. ports will be screened for radiation. That is in addition to the radiation scanning that is done at foreign ports through the CSI and the Megaports Programs.

The legislation also expands and enhances the C-TPAT program to ensue the security of cargo from point of origin to destination. It creates a GreenLane, a third tier of C-TPAT, offering additional benefits to participants that voluntarily meet the highest level of security standards. The cooperation of private industry is vital to securing supply chains, and C-TPAT is a necessary tool for securing their active cooperation in supply chain security efforts.

Another security measure that has languished for years is the vital Transportation Workers Identification Card, or the TWIC Program. Again, we would require DHS to publish a final rule on the implementation of this program by the end of this year.

Finally, this comprehensive legislation would authorize the competitive, risk-based Port Security Grants Program. It would have stable, consistent funding set at $400 million each year for the next 5 years. This is a significant commitment of resources, and it will allow our ports to plan and to undertake multiyear projects that require a sustained investment.

The Port Security Improvement Act of 2006 will help us construct an effective, layered, coordinated system that extends from the point of origin to the point of destination. It will cover the people, the vessels, the cargo, and the facilities involved in our maritime commerce. And it addresses a major vulnerability identified time and again by terrorism experts.

Mr. President, I do hope that we can proceed with all due haste to enact this important legislation.

I yield the floor.

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

Mr. INOUYE. Mr. President, I rise to speak in support of the Port Security Improvement Act of 2006. It reflects a bipartisan compromise between the three committees that have jurisdiction over the security of our Nation's ports, international intermodal supply chain and the administration of the Department of Homeland Security.

This bill strikes the right balance between security and facilitating the trade that is so important to our economy.

Our national economy depends on port security, yet amazingly, the administration has not made it the priority that it needs to be. It has consistently submitted inadequate funding requests and has routinely missed critical security deadlines that were required by law. It was not until the Dubai Ports World controversy hit the front pages of local newspapers that many members of the Congress began to take port security seriously.

I hope that Members of this body will give this important piece of legislation the consideration it deserves. Lastly, we all know that you cannot have a successful security policy without adequate funding. Today is a good first step, but the administration and this Congress must take the next step after we pass this legislation and fund these initiatives as proposed here.

There are more than 360 ports in our Nation that serve as a gatekeeper for our Nation's trade and commerce, bringing into the country most of the merchandise and raw materials our businesses rely upon. If an incident forced the shutdown of ports across the Nation, the impact on our national economy would be devastating and have long-term consequences.

The Coast Guard, through the National Maritime Transportation Act, has taken important steps to create a plan to guarantee trade resumes quickly after an attack. However, more needs to be done to enhance the Coast Guard's plan and ensure effective implementation. Our economic health depends on it.

Given the role our ports play in the economy, we cannot underestimate the importance of ensuring that the containerized cargo that comes into our country is safe and that the ships entering our borders do not carry enemies of our Nation. Yet less than 6 percent of the cargo coming into this country is inspected, a level that is unacceptable if we are to take security seriously.

Making the current situation worse is the fact that current State inspection and radiation scanning technologies are woefully inadequate.

The measure before us today addresses the shortfalls of the past 5 years. First, it enhances the examination of cargo domestically and before it reaches our shores. Second, the bill improves interagency cooperation. Third, it improves the sharing of intelligence information with the creation of interagency port security command centers. Fourth, it provides an additional director within to improve communication and cooperation between the public and private sectors to quickly resume trade should an incident occur. And fifth, the bill offers assistance and technical training to our partners in the war on terror. These are all simple fixes but fixes that have significant consequence in our efforts to protect our ports.

As we consider this piece of legislation, we must not forget the security needs of our other transportation systems. Amendments will be offered to this bill that relate to securing other modes of transportation and it is my intent to support those amendments as well so that we have a comprehensive approach to securing our infrastructure.

I am hopeful that the Senate will pass this bill as soon as possible. Our approach has broad bipartisan support. The Senate Commerce, Science and Transportation Committee has focused on the issues of transportation security long before the events of September 11, 2001.

We have dedicated substantial time and resources to oversee and investigate the security and safety of our Nation's systems of transportation and this bill will mark the fourth landmark transportation security related bill that has been brought before the Senate. The time is right to pass these needed security improvements, and I am hopeful that we can make it happen.

The ACTING PRESIDENT pro tempore. The Senator from Washington.

Mrs. MURRAY. Mr. President, it has been 5 years since September 11, and our country is still dangerously vulnerable. We have huge loopholes at our ports and in our cargo container system, and none of us should sleep well at night until we close those security holes and protect our country.

That is why I am on the Senate floor once again pushing for us to pass the bipartisan GreenLane bill. I am excited that after working for a number of years, we are now on the verge of making our country more secure.

The full House of Representatives passed our bill. The Senate Homeland Security Committee passed our bill. We have worked with the Commerce and Finance Committees to address the issues in the bill they have raised. Now it is up to us, the full Senate, to finally pass this bill.

Today I wish to explain why our ports are so vulnerable, how an attack would affect our people and our economy, and finally, how this bill will make us more secure and keep trade flowing.

To understand why our ports are so vulnerable, one just has to look at something that happened in my home State of Washington 3 weeks ago.

On August 16, there was a big scare at the Port of Seattle. Two containers that originated in Pakistan were offloaded at terminal 18. They were targeted for inspection. They were first scanned by a gamma-imaging machine, which is essentially a giant x-ray machine for cargo containers. The initial images suggested what was supposed to be in the container was different than what that x-ray scan showed. Next, the port officials brought in two security dogs, and both dogs detected what they thought were explosives in that cargo container at terminal 18.

To understand why that is such a scary incident in Seattle, one just has to look at the Port of Seattle and what surrounds it.

This photograph shows the Port of Seattle. We can see the port very clearly in the foreground. That is Seattle in the background. My colleague, Senator COLLINS, was out there and remarked, tonight and while she was out there, about the incredible closeness to where our containers are brought into the Port of Seattle, to where our downtown area is, where there are two sports stadiums that can have thousands and thousands of people at one time sitting in them, and I–5 is over here. That is the main highway that goes through the State of Washington, right through downtown Seattle. As one can see, these cargo containers sitting on these docks are within feet and yards of mass people, infrastructure, our community, our railroads, our transportation system, sports stadiums, and where people live and work.

During the scare I just mentioned, officials had to close the terminal and establish a 500-yard safety zone surrounding the terminal, and they had to create a 300-yard safety zone around the entire Seattle waterfront. Fortunately, that day, after having the port closed down for some time, further testing showed that what was in that container was just a false alarm.

I wish to take a second to commend everyone on the ground for doing an excellent job of immediately responding to a possibly very dangerous incident.

Here is the problem: We did not know what was in that container. We did not know. It could have posed a problem, and it was sitting right on the dock, right within our sports stadiums, within all of downtown Seattle, within our transportation systems, and where people live and work.

That is why we are presenting this bill tonight. The main idea of this bill is to push our country's borders out, to do the screening and testing for these cargo containers overseas so that the container never gets close to our shores if we think it is dangerous. But today, too often we wait until that container is sitting on American soil, dangerously close to our cities, before we find out whether it could pose a danger.

Fortunately, that Seattle incident ended well, but that very same week, we got a very stark warning about how it could have ended differently.

In August around the same time, the RAND Center for Terrorism and Risk Management Policy issued a very troubling report that showed what could happen if there is a nuclear device in a cargo container.

The RAND Corporation looked at the following scenario: terrorists put a 10-kiloton nuclear bomb inside a cargo container and detonated it at the port of Long Beach, CA. The researchers chose that scenario because, as they put it, ''analysts consider it feasible, it is highly likely to have a catastrophic effect, and the target is both a key part of the U.S. economic structure and a critical global shipping center.''

Here is what they said would have happened: Up to 60,000 people would be killed instantly from the blast or from radiation poisoning; 150,000 people would be injured by radiation exposure; up to 6 million people would flee Los Angeles; 2 to 3 million people would need to be relocated because their land would be contaminated by radiation. And finally, the economic loss simply would be about $1 trillion. That is 10 times worse than September 11. Those costs would include medical care, insurance claims, workers' compensation, evacuation, construction. Imagine that—the economic damage would be 10 times worse than what happened on September 11.

How many more reports such as that is it going to take? How many port evacuations and scares is it going to take before we get serious about port

security? Time is not on our side. Each year, 6 million cargo containers enter our U.S. seaports, and that number is expected to quadruple in the next 20 years. These cargo containers carry the building blocks of our economy, but without adequate security, they can also provide an opportunity for terrorists to deliver a deadly one-two punch to our country. The first punch would create untold number of American casualties. The second punch would bring our economy to a halt. Today we are not doing enough to keep America safe.

Standing in this Chamber, it can feel as if the dangers at our ports are a distant concern, but given that our ports are connected to our Nation's transportation system and are close to our major population centers, the threat is never far away.

I want to share a very disturbing photo that shows us what a terrorist attack could look like. On March 21, a container ship called the Hyundai Fortune was traveling off the coast of Yemen when an explosion occurred in the rear of the ship. This is a photo of what happened. This is a container ship close to Yemen with an explosion at the rear of the ship. Remember the picture I just showed of the port of Seattle and where we are and imagine this happening in the Port of Seattle.

What happened when this ship exploded was that 90 containers were blown off the side of this ship and it created a debris field 5 miles long. Thankfully, amazingly, there were no fatalities and the crew was rescued.

This incident, by the way, did not appear to be terrorist related, but it gives us an idea of what it would look like if a terrorist incident occurred on a container ship in one of our seaports.

I want my colleagues to imagine the same burning ship sitting just a few feet off our shores in New York Harbor or Puget Sound, off the coast of Los Angeles or Charleston, Miami, Portland, Hampton Roads, the Delaware Bay, or the Gulf of Mexico. Now imagine we are not dealing with just a conventional explosion; we are dealing with a dirty bomb. I want to walk through what would happen next.

Of course, there would be the immediate horrible loss of life. Many of our ports, as I said, are located near major cities. If this were a chemical weapon exploding in Seattle, the chemical plume could contaminate the rail system, Interstate 5, SeaTac Airport, not to mention, as I showed my colleagues, the downtown business and residential areas. At the port, there would immediately be tremendous confusion. People would try to contain the fire, but it is unclear today who would be in charge. Then when word spread and chaos ensued, panic would set in and there would be chaos as our first responders tried to react and people who lived nearby would try to flee.

Next, what would happen is our Government would shut down every single port in America to make sure there were no other bombs on any other containers in any other city. That shutdown would be the equivalent of driving our economy into a brick wall and, in fact, it could spark a global recession. Day by day, we would feel the painful economic impact of the attack. American factories in the middle of our country would not be able to get the supplies they need. They would have to shut their doors and lay off workers. Stores around our country would not be able to get the products they need to put on their shelves. Prices would spike, demand would outweigh supply, and consumers would not be able to afford the simple items they rely on every single day.

In 2002, we saw what the closure of just a few ports on the west coast could do. It cost our economy $1 billion a day. Imagine if we shut down all of our ports. One study, in fact, concluded that if U.S. ports were shut down for just 9 days, it would cost our economy $58 billion.

The RAND report I mentioned earlier found the economic damage could easily top more than $1 trillion. Of course, we would soon realize we have no plan for resuming trade after an attack. We have no plan today for how we would resume trade, no protocol for what would be searched. We wouldn't know what would be allowed in or even who was in charge, and there would be a mass scramble to create a new system in a crisis atmosphere. Eventually, we would begin the slow process of manually inspecting all the cargo waiting to enter the United States. One report found it could take as long as 4 months to get all the cargo inspected and moving again.

Finally, we would have to set up a new regime for port security. You can bet that any kind of rushed plan we put together in this kind of scenario would not balance strong security with efficient trade.

This is a realistic portrayal of events that could happen tomorrow. Five years after September 11, we have not closed a major loophole that threatens our lives and our economy. Time is not on our side. We have to act, and we need to act now.

I approach this as someone who really understands the importance of both improving our security and maintaining the flow of commerce. My home State of Washington is the most trade-dependent State in the entire country. We know what is at stake if there is an incident at one of our ports. That is why I wrote and funded Operation Safe Commerce to help us find where we are vulnerable and to evaluate the best security practices. It is why I worked hard to boost funding for the Coast Guard, and I fought to keep the Port Security Grant Program from being eliminated year after year.

Right after September 11, 5 years ago, I started talking with security and trade experts to find out what we needed to be doing to both improve security and keep our commerce going. Last year, I sought out Senator COLLINS as a partner in this effort. I approached Senator COLLINS because I knew she cared about this issue. I knew she had done a lot of work on it already, and I knew she was someone who could get things done. Since that day, she and I have worked hand in hand to develop this bill and to move it forward.

The reason we worked so hard on this bill is because we know how vulnerable we are. Terrorists have a lot of opportunities to introduce deadly cargo into a container. It can be tampered with at any time from when it leaves a foreign factory overseas to when it arrives at a consolidation warehouse and moves to a foreign port. It could even be tampered with while it is en route to the United States. There are several dangers. I outlined what would happen if terrorists exploded a container, but they could just as easily use cargo containers to transport weapons or personnel into the United States to launch an attack anywhere on American soil. In fact, in April, 22 Chinese stowaways were found at the Port of Seattle. They reached the United States inside a cargo container. In that case, they were stowaways, but they could easily have been terrorists sneaking into this country.

The programs we have in place today are totally inadequate. Last year, thanks to the insistence of Senator COLLINS and Senator COLEMAN, the Government Accountability Office found its C–TPAT was not even checking to see if companies were doing what they promised they would in their security plans. Even when U.S. Customs inspectors do find something suspicious today at a foreign port, they can't force a container to be inspected. So we have a clear and deadly threat, and we know that current programs are inadequate. So what are we going to do about it? We could manually inspect every container coming into our ports, but that would cripple our economy.

The real challenge we face is how to make our trade more secure without slowing it to a crawl. That is why the Homeland Security, Commerce, and Finance Committees, through the leadership of Senators COLLINS and LIEBERMAN, Senators STEVENS and INOUYE, and Senators GRASSLEY and BAUCUS and I, have worked with stakeholders and experts to strike the right balance. The result is the bill that we are now considering. It provides a comprehensive blueprint for how we improve security while keeping our trade efficient. At its heart, this challenge is about keeping the good things about trade—speed and efficiency—without being vulnerable to the bad things about trade, which is the potential for terrorists to use our engines of commerce.

The GreenLane bill does five things. First of all, it creates tough new standards for all cargo. Today, we don't have any standards for cargo security.

Second, it creates a GreenLane option which provides for an even higher level of security. Companies have the

option to follow the higher standards of the GreenLane. Their cargo will be tracked and monitored from the moment it leaves the factory floor overseas until it reaches the United States. We will know everywhere their cargo has been. We will know every person who has touched it, and we will know whether it has been tampered with. The GreenLane pushes our borders out by conducting inspections overseas before cargo is even loaded into a ship bound for the United States, and we will provide incentives for the companies that use this highest standard of GreenLane.

Third, our bill sets up a plan to resume trade quickly and safely, to minimize the impact of a terrorist attack on our economy.

Fourth, our bill will secure our ports here at home by authorizing and funding port security grants. This funding will help our ports and port operators to develop and implement security plans. They could use this funding to strengthen their perimeter security, which would help prevent a number of security lapses that were highlighted in a recent Seattle Times article in which a reporter was able to enter a port and walk around the containers without anybody stopping him.

Finally, our bill will hold DHS accountable for improving cargo security. DHS is long overdue in establishing cargo security standards and transportation worker credentials. We need to hold DHS accountable, and our bill provides the infrastructure to ensure accountability and coordination.

Let me take a few minutes to share a few ways that our bill does make America safer. First of all, we close the loopholes that leave us vulnerable today. Senator COLLINS and I have studied the 9/11 Commission Report and the various GAO reports and we worked very hard to put their recommendations into this bill. The 9/11 Commission examined what went wrong 5 years ago and how we can prevent another terrorist attack. We listened to the 9/11 Commission and we worked very hard to incorporate their recommendations and to close the loopholes that the Commission identified. The 9/11 Commission said we needed a layered security system. Our bill adopts that layered approach.

Here is what we envision as the Secretary of Homeland Security implements this bill. Each step in the GreenLane system will have multiple and redundant security layers. Cargo would be monitored and secured starting at a foreign factory overseas. In addition, containers will be sealed with high-tech container security devices, such as e-seals, to protect against their being tampered with or compromised. Then, before that container is ever loaded onto a ship, its manifest is reviewed and the container is inspected for radiation, seal tampering, and x-rayed. Finally, the cargo will be secured with access controls, ensuring anyone with access to GreenLane cargo has undergone a background check and possesses verifiable identification. Those multiple layers provide the type of layered security that the 9/11 Commission called for.

Now, the 9/11 Commission also said we have to centralize authority and responsibility so that there is finally someone accountable in our Government. Our bill does that. It centralizes authority by establishing the Office of Cargo Security Policy within the Department of Homeland Security to coordinate Federal cargo security programs and to advance security research and development.

The 9/11 Commission also said we need to do a better job sharing information throughout our Government. Our bill promotes coordination by establishing regional interagency operational centers to enhance cooperation between our Federal agencies. So our bill is responsive to the problems and the loopholes that the 9/11 Commission identified.

Our bill gives us new tools so we can approach cargo security in new ways. It gives U.S. officials in foreign ports the authority to inspect suspicious containers before they are loaded for departure into the United States. Our bill makes the haystack of containers smaller. It allows the Government to focus on suspicious cargo that enters our ports, and it ensures that we are inspecting and stopping cargo that poses a threat. And it cuts down on the smuggling of weapons, people, drugs, and other illegal cargo.

This bill will also protect America's economy in the event of a terror attack, and that is because it provides a secure, organized way to quickly resume cargo operations after any emergency shutdown because any shutdown of our ports has the potential to cost the U.S. economy billions of dollars a day. Our bill would minimize the economic impact of a terrorist attack.

So I am very proud of this bill, and I thank all of our partners and all of our supporters. I especially thank Senator COLLINS for her tremendous leadership and work on this very complex issue, and I commend her for the job she has done. I thank Senator COLEMAN for his work as chairman of the Permanent Subcommittee on Investigations. I thank Senator LIEBERMAN and all of our cosponsors, and I thank the Commerce and Finance Committees, especially Senator STEVENS and Senator INOUYE, Senator GRASSLEY and Senator BAUCUS.

We have also seen tremendous progress on the House side with the Safe Port Act, and I want to thank Representatives DAN LUNDGREN and JANE HARMAN for their leadership. Finally, I especially tonight thank the numerous Federal, State and local officials and all of the industry representatives for their tremendous assistance in helping us craft this legislation. They truly are at the front lines of securing our Nation's ports, and I have been very proud to work with all of them and to get to know them and see their dedication and commitment to making our country more secure.

Today, we have a choice in how we deal with the cargo security challenges that face us, but if we wait for a disaster, our choices are going to be pretty stark. So I think we have to make the changes now, on our terms, before there is a deadly incident. Let's protect America before an image like this appears on our television screens. Let's not wait until a terrorist incident strikes again to protect our people and to protect our economy.

Earlier this year, the American people woke up, and they spoke out when they heard that a foreign government-owned company could be running our ports. That sparked a very critical debate. Now we need to set up a security regime that will actually make us safer. Until we do so, none of us should sleep well at night. A terrible image like this of a burning container ship with a dirty bomb in one of America's harbors could be on our TV screens tomorrow. So this Congress needs to act today. We only have a few days to get this right, and I hope that all of our colleagues will work with all of us to move this bill quickly and expeditiously and pass a GreenLane bill before it is too late.

Mr. President, I yield the floor.

Ms. COLLINS. Mr. President, I again thank the Senator for her excellent statement, for her leadership, and for getting us to where we are today. It has been a long journey, but with her leadership we were able to craft this bill, work out the many compromises, and come to the floor. I hope we can do this bill relatively quickly. It has been the subject of an awful lot of discussion and review, and it would be terrific if we can show the American people that we can act in a bipartisan way on an issue that really matters to their security.

It is appropriate that the Presiding Officer tonight is the Senator from Virginia, Senator ALLEN. I know that port security has been a major priority of his. Earlier in my statement, I mentioned that California, New York, and Virginia are the three States that receive the greatest number of containers, although actually I would think that Washington State has to be in there, too, given the size of Seattle and Tacoma's ports as well. So I know they should be in there as well. But Virginia is a major player in port security, and I want to commend the Senator from Virginia for his leadership on this issue. I know that this has been of great concern to him. He has talked to me as this bill has been making its way through the process, and I publicly thank him for caring about this issue and making it a priority as well.

Mr. President, I am not aware of further Members who are seeking to speak on my side, and I see no indication of further Members on the other side. I am going to, very briefly, put in a quorum call so that we can check, but

I believe we are very close to concluding our business for tonight.

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

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

MORNING BUSINESS

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

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

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

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

The assistant legislative clerk proceeded to call the roll.

HONORING OUR ARMED FORCES

ARMY FIRST SERGEANT AARON JAGGER

Ms. STABENOW. Mr. President, I rise today to pay tribute to the men and women in uniform serving the United States around the world, and observe a somber milestone in Michigan's contribution to Operation Iraqi Freedom.

In August, the 100th member of the U.S. Armed Forces from Michigan made the ultimate sacrifice while serving in Iraq. U.S. Army 1SG Aaron Jagger of Hillsdale died when a roadside bomb detonated near his vehicle in Ramadi, Iraq. Sergeant Jagger was serving his second tour in Iraq. I offer my heartfelt condolences to Sergeant Jagger's family.

As of the first week of September, 104 members of the U.S. Armed forces with ties to Michigan have lost their lives while serving in Iraq. I will ask that a list of their names be printed in the RECORD at the end of my statement.

No words can express our country's gratitude for the dedicated service and ultimate sacrifice of Sergeant Jagger or the other Americans who have lost their lives. I am also thankful for the sacrifice all the men and women in the U.S. military have made for their country while serving in Iraq. They are selfless patriots that give their time and too often their lives to preserve the freedoms we hold so dear.

I know that condolences offered to these brave families and words spoken on the floor of the Senate cannot possibly make up for their loss. But it is important that they know we remember them and that our prayers and thoughts are with those that have lost loved ones, and those that still have family and friends serving in harm's way.

I will remain committed to honoring their memory and ensuring that their families and their comrades who return from battle receive the support and respect they deserve.

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

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

Major Kevin Nave, Union Lake; Private Brandon Sloan, Fraser; Sergeant Todd Robbins, Pentwater; Sergeant Michael Pedersen, Flint; Private First Class Juan Garza, Jr., Temperance; Private First Class Jason Meyer, Howell; Staff Sergeant Scott Sather, Clio; Specialist Richard Goward, Midland; Sergeant Sean Reynolds, East Lansing; Master Sergeant William Payne, Otsego; Staff Sergeant Brett Petriken, Flint; Specialist Corey Hubbell, Holly; Captain Paul Cassidy, Laingsburg; Sergeant Trevor Blumberg, Canton; Specialist Donald Wheeler, Concord; Specialist Artimus Brassfield, Flint; Staff Sergeant Paul Johnson, Calumet; Staff Sergeant Mark Vasquez, Port Huron; Staff Sergeant Paul Neff, II, West Branch; Private First Class Damian Bushart, Waterford.

Private First Class Jason Wright, Luzerne; Staff Sergeant Thomas Christensen, Atlantic Mine; Staff Sergeant Stephen Hattamer, Gwinn; Private First Class Holly J. McGeogh, Taylor; Specialist Richard Trevithick, Gaines; Sergeant First Class Bradley Fox, Adrian; Private First Class Richard Rosas, St. Louis; Sergeant Aaron Elandt, Lowell; Sergeant David Hartman, Fairgrove; Specialist Craig Frank, Lincoln Park; Private First Class Nicholas Blodgett, Wyoming; Specialist Dana Wilson, Hudsonville; Specialist Donald McCune, Ypsilanti; Staff Sergeant Donald Davis, Saginaw; Sergeant Carl Thomas, Inkster; Private First Class Mark Barbret, Shelby Twp.; Specialist Don Clary, Flint; Private First Class Dennis Miller, Jr., La Salle; Lance Corporal Justin Reppuhn, Hemlock; Lance Corporal Justin Ellsworth, Mt. Pleasant.

Lance Corporal Michael Hanks, Gregory; Corporal Gentian Marku, Sterling Heights; Corporal In Kim, Warren; Staff Sergeant Jason Lehto, Warren; Lance Corporal Allan Klein, Clinton Township; Lieutenant Commander Edward Jack, Detroit; First Lieutenant Adam Malson, Rochester Hills; Captain Sean Grimes, Southfield; Staff Sergeant Ricky Kieffer, Ovid; Corporal Michael Lindemuth, Pellston; Specialist Randy Stevens, Swartz Creek; Captain Stephen Frank, Farmington Hills; Captain Ralph Harting, III, West Bloomfield; Sergeant Brad Wentz, Gladwin; Specialist Joshua Brazee, Sand Creek; Sergeant Charles Drier, Unionville; Specialist Eric Burri, Wyoming; Corporal Andrew Kilpela, Fowlerville; Specialist Adrian Butler, Detroit; Specialist Brian Derks, White Cloud.

Staff Sergeant Brian Morris, Centreville; Major Gregory Fester, Ada; Captain Lowell Miller, II, Flint; Sergeant First Class Casey Howe, Kimball; Corporal Nicholas Cherava, Ontonagon; Private First Class Nicholas Greer, Monroe; Staff Sergeant Vincent Summers, Bangor; Staff Sergeant Lewis Gentry, Detroit; Sergeant First Class Michael Hodshire, North Adams; Major Gerald Bloomfield, II, Ypsilanti; Specialist Timothy Brown, Cedar Springs; First Lieutenant Justin Smith, Lansing; Master Sergeant Anthony Yost, Millington; Private First Class John Dearing, Hazel Park; Lance Corporal Craig Watson, Union City; Lance Corporal David Huhn, Portland; Sergeant Spencer Akers, Traverse City; Specialist Anthony Cardinal, Muskegon; Specialist Dane Carver, Freeport; Lance Corporal Jason Little, Climax; Specialist Walter Howard, II, Rochester; Corporal Ross Smith, Wyoming.

Sergeant Curtis Howard, II, Ann Arbor; Private First Class Allan Morr, Byron; Sergeant Joshua Youmans, Flushing; Private Joshua Powers, Kentwood; Corporal Nyle Yates, III, Eagle; Specialist Andrew Waits, Waterford; Sergeant First Class Richard Herrema, Hudsonville; Sergeant Matthew Webber, Stanwood; Corporal Alexander Kolasa, White Lake Twp; Corporal Brock Bucklin, Caledonia; Lance Corporal Brandon Webb, Swartz Creek; Staff Sergeant Raymond Plouhar, Lake Orion; Specialist Joseph Micks, Rapid River; Sergeant Duane Dreasky, Novi; Sergeant Al'Kaila Floyd, Grand Rapids; Staff Sergeant Michael Dickinson, II, Battle Creek; Specialist Dennis Smason, Jr., Hesperia; First Sergeant Aaron Jagger, Hillsdale; Sergeant Gabriel DeRoo, Paw Paw; Chief Petty Officer Paul J. Darga, Alpena; Staff Sergeant Eugene Alex, Bay City; Sergeant Ralph Porras, Merrill.

FAMILY HUMANITARIAN RELIEF

Mr. BROWNBACK. Mr. President, next week marks the fifth anniversary of the attacks of September 11. On this solemn occasion, we reflect upon the lives of those who were lost and the families they left behind. Images of the planes hitting the two massive towers filled with innocent Americans are emblazoned in our minds and stir our conscience. Heroic tales of firefighters, police officers and first responders falling in the line of duty evoke deep pangs of sadness yet fill our hearts with great pride for our country.

It is important that during this time we remember the families of these victims of terror. They have suffered greatly, and we continue to mourn for their loved ones and honor their memories. But there are some families whose grief is also mixed with fear. The victims for whom they grieve were immigrants working in the World Trade Center, and the families that are left behind face potential deportation. Thus, in addition to the already incalculable loss inflicted upon them by the terrorists, these relatives face yet another hardship.

It is in the context of this situation that I wish to recognize the work of Debra Brown Steinberg. For the past 5 years, Ms. Steinberg has tirelessly sought to undo this injustice and allow these relatives to grieve alongside the thousands of other victims' families without fear of arrest and removal. Ms. Steinberg has dedicated her time—pro bono—to this cause and has been recognized time and again for her efforts.

My colleagues and I introduced legislation, known as the September 11 Family Humanitarian Relief and Patriotism Act, which would provide the necessary relief for these families. Now that a year has passed since the bill's introduction, and as we approach the fifth anniversary of 9/11, it is time to bring closure for the sake of the families and for the sake of honoring the memories of those killed.

Our tradition teaches us to have compassion for the widow, the orphan,

and the stranger among us. Debra Steinberg's action on behalf of the immigrant victims' families exemplifies such compassion. We have much to learn from her on this day, and I am proud to honor her achievements.

COWBOY ARTILLERY

Mr. THOMAS. Mr. President, I rise today to express our Nation's deepest thanks and gratitude to the men of the 300th Armored Field Artillery Battalion, Wyoming Army National Guard. On Friday, September 9, 2006, the 300th AFA Battalion will gather for a reunion 56 years after the Battle at Soyang during the Korean war.

In 1951, the members of the battalion put down their plowshares and picked up their rifles and arrived in Korea to push back three corps of the Chinese People's Volunteers that launched a major offensive against the 2d Infantry Division, to which the 300th was attached. In his memoir, a Wyoming National Guardsman, William W. Day IV, described his early days in combat:

> The guns are hot and ammo can't be uncrated fast enough. The motor pool is using every truck to haul ammo. The cooks, clerks and everyone available are preparing ammo while the gun crews stay at their posts and continue to pour a withering fire on the enemy.

The 300th provided devastating artillery fire support that pounded enemy positions for 7 days inflicting thousands of enemy casualties. During the morning of May 18, 1951, the battalion was given the mission of destroying an enemy roadblock allowing retreating U.N. forces to fall back to more secure positions. The heroic and determined stand of the 2d Division and its attached units allowed the Eighth Army to regroup and outflank the enemy.

Among many others, the battalion has been awarded the Presidential Unit Citation for its valiant efforts in the struggle for the freedom we all enjoy. Today, the Wyoming Army National Guard carries on the courageous traditions of the Cowboy Artillery.

Mr. President, the 300th AFA Battalion epitomized the ethos of the Citizen Soldier. It is because of folks like the members of the 300th that we continue to live safe and free. America's men and women who answer the call of service and wear our Nation's uniform deserve respect and recognition for the enormous burden that they are willingly bare. They put everything on the line every day, and as a result, our Nation remains free and strong.

ADDITIONAL STATEMENTS

COMMENDING HAWAII'S WORLD CHAMPIONS

• Mr. AKAKA. Mr. President, I wish to congratulate the Hilo All-Stars, the 2006 Cal Ripken Baseball World Champions. This is the second consecutive year that a team from Hawaii captured the 12-and-under title. Last year, a Honolulu squad defeated Mexico, by a score of 1 to nothing, to win the championship game.

On Sunday, August 20, Hilo won the Ripken World Series in Aberdeen, MD against international champions Mexico, by the score of 5 to 2. Ridge Hoopii-Haslam hit a two-run homer, and Kawika Pruett added a two-run single to rally Hilo against Mexico's powerful pitching staff that allowed only three runs in the tournament. Mexico threatened in the third inning, but Kean Wong came in to pitch out of a bases loaded jam, holding Mexico to just one run.

The Hilo All-Star team members are Anson Arruda, Ridge Hoopii-Haslam, Dean Hosaka, Jordan Jinbo, Chayce Kaaua, Kian Kurokawa, Rylan Malakaua, Ekolu Martins, Cody Ray Okabayashi, Kawika Pruett, Kean Wong, and Kiani Wong. Kaha Wong manages the All-Stars and Wardell ''Baba'' Lancaster and Jason Jinbo are team coaches.

I am proud of Hilo's impressive wins and the humility and sportsmanship they displayed as they won with aloha. Hilo represented the State of Hawaii and the United States very well. Many family members and friends made sacrifices to support the team. I applaud these efforts and wish all the players and their families the best in future endeavors.

I look forward to hearing more about the success of our players as they continue to pursue their education and baseball ambitions in the future, and I extend the same congratulations and best wishes to all players and coaches who participated in this year's Cal Ripken Baseball World Series.•

TRIBUTE TO EAGLE-PICHER TECHNOLOGIES

• Mr. BOND. Mr. President, it is with great pleasure that I rise to celebrate Eagle-Picher Technologies, LLC, on the company's ''One Billionth Hour'' in space as represented by the superior batteries the firm designs and builds and that power U.S. satellites.

Recognizing the need for custom designed and built batteries, the technologies division at Eagle-Picher works on a variety of batteries for aerospace and military use, which the company calls special use batteries. The company's technology division, based in Joplin, MO., continues a tradition that stretches back to the 1960s when Eagle-Picher provided power systems for the first United States satellites and the manned Mercury program.

Today, EaglePicher nickel-hydrogen cells are powering spacecraft orbiting Earth and beyond. I commend Eagle Picher, its leadership and its dedicated employees in Missouri on their commitment to maintaining the highest standards while breaking new ground for power systems and advanced electrical power system applications. I am pleased to join with the Joplin community and the State of Missouri in congratulating the company and wishing the firm's valued employees with continued growth and success.•

COMMENDING KAUAI'S FILIPINO CENTENNIAL AWARDEES

• Mr. AKAKA. Mr. President, it is with great pleasure that I extend my warmest aloha and congratulations to the individuals being recognized and honored by the Kauai Filipino Centennial Celebration Committee as Kauai Filipino Centennial Awardees in commemoration of the 100th anniversary of the arrival of the first migrant workers from the Philippines to Hawaii. I was pleased that the Senate last year accepted by unanimous consent my resolution, S. Res. 333, recognizing the centennial of sustained immigration from the Philippines to the United States and acknowledging the contributions of the Filipino-American community to our country over the last century—including members of the Kauai community.

It is an honor earned and richly deserved and a privilege for me to share in the spirit of this very personal and historical celebration with family and many friends in recognizing commitment and service to the Filipino community. This prestigious award tells of the important place these men and women hold in our community. It recognizes their extraordinary contributions and service to Hawaii. These individuals include leaders in all walks of life: journalists, educators, artists and entertainers, athletes, doctors, attorneys, clergy, public servants, and businessmen.

The honorees are: Leonora Albayalde, Jose Alvarez, Connie Aquino, Rosalina Arzadon, Greg Bakiano, Elena Barbasa, Guadalupe L. Bulatao, Jose E. Bulatao, Jose E. Bulatao, Jr., Juanito Buza, Hilda Cannon, Clemente Ceballos, Marie Ceballos, Les Ceballos, Catalino C. Cortezan, Josefina A. Cortezan, Consuelo O. Cuaresma, Consuelo Dela Cruz, Gerald Dela Cruz, Dr. Arnulfo Dias, Emil Diaz, Steven M. Domingo, Josephine C. Duvauchelle, Marcelino Francisco, R. Barbara Bulatao Franklin, Vil Galiza, Eugene Jiminez, Martha Sialana Kruse, Esperanza Labez, Ricardo Laabez, Inocencio Lapenia, Alfredo Lardizabal, Ben Largusa, Alfredo Laureta, Jesus ''Gene'' Layosa, Rhoda Libre, Domingo Los Banos, Jr., Eduardo Malapit, Vicky Masuoka, George Menor, Mable Jean Odo, Emilio ''Spud'' Olivas, Paul Parongao, Dr. Ramon Dela Pena, Cesar Portugal, Rick Rasay, Sister Florence Remata, Dr. William Renti-Cruz, Robert Riola, Frances Sagadraca, Eddie Sarita, Rudy Sina, Catalino Suero, Jimmy Tejada, Amadeo Timbol, Dr. Mariano Torres, Liza Trinidad, Maria B. Valenciano, Placido Valenciano, Randal Valenciano, Adelino Valentin, Floro

Villabrille, Alfredo Villanueva, Millie Wellington, and Rodney Yadao.

These individuals stand out among their peers having truly made a positive difference. I extend my congratulations and best wishes to our honorees and their families.

TRIBUTE TO SAN BERNARDINO VALLEY COLLEGE

• Mrs. BOXER. Mr. President, I rise today to recognize San Bernardino Valley College. This academic year, the campus celebrates its 80th anniversary.

San Bernardino Valley College was founded in 1926, when 140 students met at San Bernardino or Colton High Schools for classes. Later that year, construction began in the city of San Bernardino on a campus that would come to educate 700,000 students and play a central role in the growth of Inland southern California.

San Bernardino Valley College has educated generations of the region's future leaders and workforce. Over the years, San Bernardino Valley College has anticipated and planned for the changes that took place in California and our Nation. During World War II, the campus played an instrumental role in assisting with the war effort. In the years following the war, a number of celebrities visited the campus, and in 1947 the campus hosted the Bob Hope show that featured Desi Arnaz, his orchestra, and others. In 1950, the campus played a central role in the race for U.S. Senate, hosting senatorial candidates Richard Nixon and Helen Gahagan Douglas.

San Bernardino Valley College also has worked to meet the ever-changing needs of a diverse population. The civil rights era brought forth increased cultural awareness, and the campus responded by hosting diversity programs. Today the campus has an enrollment of over 12,000 students, three quarters of which are non-White students. The campus is recognized as a Hispanic Serving Institution by the Hispanic Association of Colleges and Universities, HACU, and continues to receive title V funding for its pursuit of ethnic diversity.

In the past 80 years, technology has also impacted education. Faculty and staff have worked to help San Bernardino Valley College grow and adapt to this ever-growing need. College classes and degree programs are now offered not only on campus but at alternative community sites and on television and the Internet. The campus has also responded to today's need for quality science education and important student services.

San Bernardino Valley College has produced influential leaders in California and abroad, with prestigious alumni emerging each year. Dr. Charles Young attended Valley College before and after serving in the Korean war and went on to become the youngest chancellor of a University of California campus at age 36, taking charge of UCLA from 1968 until 1997, completing the longest tenure of any University of California chancellor. Judith Valles, former mayor of the city of San Bernardino, attended Valley College and served as both faculty and staff on campus. Graduating in 1966, Dr. Yolanda Moses went on to serve as the president of the City College of New York and was named the 74th president of the American Anthropological Association. And graduating as a business administration major in 1959, Jack Brown went on to become the president and CEO of Stater Bros. Markets, one of the Nation's largest supermarket chains.

Today San Bernardino Valley College can look back on a proud history of growth and change in the San Bernardino Valley and California. I applaud the service and dedication of the faculty, staff, and students of San Bernardino Valley College as they celebrate 80 years of improving lives and education to the people of the Inland Empire and southern California.

IN MEMORIAM: MARY BOURDETTE

• Mrs. CLINTON. Mr. President, on Tuesday, September 5, our Nation lost a great American and our Nation's children lost a great friend and advocate in Mary Bourdette.

Mary Bourdette was a woman who dedicated her working life to improving the lives of children and families. As a public interest advocate and public servant, she played critical roles in the enactment of the Act for Better Child Care, the Family and Medical Leave Act, the Adoption and Safe Families Act, the expansions of the earned-income tax credit, and the child care and development block grant. She worked to improve the Head Start Program by increasing funds dedicated to strengthening its quality and maintaining its comprehensive approach to helping our poorest children and families. Most recently, I had the pleasure of partnering with Mary in her capacity as director of government relations for Parents Action for Children to highlight the dangers to children of exposure to violent and explicit video games.

Those of us fortunate enough to have worked closely with Mary Bourdette and to have enjoyed her friendship will dearly miss her keen understanding of policy, her gentle manner and humor. Mary seemed to wake up every day believing that it held an opportunity to make the world better for children.

For her passion, commitment, and service, our country owes Mary Bourdette a great debt of gratitude. We have lost a caring, creative, and effective ally in our work to protect children and empower their families.

ROLLA NOLTING McCLANAHAN

• Mr. DEWINE. Mr. President, today I pay tribute to a wonderful Ohioan who has recently been ill. Rolla Nolting McClanahan never asked for anything special, but she deserves to be recognized today for the years she has spent generously serving others. Throughout her life, Rolla has been a productive, giving member of her community who quietly contributed a great deal both to her hometown of Cincinnati, and to her home county, Hamilton County. Rolla is the kind of American who makes up the backbone of our country.

Rolla is the beloved wife of Donald E. McClanahan, mother of Michele L. McClanahan, and sister of John A. Nolting.

As a student, Rolla was very bright. She graduated with honors from both Withrow High School and the University of Cincinnati, where she was active in Mortar Board, Delta Delta Delta, the Cincinnatus Society, and the Union Committee.

After graduation, Rolla became involved in her community as a member of Kindervelt, a volunteer organization that serves as the largest auxiliary of Cincinnati Children's Hospital Medical Center. She was also Chairman of the Board of Directors of Deaconesses of the Mt. Washington Presbyterian Church and Chairman of the Board of Directors of Tri Deltas House Board Corporation.

Since 1973, Rolla has been a Salvation Army volunteer for the Salvation Army Federation of Women's Auxiliaries, where she served in several official positions, including President of the Board and President of the Toy Shop Auxiliary. In 1987, she was a featured speaker at the Salvation Army's National Advisory Organization Conference in Dallas. In May of 1993, she was presented with the William Booth Award, bestowed by the Salvation Army for commitment and dedication.

Mr. President, Rolla Nolting McClanahan is a wonderful person who has spent a great deal of her life working to improve the lives of those less fortunate. Today, I want to thank Rolla for her selflessness and commitment to others, and wish her well.•

TRIBUTE TO JOHN PARRY

• Mr. LUGAR. Mr. President, today I congratulate my friend John Parry on his retirement after 16 years as director of athletics at Butler University.

Since joining Butler in 1990, John has overseen a remarkable period of growth and success, adding three varsity athletic teams and winning the Horizon League James J. McCafferty Trophy for all-sports excellence for the first time and on five subsequent occasions. During this time, Butler also witnessed extraordinary success in the classroom, leading the Horizon League in the number of student-athletes named to the academic honor roll 9 out of the last 10 years. In 2003 he was recognized as National Association of Collegiate Directors of Athletics I-AA/I-AAA Athletic Director of the Year for the Central Region.

John's leadership has extended beyond Butler University. He is a past

president of the Pioneer Football League and past chair of the NCAA Division I Men's Lacrosse Committee. Especially important in the Indianapolis community, he served as a cochairman of the Local Organizing Committee for the 1997, 2000, and 2006 NCAA Men's Final Four and the 2005 NCAA Women's Final Four.

Personally, I have enjoyed working closely with John each year as Butler hosts the annual Dick Lugar Run and Walk. John's enthusiasm has ensured the success of this special tradition as so many from all over central Indiana come together to enjoy a day of competition and fitness.

I appreciate this opportunity to congratulate John, and I look forward to many more opportunities to work closely with him as he pursues new challenges and adventures.

ANGELS OF ADOPTION

• Mr. ROCKEFELLER. Mr. President, later this month, the Congressional Coalition on Adoption will host a gala to honor individuals from across the country that have contributed greatly to programs that strive to keep our most vulnerable children safe and healthy in permanent homes.

I am proud to be a member of the Congressional Coalition and this event marks a true celebration for individuals we call Angels of Adoption. The Angel of Adoption awards recognize individuals who are dedicated to the welfare of children. It should be noted that our ''Angels'' often forgo lucrative positions in law firms and other private sector work because of their commitment to provide legal protection for thousands of children.

This year I am delighted to honor Mary Ellen Griffith as our West Virginia Angel of Adoption. Mary Ellen Griffith is the founder and past director of ChildLaw Services in Princeton, WV. Ms. Griffith has earnestly provided policy and legal advocacy for West Virginia children during her tenure as a legal service lawyer. Her direct representation of children has been complimented by faculty appointments to university programs where she has lectured on topics such as family law, guardianship, and custody issues. She certainly is well prepared for her recent appointment as a family law judge. Her work on the bench will offer the court the high level knowledge, experience and sensitivity required to safeguard the well-being of children.

I am well aware that the essential efforts of the courts can go unrecognized. But I maintain a very high regard for the courts because they regularly play a vital role in adoption and child protection. That is why I introduced the We Care Kids Act with Senator Mike DeWine of Ohio last year, and was proud when it was incorporated into the law earlier this year. This act now gives our local courts the necessary resources and training through Federal grants issued by the Department of Health and Human Services.

Dedicated judges like Mary Ellen Griffith will play a pivotal role in prompting adoptions and working to ensure that our most vulnerable children are safe, healthy and have a permanent home.•

MAYOR BOB O'CONNOR

• Mr. SANTORUM. Mr. President, today in sadness I acknowledge the passing of a fine man, a great Pennsylvanian, a life-long Pittsburgher, Robert E. O'Connor, Jr, mayor of Pittsburgh.

Bob O'Connor loved Pittsburgh. He was born in Pittsburgh, graduated from the city's Taylor Allderdice High School in 1962, and lived, with his wife Judy, in Squirrel Hill for 41 years. Like so many Pittsburgh sons, Bob began his working life in the steel mills, where he worked for 5 years before moving on, entering the family restaurant business. After 29 years in the private sector, Bob decided to enter the public square, and was elected to Pittsburgh's City Council in 1991.

In a testament to both his effectiveness as a city legislator and the professional manner in which he always conducted himself, Bob became City Council President 7 years after he first joined the Council. For 5 years, he served Pittsburgh as its highest ranking legislative official, resigning only when Pennsylvania Governor Ed Rendell tapped Bob to serve, as the face of his administration in the southwestern Pennsylvania. Two years later, in November of 2005, Bob was elected the 58th mayor of Pittsburgh.

There was much he sought to do as mayor, much he had planned for our proud city. Tragically, he never got the chance. Merely 7 months after he took office, Bob O'Connor was diagnosed with brain cancer. He immediately began to undergo aggressive treatment, working to get healthy enough to return to serving his city. Sadly, his illness progressed, and on September 1, Mayor O'Connor passed away.

Today, September 7, Mayor Bob O'Connor was laid to rest in Pittsburgh, the city he served for 15 years, the city he loved his whole life. I joined his family, his friends, and many others at his funeral service, paying our last respects to a man taken from us far too soon.

Robert E. O'Connor, Jr., survived by his wife, Judy, and three children, will be sorely missed. May God bless the entire O'Connor family during this difficult time.•

CONSTITUTION WEEK

• Mr. VITTER. Mr. President, today I wish to acknowledge the Fort Miro Chapter of the Daughters of the American Revolution in Monroe, LA. Beginning September 17 and ending September 23, this great organization will observe its annual Constitution Week. Today, I'd like to spend a few moments highlighting the importance of their efforts.

The Daughters of the American Revolution petitioned Congress in 1955 to set aside a week to celebrate the Constitution. Thanks to their petition, Congress through a joint resolution on August 2, 1956, requested that the president declare September 17 to 23 as Constitution Week.

This week sets out to emphasize citizens' responsibilities for protecting and defending the Constitution, inform people that the Constitution is the basis for America's great heritage, and encourage the study of the historical events surrounding its framing in September 1787.

This year on September 17 at 3:00 pm, this long-time chapter of the Daughters of the American Revolution will participate in ''Bells Across America'' to commemorate the signing of the Constitution and to recognize all citizens of the United States of America.

I applaud the Daughters of the American Revolution for their continued dedication to celebrating the importance of the Constitution through education and activism. Moreover, I commend the Fort Miro Chapter of the Daughters of the American Revolution in Monroe, LA, for doing this fine work on behalf of the State of Louisiana.•

MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Mr. Williams, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session the Presiding Officer laid before the Senate messages from the President of the United States submitting sundry nominations which were referred to the appropriate committees.

(The nominations received today are printed at the end of the Senate proceedings.)

MESSAGE FROM THE HOUSE

At 1:10 p.m., a message from the House of Representatives, delivered by Ms. Niland, one of its reading clerks, announced that the House has passed the following bill, without amendment:

S. 3534. An act to amend the Workforce Investment Act of 1998 to provide for a YouthBuild program.

The message also announced that the House has passed the following bills, in which it requests the concurrence of the Senate:

H.R. 2491. An act to amend the Solid Waste Disposal Act to authorize States to restrict receipt of foreign municipal solid waste and implement the Agreement Concerning the Transboundary Movement of Hazardous Waste between the United States and Canada, and for other purposes.

H.R. 2808. An act to require the Secretary of the Treasury to mint coins in commemoration of the bicentennial of the birth of Abraham Lincoln.

The message further announced that pursuant to 20 U.S.C. 2103(b), and the

order of the House of December 18, 2005, the Speaker on August 15, 2006, appointed the following individual from private life to the Board of Trustees of the American Folklife Center in the Library of Congress on the part of the House of Representatives for a term of 6 years: Mr. C. Kurt Dewhurst of Michigan.

MEASURES REFERRED

The following bill was read the first and the second times by unanimous consent, and referred as indicated:

H.R. 2491. An act to amend the Solid Waste Disposal Act to authorize States to restrict receipt of foreign municipal solid waste and implement the Agreement Concerning the Transboundary Movement of Hazardous Waste between the United States and Canada, and for other purposes; to the Committee on Environment and Public Works.

MEASURES READ THE FIRST TIME

The following bills were read the first time:

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

S. 3874. A bill to provide in statute for the conduct of electronic surveillance of suspected terrorists for the purposes of protecting the American people, the Nation, and its interests from terrorist attack while ensuring that the civil liberties of United States citizens are safeguarded, and for other purposes.

S. 3875. A bill to provide real national security, restore United States leadership, and implement tough and smart policies to win the war on terror, and for other purposes.

S. 3876. A bill entitled the National Security Surveillance Act.

S. 3877. A bill entitled the ''Foreign Intelligence Surveillance Improvement and Enhancement Act of 2006''.

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–8095. A communication from the Assistant Attorney General, Office of Legislative Affairs, Department of Justice, transmitting, a draft of proposed legislation addressing abatement of criminal convictions; to the Committee on the Judiciary.

EC–8096. A communication from the Assistant Secretary, Office of Legislative Affairs, Department of State, transmitting, pursuant to law, the report of a rule entitled ''Visas: Documentation of Nonimmigrants under the Immigration and Nationality Act, as Amended'' (22 CFR Part 41) received on September 5, 2006; to the Committee on the Judiciary.

EC–8097. A communication from the General Counsel, National Tropical Botanical Garden, transmitting, pursuant to law, a copy of the audit report for the Garden for the period from January 1, 2005 through December 31, 2005; to the Committee on the Judiciary.

EC–8098. A communication from the Deputy Assistant Administrator, Office of Diversion Control, Drug Enforcement Administration, Department of Justice, transmitting, pursuant to law, the report of a rule entitled ''Controlled Substances and List I Chemical Registration and Reregistration Application Fees'' (RIN1117–AA96) received on September 5, 2006; to the Committee on the Judiciary.

EC–8099. A communication from the Administrator, General Services Administration, transmitting, a report relative to prospectuses that support the Administration's fiscal year 2007 Capital Investment and Leasing Program; to the Committee on Homeland Security and Governmental Affairs.

EC–8100. A communication from the Administrator, General Services Administration, transmitting, pursuant to law, a report relative to the advantages and disadvantages of employing intermittent escalators in the United States; to the Committee on Homeland Security and Governmental Affairs.

EC–8101. A communication from the District of Columbia Auditor, transmitting, pursuant to law, the report entitled ''Letter Report: Comparative Analysis of Actual Cash Collections to the Revised Revenue Estimate Through the 2nd Quarter of Fiscal Year 2006''; to the Committee on Homeland Security and Governmental Affairs.

EC–8102. A communication from the Secretary of Housing and Urban Development, transmitting, pursuant to law, the Department's Annual Performance Plan for fiscal year 2007; to the Committee on Homeland Security and Governmental Affairs.

EC–8103. A communication from the District of Columbia Auditor, transmitting, pursuant to law, the report entitled ''Letter Report: Comparative Analysis of Actual Cash Collections to the Revised Revenue Estimate Through the 1st Quarter of Fiscal Year 2006''; to the Committee on Homeland Security and Governmental Affairs.

EC–8104. A communication from the Director, Office of General Counsel and Legal Policy, Office of Government Ethics, transmitting, pursuant to law, the report of a rule entitled ''Standards of Ethical Conduct for Employees of the Executive Branch; Amendments to Clarify the Coverages of Detailees to an Agency Under the Intergovernmental Personnel Act'' (RIN3209–AA04) received on August 24, 2006; to the Committee on Homeland Security and Governmental Affairs.

EC–8105. A communication from the Director, Division for Strategic Human Resources Policy, Office of Personnel Management, transmitting, pursuant to law, the report of a rule entitled ''Absence and Leave'' (RIN3206–AK61) received on August 24, 2006; to the Committee on Homeland Security and Governmental Affairs.

EC–8106. A communication from the Chairman, Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 16–473, ''Targeted Historic Preservation Assistance Amendment Act of 2006'' received on September 5, 2006; to the Committee on Homeland Security and Governmental Affairs.

EC–8107. A communication from the Chairman, Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 16–474, ''Emerging Technology Opportunity Development Task Force Act of 2006'' received on September 5, 2006; to the Committee on Homeland Security and Governmental Affairs.

EC–8108. A communication from the Chairman, Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 16–476, ''Fiscal Year 2007 Budget Support Act of 2006'' received on September 5, 2006; to the Committee on Homeland Security and Governmental Affairs.

EC–8109. A communication from the Chairman, Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 16–475, ''Technical Amendments Act of 2006'' received on September 5, 2006; to the Committee on Homeland Security and Governmental Affairs.

EC–8110. A communication from the Chief, Trade and Commercial Regulations Branch, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled ''Import Restrictions on Byzantine Ecclesiastical and Ritual Ethnological Material for Cyprus'' (RIN1505–AB72) received on September 5, 2006; to the Committee on Homeland Security and Governmental Affairs.

EC–8111. A communication from the Secretary, Postal Rate Commission, transmitting, pursuant to law, the report of a nomination to fill the vacant position of Commissioner; to the Committee on Homeland Security and Governmental Affairs.

EC–8112. A communication from the Director, Office of the General Counsel, Office of Personnel Management, transmitting, pursuant to law, the report of a rule entitled ''OPM Employee Responsibilities and Conduct'' (RIN3206–AJ74) received on September 5, 2006; to the Committee on Homeland Security and Governmental Affairs.

EC–8113. A communication from the Director, Office of the General Counsel, Office of Personnel Management, transmitting, pursuant to law, the report of a rule entitled ''Personnel Management in Agencies—Employee Surveys'' (RIN3206–AK77) received on September 5, 2006; to the Committee on Homeland Security and Governmental Affairs.

EC–8114. A communication from the Assistant Secretary, Office of Legislative Affairs, Department of State, transmitting, pursuant to law, the certification of a proposed license for the export of defense articles or defense services sold commercially under contract in the amount of $100,000,000 or more to Belgium; to the Committee on Foreign Relations.

EC–8115. A communication from the Assistant Secretary, Office of Legislative Affairs, Department of State, transmitting, pursuant to law, the certification of a proposed license for the export of defense articles or defense services sold commercially under contract in the amount of $100,000,000 or more to Norway and Spain; to the Committee on Foreign Relations.

EC–8116. A communication from the Assistant Administrator, Bureau for Legislative and Public Affairs, U.S. Agency for International Development, transmitting, pursuant to law, a report relative to human trafficking in post-conflict and humanitarian emergencies; to the Committee on Foreign Relations.

EC–8117. A communication from the Assistant Secretary, Office of Legislative Affairs, Department of State, transmitting, pursuant to law, a report relative to the extent and disposition of United States contributions to international organizations; to the Committee on Foreign Relations.

EC–8118. A communication from the Assistant Secretary, Office of Legislative Affairs, Department of State, transmitting, pursuant to law, a report relative to the President's determination with regard to a prohibition on military assistance; to the Committee on Foreign Relations.

EC–8119. A communication from the Assistant Administrator, Bureau for Legislative and Public Affairs, U.S. Agency for International Development, transmitting, pursuant to law, a report relative to requirements and benchmarks designed to reduce fraud, misuse, and abuse of government purchase cards; to the Committee on Foreign Relations.

EC–8120. A communication from the Assistant Secretary, Office of Legislative Affairs, Department of State, transmitting, pursuant to law, the certification of a proposed license for the export of major defense equipment sold commercially under contract in the amount of $14,000,000 or more to Saudi Arabia; to the Committee on Foreign Relations.

EC–8121. A communication from the Assistant Secretary, Office of Legislative Affairs, Department of State, transmitting, pursuant to law, proposed legislation to prevent and repress the misuse of the Red Crescent distinctive emblem and the Third Protocol distinctive emblem; to the Committee on Foreign Relations.

EC–8122. A communication from the Executive Secretary and Chief of Staff, U.S. Agency for International Development, transmitting, pursuant to law, the report of a nomination for the position of Deputy Administrator, received on September 5, 2006; to the Committee on Foreign Relations.

EC–8123. A communication from the Assistant Secretary, Office of Legislative Affairs, Department of State, transmitting, pursuant to law, the quarterly report of obligations and outlays for fiscal years 2004, 2005, and 2006 funds under the President's Emergency Plan for AIDS Relief through December 31, 2005; to the Committee on Foreign Relations.

EC–8124. A communication from the Assistant Legal Adviser for Treaty Affairs, Department of State, transmitting, pursuant to law, a report relative to international agreements other than treaties by the United States; to the Committee on Foreign Relations.

EC–8125. A communication from the Assistant Secretary, Office of Legislative Affairs, Department of State, transmitting, pursuant to law, a report containing descriptions of all programs or projects of the International Atomic Energy Agency in certain countries; to the Committee on Foreign Relations.

EC–8126. A communication from the Assistant Secretary, Office of Legislative Affairs, Department of State, transmitting, pursuant to law, reports relative to matters relating to post-liberation Iraq; to the Committee on Foreign Relations.

EC–8127. A communication from the Principal Deputy Associate Administrator, Office of Policy, Economics, and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Eucalyptus Oil; Exemption from the Requirement of a Tolerance'' (FRL No. 8089–7) received on September 6, 2006; to the Committee on Agriculture, Nutrition, and Forestry.

EC–8128. A communication from the Principal Deputy Associate Administrator, Office of Policy, Economics, and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Epoxiconazole; Pesticide Tolerance'' (FRL No. 8080–9) received on September 6, 2006; to the Committee on Agriculture, Nutrition, and Forestry.

EC–8129. A communication from the Principal Deputy Associate Administrator, Office of Policy, Economics, and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Bifenazate; Pesticide Tolerance'' (FRL No. 8090–1) received on September 5, 2006; to the Committee on Agriculture, Nutrition, and Forestry.

EC–8130. A communication from the Principal Deputy Associate Administrator, Office of Policy, Economics, and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Ethofumesate; Pesticide Tolerance'' (FRL No. 8086–2) received on September 5, 2006; to the Committee on Agriculture, Nutrition, and Forestry.

EC–8131. A communication from the Principal Deputy Associate Administrator, Office of Policy, Economics, and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''S-metolachlor; Pesticide Tolerance'' (FRL No. 8090–2) received on September 5, 2006; to the Committee on Agriculture, Nutrition, and Forestry.

EC–8132. A communication from the Principal Deputy Associate Administrator, Office of Policy, Economics, and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Benthiavalicarb-Isopropyl; Pesticide Tolerance'' (FRL No. 8084–6) received on September 5, 2006; to the Committee on Agriculture, Nutrition, and Forestry.

EC–8133. A communication from the Principal Deputy Associate Administrator, Office of Policy, Economics, and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Paraquat Dichloride'' (FRL No. 8089–3) received on September 5, 2006; to the Committee on Agriculture, Nutrition, and Forestry.

EC–8134. A communication from the Principal Deputy Associate Administrator, Office of Policy, Economics, and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Propoxycarbazone; Pesticide Tolerance'' (FRL No. 8091–4) received on September 5, 2006; to the Committee on Agriculture, Nutrition, and Forestry.

EC–8135. A communication from the Principal Deputy Associate Administrator, Office of Policy, Economics, and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Kresoxim-methyl; Pesticide Tolerance'' (FRL No. 8088–1) received on September 5, 2006; to the Committee on Agriculture, Nutrition, and Forestry.

EC–8136. A communication from the Principal Deputy Associate Administrator, Office of Policy, Economics, and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Fenpyroximate; Pesticide Tolerance'' (FRL No. 8087–6) received on September 5, 2006; to the Committee on Agriculture, Nutrition, and Forestry.

EC–8137. A communication from the Principal Deputy Associate Administrator, Office of Policy, Economics, and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Phosphorous Acid; Exemption from the Requirement of a Tolerance'' (FRL No. 8084–3) received on September 5, 2006; to the Committee on Agriculture, Nutrition, and Forestry.

EC–8138. A communication from the Principal Deputy Associate Administrator, Office of Policy, Economics, and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Quinoxyfen; Pesticide Tolerance'' (FRL No. 8088–8) received on September 5, 2006; to the Committee on Agriculture, Nutrition, and Forestry.

EC–8139. A communication from the Secretary of Agriculture, transmitting, the report of draft legislation to improve the Food Stamp Program by amending the Food Stamp Act of 1977 and the Social Security Act; to the Committee on Agriculture, Nutrition, and Forestry.

EC–8140. A communication from the Secretary of Agriculture, transmitting, the report of draft legislation to amend the Child Nutrition Act of 1966; to the Committee on Agriculture, Nutrition, and Forestry.

EC–8141. A communication from the Administrator, Food and Nutrition Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled ''State Administrative Expense Funds'' (RIN0584-AD53) received on September 5, 2006; to the Committee on Agriculture, Nutrition, and Forestry.

EC–8142. 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 Tomatoes from Certain Central American Countries'' (Docket No. APHIS-2006-0009) received on September 5, 2006; to the Committee on Agriculture, Nutrition, and Forestry.

EC–8143. 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 ''User Fees for Agricultural Quarantine and Inspection Services'' (Docket No. 04-042-2) received on September 5, 2006; to the Committee on Agriculture, Nutrition, and Forestry.

EC–8144. 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 ''Untreated Oranges, Tangerines, and Grapefruit from Mexico Transiting the United States to Foreign Countries'' (Docket No. 00-086-2) received on September 5, 2006; to the Committee on Agriculture, Nutrition, and Forestry.

EC–8145. 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 ''Interstate Movement of Garbage from Hawaii; Municipal Solid Waste'' (Docket No. 05-002-4) received on September 5, 2006; to the Committee on Agriculture, Nutrition, and Forestry.

EC–8146. 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 ''Agricultural Inspection and AQI User Fees Along the U.S./Canada Border'' (Docket No. APHIS-2006-0096) received on September 5, 2006; to the Committee on Agriculture, Nutrition, and Forestry.

EC–8147. A communication from the Director of the Regulatory Review Group, Commodity Credit Corporation, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled ''Cooperative Marketing Associations'' (RIN0560-AH42) received on September 5, 2006; to the Committee on Agriculture, Nutrition, and Forestry.

EC–8148. A communication from the Administrator of the Agricultural Marketing Service, Fruit and Vegetable Programs, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled ''Blueberry Promotion, Research, and Information Order; Amendment No. 2 to Change the Name of the U.S.A. Cultivated Blueberry Council and Increase Membership'' (Docket No. FV-03-701-FR) received on September 5, 2006; to the Committee on Agriculture, Nutrition, and Forestry.

EC–8149. A communication from the Administrator of the Agricultural Marketing Service, Fruit and Vegetable Programs, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled ''Apricots Grown in Designated Counties in Washington; Temporary Relaxation of the Minimum Grade Requirement'' (Docket No. FV06-922-2 IFR) received on September 5, 2006; to the Committee on Agriculture, Nutrition, and Forestry.

EC–8150. A communication from the Administrator of the Agricultural Marketing Service, Fruit and Vegetable Programs, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled ''Beef Promotion and Research Program: Amend the Order to Reduce Assessment Levels for Imported Beef and Beef Products'' (Docket No. LS-01-06 FR) received on September 5, 2006; to the Committee on Agriculture, Nutrition, and Forestry.

EC–8151. A communication from the Administrator, Cotton Programs, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled ''User Fees for 2006 Crop Cotton Classification Services to Growers'' ((RIN0581-AC58)(Docket No. CN-06-001)) received on September 5, 2006; to the Committee on Agriculture, Nutrition, and Forestry.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. SPECTER, from the Committee on the Judiciary, without amendment:

H.R. 866. A bill to make technical corrections to the United States Code.

H.R. 1442. A bill to complete the codification of title 46, United States Code, ''Shipping'', as positive law.

EXECUTIVE REPORTS OF COMMITTEES

The following executive reports of nominations were submitted:

By Mr. LUGAR for the Committee on Foreign Relations.

*Ronald A. Tschetter, of Minnesota, to be Director of the Peace Corps.

*John C. Rood, of Arizona, to be an Assistant Secretary of State (International Security and Non-Proliferation).

*Richard E. Hoagland, of the District of Columbia, a Career Member of the Senior Foreign Service, Class of Minister-Counselor, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Republic of Armenia.

Nominee: Richard Eugene Hoagland.

Post: Ambassador to Armenia.

(The following is a list of all members of my immediate family and their spouses. I have asked each of these persons to inform me of the pertinent contributions made by them. To the best of my knowledge, the information contained in this report is complete and accurate.)

Contributions, Amount, Date, and Donee:

1. Self, none.

2. Spouse, none.

3. Children and spouses, N/A.

4. Parents: Robert Hoagland, deceased; Thelma Hoagland, none.

5. Grandparents: Earl Hoagland, deceased; Nellie Hoagland, deceased. Charles Van Scoik, deceased; Faustina Van Scoik, deceased.

6. Brothers and spouses: Donald Hoagland, none; Helen Hoagland, none. David Hoagland, none; Kathy Hoagland, none. Daniel Hoagland, none; Karen Hoagland, none.

Sisters and spouses: Deborah Hoagland, none.

*Cesar Benito Cabrera, of Puerto Rico, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Republic of Mauritius, and to serve concurrently and without additional compensation as Ambassador Extraordinary and Plenipotentiary of the United States of America to the Republic of Seychelles.

Nominee: Cesar B. Cabrera

(The following is a list of all members of my immediate family and their spouses. I have asked each of these persons to inform me of the pertinent contributions made by them. To the best of my knowledge, the information contained in this report is complete and accurate.)

Contributions, Amount, Date, and Donee:

1. Self, $2,000, 11/5/03, Bush-Cheney '04 Inc.; $4,200, 9/2/05, Friends of George Allen; $1,000, 11/09/03, Pete's PAC; $2,000, 10/20/04, Martinez for Senate; $1,000, 9/10/04, Fortuño 2004, Inc.; $2,000, 9/15/04, Dan Burton for Congress; $250, 10/2/02, Weldon Victory Committee; $500, 9/18/02, Dan Burton for Congress; $1,500, 5/6/03, Dan Burton for Congress; $500, 4/29/02, Weldon Victory Committee; $250, 10/18/02, Weldon Victory Committee; $25,000, 9/9/04, RNC Presidential Trust; $15,000, 10/29/03, RNC Presidential Trust.

2. Spouse. $2,000, 11/5/03, Bush-Cheney '04 Inc.; $4,200, 9/2/05, Friends of George Allen; $2,000, 10/20/04, Martinez for Senate; $1,000, 9/10/04, Fortuño 2004, Inc.; 1,000, 10/11/02, Talent for U.S. Senate; $1,000, 10/11/02, Chamblis for U.S. Senate; $1,000, 10/11/02, Forrester for U.S. Senate; $1,500, 5/6/03, Dan Burton for Congress.

3. Children and spouses: Cristina Cabrera, $2,000, 12/5/03, Bush-Cheney '04 Inc.; $2,000, 3/7/04, Roberto Pratts for Congress. Jose L. Benitez, $2,000, 12/5/03, Bush-Cheney '04 Inc.; $2,000, 3/7/04, Roberto Pratts for Congress; $1,000, 12/2005, Bob Menendez for Congress.

4. Parents: Benito Cabrera, deceased; Teresa Morales, $2,000, 2/9/04, Bush-Cheney '04 Inc.; $1,000, 9/20/05, Friends of George Allen.

5. Grandparents: Jullio Cabrera, deceased; Gregoria Morales, deceased. Tomas Morales, deceased; Eufemia Morales, deceased.

6. Brothers and spouses: Leonardo Cabrera, none; Joan Gamble, none. Jorge Luis Cabrera: $2,000, 12/11/03, Bush-Cheney '04 Inc.; Mildred Camacho: none.

7. Sisters and spouses: none.

*Donald C. Johnson, of Texas, a Career Member of the Senior Foreign Service, Class of Minister-Counselor, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Republic of Equatorial Guinea.

Nominee: Donald Crandall Johnson.

Post: Equatorial Guinea.

(The following is a list of all members of my immediate family and their spouses. I have asked each of these persons to inform me of the pertinent contributions made by them. To the best of my knowledge, the information contained in this report is complete and accurate.)

Contribtutions, Amount, Date, and Donee:

1. Self, none.

2. Spouse: Nelda Sabillon Johnson, none.

3. Children and spouses: Robert E. Johnson, none; Stephen C. Johnson, none; Melodie Johnson, none.

4. Parents: Edson Johnson, Jr., $5, CY2005 Democratic Party, Senator Clinton; Sidney L Johnson, none.

5. Grandparents: Edson Johnson, deceased, none; Ethel Johnson, deceased, none; Hovey Crandall, deceased, none; Opal Brandt, deceased, none.

6. Brothers and Spouses: a. Robert C. Johnson, deceased, none. b. Thomas C. Johnson, none; Rosalinda Johnson, none. c. James C. Johnson, none; Julie Johnson, none. d. David C. Johnson, none; Bonfilia Johnson, none. e. Paul C. Johnson, none; Angie Johnson, none.

7. Sisters and Spouses: Melinda B. Johnson, none; A.H. Najmi, none.

*Cindy Lou Courville, of Virginia, to be Representative of the United States of America to the African Union, with the rank of Ambassador Extraordinary and Plenipotentiary.

Nominee: Cindy L. Courville.

Post: Ambassador to the African Union.

(The following is a list of all members of my immediate family and their spouses. I have asked each of these persons to inform me of the pertinent contributions made by them. To the best of my knowledge, the information contained in this report is complete and accurate.)

Contributions, Amount, Date, and Donee:

1. Self, none.

2. Spouse, not applicable.

3. Children and spouses: not applicable.

4. Parents: Earnest and Mar Courville, deceased.

5. Grandparents: Albert and Albertine Guidry, deceased; Sostain and Alice Courville, deceased.

6. Brothers and spouses: Earnest Ronald Courville/spouse, deceased.

7. Sisters and spouses: Mary Ann Norwood/Edward Norwood, none.

*Mary Martin Ourisman, of Florida, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to Barbados, and to serve concurrently and without additional compensation as Ambassador Extraordinary and Plenipotentiary of the United States of America to St. Kitts and Nevis, Saint Lucia, Antigua and Barbuda, the Commonwealth of Dominica, Grenada, and Saint Vincent and the Grenadines.

Nominee: Mary Martin Ourisman.

Post: Ambassador to Barbados.

(The following is a list of all members of my immediate family and their spouses. I have asked each of these persons to inform me of the pertinent contributions made by them. To the best of my knowledge, the information contained in this report is complete and accurate.)

Contributions, Amount, Date, and Donee:

(My husband and I have reviewed our personal records, and I have reviewed the records available through the FEC website regarding our contributions, and it is my belief that the list below is complete for federal contributions for the years 2002 through 2006.)

1. Self: 2006—$25,000, 1/11/2006, Republican National Committee.

2005—None.

2004—$25,000, 3/30/2004, Republican National Committee; $2,000, 10/20/2004, Bush-Cheney '04 Compliance Committee Inc.; $1,000, 8/16/2004, Fed Political Action Committee (aka Fed Pac); (It appears that the contributions individually listed below were distributed as part of a contribution to a joint fundraiser: $25,000, 9/22/2004, 2004 Joint Candidate Committee II; $25,000, 9/22/2004, 2004 Joint State Victory Committee); $575, 11/2/2004, Jon Porter for Congress; $4,017, 9/22/2004, Republican Party of Florida; $595, 10/6/2004, Maine Republican Party; $575, 10/22/2004, Louie Gohmert for Congress Committee; $575, 11/1/2004, Jim Gerlach for Congress Committee; $595, 10/6/2004, New Hampshire Republican State Committee; $575, 11/22/2004, Larry Diedrich for Congress; $575, 10/15/2004, Michael Fitzpatrick for Congress; $575, 9/22/2004, Kris Kobach for Congress; $1,487, 10/4/2004, Republican Party of Wisconsin; $817, 10/4/2004, Washington State Republican Party; $1,916, 11/1/2004, Thomas Coburn for Senate Committee; $1,916, 11/1/2004, Thomas Coburn for Senate Committee; $575, 10/15/2004, Jeff Fortenberry for Congress; $745, 10/7/2004, Nevada Republican State Central Committee; $3,125, 9/30/2004, Republican Federal Committee of Pennsylvania; $1,916, 10/31/2004, John Thune for U.S. Senate; $1,916, 9/22/2004, David Vitter for U.S. Senate; $575, 11/2/2004, Arlene Wohlgemuth for Congress; $1,638, 10/1/2004, Missouri Republican State Committee—Federal; $1,042, 10/5/2004, Oregon Republican Party; $575, 9/22/2004, Friends of Dave Reichert; $4,017, 9/22/2004, Republican Party of Florida; $575, 10/18/2004, Geoff Davis for Congress; $2,530, 10/4/2004, Michigan Republican Party; $575, 10/20/2004, Gregory Walcher for Congress; $575, 10/29/2004, Nancy Naples for Congress; $1,916, 11/2/2004, George Nethercutt for Senate; $575, 9/22/2004, Wilbert Tauzin for Congress; $575, 9/22/2004, Charles Boustany Jr MD for Congress Inc; $2,975, 10/4/2004, Ohio Republican Party; State Central & Exec. Comm.; $745, 10/4/2004, WV Republican State Exec Committee; $893, 10/4/2004, Arkansas Leadership Committee 2004 FCRC; $575, 9/22/2004, John Swallow for Congress

Inc.; $1,265, 10/1/2004, Republican Party of Minnesota; $575, 10/29/2004, Roy Ashburn for Congress Committee; $575, 9/22/2004, LA 07 Congressional Victory Comm. (Charles Boustany); $575, 9/22/2004, Rick Renzi for Congress; $575, 9/22/2004, LA 03 Congressional Victory Comm. (Wilbert Tauzin).

2003—$1,000, 5/5/2003, Friends of Mark Foley.

2002—None.

2. Spouse: Mandell J. Ourisman, 2006—$25,000, 1/11/2006, Republican National Committee.

2005—$1,000, 5/12/2005, Friends of George Allen; $2,100, 10/24/2005, Friends of Roy Blunt; $1,000, 8/24/2005, Friends of George Allen.

2004—$2,000, 5/12/2004, John Thune for U.S. Senate; $25,000, 2/26/2004, National Republican Senatorial Committee; $2,000, 10/20/2004, Bush-Cheney '04 Compliance Committee Inc.; $7,500, 9/22/2004, Republican National Committee; $30,000,[1] 9/22/2004, 2004 Joint Candidate Committee II; $800, 11/22/2004, Larry Diedrich for Congress; $800, 11/1/2004, Jim Gerlach for Congress Committee; $800, 10/22/2004, Louie Gohmert for Congress Committee; $800, 10/15/2004, Michael Fitzpatrick for Congress; $800, 11/2/2004, Jon Porter for Congress; $2,000, 11/1/2004, Thomas Coburn for Senate Committee; $800, 10/15/2004, Jeff Fortenberry for Congress; $800, 9/22/2004, Kris Kobach for Congress; $800, 9/22/2004, Friends of Dave Reichert; $2,000, 9/22/2004, David Vitter for U.S. Senate; $800, 9/22/2004, Gregory Walcher for Congress; $800, 11/2/2004 , Arlene Wohlgemuth for Congress; $800, 10/18/2004, Geoff Davis for Congress; $800, 9/22/2004, Charles Boustany Jr., MD for Congress Inc.; $800, 9/22/2004, Wilbert Tauzin for Congress; $800, 9/22/2004, John Swallow for Congress Inc.; $800, 10/29/2004, Roy Ashburn Congress Committee; $800, 9/22/2004, LA 07 Congressional Victory Comm. (Charles Boustany); $800, 9/22/2004, Rick Renzi for Congress; $800, 9/22/2004, LA 03 Congressional Victory Comm. (Wilbert Tauzin).

2003—$25,000, 4/16/2003, Republican National Committee.

2002—$25,000, 7/25/2002, RNC Republican National State Elections Committee; $1,000, 10/14/2002, Elizabeth Dole Committee Inc.; $10,000, 5/20/2002, National Republican Senatorial Committee; $200, 10/7/2002, Connie Morella for Congress Committee; $500, 3/4/2002, Larry Pressler for Congress.

3. Children and spouses: Colbert Martin Johnson, none; Jennifer Schull Johnson, none.

4. Parents: My parents, Aleen and Herbert Martin, are deceased.

5. Grandparents: All four of my grandparents, John William Martin, Frances Ann (Basden) Martin, Ernest Lynwood Hardin, and Mary (Bell) Hardin are deceased.

6. Brothers and spouses: My brother, John H. Martin, is deceased.

7. Sisters and spouses: Judith Aleen Bowden, none; Edward Jay Bowden, none.

By Mr. SPECTER for the Committee on the Judiciary.

George E.B. Holding, of North Carolina, to be United States Attorney for the Eastern District of North Carolina for the term of four years.

*Nomination was reported with recommendation that it be confirmed subject to the nominee's commitment to respond to requests to appear and testify before any duly constituted committee of the Senate.

(Nominations without an asterisk were reported with the recommendation that they be confirmed.)

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

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

By Mr. TALENT:

S. 3862. A bill to amend the Animal Health Protection Act to prohibit the Secretary of Agriculture from implementing or carrying out a National Animal Identification System or similar requirement, to prohibit the use of Federal funds to carry out such a requirement, and to require the Secretary to protect information obtained as part of any voluntary animal identification system; to the Committee on Agriculture, Nutrition, and Forestry.

By Mr. AKAKA (for himself, Mr. LAUTENBERG, Ms. STABENOW, and Mr. OBAMA):

S. 3863. A bill to amend part A of title IV of the Social Security Act to require a State to promote economic and financial education under the Temporary Assistance for Needy Families (TANF) Program and to allow economic and financial education to count as work activity under that program; to the Committee on Finance.

By Mr. MARTINEZ (for himself and Mr. CORNYN):

S. 3864. A bill to amend part A of title I of the Elementary and Secondary Education Act of 1965 to improve supplemental educational services, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

By Mr. BAUCUS:

S. 3865. A bill to provide incentive for employers to hire service-connected disabled veterans and to improve adjustment assistance and job-training transition for injured and disabled veterans, and for other purposes; to the Committee on Finance.

By Mr. AKAKA (for himself, Mr. LAUTENBERG, Ms. STABENOW, Mr. SARBANES, and Mr. BAUCUS):

S. 3866. A bill to establish a grant program to enhance the economic and financial literacy of midlife and older Americans so as to enhance their retirement security and to reduce financial abuse and fraud among such Americans, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

By Mr. BOND (for himself and Mr. TALENT):

S. 3867. A bill to designate the Federal courthouse located at 555 Independence Street, Cape Girardeau, Missouri, as the "Rush H. Limbaugh, Sr., Federal Courthouse"; to the Committee on Environment and Public Works.

By Mr. INHOFE:

S. 3868. A bill to amend the Clean Air Act to encourage the most polluted areas in the United States to attain clean air standards; to the Committee on Environment and Public Works.

By Mrs. CLINTON:

S. 3869. A bill to improve the quality of, and access to, supplemental educational services in effort to increase student achievement; to the Committee on Health, Education, Labor, and Pensions.

By Mr. BROWNBACK:

S. 3870. A bill to hold the current regime in Iran accountable for its human rights record and to support a transition to democracy in Iran; to the Committee on Foreign Relations.

By Mr. THUNE (for himself and Mr. JEFFORDS):

S. 3871. A bill to amend the Solid Waste Disposal Act to direct the Administrator of the Environmental Protection Agency to establish a hazardous waste electronic manifest system; to the Committee on Environment and Public Works.

By Mr. LAUTENBERG (for himself, Mrs. CLINTON, Mr. HARKIN, Mr. MENENDEZ, Mr. REED, Mr. DURBIN, Mr. KENNEDY, and Mr. LEAHY):

S. 3872. A bill to prohibit cigarette manufacturers from making claims regarding tar or nicotine yield levels of cigarettes, and for other purposes; to the Committee on Commerce, Science, and Transportation.

By Mr. INHOFE:

S. 3873. A bill to protect private property rights; read the first time.

By Mr. DEWINE:

S. 3874. A bill to provide in statute for the conduct of electronic surveillance of suspected terrorists for the purposes of protecting the American people, the Nation, and its interests from terrorist attack while ensuring that the civil liberties of United States citizens are safeguarded, and for other purposes; read the first time.

By Mr. REID (for himself and Mr. DURBIN):

S. 3875. A bill to provide real national security, restore United States leadership, and implement tough and smart policies to win the war on terror, and for other purposes; read the first time.

By Mr. SPECTER:

S. 3876. A bill entitled the National Security Surveillance Act; read the first time.

By Mrs. FEINSTEIN:

S. 3877. A bill entitled the "Foreign Intelligence Surveillance Improvement and Enhancement Act of 2006"; read the first time.

By Mr. ALLEN (for himself and Mr. MENENDEZ):

S. 3878. A bill to provide compensation for United States citizens taken hostage by terrorists or State sponsors of terrorism; to the Committee on Foreign Relations.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

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

By Mr. BIDEN (for himself, Mr. DEWINE, Mr. LUGAR, Mr. KERRY, Mrs. CLINTON, Ms. CANTWELL, Mr. DODD, Mr. NELSON of Florida, Mr. LEVIN, Mr. FEINGOLD, Mr. DURBIN, Mrs. BOXER, Mr. VOINOVICH, Mr. SPECTER, Mr. CHAFEE, Mr. SUNUNU, Mr. MCCAIN, Mr. BROWNBACK, Mr. COLEMAN, Mr. LIEBERMAN, Mr. SALAZAR, Mr. SCHUMER, Mr. LEAHY, Mrs. MURRAY, Mr. INOUYE, Mr. HAGEL, Mr. FRIST, and Mr. SMITH):

S. Res. 559. A resolution calling on the President to take immediate steps to help stop the violence in Darfur; to the Committee on Foreign Relations.

By Mr. COLEMAN (for himself, Mr. ALLEN, Mr. BAYH, Mr. BROWNBACK, Mr. CARPER, Mr. CHAFEE, Mr. COCHRAN, Ms. COLLINS, Mr. CORNYN, Mrs. FEINSTEIN, Mr. GRAHAM, Mr. HATCH, Mr. ISAKSON, Mr. JOHNSON, Mr. KERRY, Mr. LIEBERMAN, Mrs. LINCOLN, Mr. MENENDEZ, Ms. MIKULSKI, Ms. MURKOWSKI, Mrs. MURRAY, Mr. REED, Mr. SALAZAR, Mr. SANTORUM, Mr. SARBANES, Mr. SCHUMER, Ms. STABENOW, Mr. TALENT, and Mr. VOINOVICH):

S. Res. 560. A resolution supporting efforts to increase childhood cancer awareness, treatment, and research; considered and agreed to.

By Mr. REID (for himself, Mrs. LINCOLN, Mr. FRIST, Mr. BURNS, Mr. BYRD, Mr. SALAZAR, Mr. SCHUMER, Mrs. CLINTON, Mr. PRYOR, Mr. BAUCUS, Mr. LIEBERMAN, Mrs. BOXER, Mr. BINGAMAN, Mr. DORGAN, Mr. NELSON of Florida, Mr. DAYTON, and Mr. DURBIN):

S. Res. 561. A resolution designating the month of September 2006, as ''Rural America Month''; considered and agreed to.

ADDITIONAL COSPONSORS

S. 1062

At the request of Mr. KENNEDY, the name of the Senator from Wisconsin (Mr. KOHL) was added as a cosponsor of S. 1062, a bill to amend the Fair Labor Standards Act of 1938 to provide for an increase in the Federal minimum wage.

S. 1537

At the request of Mr. AKAKA, the name of the Senator from Minnesota (Mr. DAYTON) was added as a cosponsor of S. 1537, a bill to amend title 38, United States Code, to provide for the establishment of Parkinson's Disease Research Education and Clinical Centers in the Veterans Health Administration of the Department of Veterans Affairs and Multiple Sclerosis Centers of Excellence.

S. 1840

At the request of Mr. THUNE, the name of the Senator from South Dakota (Mr. JOHNSON) was added as a cosponsor of S. 1840, a bill to amend section 340B of the Public Health Service Act to increase the affordability of inpatient drugs for Medicaid and safety net hospitals.

S. 1948

At the request of Mr. MENENDEZ, his name was added as a cosponsor of S. 1948, a bill to direct the Secretary of Transportation to issue regulations to reduce the incidence of child injury and death occurring inside or outside of passenger motor vehicles, and for other purposes.

S. 1998

At the request of Mr. CONRAD, the name of the Senator from New Jersey (Mr. MENENDEZ) was added as a cosponsor of S. 1998, a bill to amend title 18, United States Code, to enhance protections relating to the reputation and meaning of the Medal of Honor and other military decorations and awards, and for other purposes.

S. 2250

At the request of Mr. GRASSLEY, the names of the Senator from Nebraska (Mr. NELSON), the Senator from New Jersey (Mr. LAUTENBERG), the Senator from Vermont (Mr. LEAHY) and the Senator from New Jersey (Mr. MENENDEZ) were added as cosponsors of S. 2250, a bill to award a congressional gold medal to Dr. Norman E. Borlaug.

S. 2590

At the request of Mr. NELSON of Florida, his name was added as a cosponsor of S. 2590, a bill to require full disclosure of all entities and organizations receiving Federal funds.

At the request of Mr. COBURN, the names of the Senator from Washington (Ms. CANTWELL), the Senator from Idaho (Mr. CRAIG) and the Senator from North Carolina (Mrs. DOLE) were added as cosponsors of S. 2590, supra.

S. 2599

At the request of Mr. VITTER, the name of the Senator from Kansas (Mr. ROBERTS) was added as a cosponsor of S. 2599, a bill to amend the Robert T. Stafford Disaster Relief and Emergency Assistance Act to prohibit the confiscation of firearms during certain national emergencies.

S. 2642

At the request of Mrs. FEINSTEIN, the name of the Senator from Connecticut (Mr. LIEBERMAN) was added as a cosponsor of S. 2642, a bill to amend the Commodity Exchange Act to add a provision relating to reporting and recordkeeping for positions involving energy commodities.

S. 2990

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

S. 3681

At the request of Mr. DOMENICI, the name of the Senator from Minnesota (Mr. COLEMAN) was added as a cosponsor of S. 3681, a bill to amend the Comprehensive Environmental Response Compensation and Liability Act of 1980 to provide that manure shall not be considered to be a hazardous substance, pollutant, or contaminant.

S. 3695

At the request of Mr. ROCKEFELLER, the name of the Senator from Wisconsin (Mr. KOHL) was added as a cosponsor of S. 3695, a bill to amend the Federal Food, Drug, and Cosmetic Act to prohibit the marketing of authorized generic drugs.

S. 3739

At the request of Mr. COLEMAN, the name of the Senator from Minnesota (Mr. DAYTON) was added as a cosponsor of S. 3739, a bill to establish a Consortium on the Impact of Technology in Aging Health Services.

S. 3747

At the request of Mr. ROCKEFELLER, the names of the Senator from New Jersey (Mr. MENENDEZ) and the Senator from New Jersey (Mr. LAUTENBERG) were added as cosponsors of S. 3747, a bill to amend title XVIII of the Social Security Act and the Employee Retirement Income Security Act of 1974 to provide access to Medicare benefits for individuals ages 55 to 65, to amend the Internal Revenue Code of 1986 to allow a refundable and advanceable credit against income tax for payment of such premiums, and for other purposes.

S. 3788

At the request of Mr. BROWNBACK, the name of the Senator from Florida (Mr. MARTINEZ) was added as a cosponsor of S. 3788, a bill to clarify Federal law to prohibit the dispensing, distribution, or administration of a controlled substance for the purpose of causing, or assisting in causing, the suicide, euthanasia, or mercy killing of any individual.

S. 3795

At the request of Mr. SMITH, the name of the Senator from New Mexico (Mr. DOMENICI) was added as a cosponsor of S. 3795, a bill to amend title XVIII of the Social Security Act to provide for a two-year moratorium on certain Medicare physician payment reductions for imaging services.

S. 3801

At the request of Mr. SMITH, the name of the Senator from Connecticut (Mr. LIEBERMAN) was added as a cosponsor of S. 3801, a bill to support the implementation of the Darfur Peace Agreement and to protect the lives and address the humanitarian needs of the people of Darfur, and for other purposes.

S. 3827

At the request of Mrs. LINCOLN, the name of the Senator from Arkansas (Mr. PRYOR) was added as a cosponsor of S. 3827, a bill to amend the Internal Revenue Code of 1986 to extend and expand the benefits for businesses operating in empowerment zones, enterprise communities, or renewal communities, and for other purposes.

S. 3828

At the request of Mr. INHOFE, the name of the Senator from Wyoming (Mr. ENZI) was added as a cosponsor of S. 3828, a bill to amend title 4, United States Code, to declare English as the official language of the Government of the United States, and for other purposes.

S. 3837

At the request of Mr. AKAKA, the names of the Senator from Nebraska (Mr. NELSON) and the Senator from Arkansas (Mrs. LINCOLN) were added as cosponsors of S. 3837, a bill to authorize the establishment of the Henry Kuualoha Giugni Kupuna Memorial Archives at the University of Hawaii.

S. 3848

At the request of Mr. KYL, the name of the Senator from Pennsylvania (Mr. SANTORUM) was added as a cosponsor of S. 3848, a bill to amend title 18, United States Code, to support the war on terrorism, and for other purposes.

S. 3855

At the request of Mr. CONRAD, the names of the Senator from Nebraska (Mr. HAGEL) and the Senator from Arkansas (Mr. PRYOR) were added as cosponsors of S. 3855, a bill to provide emergency agricultural disaster assistance, and for other purposes.

S. CON. RES. 94

At the request of Mr. COCHRAN, the name of the Senator from Texas (Mr. CORNYN) was added as a cosponsor of S. Con. Res. 94, a concurrent resolution expressing the sense of Congress that the needs of children and youth affected or displaced by disasters are unique and should be given special consideration in planning, responding, and recovering from such disasters in the United States.

S. CON. RES. 106

At the request of Mr. JOHNSON, the name of the Senator from Maryland

(Ms. MIKULSKI) was added as a cosponsor of S. Con. Res. 106, a concurrent resolution expressing the sense of Congress regarding high level visits to the United States by democratically elected officials of Taiwan.

S. CON. RES. 110

At the request of Mr. DEWINE, the name of the Senator from Iowa (Mr. HARKIN) was added as a cosponsor of S. Con. Res. 110, a concurrent resolution commemorating the 60th anniversary of the historic 1946 season of Major League Baseball Hall of Fame member Bob Feller and his return from military service to the United States.

AMENDMENT NO. 4194

At the request of Mr. CARPER, the name of the Senator from North Dakota (Mr. CONRAD) was added as a cosponsor of amendment No. 4194 intended to be proposed to H.R. 8, a bill to make the repeal of the estate tax permanent.

AMENDMENT NO. 4857

At the request of Mr. KENNEDY, the names of the Senator from Maryland (Mr. SARBANES), the Senator from Maryland (Ms. MIKULSKI), the Senator from New Mexico (Mr. BINGAMAN) and the Senator from Connecticut (Mr. LIEBERMAN) were added as cosponsors of amendment No. 4857 proposed to H.R. 5631, a bill making appropriations for the Department of Defense for the fiscal year ending September 30, 2007, and for other purposes.

AMENDMENT NO. 4897

At the request of Mr. SCHUMER, the name of the Senator from California (Mrs. FEINSTEIN) was added as a cosponsor of amendment No. 4897 proposed to H.R. 5631, a bill making appropriations for the Department of Defense for the fiscal year ending September 30, 2007, and for other purposes.

AMENDMENT NO. 4904

At the request of Mr. BIDEN, his name was added as a cosponsor of amendment No. 4904 proposed to H.R. 5631, a bill making appropriations for the Department of Defense for the fiscal year ending September 30, 2007, and for other purposes.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

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

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

Mr. FRIST. I ask unanimous consent that the text of the bill be printed in the RECORD.

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

S. 3861

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 ''Bringing Terrorists to Justice Act of 2006''.

SEC. 2. FINDINGS.

Congress makes the following findings:

(1) For more than 10 years, the al Qaeda terrorist organization has waged an unlawful war of violence and terror against the United States and its allies. Al Qaeda was involved in the bombing of the World Trade Center in New York City in 1993, the bombing of the United States Embassies in Kenya and Tanzania in 1998, and the attack on the U.S.S. Cole in Yemen in 2000. On September 11, 2001, al Qaeda launched the most deadly foreign attack on United States soil in history. Nineteen al Qaeda operatives hijacked four commercial aircraft and piloted them into the World Trade Center Towers in New York City and the headquarters of the United States Department of Defense at the Pentagon, and downed United Airlines Flight 93. The attack destroyed the Towers, severely damaged the Pentagon, and resulted in the deaths of approximately 3,000 innocent people.

(2) Following the attacks on the United States on September 11th, Congress recognized the existing hostilities with al Qaeda and affiliated terrorist organizations and, by the Authorization for the Use of Military Force Joint Resolution (Public Law 107–40), recognized that ''the President has authority under the Constitution to take action to deter and prevent acts of international terrorism against the United States'' and authorized the President ''to use all necessary and appropriate force against those nations, organizations, or persons he determines planned, authorized, committed, or aided the terrorist attacks that occurred on September 11, 2001 . . . in order to prevent any future acts of international terrorism against the United States by such nations, organizations or persons.''

(3) The President's authority to convene military commissions arises from the Constitution's vesting in the President of the executive power and the power of Commander in Chief of the Armed Forces. As the Supreme Court of the United States recognized in Madsen v. Kinsella, 343 U.S. 341, 346–48 (1952), ''[s]ince our nation's earliest days, such commissions have been constitutionally recognized agencies for meeting many urgent governmental responsibilities related to war. . . . They have taken many forms and borne many names. Neither their procedure nor their jurisdiction has been prescribed by statute. It has been adapted in each instance to the need that called it forth.''

(4) In exercising the authority vested in the President by the Constitution and laws of the United States, including the Authorization for Use of Military Force Joint Resolution, and in accordance with the law of war, the President has detained enemy combatants in the course of this armed conflict and issued the Military Order of November 13, 2001, to govern the ''Detention, Treatment, and Trial of Certain Non-Citizens in the War Against Terrorism.'' This Order authorized the Secretary of Defense to establish military commissions to try individuals subject to the Order for any offenses triable by military commission that such individuals are alleged to have committed.

(5) The Supreme Court in *Hamdan v. Rumsfeld*, 126 S. Ct. 2749 (2006), held that the military commissions established by the Department of Defense under the President's Military Order of November 13, 2001, were not consistent with certain aspects of United States domestic law. The Congress may by law, and does by enactment of this statute, eliminate any deficiency of statutory authority to facilitate bringing terrorists with whom the United States is engaged in armed conflict to justice for violations of the law of war and other offenses triable by military commissions. The prosecution of such individuals by military commissions established and conducted consistent with this Act fully complies with the Constitution, the laws of the United States, treaties to which the United States is a party, and the law of war.

(6) The use of military commissions is particularly important in this context because other alternatives, such as the use of courts-martial, generally are impracticable. The terrorists with whom the United States is engaged in armed conflict have demonstrated a commitment to the destruction of the United States and its people, to the violation of the law of war, and to the abuse of American legal processes. In a time of ongoing armed conflict, it generally is neither practicable nor appropriate for combatants like al Qaeda terrorists to be tried before tribunals that include all of the procedures associated with courts-martial.

(7) Many procedures for courts-martial would not be practicable in trying the unlawful enemy combatants for whom this Act provides for trial by military commission. For instance, court martial proceedings would in certain circumstances—

(A) compel the Government to share classified information with the accused, even though members of al Qaeda cannot be trusted with our Nation's secrets and it would not be consistent with the national security of the United States to provide them with access to classified information;

(B) exclude the use of hearsay evidence even though such evidence often will be the best and most reliable evidence that the accused has committed a war crime. For example, many witnesses in military commission trials are likely to be foreign nationals who are not amenable to process or may be precluded for national security reasons from entering the United States or Guantanamo Bay to testify. Other witnesses may be unavailable because of military necessity, incarceration, injury, or death. In short, applying the hearsay rules from the Manual for Courts-Martial or from the Federal Rules of Evidence would make it virtually impossible to bring terrorists to justice for their violations of the law of war;

(C) specify speedy trials and technical rules for sworn and authenticated statements when, due to the exigencies of wartime, the United States cannot safely require members of the armed forces to gather evidence on the battlefield, including civilian eyewitness testimony, as though they were police officers. Nor can the United States divert members from the front lines and their duty stations to attend military commission proceedings. Therefore, strict compliance with such rules for evidence gathered on the battlefield would be impracticable, given the preeminent focus on military operations and the chaotic nature of combat.

(8) The exclusive judicial review for which this Act, and the Detainee Treatment Act of 2005, provides is without precedent in the history of armed conflicts involving the United States, exceeds the scope of judicial review historically provided for by military commissions, and is channeled in a manner appropriately tailored to—

(A) the circumstances of the conflicts between the United States and international terrorist organizations; and

(B) the need to ensure fair treatment of those detained as enemy combatants, to minimize the diversion of members of the armed forces from other wartime duties, and to protect the national security of the United States.

(9) In early 2002, as memorialized in a memorandum dated February 7, 2002, the President determined that common Article 3 of the Geneva Conventions did not apply

with respect to the United States conflict with al Qaeda because al Qaeda was not a party to those treaties and the conflict with al Qaeda was an armed conflict of an international character. That was the interpretation of the United States prior to the Supreme Court's decision in Hamdan on June 29, 2006. Hamdan's statement to the contrary makes it appropriate to clarify the standards imposed by common Article 3. This Act makes clear that the prohibitions against cruel, inhuman, and degrading treatment found in the Detainee Treatment Act of 2005 fully satisfy the obligations of the United States with respect to the standards for detention and treatment established by section 1 of common Article 3, except for those obligations arising under paragraphs (b) and (d). In addition, the Act makes clear that the Geneva Conventions are not a source of judicially enforceable individual rights, thereby reaffirming that enforcement of the obligations imposed by the Conventions is a matter between the nations that are parties to them.

SEC. 3. AUTHORIZATION FOR MILITARY COMMISSIONS.

(a) IN GENERAL.—The President is authorized to establish military commissions for violations of the law of war and other offenses triable by military commissions as provided in section 4 of this Act (chapter 47A of title 10).

(b) CONSTRUCTION.—The authority granted in subsection (a) shall not be construed to limit the authority of the President under the Constitution of the United States or the laws thereof to establish military commissions on the battlefield, in occupied territories, or in other armed conflicts should circumstances so require.

(c) SCOPE OF PUNISHMENT AUTHORITY.—A military commission established pursuant to subsection (a) shall have authority to impose upon any person found guilty after a proceeding under this Act a sentence that is appropriate to the offense or offenses for which there was a finding of guilt, which sentence may include death where authorized by this Act, imprisonment for life or a term of years, payment of a fine or restitution, or such other lawful punishment or condition of punishment as the commission shall determine to be proper.

(d) EXECUTION OF PUNISHMENT.—The Secretary of Defense shall be authorized to carry out a sentence of punishment decreed by a military commission pursuant to subsection (a) in accordance with such procedures as the Secretary may prescribe.

(e) ANNUAL REPORT ON TRIALS BY MILITARY COMMISSION.—

(1) ANNUAL REPORT REQUIRED.—Not later than December 31 each year, the Secretary of Defense shall submit to the Armed Services Committees of the House of Representatives and the Senate an annual report on the conduct of trials by military commissions established pursuant to sub-section (a) during such year.

(2) FORM.—Each such report shall be submitted in unclassified form, with classified annex, if necessary and consistent with national security.

SEC. 4. MILITRY COMMISSIONS

(a) MILITARY COMMISSIONS.—

(1) IN GENERAL.—Subtitle A of title 10, United States Code, is amended by inserting after chapter 47 the following new chapter:

"CHAPTER 47A—MILITARY COMMISSIONS

''SUBCHAPTER I—GENERAL PROVISIONS

''Sec.

''948a. Definitions.

''948b. Military commissions generally.

''948c. Persons subject to military commissions.

''948d. Jurisdiction of military commissions.

"§ 948a. Definitions

''In this chapter:

''(1) ALIEN.—The term 'alien' means an individual who is not a citizen of the United States.

''(2) CLASSIFIED INFORMATION.—The term 'classified information' means the following—

''(A) Any information or material that has been determined by the United States Government pursuant to statute, Executive order, or regulation to require protection against unauthorized disclosure for reasons of national security.

''(B) Any restricted data, as that term is defined in section 11 y. of the Atomic Energy Act of 1954 (42 U.S.C. 2014(y)).

''(3) COMMISSION.—The term 'commission' means a military commission established pursuant to chapter 47A of title 10, United States Code.

''(4) CONVENING AUTHORITY.—The term 'convening authority' shall be the Secretary of Defense or his designee.

''(5) LAWFUL ENEMY COMBATANT.—The term 'lawful enemy combatant' means an individual determined by or under the authority of the President or Secretary of Defense (whether on an individualized or collective basis) to be: (i) a member of the regular forces of a State party engaged in hostilities against the United States or its co-belligerents; (ii) a member of a militia, volunteer corps, or organized resistance movement belonging to a State party engaged in such hostilities, which are under responsible command, wear a fixed distinctive sign recognizable at a distance, carry their arms openly, and abide by the law of war; or (iii) a member of a regular armed forces who professes allegiance to a government engaged in such hostilities, but not recognized by the United States.

''(6) SECRETARY.—The term 'Secretary' means the Secretary of Defense.

''(7) UNLAWFUL ENEMY COMBATANT.—The term 'unlawful enemy combatant' means an individual determined by or under the authority of the President or the Secretary of Defense—

''(A) to be part of or affiliated with a force or organization—including but not limited to al Qaeda, the Taliban, any international terrorist organization, or associated forces—engaged in hostilities against the United States or its co-belligerents; in violation of the law of war;

''(B) to have committed a hostile act in aid of such a force or organization so engaged; or

''(C) to have supported hostilities in aid of such a force or organization so engaged.

''This definition includes any individual determined by a Combatant Status Review Tribunal, before the effective date of this Act, to have been properly detained as an enemy combatant, but excludes any alien determined by the President or the Secretary of Defense (whether on an individualized or collective basis), or by any competent tribunal established under their authority, to be (i) a lawful enemy combatant (including a prisoner of war), or (ii) a protected person whose trial by these military commissions would be inconsistent with Articles 64–76 of the Geneva Convention Relative to the Protection of Civilian Persons in Time of War of August 12, 1949. For purposes of this section, the term ''protected person'' refers to the category of persons described in Article 4 of the Geneva Convention Relative to the Protection of Civilian Persons in Time of War of August 12, 1949.

''(6) GENEVA CONVENTIONS.—The term 'Geneva Conventions' means the international conventions signed at Geneva on August 12, 1949, including common Article 3.

"§ 948b. Military commissions generally

''(a) PURPOSE.—This chapter codifies and establishes procedures governing the use of military commissions to try unlawful enemy combatants for violations of the law of war and other offenses triable by military commissions. Although military commissions traditionally have been constituted by order of the President, the decision of the Supreme Court in *Hamdan v. Rumsfeld* makes it both necessary and appropriate to codify procedures for military commissions as set forth herein.

''(b) RULE OF CONSTRUCTION.—The procedures for military commissions set forth in this chapter are modeled after the procedures established for courts-martial in the Uniform Code of Military Justice. However, it would be neither desirable nor practicable to try unlawful enemy combatants by court-martial procedures. The trial of such persons by military commission presents new challenges that require that interpretations of this Act not be unduly influenced by the rules and procedures developed for courts-martial. Therefore, no construction or application of chapter 47 of this title shall be binding in the construction or application of this chapter.

''(c) Alien unlawful enemy combatants may be tried for violations of the law of war and other offenses triable by military commissions committed against the United States or its co-belligerents before, on, or after September 11, 2001.

''(d) A military commission established under this chapter is a regularly constituted court, affording all the necessary 'judicial guarantees which are recognized as indispensable by civilized peoples' for purposes of common Article 3 of the Geneva Conventions.

"§ 948c. Persons subject to military commissions

''Alien unlawful enemy combatants, as defined in section 948a of this title, shall be subject to trial by military commissions as set forth in this chapter.

"§ 948d. Jurisdiction of military commissions

''(a) Military commissions shall have jurisdiction to try any offense made punishable under this chapter, when committed by an alien unlawful enemy combatant. Military commissions shall not have jurisdiction over lawful enemy combatants. Lawful enemy combatants who violate the law of war are subject to chapter 47 of Title 10, United States Code. Courts-martial established under chapter 47 shall have jurisdiction to try a lawful enemy combatant for any offense made punishable under this chapter.

''(b) Military commissions shall not have jurisdiction over any individual determined by the President or the Secretary of Defense (whether on an individualized or collective basis), or by any competent tribunal established under their authority, to be a ''protected person'' whose trial by these military commissions would be inconsistent with Articles 64–76 of the Geneva Convention Relative to the Protection of Civilian Persons in Time of War of August 12, 1949. Such persons shall be tried in courts-martial or other tribunals consistent with their status under the Geneva Conventions. For purposes of this section, the term ''protected person'' refers to the category of persons described in Article 4 of the Geneva Convention Relative to the Protected of Civilian Persons in Time of War of August 12, 1949.

''(c) Military commissions may, under such limitations as the Secretary of Defense may prescribe, adjudge any punishment not forbidden by this chapter, including the penalty of death where authorized by this chapter.

''SUBCHAPTER II—COMPOSITION OF MILITARY COMMISSIONS

''Sec.

''948h. Who may convene military commissions.

''948i. Who may serve on military commissions.
''948j. Military judge of a military commission.
''948k. Detail of trial counsel and defense counsel.
''948l. Detail or employment of reporters and interpreters.
''948m. Number of members; excuse of members; absent and additional members.

''§ 948h. Who may convene military commissions

''(a) The Secretary may issue orders convening military commissions to try individuals under this chapter.

''(b) The Secretary may delegate his authority to convene military commissions or to promulgate any regulations under this chapter.

''§ 948i. Who may serve on military commissions

''(a) IN GENERAL.—Any commissioned officer of the United States armed forces on active duty is eligible to serve on a military commission. Eligible commissioned officers shall include, without limitation, reserve personnel on active duty, National Guard personnel on active duty in Federal service, and retired personnel recalled to active duty.

''(b) DETAIL OF MEMBERS.—When convening a commission, the convening authority shall detail as members thereof such members of the armed forces as, in his opinion, are fully qualified for the duty by reason of age, education, training, experience, length of service, and judicial temperament. No member of an armed force shall be eligible to serve as a member of a commission when he is the accuser or a witness for the prosecution or has acted as an investigator or counsel in the same case.

''(c) EXCUSE OF MEMBERS.—Before a commission is assembled for the trial of a case, the convening authority may excuse a member of the commission from participating in the case.

''§ 948j. Military judge of a military commission

''(a) DETAIL OF A MILITARY JUDGE.—A military judge shall be detailed to each commission. The Secretary shall prescribe regulations providing for the manner in which military judges are detailed to such commissions. The military judge shall preside over each commission to which he has been detailed. The convening authority shall not prepare or review any report concerning the effectiveness, fitness, or efficiency of the military judge so detailed relating to his performance duty as a military judge.

''(b) ELIGIBILITY.—A military judge shall be a commissioned officer of the armed forces who is a member of the bar of a Federal court or a member of the bar of the highest court of a State, and who is certified to be qualified for duty as a military judge by the Judge Advocate General of the armed force of which such military judge is a member. A commissioned officer who is certified to be qualified for duty as a military judge of a commission may perform such other duties as are assigned to him by or with the approval of that Judge Advocate General or his designee.

''(c) INELIGIBILITY OF CERTAIN INDIVIDUALS.—No person is eligible to act as military judge in any case in which he is the accuser or a witness or has acted as investigator or a counsel in the same case.

''(d) CONSULTATION WITH MEMBERS; INELIGIBILITY TO VOTE.—Except as provided in section 949d of this title, the military judge detailed to the commission may not consult with the members of the commission except in the presence of the accused, trial counsel, and defense counsel, nor may he vote with the members of the commission.

''§ 948k. Detail of trial counsel and defense counsel

''(a) DETAIL OF COUNSEL GENERALLY.—

''(1) Trial counsel and military defense counsel shall be detailed for each commission.

''(2) Assistant trial counsel and assistant and associate military defense counsel may be detailed for each commission.

''(3) Military defense counsel shall be detailed as soon as practicable after the swearing of charges against the person accused.

''(4) The Secretary shall prescribe regulations providing for the manner in which counsel are detailed for military commissions and for the persons who are authorized to detail counsel for such military commissions.

''(b) TRIAL COUNSEL.—Subject to subsection (d), trial counsel detailed for a military commission under this chapter must be—

''(1) a judge advocate (as that term is defined in section 801 of this title) who is—

''(A) a graduate of an accredited law school or is a member of the bar of a Federal court or of the highest court of a State; and

''(B) certified as competent to perform duties as trial counsel before general courts-martial by the Judge Advocate General of the armed force of which he is a member; or

''(2) a civilian who is—

''(A) a member of the bar of a Federal court or of the highest court of a State; and

''(B) otherwise qualified to practice before the commission pursuant to regulations prescribed by the Secretary.

''(c) MILITARY DEFENSE COUNSEL.—Subject to subsection (d), military defense counsel detailed for a military commission under this chapter must be a judge advocate (as so defined) who is—

''(1) a graduate of an accredited law school or a member of the bar of a Federal court or of the highest court of a State; and

''(2) certified as competent to perform duties as defense counsel before general courts-martial by the Judge Advocate General of the armed force of which he is a member.

''(d) INELIGIBILITY OF CERTAIN INDIVIDUALS.—No person who has acted as an investigator, military judge, or member of a military commission under this chapter may act later as trial counselor or defense counsel in the same case. No person who has acted for the prosecution may act later in the same case for the defense, nor may any person who has acted for the defense act later in the same case for the prosecution.

''§ 948l. Detail or employment of reporters and interpreters

''(a) COURT REPORTERS.—Under such regulations as the Secretary may prescribe, the convening authority of a military commission shall detail or employ qualified court reporters, who shall record the proceedings of and testimony taken before that commission.

''(b) INTERPRETERS.—Under like regulations the convening authority may detail or employ interpreters who shall interpret for the commission, and, as necessary, for trial counsel and defense counsel.

''(c) TRANSCRIPT; RECORD.—The transcript shall be under the control of the convening authority, which is responsible for preparing the record of the proceedings.

''§ 948m. Number of members; excuse of members; absent and additional members

''(a) NUMBER OF MEMBERS.—A military commission under this chapter shall, except as provided in paragraph (2), have at least five members.

''(2) In a case in which the death penalty is sought, the military commission shall have the number of members prescribed by section 949m(c) of this title.

''(b) EXCUSE OF MEMBERS.—No member of a military commission may be absent or excused after the commission has been assembled for the trial of the accused unless excused—

''(1) as a result of challenge;

''(2) by the military judge for physical disability or other good cause; or

''(3) by order of the convening authority for good cause.

''(c) ABSENT AND ADDITIONAL MEMBERS.—Whenever a military commission is reduced below the requisite number of members, the trial may not proceed unless the convening authority details new members sufficient to provide not less than the requisite number. The trial may proceed with the new members present after the recorded evidence previously introduced before the members of the commission has been read to the commission in the presence of the military judge, the accused (except as provided by section 949d of this title), and counsel for both sides.

''SUBCHAPTER III—PRE-TRIAL PROCEDURE

''Sec.
''948q. Charges and specifications.
''948r. Compulsory self-incrimination prohibited; statements obtained by torture.
''948s. Service of charges.

''§ 948q. Charges and specifications

''(a) CHARGES AND SPECIFICATIONS.—Charges and specifications against an accused shall be signed by a person subject to chapter 47 of this title under oath before a commissioned officer of the armed forces authorized to administer oaths and shall state—

''(1) that the signer has personal knowledge of, or reason to believe, the matters set forth therein; and

''(2) that they are true in fact to the best of his knowledge and belief.

''(b) NOTICE TO ACCUSED.— Upon the swearing of the charges and specifications in accordance with subsection (a), the accused shall be informed of the charges and specifications against him as soon as practicable.

§ 948r. Compulsory self-incrimination prohibited; statements obtained by torture

''(a) IN GENERAL.—No person shall be required to testify against himself at a commission proceeding.

''(b) STATEMENTS OBTAINED BY TORTURE.—A statement obtained by use of torture, as defined in 18 U.S.C. §2340, whether or not under color of law, shall not be admissible against the accused, except against a person accused of torture as evidence the statement was made.

''(c) STATEMENTS NOT OBTAINED BY TORTURE.—No otherwise admissible statement may be received in evidence, including statements allegedly obtained by coercion, if the military judge finds that the circumstances under which the statement was made render it unreliable or lacking in probative value.

''§ 948s. Service of charges

''The trial counsel assigned to the case shall cause to be served upon the accused and counsel a copy of the charges upon which trial is to be had in English and, if appropriate, in another language that the accused understands, sufficiently in advance of trial to prepare a defense.

''SUBCHAPTER IV—TRIAL PROCEDURE

''Sec.
''949a. Rules.
''949b. Unlawfully influencing action of military commission.
''949c. Duties of trial counsel and defense counsel.

''949d. Sessions.
''949e. Continuances.
''949f. Challenges.
''949g. Oaths.
''949h. Former jeopardy.
''949i. Pleas of the accused.
''949j. Opportunity to obtain witnesses and other evidence.
''949k. Defense of lack of mental responsibility.
''949l. Voting and rulings.
''949m. Number of votes required.
''949n. Military commission to announce action.
''949o. Record of trial.

''§ 949a. Rules

''(a) PROCEDURES.—Pretrial, trial, and post-trial procedures, including elements and modes of proof, for cases triable by military commission under this chapter shall be prescribed by the Secretary, but may not be contrary to or inconsistent with this chapter.

''(b) RULES OF EVIDENCE.—Subject to such exceptions and limitations as the Secretary may provide by regulation, evidence in a military commission shall be admissible if the military judge determines that the evidence would have probative value to a reasonable person.

''(c) HEARSAY EVIDENCE.—Hearsay evidence is admissible, unless the military judge finds that the circumstances render it unreliable or lacking in probative value, provided that the proponent of the evidence makes the evidence known to the adverse party in advance of trial or hearing.

''The military judge shall exclude any evidence the probative value of which is substantially outweighed by the danger of unfair prejudice, confusion of the issues, or misleading the members of the commission, or by considerations of undue delay, waste of time, or needless presentation of cumulative evidence.

''§ 949b. Unlawfully influencing action of military commission

''(a) IN GENERAL.—(1) No authority convening a military commission under this chapter may censure, reprimand, or admonish the commission or any member, military judge, or counsel thereof, with respect to the findings or sentence adjudged by the commission, or with respect to any other exercises of its or his functions in the conduct of the proceedings.

''(2) No person may attempt to coerce or, by any unauthorized means, influence the action of a commission or any member thereof, in reaching the findings or sentence in any case, or the action of any convening, approving, or reviewing authority with respect to his judicial acts.

''(3) The foregoing provisions of this subsection shall not apply with respect to—

''(A) general instructional or informational courses in military justice if such courses are designed solely for the purpose of instructing members of a command in the substantive and procedural aspects of military commissions; or

''(B) statements and instructions given in open proceedings by the military judge or counsel.

''(b) PROHIBITION ON CONSIDERATION OF ACTIONS ON COMMISSION IN EVALUATION OF FITNESS.—In the preparation of an effectiveness, fitness, or efficiency report or any other report or document used in whole or in part for the purpose of determining whether a commissioned officer of the armed forces is qualified to be advanced, in grade, or in determining the assignment or transfer of any such officer or in determining whether any such officer should be retained on active duty, no person may—

''(1) consider or evaluate the performance of duty of any member of a military commission under this chapter; or

''(2) give a less favorable rating or evaluation to any commissioned officer because of the zeal with which such officer, in acting as counsel, represented any accused before a military commission under this chapter.

''§ 949c. Duties of trial counsel and defense counsel

''(a) TRIAL COUNSEL.—The trial counsel of a military commission shall prosecute in the name of the United States.

''(b) DEFENSE COUNSEL.—(1) The accused shall be represented in his defense before a military commission as provided in this subsection.

''(2) The accused shall be represented by military counsel detailed under section 948k of this title.

''(3) The accused may be represented by civilian counsel if retained by him, provided that civilian counsel—

''(A) is a United States citizen;

''(B) is admitted to the practice of law in a State, district, territory, or possession of the United States, or before a Federal court;

''(C) has not been the subject of any sanction of disciplinary action by any court, bar, or other competent governmental authority for relevant misconduct;

''(D) has been determined to be eligible for access to information classified at the level Secret or higher; and

''(E) has signed a written agreement to comply with all applicable regulations or instructions for counsel, including any rules of court for conduct during the proceedings.

''Civilian defense counsel shall protect any classified information received during the course of their representation of the accused in accordance with all applicable law governing the protection of classified information, and shall not divulge such information to any person not authorized to receive it.

''(4) If the accused is represented by civilian counsel, military counsel detailed shall act as associate counsel.

''(5) The accused is not entitled to be represented by more than one military counsel. However, the person authorized under regulations prescribed under section 948k of this title to detail counsel in his sole discretion may detail additional military counsel.

''(6) Defense counsel may cross-examine each witness for the prosecution who testifies before the commission.

''§ 949d. Sessions

''(a) SESSIONS WITHOUT PRESENCE OF MEMBERS.—(1) At any time after the service of charges which have been referred for trial by military commission, the military judge may call the commission into session without the presence of the members for the purpose of—

''(A) hearing and determining motions raising defenses or objections which are capable of determination without trial of the issues raised by a plea of not guilty;

''(B) hearing and ruling upon any matter which may be ruled upon by the military judge under this chapter, whether or not the matter is appropriate for later consideration or decision by the members of the commission;

''(C) if permitted by regulations of the Secretary, receiving the pleas of the accused; and

''(D) performing any other procedural function which may be performed by the military judge under this chapter or under rules prescribed pursuant to section 949a of this title and which does not require the presence of the members of the commission.

''(2) Except as provided in subsection (e), any proceedings under paragraph (1) shall be conducted in the presence of the accused, defense counsel, and trial counsel, and shall be made part of the record.

''(b) PROCEEDINGS IN PRESENCE OF ACCUSED.—Except as provided in subsections (c) and (e), all proceedings of a military commission under this chapter shall be in the presence of the accused, defense counsel, and trial counsel, and shall be made a part of the record.

''(c) DELIBERATIONS OR VOTE OF MEMBERS.—When the members of the commission deliberate or vote, only the members may be present.

''(d) PUBLIC PROCEEDINGS.—(1) The military commission shall hold open and public proceedings.

''(2) The military judge may close to the public all or a part of the proceedings of a military commission under this chapter only upon making a specific finding that such closure is necessary to—

''(A) protect information the disclosure of which could reasonably be expected to cause identifiable damage to the public interest or the national security, including intelligence or law enforcement sources, methods, or activities; or

''(B) ensure the physical safety of individuals.

''(e) LIMITED EXCLUSION OF THE ACCUSED FOR THE PROTECTION OF CLASSIFIED INFORMATION.—(1) The military judge may, subject to the provisions of this subsection, permit the admission in a military commission under this chapter of classified information outside the presence of the accused.

''(2) The military judge shall not exclude the accused from any portion of the proceeding except upon a specific finding that extraordinary circumstances exist such that—

''(A) the exclusion of the accused—

''(i) is necessary to protect classified information the disclosure of which to the accused could reasonably be expected to cause identifiable damage to the national security, including intelligence or law enforcement sources, methods, or activities; or

''(ii) is necessary to ensure the physical safety of individuals; or

''(iii) is necessary to prevent disruption of the proceedings by the accused; and

''(B) the exclusion of the accused—

''(i) is no broader than necessary; and

''(ii) will not deprive the accused of a full and fair trial.

''(3)(A) A finding under paragraph (2) may be based upon a presentation, including an ex parte or in camera presentation, by either trial counselor defense counsel.

''(B) Before trial counsel may make a presentation described in subparagraph (A) requesting the admission of classified evidence outside the presence of the accused, the head of the executive or military department or governmental agency which has control over the matter (after personal consideration by that officer) shall certify in writing to the military judge that—

''(i) the disclosure of such classified information to the accused could reasonably be expected to prejudice the national security; and

''(ii) such evidence has been declassified to the maximum extent possible, consistent with the requirements of national security.

''(4)(A) No evidence shall be admitted if the accused is not present for its admission or the evidence is not otherwise provided to the accused, unless the evidence is classified information and the military judge makes a specific finding that—

''(i) consideration of the evidence by the commission, without the presence of the accused, is warranted; and

''(ii) admission of an unclassified summary or redacted version of that evidence would not be an adequate substitute and, in the case of testimony, alternative methods to obscure the identity of the witness are not adequate; and

''(iii) admission of the evidence would not deprive the accused of a full and fair trial.

''(B) If the accused is excluded from a portion of the proceeding, the accused shall be provided with a redacted transcript of the proceeding and, to the extent practicable, an unclassified summary of any evidence introduced. Under no circumstances shall such a summary or redacted transcript compromise the interests warranting the exclusion of the accused under this subsection.

''(5)(A) Military defense counsel shall be present and able to participate in all trial proceedings, and shall be given access to all evidence admitted under subparagraph (4).

''(B) Civilian defense counsel shall be permitted to be present and to participate in all trial proceedings, and shall be given access to evidence admitted under sub-paragraph (4), provided that civilian defense counsel has obtained the necessary security clearances and that such presence and access are consistent with regulations that the Secretary may prescribe to protect classified information.

''(C) Notwithstanding any other provision of law, any defense counsel who receives classified information admitted pursuant to subparagraph (4) shall not be obligated to, and may not, disclose that evidence to the accused.

''(f) ADMISSION OF STATEMENTS OF ACCUSED.—(1) Notwithstanding any other provision in this chapter, no statement made by the accused during an interrogation, even if otherwise classified, may be admitted into evidence in a military commission under this chapter unless the accused is present for its admission or the evidence is otherwise provided to the accused.

''(2) For purposes of this subsection, a 'statement' is a statement communicated knowingly and directly by the accused in response to questioning by foreign or United States military, intelligence, or criminal investigative personnel. This paragraph shall not be construed to prevent the redaction of intelligence sources or methods, which do not constitute statements of the accused, from any document provided to the accused or admitted into evidence.

''§ 949e. Continuances

''The military judge may, for reasonable cause, grant a continuance to any party for such time, and as often, as may appear to be just.

''§ 949f. Challenges

''(a) CHALLENGES AUTHORIZED.—The military judge and members of the commission may be challenged by the accused or the trial counsel for cause stated to the commission. The military judge shall determine the relevance and validity of the challenges for cause, and may not receive a challenge to more than one person at a time. Challenges by the trial counsel shall ordinarily be presented and decided before those by the accused are offered.

''(b) PEREMPTORY CHALLENGES.—Each accused and the trial counsel is entitled to one peremptory challenge, but the military judge may not be challenged except for cause.

''(c) CHALLENGES AGAINST ADDITIONAL MEMBERS.—Whenever additional members are detailed to the court, and after any challenges for cause against such additional members are presented and decided each accused and the trial counsel are entitled to one peremptory challenge against members not previously subject to peremptory challenge.

''§ 949g. Oaths

''(a) IN GENERAL.—(1) Before performing their respective duties, military judges, members of commissions, trial counsel, defense counsel, reporters, and interpreters shall take an oath to perform their duties faithfully.

''(2) The form of the oath required by paragraph (1), the time and place of the taking thereof, the manner of recording the same, and whether the oath shall be taken for all cases in which these duties are to be performed or for a particular case, shall be as prescribed in regulations of the Secretary. These regulations may provide that—

''(A) an oath to perform faithfully duties as a military judge, trial counsel, or defense counsel, may be taken at any time by any judge advocate or other person certified to be qualified or competent for duty; and

''(B) if such an oath is taken it need not again be taken at the time the judge advocate, or other person is detailed to that duty.

''(b) WITNESSES.—Each witness before a military commission under this chapter shall be examined on oath.

''(c) OATH DEFINED.—As used in this section, ''oath'' includes an affirmation.

''§ 949h. Former jeopardy

''(a) IN GENERAL.—No person may, without his consent, be tried by a commission a second time for the same offense.

''(b) SCOPE OF TRIAL.—No proceeding in which the accused has been found guilty by military commission upon any charge or specification is a trial in the sense of this section until the finding of guilty has become final after review of the case has been fully completed.

''§ 949i. Pleas of the accused

''(a) PLEA OF NOT GUILTY.—If an accused after a plea of guilty sets up matter inconsistent with the plea, or if it appears that he has entered the plea of guilty through lack of understanding of its meaning and effect, or if he fails or refuses to plead, a plea of not guilty shall be entered in the record, and the commission shall proceed as though he had pleaded not guilty.

''(b) FINDING OF GUILT AFTER GUILTY PLEA.—With respect to any charge or specification to which a plea of guilty has been made by the accused and accepted by the military judge, a finding of guilty of the charge or specification may be entered immediately without a vote. This finding shall constitute the finding of the commission unless the plea of guilty is withdrawn prior to announcement of the sentence, in which event the proceedings shall continue as though the accused had pleaded not guilty.

''§ 949j. Opportunity to obtain witnesses and other evidence

''(a) IN GENERAL.—(1) Defense counsel in a military commission under this chapter shall have a reasonable opportunity to obtain witnesses and other evidence, including evidence in the possession of the United States, as specified in regulations prescribed by the Secretary.

''(2) Process issued in military commissions to compel witnesses to appear and testify and to compel the production of other evidence—

''(A) shall be similar to that which courts of the United States having criminal jurisdiction may lawfully issue; and

''(B) shall run to any place where the United States shall have jurisdiction thereof.

''(b) TREATMENT OF CERTAIN ITEMS.—The military judge in a military commission under this chapter may, upon a sufficient showing, authorize trial counsel in making documents available to the defense through discovery conducted pursuant to such rules as the Secretary shall prescribe—

''(1) to delete specified items of classified information from such documents;

''(2) to substitute an unclassified summary of the information for such classified documents; or

''(3) to substitute an unclassified statement admitting relevant facts that classified information would tend to prove.

''(c) DISCLOSURE OF EXCULPATORY EVIDENCE.—(1) As soon as practicable, trial counsel in a military commission under this chapter shall disclose to the defense the existence of any evidence known to trial counsel that reasonably tends to exculpate the accused.

''(2) Exculpatory evidence that is classified may be provided solely to defense counsel, and not the accused, after in camera review by the military judge.

''(3) Before classified evidence may be withheld from the accused under this subsection, the executive or military department or governmental agency which has control over the matter shall ensure and shall certify in writing to the military judge that the disclosure of such evidence to the accused could reasonably be expected to prejudice the national security and that such evidence has been declassified to the maximum extent possible, consistent with the requirements of national security.

''(4) Any classified exculpatory evidence that is not disclosed to the accused under this subsection—

''(A) shall be provided to military defense counsel; and

''(B) shall be provided to civilian defense counsel, provided that civilian defense counsel has obtained the necessary security clearances and access to such evidence is consistent with regulations that the Secretary may prescribe to protect classified information; and

''(C) shall be provided to the accused in a redacted or summary form, if it is possible to do so without compromising intelligence sources, methods, or activities, or other national security interests.

''(5) Notwithstanding any other provision of law, any defense counsel who receives evidence under this subsection shall not be obligated to, and may not, disclose that evidence to the accused.

''§ 949k. Defense of lack of mental responsibility

''(a) AFFIRMATIVE DEFENSE.—It is an affirmative defense in a trial by military commission that, at the time of the commission of the acts constituting the offense, the accused, as a result of a severe mental disease or defect, was unable to appreciate the nature and quality or the wrongfulness of the acts. Mental disease or defect does not otherwise constitute a defense.

''(b) BURDEN OF PROOF.—The accused has the burden of proving the defense of lack of mental responsibility by clear and convincing evidence.

''(c) FINDINGS FOLLOWING ASSERTION OF DEFENSE.—Whenever lack of mental responsibility of the accused with respect to an offense is properly at issue, the military judge shall instruct the members of the commission as to the defense of lack of mental responsibility under this section and shall charge them to find the accused—

''(1) guilty;

''(2) not guilty; or

''(3) not guilty only by reason of lack of mental responsibility.

''(d) MAJORITY VOTE REQUIRED FOR FINDING.—The accused shall be found not guilty only by reason of lack of mental responsibility under subsection (c)(3) only if a majority of the members of the commission at the time the vote is taken determines that the defense of lack of mental responsibility has been established.

''§ 949l. Voting and rulings

''(a) VOTE BY SECRET WRITTEN BALLOT.—Voting by members of a military commission on the findings and on the sentence shall be by secret written ballot.

''(b) RULINGS.—(1) The military judge shall rule upon all questions of law, including the

admissibility of evidence, and all interlocutory questions arising during the proceedings.

''(2) Any such ruling made by the military judge upon any question of law or any interlocutory question other than the factual issue of mental responsibility of the accused is conclusive and constitutes the ruling of the commission. However, the military judge may change his ruling at any time during the trial.

''(C) INSTRUCTIONS PRIOR TO VOTE.—Before a vote is taken of the findings, the military judge shall, in the presence of the accused and counsel, instruct the members of the commission as to the elements of the offense and charge them—

''(1) that the accused must be presumed to be innocent until his guilt is established by legal and competent evidence beyond reasonable doubt;

''(2) that in the case being considered, if there is a reasonable doubt as to the guilt of the accused, the doubt must be resolved in favor of the accused and he must be acquitted;

''(3) that, if there is reasonable doubt as to the degree of guilt, the finding must be in a lower degree as to which there is no reasonable doubt; and

''(4) that the burden of proof to establish the guilt of the accused beyond a reasonable doubt is upon the United States.

''§ 949m. Number of votes required

''(a) CONVICTION.—No person may be convicted of any offense, except as provided in section 949i(b) of this title or by concurrence of two-thirds of the members present at the time the vote is taken.

''(b) SENTENCES.—(1) Except. as provided in paragraphs (2) and (3), sentences shall be determined by a military commission by the concurrence of two-thirds of the members present at the time the vote is taken.

''(2) No person may be sentenced to suffer death, except insofar as—

''(A) death has been expressly authorized under this Act for an offense of which the accused has been found guilty;

''(B) the charges referred to the commission expressly sought the penalty of death;

''(C) the accused was convicted of the offense by the concurrence of all the members of the military commission present at the time the vote is taken; and

''(D) all members of the military commission present at the time the vote was taken concurred in the sentence of death.

''(3) No person may be sentenced to life imprisonment or to confinement for more than 10 years, except by the concurrence of three-fourths of the members at the time the vote is taken.

''(c) NUMBER OF MEMBERS REQUIRED FOR PENALTY OF DEATH.—(1) Except as provided in paragraph (2), in a case in which the penalty of death is sought, the number of members shall be not less than 12.

''(2) In any case described in paragraph (1) in which 12 members are not reasonably available because of physical conditions or military exigencies, the convening authority shall specify a lesser number of members for the military commission (but not fewer than 5 members), and the military commission may be assembled and the trial held with not fewer than the number of members so specified. In such a case, the convening authority shall make a detailed written statement, to be appended to the record, stating why a greater number of members were not reasonably available.

''§ 949n. Military commission to announce action

''A military commission shall announce its findings and sentence to the parties as soon as determined.

''§ 949o. Record of trial

''(a) RECORD; AUTHENTICATION.—Each military commission shall keep a separate, substantially verbatim, record of the proceedings in each case brought before it, and the record shall be authenticated by the signature of the military judge. If the record cannot be authenticated by the military judge by reason of his death, disability, or absence, it shall be authenticated by the signature of the trial counsel or by that of a member of the commission if the trial counsel is unable to authenticate it by reason of his death, disability, or absence. Where appropriate, and as provided by regulation, the record of the military commission may contain a classified annex.

''(b) COMPLETE RECORD REQUIRED.—A complete record of the proceedings and testimony shall be prepared in every military commission established under this chapter.

''(c) PROVISION OF COPY TO ACCUSED.—A copy of the record of the proceedings of each military commission shall be given to the accused as soon as it is authenticated. Where the record contains classified information, or a classified annex, the accused shall receive a redacted version of the record. The appropriate defense counsel shall have access to the unredacted record, as provided by regulation.

''SUBCHAPTER V—SENTENCES

''Sec.
''949s. Cruel or unusual punishments prohibited.
''949t. Maximum limits.
''949u. Execution of confinement.

''§ 949s. Cruel or unusual punishments prohibited

''Punishment by flogging, or by branding, marking, or tattooing on the body, or any other cruel or unusual punishment, may not be adjudged by a military commission or inflicted upon any person subject to this chapter. The use of irons, single or double, except for the purpose of safe custody, is prohibited.

''§ 949t. Maximum limits

''The punishment which a military commission may direct for an offense may not exceed such limits as the President or Secretary may prescribe for that offense.

''§ 949u. Execution of confinement

''(a) IN GENERAL.—Under such regulations as the Secretary may prescribe, a sentence of confinement adjudged by a military commission may be carried into execution by confinement—

''(1) in any place of confinement under the control of any of the armed forces; or

''(2) in any penal or correctional institution under the control of the United States or its allies or which the United States may be allowed to use.

''(b) TREATMENT DURING CONFINEMENT BY OTHER THAN THE ARMED FORCES.—Persons confined under subsection (a)(2) in a penal or correctional institution not under the control of one of the armed forces are subject to the same discipline and treatment as persons confined or committed by the courts of the United States or of the State, Territory, District of Columbia, or place in which the institution is situated.

''SUBCHAPTER VI—POST-TRIAL PROCEDURE AND REVIEW OF MILITARY COMMISSIONS

''Sec.
''950a. Error of law; lesser included offense.
''950b. Review by the convening authority.
''950c. Waiver or withdrawal of appeal.
''950d. Appeal by the United States.
''950e. Rehearings.
''950f. Review by Court of Military Commission Review.
''950g. Review by the United States Court of Appeals for the District of Columbia Circuit and the Supreme Court of the United States.
''950h. Appellate counsel.
''950i. Execution of sentence; suspension of sentence.
''950j. Finality or proceedings, findings, and sentences.

''950a. Error of law; lesser included offense

''(a) ERROR OF LAW.—A finding or sentence of a military commission may not be held incorrect on the ground of an error of law unless the error materially prejudices the substantial rights of the accused.

''(b) LESSER INCLUDED OFFENSE.—Any reviewing authority with the power to approve or affirm a finding of guilty may approve or affirm, instead, so much of the finding as includes a lesser included offense.

''§ 950b. Review by the convening authority

''(a) NOTICE TO CONVENING AUTHORITY OF FINDINGS AND SENTENCE.—The findings and sentence of a military commission under this chapter shall be reported in writing promptly to the convening authority after the announcement of the sentence.

''(b) SUBMITTAL OF MATTERS BY ACCUSED TO CONVENING AUTHORITY.—The accused may submit to the convening authority matters for consideration by the convening authority with respect to the findings and the sentence of the military commission under this chapter.

''(2)(A) Except as provided in subparagraph (B), a submittal under paragraph (1) shall be made in writing within 20 days after the accused has been given an authenticated record of trial under section 949o(c) of this title.

''(B) If the accused shows that additional time is required for the accused to make a submittal under paragraph (1), the convening authority, for good cause, may extend the applicable period under subparagraph (A) for not more than an additional 20 days.

''(3) The accused may waive his right to make a submission to the convening authority under paragraph (1). Such a waiver must be made in writing and may not be revoked. For the purposes of subsection (c)(2), the time within which the accused may make a submission under this subsection shall be deemed to have expired upon the submission of such a waiver to the convening authority.

''(c) ACTION BY THE CONVENING AUTHORITY.—(1) The authority under this section to modify the findings and sentence of a military commission under this chapter is a matter of the sole discretion and prerogative of the convening authority.

''(3)(A) Action on the sentence of a military commission shall be taken by the convening authority.

''(B) Subject to regulations of the Secretary, such action may be taken only after consideration of any matters submitted by the accused under subsection (b) or after the time for submitting such matters expires, whichever is earlier.

''(C) In taking action under this paragraph, the convening authority, in his sole discretion, may approve, disapprove, commute, or suspend the sentence in whole or in part. The convening authority may not increase the sentence beyond that which is found by the commission.

''(3) Action on the findings of a military commission by the convening authority is not required. However, the convening authority, in his sole discretion, may—

''(A) dismiss any charge or specification by setting aside a finding of guilty thereto; or

''(B) change a finding of guilty to a charge to a finding of guilty to an offense that is a lesser included offense of the offense stated in the charge.

''(4) The convening authority shall serve on the accused or on defense counsel notice of any action taken by the convening authority under this subsection.

''(d) ORDER OF REVISION OR REHEARING.—(1) Subject to paragraphs (2) and (3), the convening authority, in his sole discretion, may order a proceeding in revision or a rehearing.

''(2)(A) Except as provided in subparagraph (B), a proceeding in revision may be ordered if—

''(i) there is an apparent error or omission in the record; or

''(ii) the record shows improper or inconsistent action by a military commission with respect to the findings or sentence that can be rectified without material prejudice to the substantial rights of the accused.

''(B) In no case may a proceeding in revision—

''(i) reconsider a finding of not guilty of any specification or a ruling which amounts to a finding of not guilty;

''(ii) reconsider a finding of not guilty of any charge, unless there has been a finding of guilty under a specification laid under that charge, which sufficiently alleges a violation;

''(iii) increase the severity of the sentence unless the sentence prescribed for the offense is mandatory.

''(3) A rehearing may be ordered by the convening authority if he disapproves the findings and sentence and states the reasons for disapproval of the findings. If such a person disapproves the findings and sentence and does not order a rehearing, he shall dismiss the charges. A rehearing as to the findings may not be ordered where there is a lack of sufficient evidence in the record to support the findings. A rehearing as to the sentence may be ordered if the convening authority disapproves the sentence.

''§ 950c. Waiver or withdrawal of appeal

''(a) WAIVER OF RIGHT OF REVIEW.—(1) In each case subject to appellate review under section 950f and 950g of this title, except a case in which the sentence as approved under section 950b of this title includes death, the accused may file with the convening authority a statement expressly waiving the right of the accused to such review.

''(2) A waiver under paragraph (1) shall be signed by both the accused and by a defense counsel.

''(3) A waiver under paragraph (1) must be filed, if at all, within 10 days after notice on the action is served on the accused under section 950b(c)(4) of this title. The convening authority, for good cause, may extend the period for such filing by not more than 30 days.

''(b) WITHDRAWAL OF APPEAL.—Except in a case in which the sentence as approved under section 950b of this title includes death, the accused may withdraw an appeal at any time.

''(c) EFFECT OF WAIVER OR WITHDRAWAL.—A waiver of the right to appellate review or the withdrawal of an appeal under this section bars review under section 950f or 950g of this title.

''§ 950d. Appeal by the United States

''(a) INTERLOCUTORY APPEAL.—(1) Except as provided in paragraph (2), in a trial by military commission under this chapter, the United States may take an interlocutory appeal to the Court of Military Commission Review of any order or ruling of the military judge that—

''(A) terminates commission proceedings with respect to a charge or specification;

''(B) excludes evidence that is substantial proof of a fact material in the proceeding; or

''(C) relates to a matter under subsection (d), (e), or (f) of section 949d of this title.

''(2) The United States may not appeal under paragraph (1) an order or ruling that is, or amounts to, a finding of not guilty by the commission with respect to the charge or specification.

''(b) NOTICE OF APPEAL.—The United States shall take an appeal of an order or ruling under subsection (a) by filing a notice of appeal with the military judge within five days after the date of such order or ruling.

''(c) APPEAL.—An appeal under this section shall be forwarded by means prescribed under regulations of the Secretary directly to the Court of Military Commission Review. In ruling on an appeal under this section, the Court of Military Commission Review may act only with respect to matters of law.

''(d) COURT OF APPEALS.—The United States may appeal an adverse ruling under subsection (c) to the United States Court of Appeals for the District of Columbia Circuit by filing a petition for review in the Court of Appeals within 10 days after the date of such ruling. Review under this subsection shall be at the discretion of the Court of Appeals.

''950e. Rehearings

''(a) COMPOSITION OF MILITARY COMMISSION FOR REHEARING.—Each rehearing under this chapter shall take place before a military commission composed of members not members of the commission which first heard the case.

''(b) SCOPE OF REHEARING.—(1) Upon a rehearing—

''(A) the accused may not be tried for any offense of which he was found not guilty by the first commission; and

''(B) no sentence in excess of or more than the original sentence may be imposed unless—

''(i) the sentence is based upon a finding of guilty of an offense not considered upon the merits in the original proceedings; or

''(ii) unless the sentence prescribed for the offense is mandatory.

''(2) Upon a rehearing, if the sentence approved after the first commission was in accordance with a pretrial agreement and the accused at the rehearing changes his plea with respect to the charges or specifications upon which the pretrial agreement was based, or otherwise does not comply with pretrial agreement, the sentence as to those charges or specifications may include any punishment not in excess of that lawfully adjudged at the first commission.

''§ 950f. Review by Court of Military Commission Review

''(a) COURT ESTABLISHED.—(1) The Secretary shall establish a Court of Military Commission Review which shall be composed of one or more panels, and each such panel shall be composed of not less than three appellate military judges.

''(2) For the purpose of reviewing military commission decisions, the court may sit in panels or as a whole in accordance with rules prescribed by the Secretary.

''(b) COMPOSITION OF THE COURT.—(1) The Secretary shall assign appellate military judges to a Court of Military Commission Review.

''(2) Each appellate military judge shall meet the qualifications for military judges prescribed by section 948j(b) of this Act or shall be a civilian with comparable qualifications.

''(3) No person may be appointed to serve as an appellate military judge in any case in which that person acted as a military judge, counsel, or reviewing official.

''(c) RIGHT OF APPEAL.—The accused may appeal from the final decision of a military commission, and the United States may appeal as provided in section 950d of this title, to the Court of Military Commission Review in accordance with procedures prescribed under regulations of the Secretary.

''(d) SCOPE OF REVIEW.—In ruling on an appeal under this section, the Court of Military Commission Review may act only with respect to matters of law.

''§ 950g. Review by the United States Court of Appeals for the District of Columbia Circuit and the Supreme Court of the United States

''(a) IN GENERAL.—(1)(A) Except as provided in subparagraph (B), the United States Court of Appeals for the District of Columbia Circuit shall have exclusive jurisdiction to determine the validity of a final judgment rendered by a military commission, pursuant to Section 1005(e)(3) of the Detainee Treatment Act of 2005.

''(B) The Court of Appeals shall not review the final judgment until all other appeals under this chapter have been waived or exhausted.

''(2) A petition for review must be filed by the accused in the Court of Appeals by no longer than 20 days from the earlier of when—

''(A) written notice of the final decision of the Court of Military Commission Review is served on the accused or on defense counsel; or

''(B) the accused submits, in the form prescribed by section 950c of this title, a written notice waiving his right to appeal under section 950f of this title.

''(b) REVIEW BY SUPREME COURT.—The Supreme Court of the United States may review by writ of certiorari the final judgment of the Court of Appeals pursuant to section 1257 of title 28, United States Code.

''§ 950h. Appellate counsel

''(a) APPOINTMENT.—The Secretary shall, by regulation, establish procedures for the appointment of appellate counsel for the United States and for the accused in military commissions under this chapter. Appellate counsel shall meet the qualifications for appearing before military commissions under this chapter.

''(b) REPRESENTATION OF UNITED STATES.—Appellate counsel may represent the United States in any appeal or review proceeding under this chapter. Appellate Government counsel may represent the United States before the Supreme Court in cases arising under this chapter when requested to do so by the Attorney General.

''(c) REPRESENTATION OF ACCUSED.—The accused shall be represented by appellate military counsel before the Court of Military Commission Review, the United State Court of Appeals for the District of Columbia Circuit, or the Supreme Court, or by civilian counsel if retained by him.

''§ 950i. Execution of sentence; suspension of sentence

''(a) EXECUTION OF SENTENCE OF DEATH ONLY UPON APPROVAL BY THE PRESIDENT.—If the sentence of a military commission under this chapter extends to death, that part of the sentence providing for death may not be executed until approved by the President. In such a case, the President may commute, remit, or suspend the sentence, or any part thereof, as he sees fit.

''(b) EXECUTION OF SENTENCE OF DEATH ONLY UPON FINAL JUDGMENT OF LEGALITY OF PROCEEDINGS.—(1) If the sentence of a military commission under this chapter extends to death, the sentence may not be executed until there is a final judgment as to the legality of the proceedings (and with respect to death, approval under subsection (a)).

''(2) A judgment as to legality of the proceedings is final for purposes of paragraph (1) when—

''(A) review is completed by the Court of Military Commission Review and—

''(i) the time for the accused to file a petition for review by the Court of Appeals for the D.C. Circuit has expired; and

''(ii) the accused has not filed a timely petition for such review; and

''(iii) the case is not otherwise under review by that Court; or

''(B) review is completed in accordance with judgment of the Court of Appeals for the D.C. Circuit and—

''(i) a petition for a writ of certiorari is not timely filed;

''(ii) such a petition is denied by the Supreme Court; or

''(iii) review is otherwise completed in accordance with the judgment of the Supreme Court.

''(c) SUSPENSION OF SENTENCE.—The Secretary, or the convening authority acting on the case (if other than the Secretary), may suspend the execution of any sentence or part thereof in the case, except a sentence of death.

''§ 950j. Finality of proceedings, findings, and sentences

''(a) FINALITY.—The appellate review of records of trial provided by this chapter, the proceedings, findings, and sentences of military commissions as approved, reviewed, or affirmed as required by this chapter, are final and conclusive. Orders publishing the proceedings of military commissions are binding upon all departments, courts, agencies, and officers of the United States, subject only to authority of the President.

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

''SUBCHAPTER VII—PUNITIVE MATTERS

''Sec.
''950p. Substantive offenses.
''950q. Principals.
''950r. Accessory after the fact.
''950s. Conviction of lesser offenses.
''950t. Attempts.
''950u. Solicitation.
''950v. Crimes triable by military commission.
''950w. Perjury and obstruction of justice.
''950x. Contempt.

''§ 950p. Substantive offenses generally

''(a) PURPOSE.—The following provisions codify offenses that have traditionally been triable by military commissions. This Act does not establish new crimes that did not exist before its establishment, but rather codifies those crimes for trial by military commission.

''(b) EFFECT.—Because these provisions are declarative of existing law, they do not preclude trial for crimes that occurred prior to their effective date.

''§ 950q. Principals

''Any person is punishable as a principal under this chapter who—

''(1) commits an offense punishable by this chapter, or aids, abets, counsels, commands, or procures its commission; or

''(2) causes an act to be done which if directly performed by him would be punishable by this chapter; or

''(3) is a superior commander who, with regard to acts punishable under this chapter, knew, had reason to know, or should have known, that a subordinate was about to commit such acts or had done so and the superior failed to take the necessary and reasonable measures to prevent such acts or to punish the perpetrators thereof.

''§ 950r. Accessory after the fact

''Any person subject to this chapter who, knowing that an offense punishable by this chapter has been committed, receives, comforts, or assists the offender in order to hinder or prevent his apprehension, trial, or punishment shall be punished as a military commission may direct.

''§ 950s. Conviction of lesser offenses

''An accused may be found guilty of an offense necessarily included in the offense charged or of an attempt to commit either the offense charged or an offense necessarily included therein.

''§ 950t. Attempts

''(a) IN GENERAL.—Any person subject to this chapter who attempts to commit any offense punishable by this Act shall be punished as a military commission may direct.

''(b) SCOPE OF OFFENSE.—An act, done with specific intent to commit an offense under this chapter, amounting to more than mere preparation and tending, even though failing, to effect its commission, is an attempt to commit that offense.

''(c) EFFECT OF CONSUMMATION.—Any person subject to this chapter may be convicted of an attempt to commit an offense although it appears on the trial that the offense was consummated.

''§ 950u. Solicitation

''Any person subject to this chapter who solicits or advises another or others to commit one or more substantive offenses triable by military commission shall, if the offense solicited or advised is attempted or committed, be punished with the punishment provided for the commission of the offense, but, if the offense solicited or advised is not committed or attempted, he shall be punished as a military commission may direct.

''§ 950v. Crimes triable by military commission

''(a) DEFINITIONS AND CONSTRUCTION.—(1) For purposes of this chapter, the term 'military objective' refers to combatants and those objects during an armed conflict which, by their nature, location, purpose, or use, effectively contribute to the opposing force's war-fighting or war-sustaining capability and whose total or partial destruction, capture, or neutralization would constitute a definite military advantage to the attacker under the circumstances at the time of the attack.

''(2) For purposes of this section only, 'protected person' refers to any person entitled to protection under one or more of the Geneva Conventions, including civilians not taking an active part in hostilities, military personnel placed *hors de combat* by sickness, wounds, or detention, and military medical or religious personnel.

''(3) For purposes of this chapter, the term 'protected property' refers to property specifically protected by the law of war such as buildings dedicated to religion, education, art, science or charitable purposes, historic monuments, hospitals, or places where the sick and wounded are collected, provided they are not being used for military purposes or are not otherwise military objectives. Such property would include objects properly identified by one of the distinctive emblems of the Geneva Conventions but does not include all civilian property.

''(4) The intent required for offenses (1), (2), (3), (4) and (12) under subsection (b) precludes their applicability with regard to collateral damage or to death, damage, or injury incident to a lawful attack.

''(b) OFFENSES.—The following enumerated offenses, when committed in the context of and associated with armed conflict, shall be triable by military commission under this chapter at any time without limitation—

''(1) MURDER OF PROTECTED PERSONS.—Any person who intentionally kills one or more protected persons is guilty of the offense of intentionally killing protected persons and shall be subject to whatever punishment the commission may direct, including the penalty of death.

''(2) ATTACKING CIVILIANS.—Any person who intentionally engages in an attack upon a civilian population as such or individual civilians not taking active part in hostilities is guilty of the offense of attacking civilians and shall be subject to whatever punishment the commission may direct, including, if death results to one or more of the victims, the penalty of death.

''(3) ATTACKING CIVILIAN OBJECTS.—Any person who intentionally engages in an attack upon civilian objects (property that is not a military objective) shall be guilty of the offense of attacking civilian objects and shall be subject to whatever punishment the commission may direct.

''(4) ATTACKING PROTECTED PROPERTY.—Any person who intentionally engages in an attack upon protected property shall be guilty of the offense of attacking protected property and shall be subject to whatever punishment the commission may direct.

''(5) PILLAGING.—Any person who intentionally and in the absence of military necessity appropriates or seizes property for private or personal use, without the consent of a person with authority to permit such appropriation or seizure, shall be guilty of the offense of pillaging and shall be subject to whatever punishment the commission may direct.

''(6) DENYING QUARTER.—Any person who, with effective command or control over subordinate groups, declares, orders, or otherwise indicates to those forces that there shall be no survivors or surrender accepted, with the intent therefore to threaten an adversary or to conduct hostilities such that there would be no survivors or surrender accepted, shall be guilty of denying quarter and shall be subject to whatever punishment the commission may direct.

''(7) TAKING HOSTAGES.—Any person who, having knowingly seized or detained one or more persons, threatens to kill, injure, or continue to detain such person or persons with the intent of compelling any nation, person other than the hostage, or group of persons to act or refrain from acting as an explicit or implicit condition for the safety or release of such person or persons, shall be guilty of the offense of taking hostages and shall be subject to whatever punishment the commission may direct, including, if death results to one or more of the victims, the penalty of death.

''(8) EMPLOYING POISON OR ANALOGOUS WEAPONS.—Any person who intentionally, as a method of warfare, employs a substance or a weapon that releases a substance that causes death or serious and lasting damage to health in the ordinary course of events, through its asphyxiating, bacteriological, or toxic properties, shall be guilty of employing poison or analogous weapons and shall be subject to whatever punishment the commission may direct, including, if death results to one or more of the victims, the penalty of death.

''(9) USING PROTECTED PERSONS AS SHIELDS.—Any person who positions, or otherwise takes advantage of, a protected person with the intent to shield a military objective from attack or to shield, favor, or impede military operations, shall be guilty of the offense of using protected persons as shields and shall be subject to whatever punishment the commission may direct, including, if death results to one or more of the victims, the penalty of death.

''(10) USING PROTECTED PROPERTY AS SHIELDS.—Any person who positions, or otherwise takes advantage of the location of, protected property under the law of war with the intent to shield a military objective from attack or to shield, favor, or impede military operations, shall be guilty of the offense of using protected property as shields and shall be subject to whatever punishment the commission may direct.

''(11) TORTURE.—Any person who commits an act specifically intended to inflict severe physical or mental pain or suffering (other than pain or suffering incidental to lawful sanctions) upon another person within his custody or physical control for the purpose of obtaining information or a confession, punishment, intimidation, coercion, or any reason based on discrimination of any kind, shall be guilty of torture and subject to whatever punishment the commission may direct, including, if death results to one or more of the victims, the penalty of death. 'Severe mental pain or suffering' has the meaning provided in 18 U.S.C. 2340(2).

''(12) CRUEL OR INHUMAN TREATMENT.—Any person who commits an act intended to inflict severe physical or mental pain or suffering (other than pain or suffering incidental to lawful sanctions), including severe physical abuse, upon another person within his custody or physical control shall be guilty of cruel or inhuman treatment and subject to whatever punishment the commission may direct, including, if death results to one or more of the victims, the penalty of death. 'Severe mental pain or suffering' has the meaning provided in 18 U.S.C. 2340(2).

''(13) INTENTIONALLY CAUSING SERIOUS BODILY INJURY.—Any person who intentionally causes serious bodily injury to one or more persons, including lawful combatants, in violation of the law of war shall be guilty of the offense of causing serious bodily injury and shall be subject to whatever punishment the commission may direct, including, if death results to one or more of the victims, the penalty of death. 'Serious bodily injury' has the meaning provided in 18 U.S.C. 113(b)(2).

''(14) MUTILATING OR MAIMING.—Any person who intentionally injures one or more protected persons, by disfiguring the person or persons by any mutilation thereof or by permanently disabling any member, limb, or organ of his body, without any legitimate medical or dental purpose, shall be guilty of the offense of mutilation or maiming and shall be subject to whatever punishment the commission may direct, including, if death results to one or more of the victims, the penalty of death.

''(15) MURDER IN VIOLATION OF THE LAW OF WAR.—Any person who intentionally kills one or more persons, including lawful combatants, in violation of the law of war shall be guilty of the offense of murder in violation of the law of war and shall be subject to whatever punishment the commission may direct, including the penalty of death.

''(16) DESTRUCTION OF PROPERTY IN VIOLATION OF THE LAW OF WAR.—Any person who intentionally destroys property belonging to another person in violation of the law of war shall be guilty of the offense of destruction of property in violation of the law of war and shall be subject to whatever punishment the commission may direct.

''(17) USING TREACHERY OR PERFIDY.—Any person who, after inviting the confidence or belief of one or more persons that they were entitled to, or obliged to accord, protection under the law of war, intentionally makes use of that confidence or belief in killing, injuring, or capturing such person or persons, shall be guilty of using treachery or perfidy and shall be subject to whatever punishment the commission may direct.

''(18) IMPROPERLY USING A FLAG OF TRUCE.—Any person who uses a flag of truce to feign an intention to negotiate, surrender, or otherwise to suspend hostilities when there is no such intention, shall be guilty of improperly using a flag of truce and shall be subject to whatever punishment the commission may direct.

''(19) IMPROPERLY USING A DISTINCTIVE EMBLEM.—Any person who intentilly uses a distinctive emblem recognized by the law of war for combatant purposes in a manner prohibited by the law of waf shall be guilty of improperly using a distinctive emblem and shall be subject to whatever punishment the commission may direct.

(20) POTENTIONALLY MISTREATING A DEAD BODY.—Any person who intentionally mistreats the body of a dead person, without justification by legitimate military necessary, shall be guilty of the offense of mistreating a dead body and shall be subject to whatever punishment the commission may direct.

(21) RAPE.—Any person who forcibly or with coercion or threat of force wrongfully invades the body of a person by penetrating, however slightly, the anal or genital opening of the victim with any part of the body of the accused or with any foreign object shall be guilty of the offense of rape and shall be subject to whatever punishment the commission may direct.

''(22) HIJACKING OR HAZARDING A VESSEL OR AIRCRAFT.—Any person subject to this chapter who intentionally seizes, exercises unauthorized control over, or endangers the safe navigation of, a vessel or aircraft that was not a legitimate military target is guilty of the offense of hijacking or hazarding a vessel or aircraft and shall be subject to whatever punishment the commission may direct, including, if death results to one or more of the victims, the penalty of death.

''(23) TERRORISM.—Any person subject to this chapter who intentionally kills or inflicts great bodily harm on one or more persons, or intentionally engages in an act that evinces a wanton disregard for human life, in a manner calculated to influence or affect the conduct of government or civilian population by intimidation or coercion, or to retaliate against government conduct, shall be guilty of the offense of terrorism and shall be subject to whatever punishment the commission may direct, including, if death results to one or more of the victims, penalty of death.

''(24) PROVIDING MATERIAL SUPPORT FOR TERRORISM.—Any person who provides material support or resources, knowing or intending that they are to be used in preparation for, or in carrying out, an act of terrorism (as defined in subsection (b)(23) of this section), or who intentionally provides material support or resources to an international terrorist organization engage in hostilities against the United States, knowing that such organization has engaged or engages in terrorism as defined in subsection (b)(23) of this section), shall be guilty of the offense of providing material support for terrorism and shall be subject to whatever punishment the commission may direct. The term 'material support or resources' has the meaning provided in 18 U.S.C. 2339A(b).

''(25) WRONGFULLY AIDING THE ENEMY.—Any person who, in breach of an allegiance or duty to the United States, knowingly and intentionally aids an enemy of the United States or one its cobelligerents shall be guilty of the offense of wrongfully aiding the enemy and shall be subject to whatever phmthe commission may direct.

''(26) SPYING.—Any person who, with intent or reason to believe that it is to be used to the injury of the United States or to the advantage of a foreign-power, collects or attempts to collect certain information by clandestine means or while acting under false pretenses, for the purpose of conveying such information to an enemy of the United States or one of its co-belligerents, shall be guilty of the offense of spying and shall be subject to whatever punishment the commission may direct, including the penalty of death.

''(27) CONSPIRACY.—Any person who conspires to commit one or more substantive offenses triable under this section, and who knowingly does any overt act to effect the object of the conspiracy, shall be guilty of conspiracy and shall be subject to whatever punishment the commission may direct, including, if death results to one or more of the victims, the penalty of death.

''§ 950w. Perjury and obstruction of justice

''The military commissions also may try offenses and impose punishments for perjury, false testimony, or obstruction of justice related to military commissions.

''§ 950x. Contempt

''A military commission may punish for contempt any person who uses any menacing word, sign, or gesture in its presence, or who disturbs its proceedings by any riot or disorder.''.

(2) TABLES OF CHAPTERS AMENDMENTS.—The tables of chapters at the beginning of subtitle A and part II of subtitle A of title 10, United States Code, are each amended by inserting after the item relating to chapter 47 the following new item:

''CHAPTER 47A—MILITARY COMMISIONS

''SUBCHAPTER I—GENERAL PROVISIONS

''SUBCHAPTER II—COMPOSITION OF COURTS-MARTIAL

''SUBCHAPTER III—PRE-TRIAL PROCEDURE

''SUBCHAPTER IV—TRIAL PROCEDURE

''SUBCHAPTER V—SENTENCES

''SUBCHAPTER VI—POST-TRIAL PROCEDURE AND REVIEW OF MILITARY COMMISSIONS

''SUBCHAPTER VII—PUNITIVE MATTERS

(b) SUBMITTAL OF PROCEDURES TO CONGRESS.—

(1) SUBMITTAL OF PROCEDURES.—Not later than 90 days after the date of the enactment of this Act, the Secretary shall submit to the Committees on Armed Forces of the Senate and the House of Representatives a report setting forth the procedures for military commissions prescribed under Chapter 47A of title 10, United States Code (as added by subsection (a)).

(2) SUBMITTAL OF MODIFICATIONS.—Not later than 60 days before the date on which any proposed modification of the procedures described in paragraph (1) shall go into effect, the Secretary shall submit to the committees of Congress referred to in that paragraph a report describing such modifications.

SEC. 5. JUDICIAL REVIEW.

Section 2241 of title 28, United States Code, is amended by replacing subsection (e) with the following:

''(e) Except as provided for in this subsection, and notwithstanding any other law, no court, justice, or judge shall have jurisdiction to hear or consider any claim or cause of action, including an application for a writ of habeas corpus, pending on or filed after the date of enactment of this Act, against the United States or its agents, brought by or on behalf of any alien detained by the United States as an unlawful enemy combatant, relating to any aspect of the alien's detention, transfer, treatment, or conditions of confinement:

''(1) COMBATANT STATUS REVIEW TRIBUNALS. The United States Court of Appeals for the District of Columbia Circuit shall have exclusive jurisdiction to determine the validity of any final decision of a Combatant Status

Review Tribunal. The scope of such review is defined in section 1005(e)(2) of the Detainee Treatment Act of 2005. If the Court grants a detainee's petition for review, the Department of Defense may conduct a new Combatant Status Review Tribunal.

''(2) MILITARY COMMISSIONS.—Review shall be had only of final judgments of military commissions as provided for pursuant to section 247 of the Military Commissions Act of 2006.

''(3) INFORMATION CONSIDERED.—The court may consider classified information submitted *in camera* and *ex parte* in making any determination under this section.''.

SEC. 6. SATISFACTION OF TREATY OBLIGATIONS.

(a) IN GENERAL.—Satisfaction of the prohibitions against cruel, inhuman, and degrading treatment set forth in Section 1003 of the Detainee Treatment Act of 2005 (title X of Public Law 109–148; 119 Stat. 2739; 42 U.S.C. 2000dd) shall fully satisfy United States obligations with respect to the standards for detention and treatment established by section 1 of common Article 3 of the Geneva Conventions, with the exception of the obligations imposed by subsections 1 (b) and 1 (d) of such Article.

(b) RIGHTS NOT JUDICIALLY ENFORCEABLE.—

(1) IN GENERAL. No person in any habeas action or any other action may invoke the Geneva Conventions or any protocols thereto as a source of rights; whether directly or indirectly, for any purpose in any court of the United States or its States or territories.

(2) CONSTRUCTION.—Paragraph (1) may not be construed to affect the obligations of the United States under the Geneva Conventions.

(c) GENEVA CONVENTIONS DEFINED. In this section, the term ''Geneva Conventions'' means the international conventions signed at Geneva on August 12, 1949, including common Article 3.

SEC. 7. WAR CRIMES ACT AMENDMENT.

Section 2441 of title 18, United States Code is amended by replacing subsection (c)(3) with the following:

''(3) which constitutes any of the following serious violations of common Article 3 of the international conventions signed at Geneva 12 August 1949, when committed in the context of and in association with an armed conflict not of an international character—

''(1) TORTURE.—Any person who commits, or conspires or attempts to commit, an act specifically intended to inflict severe physical or mental pain or suffering (other than pain or suffering incidental to lawful sanctions) upon another person within his custody or physical control for the purpose of obtaining information or a confession, punishment, intimidation, coercion, or any reason based on discrimination of any kind, shall be guilty of a violation of this subsection. 'Severe mental pain or suffering' has the meaning provided in 18 U.S.C. §2340(2).

''(2) CRUEL OR INHUMAN TREATMENT.—Any person who commits, or conspires or attempts to commit, an act intended to inflict severe physical or mental pain or suffering (other than pain or suffering incidental to lawful sanctions), including severe physical abuse, upon another person within his custody or physical control shall be guilty of a violation of this subsection. 'Severe mental pain or suffering' has the meaning provided in 18 U.S.C. §2340(2).

''(3) PERFORMING BIOLOGICAL EXPERIMENTS.—Any person who subjects, or conspires or attempts to subject, one or more persons within his custody or physical control to biological experiments without a legitimate medical purpose and in so doing endangers the body or health of such person or persons shall be guilty of a violation of this subsection

''(4) MURDER.—Any person who intentionally kills, or conspires or attempts to kill, or kills whether intentionally or unintentionally in the course of committing any other offense under this section, one or more persons taking no active part in the hostilities, including those placed *hors de combat* by sickness, wounds, detention, or any other cause, shall be guilty of a violation of this subsection. The intent required for this offense precludes its applicability with regard to collateral damage or to death, damage, or injury incident to a lawful attack.

''(5) MUTILATION OR MAIMING.—Any person who intentionally injures, or conspires or attempts to injure, or injures whether intentionally or unintentionally in the course of committing any other offense under this section, one or more persons taking no active part in the hostilities, including those placed *hors de combat* by sickness, wounds, detention, or any other cause, by disfiguring the person or persons by any mutilation thereof or by permanently disabling any member, limb, or organ of his body, without any legitimate medical or dental purpose, shall be guilty of a violation of this subsection. The intent required for this offense precludes its applicability with regard to collateral damage or to death, damage, or injury incident to a lawful attack.

''(6) INTENTIONALLY CAUSING GREAT SUFFERING OR SERIOUS INJURY.—Any person who intentionally causes, or conspires or attempts to cause, serious, bodily injury to one or more persons taking no active part in the hostilities, including those placed *hors de combat* by sickness, wounds, detention, or any other cause, shall be guilty of a violation of this subsection. The intent required for this offense precludes its applicability with regard to collateral damage or to death, damage, or injury incident to a lawful attack. 'Serious bodily injury' has the meaning provided in 18 U.S.C. §113(b)(2).

''(7) RAPE.—Any person who forcibly or with coercion or threat of force wrongfully invades, or conspires or attempts to invade, the body of a person by penetrating, however slightly, the anal or genital opening of the victim with any part of the body of the accused or with any foreign object shall be guilty of a violation of this subsection.

''(8) SEXUAL ASSAULT OR ABUSE.—Any person who forcibly or with coercion or threat of force engages, or conspires or attempts to engage, in sexual contact with one or more persons, or causes, or conspires or attempts to cause, one or more persons to engage in sexual contact, shall be guilty of a violation of this subsection. For purposes of this offense, 'sexual contact' has the meaning provided in 18 U.S.C. §2246(3).

''(9) TAKING HOSTAGES.—Any person who, having knowingly seized or detained one or more persons, threatens to kill, injure, or continue to detain such person or persons with the intent of compelling any nation, person other than the hostage, or group of persons to act or refrain from acting as an explicit or implicit condition for the safety or release of such person or persons, shall be guilty of a violation of this subsection. Any person who attempts to engage or conspires to engage in this offense shall also be guilty under this subsection.''.

SEC. 8. CONFORMING AMENDMENTS.

(a) Section 1004(b) of the Detainee Treatment Act of 2005 (10 U.S.C. §801 note). is amended to conform with this Act as follows—

(1) by replacing ''may provide'' with ''shall provide''; and

(2) by adding ''or investigation'' after ''criminal prosecution''; and

(3) by adding ''whether before United States courts or agencies, foreign courts or agencies, or international courts or agencies,'' after ''described in that subsection'';

(b) Section 1005 of the Detainee Treatment Act of 2005 (10 U.S.C. §801 note) is amended to conform with this Act as follows—

(1) by striking subsection (e)(3)(B) and renumbering subsections (e)(3)(C) and (e)(3)(D) as subsections (e)(3)(B) and (e)(3)(C), respectively; and

(2) in subsection (e)(3)(A), by striking ''pursuant to Military Commission Order No. 1, August 31, 2005 (or any successor military order)'' and inserting ''by a military commission under chapter 47a of title 10''; and

(3) in former subsection (e)(3)(C)(i), by striking ''pursuant to the military order'' and inserting ''by a military commission''; and

(4) in former subsection (e)(3)(C)(ii), by striking ''pursuant to such military order'' and inserting ''by such a military commission''; and

(5) in former subsection (e)(3)(D)(i) by striking ''specified in the military order'' and inserting ''specified for a military commission''; and

(6) and in former subsection (e)(3)(C)(i), by striking ''at Guantanamo Bay, Cuba''; and

(7) in former subsection (e)(2)(b)(i) by replacing ''the Department of Defense at Guantanamo Bay, Cuba'' with ''United States''.

(c) Section 802 of title 10, United States Code, is amended to conform with this Act by adding, ''(a)(13) Lawful enemy combatants who violate the law of war.''

(d) Section 821 of title 10, United States Code, is amended to conform with this Act by striking the phrase ''by statute or the law of war''.

(e) Section 836 of title 10, United States Code, is amended to conform with this Act as follows—in subsection (a), by replacing ''military commissions and other military tribunals'' with ''and other military tribunals (excluding military commissions)''.

SEC. 9. RETROACTIVE APPLICATION.

This Act shall take effect on the date of the enactment of this Act and shall apply retroactively, including to any aspect of the detention, treatment, or trial of any person detained at any time since September 11, 2001, and to any claim or cause of action pending on or after the date of the enactment of this Act.

SEC. 10. SEVERABILITY.

If any provision of this Act, or the application of a provision to any person or circumstance, is held to be unconstitutional, the remainder of this Act, and the application of the provisions to any other person or circumstance, shall not be affected thereby.

By Mr. AKAKA (for himself, Mr. LAUTENBERG, Ms. STABENOW, and Mr. OBAMA):

S. 3863. A bill to amend part A of title IV of the Social Security Act to require a State to promote economic and financial education under the Temporary Assistance for Needy Families (TANF) Program and to allow economic and financial education to count as work activity under that program; to the Committee on Finance.

Mr. AKAKA. Mr. President, today, I am introducing the TANF Economic and Financial Education Promotion Act of 2006, with my colleagues Senators LAUTENBERG, STABENOW, and OBAMA. I appreciate the work of our former colleague, Senator Corzine, for initiating this important financial and economic literacy bill, of which I had been an original cosponsor. This bill is a product of revisions suggested by the

Jump$tart Coalition for Personal Financial Literacy and the American Savings and Education Council, as well as consultation with other community groups such as the National Association of Securities Dealers and National Council on Economic Education.

As noted in the bill's findings, high levels of personal debt and bankruptcy filings combined with a negative personal savings rate in 2005 have put more and more individuals on the edge of financial insolvency. Individuals who are already living with less-than-ideal financial circumstances—such as most Temporary Assistance for Needy Families, TANF, recipients and others who are not financially self-sufficient and live outside the financial mainstream—apply to predatory lenders for short-term loans with comparatively high interest rates or fees, or are able to save little or nothing for emergencies or future events. A lack of basic consumer finance education, including lack of familiarity with how a checking or savings account works, has been cited as a major reason millions of Americans do not set up mainstream accounts and, thus, put themselves into greater financial peril.

Economic and financial education can help individuals and families meet short-term obligations and maximize their well-being in the long-term, particularly in populations traditionally underserved by mainstream financial systems. Such education can provide access to the tools needed to create household budgets, initiate savings plans, and build assets, as well as keep vulnerable individuals from unknowingly entering or being forced into financially devastating credit arrangements. Core goals of economic and financial literacy activities complement TANF's aims to reduce welfare dependency, helping people achieve self-sufficiency.

For families transitioning from welfare into work, challenges continue to abound, including obtaining child care and transportation. Another challenge that is often overlooked, however, is the difficulty of transitioning from a benefits- to a wage-based income. Financial and economic literacy programs that educate families through this transition about taxes and tax benefits that they may be eligible for, such as the Dependent Care Tax Credit and the Earned Income Tax Credit, can help to ensure that they have access to these important work benefits.

The bill we are introducing today would tackle this problem for a targeted group of Americans by making economic and financial education an allowable use of federal TANF funds and a qualified work activity under the law. The bill would also require States, through collaborations with local banks, community-based organizations, business entities, and members of the Federal Financial Literacy and Education Commission, to promote financial education in their state TANF plans. States must ensure that such activities are accessible to the target population by way of appropriately-geared curriculum, provide relevant and practical information to participants, include a direct delivery component, and, to the extent practicable, work with an asset building program conducted in that state. This bill aims to make a big difference for one of our country's most vulnerable populations and provide them access to tools that can allow them to stand on their own feet, for themselves and their families.

I thank my cosponsors for joining me in introducing this bill, and I urge other colleagues to support this meaningful 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. 3863

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 ''TANF Economic and Financial Education Promotion Act of 2006''.

SEC. 2. FINDINGS AND PURPOSES.

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

(1) Most recipients of assistance under the Temporary Assistance for Needy Families (TANF) Program established under part A of title IV of the Social Security Act (42 U.S.C. 601 et seq.) and individuals moving toward self-sufficiency operate outside the financial mainstream, paying high costs to handle their finances and saving little for emergencies or the future.

(2) Personal debt levels and bankruptcy filing rates are high and savings rates are at their lowest levels in 70 years. In 2005, the savings rate was negative. The inability of many households to budget, save, and invest prevents them from laying the foundation for a secure financial future.

(3) Financial planning can help families meet near-term obligations and maximize their longer-term well being, especially valuable for populations that have traditionally been underserved by our financial system.

(4) Economic and financial education can give individuals the necessary financial tools to create household budgets, initiate savings plans, and acquire assets.

(5) Economic and financial education can prevent vulnerable customers from becoming entangled in financially devastating credit arrangements.

(6) Economic and financial education that addresses abusive lending practices targeted at specific neighborhoods or vulnerable segments of the population can prevent unaffordable payments, equity stripping, and foreclosure.

(7) Economic and financial education speaks to the broader purpose of the TANF Program to equip individuals with the tools to succeed and support themselves and their families in self-sufficiency.

(b) PURPOSES.—The purposes of this Act are the following:

(1) To promote economic and financial literacy among individuals receiving assistance under Temporary Assistance for Needy Families programs funded under part A of title IV of the Social Security Act (42 U.S.C. 601 et seq.) by permitting States to include economic and financial literacy education that is provided directly to individuals as a work activity under such programs.

(2) To provide individuals receiving assistance under Temporary Assistance for Needy Families programs funded under part A of title IV of the Social Security Act (42 U.S.C. 601 et seq.) with the skills and knowledge needed to effectively address personal financial matters and to make financial choices that will lead such individuals toward becoming financially self-sufficient.

SEC. 3. REQUIREMENT TO PROMOTE ECONOMIC AND FINANCIAL EDUCATION UNDER TANF.

(a) STATE PLAN REQUIREMENT.—Section 402(a)(1)(A) of the Social Security Act (42 U.S.C. 602(a)(1)(A)) is amended by adding at the end the following new clause:

''(vii) Establish goals and take action to promote economic and financial education in accordance with a program established under section 404(l) among parents and caretakers receiving assistance under the program through collaboration with community-based organizations, financial institutions, business entities, the Financial Literacy and Education Commission established under section 513 of the Fair and Accurate Credit Transactions Act of 2003 (20 U.S.C. 9702) and departments and agencies that are members of such Commission, including the Department of Agriculture, the Securities and Exchange Commission, and the Board of Governors of the Federal Reserve System.''.

(b) PROGRAM REQUIREMENTS.—Section 404 of the Social Security Act (42 U.S.C. 604) is amended by adding at the end the following new subsection:

''(l) ECONOMIC AND FINANCIAL EDUCATION.—

''(1) IN GENERAL.—Subject to the succeeding paragraphs of this subsection, a State to which a grant is made under section 403—

''(A) shall use the grant or State funds that are qualified State expenditures (as defined in section 409(a)(7)(B)(i)) to establish a program to provide economic and financial education directly for parents and caretakers receiving assistance under the State program funded under this part; and

''(B) may count a parent's or caretaker's hours of participation in such program as being engaged in work for purposes of determining monthly participation rates under section 407(b)(1)(B)(i).

''(2) REQUIREMENTS.—A State shall ensure that the economic and financial literacy activities conducted under the program established under this subsection—

''(A) are accessible to the target population through curriculum geared to the general literacy level of the participants;

''(B) provide relevant and practical information to participants;

''(C) include a direct delivery component; and

''(D) to the extent practicable, are conducted in conjunction with an asset building program conducted in the State.

''(3) COLLABORATION WITH NONGOVERNMENTAL OR NONPROFIT ORGANIZATIONS ENCOURAGED.—In carrying out economic and financial education activities under a program established under this subsection, a State is encouraged to collaborate with nongovernmental or nonprofit organizations with a proven record of educating the public, especially at-risk populations, regarding economic and financial literacy.

''(4) EVALUATION.—A State shall conduct an evaluation of the economic and financial literacy program established under this subsection not less than once every 3 years for the purpose of—

''(A) monitoring the number of parents and caretakers served under the program;

''(B) improving program administration;

''(C) facilitating replication and expansion of best practices;

''(D) assessing behavioral changes of participants; and

''(E) assessing asset accumulation of participants.

''(5) DEFINITION OF ECONOMIC AND FINANCIAL EDUCATION.—In this subsection, the term 'economic and financial education' means education that—

''(A) promotes an understanding of consumer, economic, and personal finance concepts, including basic economic concepts such as supply and demand and opportunity cost, as well as basic financial literacy concepts such as budgeting and money management, saving, retirement planning, maintaining good credit, and the avoidance of predatory lending and financial abuse schemes; and

''(B) is based on recognized standards for economic and financial education.''.

(c) EFFECTIVE DATE.—

(1) IN GENERAL.—Except as provided in paragraph(2), the amendments made by this section take effect on October 1, 2006.

(2) EXCEPTION.—In the case of a State plan under part A of title IV of the Social Security Act which the Secretary of Health and Human Services determines requires State legislation in order for the plan to meet the additional requirements imposed by the amendments made by this Act, the effective date of the amendments imposing the additional requirements shall be 3 months after the first day of the first calendar quarter beginning after the close of the first regular session of the State legislature that begins after the date of enactment of this Act. For purposes of the preceding sentence, in the case of a State that has a 2-year legislative session, each year of the session shall be considered to be a separate regular session of the State legislature.

By Mr. MARTINEZ (for himself and Mr. CORNYN):

S. 3864. A bill to amend part A of title I of the Elementary and Secondary Education Act of 1965 to improve supplemental educational services, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

Mr. MARTINEZ. Mr. President, today I rise to discuss a topic that will always have incredible meaning to American families: educating our children. We all want what is best for our children, and we all want to make sure that we provide them with the tools that they need to succeed in tomorrow's workforce.

While there are many different components to our education system here in America, today I want to concentrate on a particular point of concern, an area where, with some improvement, can be a key tool ensuring that our children are meeting their educational goals.

Today, along with Senator JOHN CORNYN of Texas, I rise to introduce the Raising Achievement through Improving Supplemental Education Act of 2006—or the RAISE Act for short.

The RAISE Act seeks to improve the Supplemental Educational Services, SES, program and clears the way for this program to become well-known, widely available, and easily accessible to eligible students.

It seeks to broaden eligibility requirements and prioritization of the program, and to target all low-performing students regardless of income status.

Let me take a step back and talk about the Supplemental Education Service program, or SES program, for those who might not be familiar with it.

SES was implemented as part of No Child Left Behind and designed to be an innovative tool to help meet the academic needs of low-income students attending continuously failing schools.

The No Child Left Behind Act requires school districts to utilize 20 percent of their Federal funds for after-school tutoring programs at consistently failing schools.

Under this program, low-income parents can choose free private tutoring from the provider of their choice. School districts then use their 20 percent allocation to pay the providers for their tutoring services. Any part of these funds that are not used for tutoring can be transferred into other district programs.

By providing direct tutoring after school, the SES program can help students who are behind catch up with their peers. This in turn also improves the overall school performance.

While the intent of the SES program has been pure, there have been numerous shortfalls nationwide—these shortfalls have much to do with a lack of implementation which the RAISE Act would seek to correct.

For example, in the 2003–2004 school year, only 17 percent of the eligible 1.4 million students participated in SES programs. That means that hundreds of thousands of children are not being provided with tutoring help where funding has already been set aside for that purpose.

Some parents reported that they did not sign up because they lacked the transportation to get their students to the providers, the providers were not tutoring on-site at the schools. Also, there were some conflicts with other, better established after-school programs.

States have reported that many school districts with low turnout have failed to communicate with parents or implement the program in a way that ensures its success. The reports further indicate that some of the districts have openly undermined the program in letters to parents.

In my own State of Florida for instance, one county sent a letter home to parents this past April about the SES services that would be provided for the current school year that sent quite a mixed signal.

The letter stated that although parents might be able to secure SES program assistance for their children, the district believed that the funds could be better spent elsewhere and went as far to, quote unquote, ''strongly urge parents'' not to utilize their SES and school choice options under No Child Left Behind.

So, what we are seeing is that with all the good intentions behind the SES program, we are having some problems with implementation.

In Florida, we have already implemented SES improvements. As a result, Florida will see a higher SES program success rate, stronger guidelines, and better State oversight.

Many of the provisions of the RAISE Act are modeled after the successes already occurring in my home State.

In our school districts where SES programs are thriving, good communication with both parents and providers has been emphasized, as well as access to on-site tutoring at school facilities.

One prominent Florida-based example is the SES program in Marion County, located in central Florida. Schools there have utilized all their funds to maximize student enrollment, which also increases the program's chances of greater overall success.

Other good examples of SES program progress include Escambia County, Florida, where the city of Pensacola is located—to best utilize their SES dollars, they hosted a successful summer tutoring program.

School Districts in the Palm Beach and Miami-Dade areas have SES programs that bode well on a national level for the strong parental outreach efforts they have instituted, which enable all eligible students the ability to enroll in SES.

In Hillsborough County, FL—where Tampa is located—their success with SES enrollment brought the U.S. Department of Education to grant the district a special provision, whereby they can provide SES tutoring in addition to the private providers that most of the money is allocated for.

This will allow Hillsborough County to make SES available to more students, and I look forward to seeing what their efforts bring.

The RAISE Act will help make possible nationwide the kind of SES program success we have experienced in Florida. This success will come about because of stricter implementation standards and program overview.

Another important component of the RAISE Act is eligibility for SES. Currently, SES targets low-income, low-performing students.

I think we should be targeting all low-performing students, regardless of income status.

By overlooking many middle-class families who do not have the money to put their children into private tutoring or after-school programs, many of those children are falling through the cracks.

This bill is meant to ensure that all of our low-performing students have an opportunity to succeed academically.

We are going to help out those in need such as Ms. Carla Garcia of Gibsonton, FL—a part of Hillsborough County. She is a single mother struggling to provide her family with the basics.

She does not qualify for the low-income programs at her school, so her

son is not currently eligible for SES services even though he is falling behind academically.

Ms. Garcia strongly believes that if her son was able to receive tutoring under SES, he would be better able to excel and perform at grade level.

Under the RAISE Act, Ms. Garcia would be able to receive SES services for her son—as would many other parents for their children—because my bill would make SES tutoring available to all students who are struggling to meet grade level proficiency.

The RAISE Act aims to make sure that every child in the school yard has an equal opportunity at scholastic growth and advancement.

So, to summarize: The RAISE Act will require better parental notification of eligibility and program availability; we streamline the application and registration process; and we level the playing field—making school facilities as available for tutoring as they are for other after-school activities.

The RAISE Act will broaden eligibility requirements and prioritization. Right now SES targets low-income, low-performing students; I think we ought to target all low-performing students, regardless of income status.

In Florida, we have already implemented SES improvements. As a result, Florida's SES program has stronger guidelines and better State oversight. Many of the provisions of the RAISE Act are modeled after the successes already occurring in the state of Florida.

The RAISE Act will provide the guidance and tools states and school districts need to increase participation and produce results. Stronger coordination, communication, and guidance will make SES programs more effective.

The RAISE Act will help raise the success of all students, in turn raising the academic achievement of our schools. The Act was developed in consultation with school administrators, state education officials, and non-profit and research groups. This is a nationwide imperative and I urge my colleagues to support this innovative set of reforms.

Let us continue to make improvements to the success that is No Child Left Behind, by providing the necessary funding, regulation, and implementation of Supplemental Educational Services across this great land.

Together, we can make the RAISE Act a reality and improve the academic lives of countless American schoolchildren.

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. 3864

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 ''Raising Achievement through Improving Supplemental Education Act of 2006'' or the ''RAISE Act''.

SEC. 2. REFERENCES.

Except as otherwise expressly provided, whenever in this Act an amendment or repeal is expressed in terms of an amendment to, or a repeal of, a section or other provision, the reference shall be considered to be made to a section or other provision of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6301 et seq.).

SEC. 3. SUPPLEMENTAL EDUCATIONAL SERVICES AFTER THE FIRST YEAR OF IDENTIFICATION FOR SCHOOL IMPROVEMENT.

Section 1116 (20 U.S.C. 6316) is amended—

(1) in subsection (b)—

(A) in paragraph (1), by adding at the end the following:

''(G) SUPPLEMENTAL EDUCATIONAL SERVICES.—In the case of a school identified for school improvement under this paragraph, the local educational agency shall make supplemental educational services available consistent with subsection (e)(1).''; and

(B) in paragraph (5)(B), by inserting ''continue to'' after ''shall''; and

(2) in subsection (e)(1), by inserting ''(1),'' after ''in paragraph''.

SEC. 4. PRIORITIZING FUNDS.

Section 1116(b)(10)(C) (20 U.S.C. 6316(b)(10)(C)) is amended—

(1) by striking ''FUNDS.—If'' and inserting ''FUNDS.—

''(i) PRIORITY.—Subject to clause (ii), if'';

(2) by striking ''local educational agency shall give priority'' and all that follows through the period at the end and inserting ''local educational agency shall give priority—

''(I) first, to eligible children who are low-income and low-performing, as described in clauses (i) and (ii) of subsection (e)(13)(A);

''(II) second, to low-performing eligible children; and

''(III) third, to low-income eligible children.''; and

(3) by adding at the end the following:

''(ii) DOCUMENTATION.—A local educational agency may only prioritize in accordance with clause (i) after the local educational agency makes available to the State educational agency documentation providing clear and convincing evidence that the funds available to provide supplemental educational services under subsection (e) are insufficient to meet the actual demand by parents of eligible children for the services, as demonstrated by satisfying the requirements of paragraph (2).''.

SEC. 5. LOCAL EDUCATIONAL AGENCY RESPONSIBILITIES.

Section 1116(e)(2) (20 U.S.C. 6316(e)(2)) is amended—

(1) in subparagraph (A), by striking ''at a minimum, annual'' and inserting ''at a minimum, at the times specified under subparagraph (B)(i),'';

(2) by redesignating subparagraphs (B), (C), and (D) as subparagraphs (E), (F), and (H), respectively;

(3) by inserting after subparagraph (A) the following:

''(B) establish a streamlined opportunity for eligible children to acquire supplemental educational services under this subsection, which shall include—

''(i) notifying eligible children served by the local educational agency and their parents of the child's eligibility for supplemental educational services—

''(I) not later than 30 days after the local educational agency obtains data from the State educational agency indicating that the school serving the child is identified for school improvement under section 1116(b)(1);

''(II) not later than 30 days after the first day of classes at the school for a school year; and

''(III) not later than 30 days before requesting the reallocation of unused funds reserved for supplemental educational services under subsection (b)(10)(A);

''(ii) holding not less than 2 opportunities for parents of eligible children to register and select a provider simultaneously through the one-step process described in subparagraph (C); and

''(iii) using, as the application for supplemental educational services under this section, the State application developed under paragraph (4)(F);

''(C) create a streamlined, one-step parent registration and provider selection process that—

''(i) does not place an undue burden on parents that may result in the decreased participation of eligible children in supplemental educational services under this subsection;

''(ii) provides notice to the parents of the process for receiving supplemental educational services under this subsection;

''(iii) obtains the parent's permission to release assessment data regarding the eligible child to the provider selected by the parent;

''(iv) is as simple as possible and is in the parent's native language, where possible; and

''(v) provides each provider with the names and contact information of the eligible children whose parents have selected the provider for such services in a timely manner;

''(D) make every effort, in carrying out the duties of the local educational agency under this paragraph—

''(i) to increase the participation of eligible children in supplemental educational services under this subsection; and

''(ii) to fully utilize the funds available under subsection (b)(10)(A)(ii) for providing such services to eligible children;'';

(4) in subparagraph (F) (as redesignated by paragraph (2)), by striking ''; and'' and inserting '', based on the priorities described in subsection (b)(10)(C)(i);''; and

(5) by inserting after subparagraph (F) (as redesignated by paragraph (2)) the following:

''(G) provide approved providers with access to school facilities on the same basis as other after-school and extra-curricular programs (including programs operated or overseen by the local educational agency) seeking access to the school facility; and''.

SEC. 6. PROVIDER AND LEA AGREEMENT.

Section 1116(e)(3) (20 U.S.C. 6316(e)(3)) is amended—

(1) by redesignating subparagraphs (A) through (E) as subparagraphs (B) through (F), respectively;

(2) in the matter preceding subparagraph (B) (as redesignated by paragraph (1)), by striking ''In the case'' and all that follows through ''Such agreement shall—'' and inserting ''In the case of an approved provider selected by a parent, the local educational agency shall enter into a written agreement with such provider, not later than 45 days after the first day of the school year or 45 days after the selection by the parent, whichever occurs later. Such agreement shall—

''(A) require that the provider be available to begin providing supplemental educational services under this subsection not later than 20 days after both parties receive the names and contact information described in paragraph (2)(C)(v);''; and

(3) in subparagraph (B) (as redesignated by paragraph (1))—

(A) by striking ''local educational agency'' and inserting ''provider''; and

(B) by striking ''the provider chosen by the parents'' and inserting ''the local educational agency''.

SEC. 7. STATE EDUCATIONAL AGENCY RESPONSIBILITIES.

Section 1116(e)(4) (20 U.S.C. 6316(e)(4)) is amended—

(1) in subparagraph (E)—

(A) by striking the period and inserting a semicolon; and

(B) by redesignating subparagraph (E) as subparagraph (F);

(2) in subparagraph (D)—

(A) by striking ''and'' after the semicolon; and

(B) by redesignating subparagraph (D) as subparagraph (G) and moving the subparagraph so that the subparagraph follows subparagraph (F) (as redesignated by paragraph (1)(B));

(3) by inserting after subparagraph (C) the following:

''(D) notify each local educational agency within the State that is required to provide supplemental educational services under this subsection for a school year not later than the June 1st preceding the commencement of the school year, or if the June 1st deadline is not possible, with as much advance notice before the first day of the school year as possible;

''(E) include on the State educational agency's Internet website a standard, downloadable application form for local educational agencies and parents to utilize in applying for and providing supplemental educational services under this subsection;''; and

(4) by adding at the end the following:

''(H) provide a valid and reliable evaluation of providers that—

''(i) is consistent with relevant, nationally-recognized professional and technical standards;

''(ii) records the gains of individual students by showing improvement attributable per hour of supplemental educational services instruction under this subsection (especially for students whose academic achievement level is several grades below grade level);

''(iii) isolates the effects of supplemental educational services under this subsection from other possible variables that might affect a student's academic achievement;

''(iv) coordinates the collection of qualitative data on parental satisfaction with the supplemental educational services of the provider under this subsection, and the reasons for such level of satisfaction; and

''(v) may exclude from the evaluation those students who attend less than 80 percent of the total hours of supplemental educational services scheduled for the student;

''(I) establish safeguards against potential conflicts of interest when a local educational agency applies to be, or becomes, a provider of supplemental educational services under this subsection, and provide monitoring and evaluation of the local educational agency's performance as a provider; and

''(J) prohibit local educational agencies from reprogramming any portion of the supplemental educational services funds described in subsection (b)(10)(A)(ii) for a fiscal year for other purposes, unless the local educational agency provides to the State educational agency clear and convincing evidence, as determined by the State educational agency, that—

''(i) the parents of all eligible children in schools served by the local educational agency have been notified in good faith of the availability of supplemental educational services under this subsection;

''(ii) the local educational agency is meeting all actual demand from parents for supplemental educational services under this subsection, as determined by whether the local educational agency has opened enrollment for supplemental educational services under this section, on a monthly basis, after the initial enrollment, to parents of all eligible children without restriction until all funds available to provide supplemental educational services under subsection (b)(10)(A)(ii) are expended; and

''(iii) the local educational agency is able to meet any likely future demand for supplemental educational services for the school year for which the determination is made.''.

SEC. 8. CRITERIA FOR PROVIDERS.

Section 1116(e)(5) (20 U.S.C. 6316(e)(5)) is amended—

(1) by redesignating subparagraphs (C) and (D) as subparagraphs (E) and (F), respectively; and

(2) by inserting after subparagraph (B) the following:

''(C) Offer no incentives for the purpose of enticing eligible children or their parents to select the provider for supplemental educational services under this subsection.

''(D) Offer an incentive to an eligible child only if—

''(i) the purpose of the incentive is to encourage the eligible child's performance or attendance; and

''(ii) the value of the incentive is not more than 5 percent of the per-pupil amount for supplemental educational services described in paragraph (6)(A), as calculated for the local educational agency serving the student.''.

SEC. 9. SPECIAL RULE FOR INEFFECTIVE LEA'S.

Section 1116(e)(11) (20 U.S.C. 6316(e)(11)) is amended—

(1) by striking ''RULE.—If'' and inserting ''RULES.—

''(A) STATE EDUCATIONAL AGENCY ROLE.—If''; and

(2) by adding at the end the following:

''(B) LOCAL EDUCATIONAL AGENCY ROLE.—

''(i) IN GENERAL.—If a State educational agency determines that the local educational agency is not able, or is too unreliable, to carry out the local educational agency's responsibilities under paragraph (2), or if there is a conflict of interest due to the local educational agency becoming a provider, the State educational agency may, from amounts described in clause (ii), enter into a contract or cooperative agreement with a nonprofit organization to enable the nonprofit organization to carry out such responsibilities with respect to the eligible children served by the local educational agency.

''(ii) REALLOCATION OF FUNDS.—

''(I) IN GENERAL.—In order to carry out clause (i) with respect to a local educational agency, the State educational agency shall reserve and utilize, from the funds allocated to the local educational agency under subpart 2, an amount equal to fifteen percent of such funds.

''(II) ADMINISTRATIVE COSTS.—A total of not more than 5 percent of the reserved amount described in subclause (I) may be used for the administrative costs of the State educational agency and the nonprofit organization.

''(III) INTERACTION WITH RESERVED FUNDS.—In calculating the amount spent by a local educational agency for the purposes of subsection (b)(10), the amounts spent on behalf of a local educational agency under this subparagraph shall be included.''.

SEC. 10. DEFINITION OF ELIGIBLE CHILD.

Section 1116(e)(12)(A) (20 U.S.C. 6316(e)(12)(A)) is amended to read as follows:

''(A) the term 'eligible child' means a child—

''(i) from a low-income family, as determined by the local educational agency for purposes of allocating funds to schools under section 1113(c)(1); or

''(ii) who is low-performing, as demonstrated by a score of below proficient in a required subject on the State student academic assessment, as described in section 1111(b)(3)(A), for the previous school year.''.

SEC. 11. COORDINATION OF SUPPLEMENTAL EDUCATIONAL SERVICES WITH AFTER-SCHOOL CARE.

Section 1116(e) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6316(e)) is further amended—

(1) by redesignating paragraph (12) (as amended by section 10) as paragraph (13); and

(2) by inserting after paragraph (11) the following:

''(12) COORDINATION WITH AFTER-SCHOOL PROGRAMS.—The Secretary shall develop, and provide guidance on the implementation of, a model program for coordinating the provision of supplemental educational services under this subsection with the 21st century learning centers assisted under part B of title IV.''.

By Mr. BAUCUS:

S. 3865. A bill to provide incentive for employers to hire service-connected disabled veterans and to improve adjustment assistance and job-training transition for injured and disabled veterans, and for other purposes; to the Committee on Finance.

Mr. BAUCUS. Mr. President, I wish to talk about one tribute we can make to the brave men and women who have put their lives on the line and returned home wounded. We need to ensure that those who have sacrificed for our country receive their due benefits. We need to see that they are taken care of when they return home.

As of July 2006, nearly 20,000 members of our Armed Forces have been wounded in action in Operation Iraqi Freedom and Operation Enduring Freedom. Many of these soldiers are now permanently disabled. Of these brave soldiers who have been wounded, nearly 5,000 are members of the National Guard and Reserves. Our National Guard and Reserves are carrying a huge burden in our current conflicts abroad.

Ninety-five percent of America's National Guard combat battalions and special operations have been mobilized since September 11, 2001.

Many of these wounded soldiers come from rural States such as my home State of Montana. In Montana, we have the highest proportion of veterans per capita of any State. According to the most recent census, veterans account for nearly one out of every six people in Montana. And veterans and families of veterans constitute a significant portion of the population in rural States throughout the country.

When not deployed, many National Guardsmen and reservists in my home State support their families with second and even third jobs. At any time, they can be deployed overseas, to our borders, or even to aid with national disasters such as hurricanes or forest fires. If they are injured or disabled, however, many become unable to perform the jobs they did before deployment. They will need to transition into

a new job or career. It is our duty to provide the proper means for soldiers to make that transition. It is our duty to help them to live as independent citizens. It seems that the opposite is true.

Since August 2002, the share of veterans collecting unemployment insurance has nearly doubled. During any given year, half a million veterans across the Nation experience homelessness. We are not providing enough resources for veterans looking for work. We are too often failing our injured and our disabled veterans.

Many seriously injured and disabled veterans simply do not know what they are going to do once they return home. We need to help these young men and women. That is why today I offer a special tribute.

Today I am introducing the Help Our Patriots Employment Act of 2006, and I call it the HOPE Act. The HOPE Act would provide a tax incentive to employers to hire service-connected disabled veterans, and the HOPE Act would increase funding for job training transition services for injured and disabled veterans.

The work opportunity and the welfare-to-work tax credits expired at the end of 2005. We all hope these credits can be extended soon. They have gone without extension for too long now. In addition, I introduced legislation that would permanently extend and improve upon the work opportunity and welfare-to-work tax credits.

My HOPE Act provides employers with a graduated tax credit equal to 25 percent of wages for disabled veterans working between 120 hours and 399 hours, and a 40-percent tax credit on wages for disabled veterans working more than 400 hours, on up to $12,000 in wages per employee. In addition to this tax credit for businesses, my bill would increase funding for the Veterans' Employment and Training Service Program, the VETS Program, under the Department of Labor.

In my home State of Montana, the VETS Program has two staff members to cover the entire State. Montana covers more than 145,000 square miles. It is simply not possible for this essential program to reach every veteran who needs career help—not with two people.

For many injured veterans, it will be a long journey simply to get back on their feet. My legislation will not address all their needs, but it will help. One thing is clear: This problem is not going away. It is getting worse. That is why we need to make sure we are doing everything we can to help injured and disabled veterans.

These heroes have given so much for our country—so much. They have sacrificed so much on the battlefield. They return to a life much different from the one they left. We need to ensure they are given the resources to transition and succeed in life when they return home.

Mr. President, let me close where I began. Let me honor those who have made the ultimate sacrifice for our country. I close by reading the names of those from Montana who have died fighting for our country since September 11:

PVT Krostofor Stonesifer, SGT Michael Bews, LT Edward Saltz, PVT Owen Witt, LTC Benjamin Watson, CPL Dean Pratt, CPL Kane Funke, SGT Aaron Holleyman, CPL Nathan Wood, SGT Robbie McNary, CPL Bill Ellingham, CPL Josh Timmerman, SGT Jack Tankersly, CPL Steve Slavik, CPL Nicholas Bloem, LT Josh Hyland, SGT Travis Arndt, PVT Andrew Bedard, CPT Michael MacKinnon, CPL Raleigh Smith, and CPL Phillip Baucus.

May their memory be a blessing in the lives of all of our families. May our Nation never forget their sacrifice. And may we always honor those who have fought to defend our freedom.

By Mr. AKAKA (for himself, Mr. LAUTENBERG, Ms. STABENOW, Mr. SARBANES, and Mr. BAUCUS):

S. 3866. A bill to establish a grant program to enhance the economic and financial literacy of midlife and older Americans so as to enhance their retirement security and to reduce financial abuse and fraud among such Americans, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

Mr. AKAKA. Mr. President, today, I am introducing the Education for Retirement Security Act of 2006, with my colleagues Senators LAUTENBERG, STABENOW, SARBANES and BAUCUS. I thank our former colleague, Senator Corzine, for initiating this important financial and economic literacy bill, of which I had been an original cosponsor. This bill is a product of revisions suggested by the Jump$tart Coalition for Personal Financial Literacy and the American Savings and Education Council, as well as consultation with other community groups such as the National Association of Securities Dealers and National Council on Economic Education.

Americans are not saving enough for retirement. Longer life spans, combined with low savings and high consumer debt, are putting many mid-life and older Americans on the path to entering retirement years with a lower quality of life, delaying their retirement to catch up with inadequate savings, or becoming a significant financial burden on their loved ones. In 2005, only 42 percent of workers or their spouses calculated the amount they needed to save for retirement a major decrease from 53 percent in 2000. Only about half of working Americans are covered by a pension plan.

Inadequacy of retirement nest eggs and other preparation for retirement will certainly impact the U.S. economy and government services, as we know that the number of older individuals in the U.S. is projected to more than double over the next 30 years, from 35 million to 75 million people. We will inevitably see serious increases in long-term care and other health costs.

Furthermore, individuals of questionable moral character are determined to erode older Americans' lifetime savings through fraud or aggressive marketing tactics selling unnecessary products or those with exorbitant and hidden fees. The Federal Trade Commission Identity Theft Data Clearinghouse reported that incidents of identity theft targeting individuals age 60 and older increase from 1,821 victims in 2000 to a startling 21,084 victims in 2004. More people in the U.S. should have basic competency in money management to avoid becoming victims of financial fraud and abuse.

The Education for Retirement Security Act is intended to address both the lagging savings rate and increases in fraud and abuse by establishing a grant program to arm midlife and older individuals with critical information and knowledge. It would do this by authorizing a grant program similar in structure to one which has proven successful in the Excellence in Economic Education Act, which awards a grant to a national entity that provides subgrants to community organizations to carry out programs that enhance economic, financial, and retirement literacy, and reduce financial abuse and fraud among the target population. The national entity would evaluate subgrantees on the performance and effectiveness of their programs, identify best practices and programs for replication, and assess any behavioral change, including asset accumulation, made by program participants. The bill would also create a national training and technical assistance grant program toward creating and making available instructional materials and information promoting economic and financial education, and providing training and other related assistance to subgrantees.

Economic and financial education can lead individuals to avoid scams and bad decisions about investments, mortgages, and pension plans, and ensure that they have access to tools they need to make sound financial decisions and prepare adequately for retirement. The limited timeframe that midlife and older Americans have in which to assess the realities of their individual circumstances, recover from bad economic choices, and benefit from more informed financial practices, makes critical the type of education that this bill would support.

I thank my cosponsors for joining me in introducing this bill, and I urge other colleagues to support this legislation. I ask unanimous consent that the text of the bill be printed in the RECORD.

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

S. 3866

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 ''Education for Retirement Security Act of 2006''.

SEC. 2. FINDINGS.

Congress finds the following:

(1) Improving economic and financial literacy is a critical and complex task for Americans of all ages.

(2) Low levels of savings and high levels of personal and real estate debt are serious problems for many households nearing retirement.

(3) Historically, Americans are living longer than ever before. However, most Americans are retiring before the age of 65.

(4) Research suggests that many Americans are not prepared to plan for their retirement and may have to work far longer than they expect in order to be financially secure in retirement.

(5) In 2005, only 42 percent of workers or their spouses calculated the amount they needed to save for retirement, down from 53 percent in 2000.

(6) Only 53 percent of working Americans have any form of pension coverage. Three out of 4 women aged 65 or older receive no income from employer-provided pensions.

(7) The limited timeframe that midlife and older individuals and families have to assess the realities of their individual circumstances, to recover from counterproductive choices and decisionmaking processes, and to benefit from more informed financial practices, has immediate impact and near-term consequences for Americans nearing or of retirement age.

(8) Research indicates that there are now 4 basic sources of retirement income security. Those sources are social security benefits, pensions and savings, healthcare insurance coverage, and, for an increasing number of older individuals, necessary earnings from working during one's retirement years.

(9) Over the next 30 years, the number of older individuals in the United States is expected to double, from 35,000,000 to nearly 75,000,000, and long-term care costs are expected to skyrocket.

(10) Financial exploitation is the largest single category of abuse against older individuals and this population comprises more than ½ of all telemarketing victims in the United States.

(11) The Federal Trade Commission (FTC) Identity Theft Data Clearinghouse has reported that incidents of identity theft targeting individuals older than the age of 60 increased from 1,821 victims in 2000 to 21,084 victims in 2004, an increase of more than 11 times in number.

SEC. 3. DEFINITIONS.

In this Act:

(1) ALASKA NATIVE CORPORATION.—The term ''Alaska Native Corporation'' has the same meaning as the term ''Native Corporation'' under section 3 of the Alaska Native Claim Settlement Act (43 U.S.C. 1602).

(2) ECONOMIC AND FINANCIAL EDUCATION.—The term ''economic and financial education'' means education that—

(A) promotes an understanding of consumer, economic, and personal finance concepts, including—

(i) basic economic concepts such as supply and demand and opportunity cost; and

(ii) basic financial literacy concepts such as the importance of budgeting and money management, saving, retirement planning, and maintaining good credit;

(B) includes information regarding predatory lending and financial abuse schemes; and

(C) is based on recognized economic and financial education standards.

(3) ELIGIBLE AREA ENTITY.—The term ''eligible area entity'' means an entity that is—

(A) a State agency, area agency on aging, Indian tribal organization, Alaska Native Corporation, or Native Hawaiian organization;

(B) a nonprofit organization with a proven record of providing—

(i) services to midlife and older individuals;

(ii) consumer awareness programs; or

(iii) supportive services to low-income families; or

(C) a partnership comprised of 2 or more entities described in subparagraph (A) or (B).

(4) ELIGIBLE ENTITY.—The term ''eligible entity'' means a national organization with substantial experience in the field of economic and financial education.

(5) MIDLIFE.—The term ''midlife'', when used with respect to an individual, means an individual aged 45 to 64 years.

(6) NATIVE HAWAIIAN ORGANIZATION.—The term ''Native Hawaiian organization'' means any organization that—

(A) serves and represents the interests of Native Hawaiians; and

(B) has as a primary and stated purpose the provision of services to Native Hawaiians.

(7) OLDER.—The term ''older'', when used with respect to an individual, means an individual aged 65 or older.

(8) SECRETARY.—The term ''Secretary'' means the Secretary of Health and Human Services.

SEC. 4. PURPOSE AND GOALS.

(a) PURPOSE.—The purpose of this Act is to promote economic and financial literacy among midlife and older individuals, and to reduce financial abuse and fraud among such individuals, through providing assistance to organizations for economic and financial education programs.

(b) GOALS.—The goals of this Act are—

(1) to increase the knowledge of economic and financial literacy among midlife and older individuals to enable the individuals to make informed financial decisions; and

(2) to reduce the amount of financial abuse and fraud among midlife and older individuals.

SEC. 5. GRANT PROGRAM TO ENHANCE ECONOMIC, FINANCIAL, AND RETIREMENT LITERACY AND REDUCE FINANCIAL ABUSE AND FRAUD AMONG MIDLIFE AND OLDER AMERICANS.

(a) PROGRAM AUTHORIZED.—From amounts appropriated under section 8, the Secretary is authorized to award a grant to a national entity to enable the national entity to carry out the subgrant program for economic and financial education under section 6.

(b) APPLICATION.—A national entity desiring a grant under this section shall submit an application to the Secretary at such time, in such form, and containing such information as the Secretary may require, including a plan for continuing to carry out the program under this section after the grant expires.

(c) LIMITATION ON ADMINISTRATIVE COSTS.—A national entity receiving a grant under this section may not use more than 5 percent of the total amount of the grant for each fiscal year for the administrative costs of carrying out the program under this section.

(d) EVALUATION.—The Secretary shall evaluate the programs that receive grant funds under this section in order to judge the performance of such programs.

(e) REPORT.—For each fiscal year for which grants are awarded under this section, the Secretary shall prepare and submit to Congress a report on the program under this section, which report shall include information from the evaluation under subsection (d) and the evaluations under section 6(e).

SEC. 6. SUBGRANT PROGRAM TO ENHANCE ECONOMIC, FINANCIAL, AND RETIREMENT LITERACY AND REDUCE FINANCIAL ABUSE AND FRAUD AMONG MIDLIFE AND OLDER AMERICANS.

(a) SUBGRANTS AUTHORIZED.—A national entity that receives a grant under section 5 shall use grant funds to award subgrants to eligible area entities to enable the eligible area entities to deliver economic and financial education programs to midlife and older individuals who reside in local communities, in order to—

(1) enhance financial and retirement knowledge among such individuals; and

(2) reduce financial abuse and fraud, including telemarketing, mortgage, and pension fraud, and identity theft among such individuals.

(b) APPLICATION.—An eligible area entity desiring a subgrant under this section shall submit an application to the national entity awarding the subgrants at such time, in such form, and containing such information as the national entity may require, including a plan for continuing the programs assisted with subgrant funds under this section after the subgrant expires.

(c) AWARD BASIS.—In awarding subgrants under this section, a national entity shall—

(1) give special consideration to eligible area entities that are partnerships described in section 3(3)(C); and

(2) give priority to programs previously funded by a subgrant under this section that the Secretary judges effective under the evaluation described in subsection (e)(2)(A).

(d) LIMITATION ON ADMINISTRATIVE COSTS.—An eligible area entity receiving a subgrant under this section may not use more than 5 percent of the total amount of the subgrant in each fiscal year for the administrative costs of carrying out the program under this section.

(e) EVALUATION AND REPORT.—

(1) ESTABLISHMENT OF PERFORMANCE MEASURES.—A national entity awarding subgrants under this section shall develop measures to evaluate the programs that receive subgrant funds.

(2) EVALUATION ACCORDING TO PERFORMANCE MEASURES.—Applying the performance measures developed under paragraph (1), a national entity awarding subgrants under this section shall evaluate the programs that receive subgrant funds in order to—

(A) judge the performance and effectiveness of such programs;

(B) identify which programs represent the best practices of entities developing such programs for midlife and older individuals;

(C) identify which programs may be replicated; and

(D) assess any behavioral change, as well as asset accumulation, made by program participants.

(3) SUBMISSION TO CONGRESS.—For each fiscal year for which a national entity awards subgrants under this section, the national entity shall submit to the Secretary a report containing—

(A) a description of the status of the subgrant program under this section;

(B) a description of the programs provided with subgrant funds under this section; and

(C) the results of the evaluation of such programs under paragraph (2).

SEC. 7. NATIONAL TRAINING AND TECHNICAL ASSISTANCE PROGRAM.

(a) AUTHORITY.—The Secretary is authorized to award a grant to 1 or more eligible entities to—

(1) create and make available instructional materials and information that promote economic and financial education; and

(2) provide training and other related assistance regarding the establishment of economic and financial education programs to

eligible area entities awarded a subgrant under section 6.

(b) APPLICATION.—An eligible entity desiring a grant under this section shall submit an application to the Secretary at such time, in such form, and containing such information as the Secretary may require.

(c) BASIS AND TERM.—The Secretary shall award a grant under this section on a competitive, merit basis for a term of 3 years.

SEC. 8. AUTHORIZATION OF APPROPRIATIONS.

(a) AUTHORIZATION.—There are authorized to be appropriated to carry out this Act, $100,000,000 for each of the fiscal years 2007 through 2010.

(b) LIMITATION ON FUNDS FOR EVALUATION AND REPORT.—The Secretary may not use more than $500,000 of the amounts appropriated under subsection (a) for each fiscal year to carry out section 6(e).

(c) LIMITATION ON FUNDS FOR TRAINING AND TECHNICAL ASSISTANCE.—The Secretary may not use less than 5 percent or more than 10 percent of the amounts appropriated under subsection (a) for each fiscal year to carry out section 7.

By Mr. BOND (for himself and Mr. TALENT):

S. 3867. A bill to designate the Federal courthouse located at 555 Independence Street, Cape Girardeau, Missouri, as the ''Rush H. Limbaugh, Sr., Federal Courthouse''; to the Committee on Environment and Public Works.

Mr. BOND. Mr. President, I rise today to introduce legislation designating the new Federal Courthouse in Cape Girardeau, MO, as the Rush H. Limbaugh, Sr., Federal Courthouse.

When people talk about the American Dream, the ''Spirit of America'' and the people who helped make this country great, all one really has to do is mention the name of the late Rush Hudson Limbaugh, Sr.

Mr. Limbaugh led an extraordinary life in which he practiced law for almost 80 years until his death at age 104 in 1996. At the time of his death, Mr. Limbaugh was the Nation's oldest practicing lawyer and still came into work about twice a week at the law firm he founded over 50 years before in Cape Girardeau, MO.

Known by his peers as a superb trial lawyer with impeccable character and integrity, he was a beloved icon of the Missouri legal community, especially in southeast Missouri where he lived all his life.

Born in 1891, on a small farm in rural Bollinger County, he was the youngest of eight children and attended school in a one room primary school house. It is said that a passion for the law first developed in Rush as a 10-year-old boy when a Daniel Webster oration that he memorized inspired him to become a lawyer. Fourteen years later, he began a legal career that lasted eight decades. Throughout those 80 years, his interest in the law and his dedication to his clients never wavered.

Rush paid his way through college at the University of Missouri at Columbia by working on the university farm and doing odd jobs such as carpentry, firing up furnaces, caring for animals and waiting tables. While in college, his oratory skills won him awards which he later utilized with great success in the courtroom.

In 1914, he entered law school, and after two years, he skipped the third year and passed the Missouri Bar examination. In 1916, he was admitted into the Missouri Bar and his long distinguished legal career began in Cape Girardeau.

Over his career, Rush argued more than 60 cases in front of the Missouri Supreme Court along with many prominent civil cases. He was a specialist in probate law and helped draft the 1955 Probate Code of Missouri. He also tried cases before the Interstate Commerce Commission, the U.S. Labor Board and the Internal Revenue Appellate Division.

From 1955 through 1956, he was president of the Missouri Bar and later served as president of the State Historical Society of Missouri. In addition to this, Mr. Limbaugh was a leading member of numerous legal and civic organizations including the American Bar Association, the Missouri Bar Foundation, the Missouri Human Rights Commission, the Cape Girardeau Board of Education and the Salvation Army Advisory Board

However, Rush's contributions were not just limited to Missouri. In the late 1950s, Rush served as a U.S. State Department special envoy to India where he promoted American jurisprudence and constitutional government among lawyers, judges and university students in that newly formed country. And in the 1960s, he served as chairman of the American Bar Association's special committee on the Bill of Rights.

Rush was truly an inspiration and mentor to many aspiring lawyers, especially the ones in his own family. His two sons, Rush, Jr., and Steven, both practiced law with him for many years. His son, Steven N. Limbaugh, currently serves as a Senior Federal Judge in St. Louis. Four of his grandsons followed in his footsteps and pursued legal careers including his grandson Steven, Jr., who is now a Missouri Supreme Court Justice.

Perhaps the best measure of Rush Hudson Limbaugh's legacy as a lawyer and as a human being comes from the praise and admiration of his peers in the legal community. ''A top notch allaround lawyer; the epitome of what a lawyer ought to be,'' said one colleague. ''A legend in his time,'' said another.

However, his grandson Steven may have offered the best possible description of this great citizen: ''He was an extraordinary man, exemplary in every way, yet very humble. He was a lawyer's lawyer, a community servant and a gentle and kind man whose family was the very center of his life.''

It is only fitting that the new Federal courthouse in Cape Girardeau, MO, be named after this great hero of American Jurisprudence.

I ask unanimous consent that the text of this bill be printed in the RECORD.

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

S. 3867

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

SECTION 1. RUSH H. LIMBAUGH, SR., FEDERAL COURTHOUSE.

(a) DESIGNATION.—The Federal courthouse located at 555 Independence Street, Cape Girardeau, Missouri, shall be known and designated as the ''Rush H. Limbaugh, Sr., Federal Courthouse''.

(b) REFERENCES.—Any reference in a law, map, regulation, document, paper, or other record of the United States to the Federal courthouse referred to in subsection (a) shall be deemed to be a reference to the Rush H. Limbaugh, Sr., Federal Courthouse.

By Mr. INHOFE:

S. 3868. A bill to amend the Clean Air Act to encourage the most polluted areas in the United States to attain clean air standards; to the Committee on Environment and Public Works.

Mr. INHOFE. Mr. President, I ask unanimous consent that the Clean Air Attainment Enforcement Act 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. 3868

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

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Clean Air Attainment Enforcement Act''.

SEC. 2. IMPOSITION OF SANCTIONS.

Section 179 of the Clean Air Act (42 U.S.C. 7509) is amended—

(1) in subsection (a), by striking ''For any implementation'' and inserting ''Except as provided in subsection (e), for any implementation''; and

(2) by adding at the end the following:

''(e) SANCTIONS FOR COVERED AREAS.—

''(1) DEFINITION OF COVERED AREA.—In this subsection, the term 'covered area' means any area that is classified as—

''(A) a $PM_{2.5}$ nonattainment area under—

''(i) the final rule entitled 'Air Quality Designations and Classifications for the Fine Particles ($PM_{2.5}$) National Ambient Air Quality Standards' (70 Fed. Reg. 944 (January 5, 2005)); or

''(ii) any final nonattainment designation promulgated pursuant to the final version of the proposed rule entitled 'National Ambient Air Quality Standards for Particulate Matter, Part II' (71 Fed. Reg. 2620 (January 17, 2006)); and

''(B) a Serious, Severe, or Extreme Area for ozone nonattainment under the final rule entitled 'Air Quality Designations and Classifications for the 8-Hour Ozone National Ambient Air Quality Standards; Early Action Compact Areas With Deferred Effective Dates' (69 Fed. Reg. 23858 (April 30, 2004)).

''(2) SANCTIONS APPLICABLE TO COVERED AREAS.—If a State in which a covered area is located does not submit an implementation plan in accordance with, or otherwise fails to comply with, subsection (a)—

''(A) the Administrator shall not have the discretion to select whether sanctions under paragraph (1) or (2) of subsection (b) will be imposed on the covered area; and

''(B) the Administrator shall impose on the covered area the highway and emission offset sanctions described in paragraphs (1) and (2),

respectively, of subsection (b), except that, with respect to the emission offset requirements described in subsection (b)(2), the ratio of emission reductions to increased emissions applicable to the covered area shall be 5 to 1.''.

SEC. 3. ENFORCEMENT FOR SELECT AREAS FOR FAILURE TO ATTAIN.

(a) OZONE.—Section 185 of the Clean Air Act (42 U.S.C. 7511d) is amended—

(1) by striking the section designation and heading and inserting the following:

''SEC. 185. ENFORCEMENT FOR SELECT AREAS FOR FAILURE TO ATTAIN.'';

(2) in the first sentence of subsection (a), by striking ''Each implementation'' and inserting ''Except as provided in subsection (f), each implementation''; and

(3) by adding at the end the following:

''(f) OZONE ATTAINMENT IN COVERED AREAS.—

''(1) DEFINITIONS.—In this subsection:

''(A) ATTAINMENT YEAR.—The term 'attainment year', with respect to a covered area, means the calendar year during which the covered area is required to attain the standard for ozone described in the final rule.

''(B) BASELINE QUANTITY.—The term 'baseline quantity' means, for any attainment year, the lesser of—

''(i) the quantity of actual VOC or NO_X emissions of a stationary source; or

''(ii)(I) the quantity of VOC or NO_X emissions allowed under a permit applicable to a stationary source; or

''(II) if no such permit has been issued for the attainment year, the quantity of those emissions allowed under the applicable State implementation plan during the attainment year.

''(C) COVERED AREA.—The term 'covered area' has the meaning given the term in section 179(e).

''(D) FINAL RULE.—The term 'final rule' means the final rule entitled 'Air Quality Designations and Classifications for the 8-Hour Ozone National Ambient Air Quality Standards; Early Action Compact Areas With Deferred Effective Dates' (69 Fed. Reg. 23858 (April 30, 2004)).

''(2) IMPLEMENTATION PLAN REVISION.—

''(A) IN GENERAL.—Each implementation plan revision required under subsection (c), (d), or (e) of section 182 (relating to the attainment plans for Serious, Severe, and Extreme Areas, respectively) shall—

''(i) provide that, if the area to which the plan revision applies is a covered area, each major stationary source that emits VOCs or NO_x and that is located in the covered area shall pay to the Administrator a fee in an amount calculated under subparagraph (B) as a penalty for the failure to attain the standard for ozone by the applicable attainment date specified in the final rule; and

''(ii) include procedures for the assessment and collection of those fees.

''(B) AMOUNT OF FEE.—The amount of a fee paid under this subsection for each ton of VOCs or NO_X emitted by a major stationary source in a covered area in nonattainment during a calendar year in excess of 70 percent of the baseline quantity shall be (based on classifications of Serious, Severe, and Extreme Areas in effect as of December 31, 2006, and as adjusted annually in accordance with section 502(b)(3)(B)(v)) (relating to inflation adjustment)—

''(i) with respect to a ton of VOCs—

''(I) in a Serious Area, $10,000;

''(II) in a Severe Area, $20,000; and

''(III) in an Extreme Area, $30,000; and

''(ii) with respect to a ton of NO_x, $5,000, regardless of whether the NO_X is emitted in a Serious, Severe, or Extreme Area.

''(3) PENALTIES FOR FAILURE TO MAKE PROGRESS TOWARD ATTAINMENT IN COVERED AREAS.—

''(A) IN GENERAL.—Upon approval of a State implementation plan that covers a covered area, and annually thereafter until the applicable deadline by which the covered area is required to achieve attainment, as specified in section 181(a) and as updated by the final rule, the Administrator shall determine, in accordance with subparagraph (B), whether the covered area is making progress that is sufficient to enable the covered area to achieve attainment by that deadline.

''(B) DETERMINATION OF PROGRESS.—The Administrator shall not determine under subparagraph (A) that a covered area is making sufficient progress toward achieving attainment for any calendar year unless the Administrator determines, at a minimum, that the covered area has achieved a reduction in the aggregate quantity of VOCs or NO_X emitted in the covered area for the calendar year that is equal to or greater than the product obtained by multiplying—

''(i) the aggregate quantity, in tons, of the VOC or NO_X emission reductions, respectively, that are required, during the period beginning on the date of the determination by the Administrator and ending on the applicable date referred to in subparagraph (A), to achieve attainment; by

''(ii) the quotient obtained by dividing—

''(I) the number of months, rounded to the nearest month, between the date of submission of the State implementation plan applicable to the covered area and the date of the determination by the Administrator; by

''(II) the number of months, rounded to the nearest month, between the date of submission of that State implementation plan and the applicable attainment date referred to in subparagraph (A).

''(C) IMPOSITION OF PENALTIES.—If the Administrator determines under this paragraph that a covered area is not making sufficient progress to enable the covered area to achieve attainment by the applicable deadline referred to in subparagraph (A), the Administrator shall—

''(i) for the first calendar year for which the determination is made, impose on each major stationary source located in the covered area a penalty in an amount that is equal to 10 percent of the amount of the fee that, based on whether the major stationary source is located in a Serious, Severe, or Extreme Area, would be paid by the major stationary source under paragraph (2)(B) for failure to meet a national primary ambient air quality standard for ozone by the deadline referred to in subparagraph (A); and

''(ii) for each subsequent calendar year until the deadline referred to in subparagraph (A)—

''(I) reevaluate the progress being made by the covered area toward achieving attainment by the deadline referred to in subparagraph (A); and

''(II) if the Administrator determines that the covered area is not making sufficient progress, impose on each major stationary source located in the covered area a penalty in an amount that is equal to the sum of the penalty imposed on the same class (with respect to location in a Serious, Severe, or Extreme Area) of major stationary source under clause (i) and the product obtained by multiplying—

''(aa) 5 percent of the fee that, based on whether the major stationary source is located in a Serious, Severe, or Extreme Area, would be paid by the major stationary source under paragraph (2)(B) for failure to meet a national primary ambient air quality standard for ozone by the deadline referred to in subparagraph (A); and

''(bb) the number of calendar years for which the covered area has been previously determined not to have made sufficient progress under this paragraph as of the date of the determination by the Administrator (excluding the determination for the current calendar year).

''(D) SUSPENSION OF PENALTIES.—If the Administrator determines under this paragraph that a covered area that was determined not to be making sufficient progress toward attainment under this paragraph for a preceding calendar year is making sufficient progress toward attainment for the current calendar year, the Administrator shall suspend the imposition of penalties on major stationary sources located in the covered area for the current calendar year.''.

(b) PARTICULATE MATTER.—Section 188 of the Clean Air Act (42 U.S.C. 7513) is amended by adding at the end the following:

''(g) PARTICULATE MATTER ATTAINMENT IN COVERED AREAS.—

''(1) DEFINITIONS.—In this subsection:

''(A) ATTAINMENT YEAR.—The term 'attainment year', with respect to a covered area, means the calendar year during which the covered area is required to attain the standard for $PM_{2.5}$ described in the final rules.

''(B) BASELINE QUANTITY.—The term 'baseline quantity' means, for any attainment year, the lesser of—

''(i) the quantity of actual $PM_{2.5}$ emissions of a stationary source; or

''(ii)(I) the quantity of $PM_{2.5}$ emissions allowed under a permit applicable to a stationary source; or

''(II) if no such permit has been issued for the attainment year, the quantity of those emissions allowed under the applicable State implementation plan during the attainment year.

''(C) COVERED AREA.—The term 'covered area' has the meaning given the term in section 179(e).

''(D) FINAL RULES.—The term 'final rules' means—

''(i) the final rule entitled 'Air Quality Designations and Classifications for the Fine Particles (PM2.5) National Ambient Air Quality Standards' (70 Fed. Reg. 944 (January 5, 2005)); and

''(ii) the final version of the proposed rule entitled 'National Ambient Air Quality Standards for Particulate Matter, Part II' (71 Fed. Reg. 2620 (January 17, 2006)).

''(E) $PM_{2.5}$.—The term '$PM_{2.5}$' means particulate matter the aerodynamic diameter of which is less than or equal to 2.5 micrometers.

''(2) IMPLEMENTATION PLAN REVISION.—

''(A) IN GENERAL.—Each implementation plan revision required under section 110 shall—

''(i) provide that, if the area to which the plan revision applies is a covered area, each major stationary source that emits $PM_{2.5}$ and that is located in the covered area shall pay to the Administrator a fee in an amount calculated under subparagraph (B) as a penalty for the failure to attain the standard for $PM_{2.5}$ in the final rules by the applicable attainment date specified in the final rules; and

''(ii) include procedures for the assessment and collection of those fees.

''(B) AMOUNT OF FEE.—The amount of a fee paid under this subsection for each ton of $PM_{2.5}$ emitted by a major stationary source in a covered area in nonattainment during a calendar year in excess of 70 percent of the baseline quantity shall be, as adjusted annually in accordance with section 502(b)(3)(B)(v) (relating to inflation adjustment), $50,000.

''(3) PENALTIES FOR FAILURE TO MAKE PROGRESS TOWARD ATTAINMENT IN COVERED AREAS.—

''(A) IN GENERAL.—Upon approval of a State implementation plan that covers a covered area, and annually thereafter until the applicable deadline by which the covered

area is required to achieve attainment, as specified in the final rules, the Administrator shall determine, in accordance with subparagraph (B), whether the covered area is making progress that is sufficient to enable the covered area to achieve attainment by that deadline.

''(B) DETERMINATION OF PROGRESS.—The Administrator shall not determine under subparagraph (A) that a covered area is making sufficient progress toward achieving attainment for any calendar year unless the Administrator determines, at a minimum, that the covered area has achieved a reduction in the aggregate quantity of $PM_{2.5}$ emitted in the covered area for the calendar year that is equal to or greater than the product obtained by multiplying—

''(i) the aggregate quantity, in tons, of the $PM_{2.5}$ emission reductions that are required, during the period beginning on the date of the determination by the Administrator and ending on the applicable date referred to in subparagraph (A), to achieve attainment; by

''(ii) the quotient obtained by dividing—

''(I) the number of months, rounded to the nearest month, between the date of submission of the State implementation plan applicable to the covered area and the date of the determination by the Administrator; by

''(II) the number of months, rounded to the nearest month, between the date of submission of that State implementation plan and the applicable attainment date referred to in subparagraph (A).

''(C) IMPOSITION OF PENALTIES.—If the Administrator determines under this paragraph that a covered area is not making sufficient progress to enable the covered area to achieve attainment by the applicable deadline referred to in subparagraph (A), the Administrator shall—

''(i) for the first calendar year for which the determination is made, impose on each major stationary source located in the covered area a penalty in an amount that is equal to 10 percent of the amount of the fee that would be paid by the major stationary source under paragraph (2)(B) for failure to meet a national primary ambient air quality standard for $PM_{2.5}$ by the deadline referred to in subparagraph (A); and

''(ii) for each subsequent calendar year until the deadline referred to in subparagraph (A)—

''(I) reevaluate the progress being made by the covered area toward achieving attainment by the deadline referred to in subparagraph (A); and

''(II) if the Administrator determines that the covered area is not making sufficient progress, impose on each major stationary source located in the covered area a penalty in an amount that is equal to the sum of the penalty imposed on the same class of major stationary source under clause (i) and the product obtained by multiplying—

''(aa) 5 percent of the fee that would be paid by the major stationary source under paragraph (2)(B) for failure to meet a national primary ambient air quality standard for $PM_{2.5}$ by the deadline referred to in subparagraph (A); and

''(bb) the number of calendar years for which the covered area has been previously determined not to have made sufficient progress under this paragraph as of the date of the determination by the Administrator (excluding the determination for the current calendar year).

''(D) SUSPENSION OF PENALTIES.—If the Administrator determines under this paragraph that a covered area that was determined not to be making sufficient progress toward attainment under this paragraph for a preceding calendar year is making sufficient progress toward attainment for the current calendar year, the Administrator shall suspend the imposition of penalties on major stationary sources located in the covered area for the current calendar year.''.

By Mrs. CLINTON:

S. 3869. A bill to improve the quality of, and access to, supplemental educational services in effort to increase student achievement; to the Committee on Health, Education, Labor, and Pensions.

Mrs. CLINTON. Mr. President, I rise today to introduce legislation to help ensure students attending low-performing schools have access to high quality tutoring programs. If enacted, The Improving Quality of and Access to Supplemental Educational Services, the IQ Act, would ensure that supplemental educational services, free tutoring offered through the No Child Left Behind Act, NCLB, are effective in and accountable for increasing student academic achievement.

One of the many ways that NCLB aims to close the achievement gap is through the provision that allows low-income children attending poorly performing school to enroll in supplemental educational services, SES. These programs hold the promise of helping schools to increase student achievement by offering additional academic support for students in underperforming schools. Unfortunately, the scope of the impact of SES remains to be seen due to low student participation rates and lack of evaluation of supplemental educational services.

Improving the quality of and access to these programs should be a shared responsibility between the Department of Education, State and local educational agencies, as well as the SES providers themselves. By working together we can create tutoring programs that truly supplement the instruction that students receive during regular school hours and allow for more time to master the educational standards set by the state.

Unfortunately, few States have assessed SES providers on the basis of improving student achievement. A recent study by the GAO found that not a single State has produced a report that provides a conclusive assessment of providers' effect on student achievement. Without these State evaluations, students, parents and policymakers are blind as to which programs are effective in raising academic achievement and are therefore unable to replicate their success.

I strongly believe that if NCLB holds our teachers and schools accountable for increasing student achievement, then we must also hold SES providers to similar accountability standards. That is why The IQ Act requires States to use their current standardized test to evaluate provider performance. This legislation also provides States with additional funding to improve their data systems to manage these evaluations with no additional cost to the taxpayer.

Maximizing the full potential of SES will not only require consistent evaluation of provider performance to ensure quality, but also increasing the number of students participating in these services. Unfortunately, only 19 percent of eligible students participated in SES in the 2004–2005, an abysmally low turnout for programs that offer free after school tutoring. Many districts find challenges in providing services for students in rural schools and students with limited English proficiency or disabilities.

Although there are many other factors that determine why parents and students are not participating in these services, The IQ Act will provide additional opportunities for more students to participate in these tutoring programs that fit the needs of all children. This legislation requires districts to supply a choice of providers for students with limited English proficiency, students with disabilities, and students in rural districts. If enacted, this bill would help States and school districts build capacity to effectively implement supplemental educational services.

The Improving the Quality of and Access to Supplemental Educational Services Act is a positive step forward in providing more opportunities for students to participate in quality after school tutoring programs. I am hopeful that my Senate colleagues from both sides of the aisle will join me today to move this legislation to the floor without delay.

By Mr. LAUTENBERG (for himself, Mrs. CLINTON, Mr. HARKIN, Mr. MENENDEZ, Mr. REED, Mr. DURBIN, Mr. KENNEDY, and Mr. LEAHY):

S. 3872. A bill to prohibit cigarette manufacturers from making claims regarding tar or nicotine yield levels of cigarettes, and for other purposes; to the Committee on Commerce, Science, and Transportation.

Mr. LAUTENBERG. Mr. President, I rise to introduce and discuss my bill, the ''Truth in Cigarette Labeling Act.'' I wish to thank my colleagues, Senators CLINTON, HARKIN, MENENDEZ, REED, DURBIN, KENNEDY and LEAHY for co-sponsoring this important legislation.

My bill bans the tobacco industry from using deceptive cigarette marketing terms such as ''light'' and ''low tar'' to imply health benefits and it prohibits cigarette manufacturers from making any claims based on the cigarette testing method established by the Federal Trade Commission called the ''FTC Method,'' which measures tar and nicotine yields.

My legislation is consistent with the recent court ruling issued by U.S. District Judge Gladys Kessler. Kessler's ruling says cigarette manufacturers must stop labeling cigarettes as ''low tar'' or ''light'' or ''natural'' or with other ''deceptive brand descriptors which implicitly or explicitly convey to the smoker and potential smoker that they are less hazardous to health than full-flavor cigarettes.''

The tobacco companies are appealing that ruling, which will likely tie it up in the courts for a while. This makes it necessary for Congress to act now and pass my bill.

Many smokers switch to cigarette brands advertised as ''low tar'' or ''light'' out of concern for their health, believing that such cigarettes are less risky or a step toward quitting. These claims are based on the FTC tar ratings, which are now known to be inaccurate in assessing the behavior of actual smokers. Some 85 percent of all smokers today smoke these so-called safer cigarettes.

FTC officials admit the agency's test is flawed. Former FTC Commissioner Timothy Muris testified at a Senate Commerce Committee hearing on June 11, 2003, that the tar rating system is ''broken.'' The FTC has also published a warning to consumers called ''Up In Smoke: The Truth About Tar and Nicotine Ratings.'' This alert concludes that ''cigarette tar and nicotine ratings can't predict the amount of tar and nicotine you get from any particular cigarette.'' It is absurd that the FTC permits a testing method that FTC officials admit is flawed.

According to the National Cancer Institute, cigarette tar and nicotine yields as measured by the FTC Method don't give smokers a meaningful measure with regard to how much tar and nicotine they are likely to inhale from smoking a cigarette, and that marketing cigarettes as delivering lower amounts of tar using the FTC Method is deceptive to consumers.

Not surprisingly, the tobacco companies have known since 1975 that this test doesn't work. The tobacco companies' internal documents show that people actually get more tar and the same amount of nicotine when they smoke light cigarettes than from smoking regular cigarettes. That's because smokers will inhale more deeply and/or frequently to draw out the nicotine they're addicted to.

So, the FTC, the National Cancer Institute and the tobacco companies all agree that the FTC testing method doesn't work.

And all the while, the tobacco companies have been taking advantage of this fact and using it to spike the nicotine yield in cigarettes and make them more addictive.

A recently released report by the Massachusetts Department of Public Health shows that from 1998 through 2004 cigarette manufacturers increased the amount of addictive nicotine delivered to the average smoker by 10 percent. Of 179 cigarette brands tested in 2004, an astonishing 166 brands fell into the State's highest nicotine yield range, including 59 brands that the manufacturers had labeled ''light'' and 14 described as ''ultra-light.''

The increase in nicotine levels went unnoticed because the standard government test—the flawed FTC Method—uses a smoking machine that fails to mimic real-life smoking behavior. A manufacturer, for example, can design a cigarette that will score low in nicotine delivery to the machine by placing tiny ventilation holes in the filter to dilute the smoke. But in real life, a smoker will often cover the vents with his or her lips or fingers, thereby inhaling a higher dose of nicotine.

Everyone knows nicotine is a highly addictive drug. For tobacco companies to spike the amount nicotine at a time when States and the Federal Government are creating public health campaigns to curb smoking is absolutely deplorable.

I used to smoke—a lot. Fortunately, my daughter, when she was a young girl, convinced me to quit. She said, ''Daddy, they told me at school that if you smoke, they will have to put a black box in your throat. I don't want you to get a black box in your throat.''

From that day forward I quit.

Across America, smokers—men, women, and kids—have their own reasons for quitting. I know it's tough to quit. But I want Americans to be healthy.

''Big Tobacco'' doesn't. They make their money off an addictive product that kills people. They have known for decades that their product is lethal. They need our kids sick and addicted to make a dime.

When I came to the Senate, I was determined to do everything I could to protect Americans—especially our youth—from the dangers of tobacco. I'm proud to say that my work on tobacco control started long before it became a mainstream issue.

I've been protecting Americans from Big Tobacco's lies since 1987, when I wrote the bill that banned smoking on planes. In 1989, I wrote the requirement that all federally-funded programs for children provide a smoke-free environment.

Those laws changed our culture. Today, we'll try and change it again. I urge my colleagues to support my legislation and stop cigarette manufacturers from lying to the public.

My legislation can help America's smokers kick the habit by putting out more of big tobacco's big lies. Tobacco-related illnesses kill over 400,000 Americans every year. My bill can help save America $89 billion a year in health care costs. Most important, it can save people's lives.

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. 3872

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

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Truth in Cigarette Labeling Act of 2006''.

SEC. 2. PROHIBITION ON CLAIMS REGARDING TAR OR NICOTINE YIELD LEVELS OF CIGARETTES.

(a) FINDINGS.—Congress finds the following:

(1) Cigarette manufacturers (through use of words, graphics, and color) have sold, distributed, and falsely marketed brands of cigarettes to consumers as ''light'', ''low-tar'', ''ultra light'', ''mild'', ''natural'', and ''low-nicotine'' cigarettes, implying that the cigarettes are less harmful than other brands of cigarettes.

(2) The National Cancer Institute has found that many smokers mistakenly believe that cigarettes with the labels described in paragraph (1) cause fewer health problems than other cigarettes, and this belief misleads smokers who may choose these cigarettes as an alternative to not smoking.

(3) The Federal Trade Commission has concluded that ''cigarette tar and nicotine ratings cannot predict the amount of tar and nicotine [a person] get[s] from any particular cigarette.''.

(4) Recent studies have demonstrated that there has been no reduction in risk on a population-wide basis from the cigarettes described in paragraph (1), and such cigarettes may actually increase the risk of tobacco use.

(5) The dangers of marketing one brand of cigarettes as less harmful than another brand of cigarettes when in fact there are no reduced risks, is a compelling reason for the Government to ensure statements, claims, or other representations about cigarettes are truthful and not deceptive.

(b) DEFINITIONS.—In this section:

(1) HEALTH DESCRIPTOR.—The term ''health descriptor'' includes the words ''light'', ''low'', ''low tar'', ''ultralight'', ''mild'', ''natural'', or any other word, or any graphic or color, which reasonably could be expected to result in a consumer believing that smoking such brand may result in a lower risk of disease or be less hazardous to health than smoking another brand of cigarette.

(2) BRAND.—The term ''brand'' means a variety of tobacco product distinguished by the type of tobacco used, tar content, nicotine content, the flavoring used, size, filtration, packaging, logo, registered trademark or brand name, identifiable pattern of colors, or any combination thereof.

(3) CIGARETTE.—The term ''cigarette'' has the meaning given such term in section 3(1) of the Federal Cigarette Labeling and Advertising Act (15 U.S.C. 1332(1)), but also includes tobacco, in any form, that is functional in the product, which, because of its appearance, the type of tobacco used in the filler, or its packaging and labeling, is likely to be offered to, or purchased by, consumers as a cigarette or as roll-your-own tobacco.

(4) ROLL-YOUR-OWN TOBACCO.—The term ''roll-your-own tobacco'' means any tobacco which, because of its appearance, type, packaging, or labeling, is suitable for use and likely to be offered to, or purchased by, consumers as tobacco for making cigarettes.

(c) PROHIBITION ON USE OF HEALTH DESCRIPTORS AND FEDERAL TRADE COMMISSION TESTING METHOD.—

(1) IN GENERAL.—Notwithstanding any other provision of law, effective 120 days after the date of the enactment of this Act, a cigarette manufacturer may not use a health descriptor on the label or the advertising of any brand of cigarette.

(2) PROHIBITION ON USE OF FEDERAL TRADE COMMISSION TESTING METHOD.—Notwithstanding any other provision of law, effective 120 days after the date of the enactment of this Act, a cigarette manufacturer may not make any claims or any other representations based on data derived from the cigarette testing method established by the Federal Trade Commission in effect on the day before the date of the enactment of this Act.

(3) ENFORCEMENT.—

(A) UNFAIR OR DECEPTIVE ACT OR PRACTICE.—A violation of the prohibition described in paragraphs (1) or (2) shall be treated as a violation of a rule defining an unfair or deceptive act or practice prescribed under section 18(a)(1)(B) of the Federal Trade Commission Act (15 U.S.C. 57a(a)(1)(B)).

(B) ACTIONS BY THE COMMISSION.—The Federal Trade Commission shall enforce this section in the same manner, by the same means, and with the same jurisdiction, powers, and duties as though all applicable terms and provisions of the Federal Trade Commission Act (15 U.S.C. 41 et seq.) were incorporated into and made a part of this section.

By Mr. INHOFE:

S. 3873. A bill to protect private property rights; read the first time.

Mr. INHOFE: Mr. President, Alexander Hamilton declared:

> The sacred rights of mankind are not to be rummaged for, among old parchments, or musty records. They are written, as with a sun beam in the whole volume of human nature, by the hand of the divinity itself; and can never be erased or obscured by moral power.

I believe, and I speak on behalf of the people of Oklahoma, in the right to own private property, and I believe in the right to enjoy it and not be harassed, especially by the government.

There are three issues that the Private Property Protection Act of 2006 that I am introducing today addresses: it protects the right to own and enjoy private property, one of our Government's core purposes; it directly confronts the Supreme Court's decision in Kelo v. City of New London, Connecticut, which allows local governments to take private property for economic reasons, by forcing the Court to reign in its incessant judicial activism and return to the true intent of the fifth amendment; it limits government intervention into the private market.

However, my bill does not attempt to encroach on a State's right to conduct business and levy taxes; it simply makes clear that the National Government will not fund these blatant abuses of private property. There is no violation of State sovereignty.

The Constitution is not really an allocation of Government-determined rights to the people as much as it is a limitation on the Government from interfering with our inherent rights. The presumption is that people are ''endowed by their Creator with certain unalienable rights'' and that the Government's fundamental role is to protect those rights.

Sometimes a person's rights do have to be limited in order to protect the rights of everyone else. But there must be a strong reason to restrict or limit those rights, and even when this is done, the rights are still there, they do not just disappear.

Ask any elementary school child what the main reason for the Revolutionary War was and they will probably respond, ''Taxation without Representation!'' Consider the spirit of the Declaration of Independence, and then see what is going on with eminent domain today. It does not go together. I can only imagine what the Founding Fathers and colonists would think if they read the Supreme Court's Kelo decision. There is a huge rift in the intention of eminent domain at our Nation's founding and today. Taking away rights, especially property rights, is a serious matter, but what is worse, thanks to Kelo, is that a city can now seize a person's land solely for financial gain.

In Kelo, the Supreme Court gave the legal mandate that the ''broad reading'' of the takings clause of the fifth amendment includes taking from one private citizen and giving it to another as long as the city claims an economic benefit. Changing the definition of the fifth amendment to mean ''more tax dollars for the city,'' is not only incongruous, it is outrageous.

This philosophy comes out of a socialistic presumption that all property really belongs to the State, that the State is the true landlord, and that people are allowed to use the land until the State gets a better offer. The Supreme Court is opening up the gate of opportunity to these cities essentially saying: ''Hey, if you need money, just condemn some property . . . bulldoze the houses and sell the land to a giant retail store or factory that will generate lots of tax dollars.''

Once again, the courts have taken the Constitution and twisted it, actively and willfully pursuing their own radical and elitist policy, usurping the will of the people, and their elected representatives. The Supreme Court's Kelo decision is the pinnacle of a mutation of its takings clause jurisprudence, and essentially extends a government's condemnation power to include taking private property and giving it to another private party who will raise revenue for a city or town.

Justice Thomas, in his dissent, quoted renowned legal scholar William Blackstone whose ''Commentaries on the Laws of England'' eloquently described the authority of the law at the time the fifth amendment was drafted: ''The law of the land . . . postpone[s] even public necessity to the sacred and inviolable rights of private property.'' Justice Thomas continued, agreeing with Justice Sandra Day O'Connor's well-stated warning taken from her dissenting opinion:

> If such ''economic development'' takings are for a ''public use,'' any taking is, and the Court has erased the Public Use Clause from our Constitution.

Justice O'Connor also explained that historically, the ''Government may compel an individual to forfeit her property for the public's use, but not for the benefit of another private person. This requirement promotes fairness as well as security.''

Professor Bradley Jacob, a constitutional law professor at Regent University School of Law, is gravely concerned by the Court's decision in Kelo. He observed:

> What the Court ruled in Kelo is not consistent with the Constitution, it is not consistent with the Declaration of Independence, and it is not consistent with the principles of liberty that underlie free Republican government. It was valid only in the eyes of those who accept the idea that the Supreme Court is our national super-legislature, imposing its views of wise social policy on an unwilling nation.

The Court calls this kind of taking ''economic development.'' I call it robbery and wealth redistribution. If the cities are suffering from failed economies because of poor decisionmaking, inefficient zoning, and financial irresponsibility, that is unfortunate; however, unchecked eiminent domain power is not the answer.

According to economic greats, such as Adam Smith and John Locke, there are two types of property: private and public. Property is private when others are prevented from using or benefiting from it. It is exclusive to the owner. He or she is entitled to the fruits it bears. Examples of this are homes, farms, and stores. Conversely, public property is property that is opened up and common to the public, from which all have equal access to its fruits, and equal access to use it and benefit from it. Examples of this are roads, power lines, and waterways.

The fifth amendment recognizes the Government's power to take private property when necessary, and open it up to the public, for true public use. The idea of interpreting the fifth amendment in a ''broad'' manner to allow, and thus, encourage taking private property from one and giving it to another private owner is foreign and hostile to the principles that make this nation great.

I believe that economic development belongs to the private market. Condemnation power for economic development will have devastating and paralyzing effects on the market. This is extreme artificial interference in the market that will only encourage more irresponsible decisionmaking by cities.

When a private citizen steals a person's private property, the victim has a cause of action against the culprit to try to right the wrong and the State has an interest in prosecuting that wrong as well, as stealing is against the law. But what is so dangerous here is that it is the State that is facilitating the wrong. My bill will ensure a private cause of action for the citizen whose property is taken away from him or her by the State for economic development.

Recognition and protections of the right to own private property is the driving force of our Nation and the fuel of the free market. The Government should be the staunchest defender of private property, not the thief that steals it. My legislation will prevent States that allow their cities or other municipal bodies to carry out this type of eminent domain, that is, the kind based solely on economic development, from receiving Federal economic development funds. I simply do not think that we should be funding economic development for those States that are

willing to steal private property from their citizens.

As Alexis de Tocqueville predicted, the unique private property rights in America would set it apart from and above the nations of the world, mainly by facilitating a thriving, land-owning middle class, the backbone of a successful free market. The Kelo decision is a crippling blow to our middle class, and our Constitutional Republic as a whole, and must be dealt with immediately.

I ask my colleagues in this body to stand with me and protect the private property rights of Americans across this great land. We owe it to the citizens of our States; we owe it to the Constitution and our liberty.

By Mr. REID (for himself and Mr. DURBIN):

S. 3875. A bill to provide real national security, restore United States leadership, and implement tough and smart policies to win the war on terror, and for other purposes; read the first time.

S. 3875

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 ''Real Security Act of 2006''.

SEC. 2. ORGANIZATION OF ACT INTO DIVISIONS; TABLE OF CONTENTS.

(a) DIVISIONS.—This Act is organized into five divisions as follows:

DIVISION A—IMPLEMENTATION OF 9/11 COMMISSION RECOMMENDATIONS

DIVISION B—COMBATTING TERRORISM

DIVISION C—INTELLIGENCE AUTHORIZATIONS

DIVISION D—TRANSPORTATION SECURITY

DIVISION E—A NEW DIRECTION IN IRAQ

(b) TABLE OF CONTENTS.—The table of contents for this Act is as follows:

Sec. 1. Short title.
Sec. 2. Organization of Act into divisions; table of contents.

DIVISION A—IMPLEMENTATION OF 9/11 COMMISSION RECOMMENDATIONS

Sec. 101. Short title.
Sec. 102. Definition of 9/11 Commission.

TITLE I—HOMELAND SECURITY, EMERGENCY PREPAREDNESS AND RESPONSE

Subtitle A—Emergency Preparedness and Response

CHAPTER 1—EMERGENCY PREPAREDNESS

Sec. 101. Adequate radio spectrum for first responders.
Sec. 102. Report on establishing a unified incident command system.
Sec. 103. Report on completing a national critical infrastructure risk and vulnerabilities assessment.
Sec. 104. Private sector preparedness.
Sec. 105. Relevant congressional committees defined.

CHAPTER 2—ASSISTANCE FOR FIRST RESPONDERS

Sec. 111. Short title.
Sec. 112. Findings.
Sec. 113. Faster and Smarter Funding for First Responders.
Sec. 114. Superseded provision.
Sec. 115. Oversight.
Sec. 116. GAO report on an inventory and status of Homeland Security first responder training.
Sec. 117. Removal of civil liability barriers that discourage the donation of fire equipment to volunteer fire companies.

Subtitle B—Transportation Security

Sec. 121. Report on national strategy for transportation security.
Sec. 122. Report on airline passenger prescreening.
Sec. 123. Report on detection of explosives at airline screening checkpoints.
Sec. 124. Report on comprehensive screening program.
Sec. 125. Relevant congressional committees defined.

Subtitle C—Border Security

Sec. 131. Counterterrorist travel intelligence.
Sec. 132. Comprehensive screening system.
Sec. 133. Biometric entry and exit data system.
Sec. 134. International collaboration on border and document security.
Sec. 135. Standardization of secure identification.
Sec. 136. Security enhancements for social security cards.

Subtitle D—Homeland Security Appropriations

Sec. 141. Homeland security appropriations.

TITLE II—REFORMING THE INSTITUTIONS OF GOVERNMENT

Subtitle A—Intelligence Community

Sec. 201. Report on director of national intelligence.
Sec. 202. Report on national counterterrorism center.
Sec. 203. Report on creation of a Federal Bureau of Investigation national security workforce.
Sec. 204. Report on new missions for the Director of the Central Intelligence Agency.
Sec. 205. Report on incentives for information sharing.
Sec. 206. Report on Presidential leadership of national security institutions in the information revolution.
Sec. 207. Homeland airspace defense.
Sec. 208. Semiannual report on plans and strategies of United States Northern Command for defense of the United States homeland.
Sec. 209. Relevant congressional committees defined.

Subtitle B—Civil Liberties and Executive Power

Sec. 211. Report on the balance between security and civil liberties.
Sec. 212. Privacy and Civil Liberties Oversight Board.
Sec. 213. Set privacy guidelines for Government sharing of personal information.
Sec. 214. Relevant congressional committees defined.

Subtitle C—Intelligence Oversight Reform in the Senate

Sec. 231. Subcommittee related to intelligence oversight.
Sec. 232. Subcommittee related to intelligence appropriations.
Sec. 233. Effective date.

Subtitle D—Standardize Security Clearances

Sec. 241. Standardization of security clearances.

TITLE III—FOREIGN POLICY, PUBLIC DIPLOMACY, AND NONPROLIFERATION

Subtitle A—Foreign Policy

Sec. 301. Actions to ensure a long-term commitment to Afghanistan.
Sec. 302. Actions to support Pakistan against extremists.
Sec. 303. Actions to support reform in Saudi Arabia.
Sec. 304. Elimination of terrorist sanctuaries.
Sec. 305. Comprehensive coalition strategy against Islamist terrorism.
Sec. 306. Standards for the detention and humane treatment of captured terrorists.
Sec. 307. Use of economic policies to combat terrorism.
Sec. 308. Actions to ensure vigorous efforts against terrorist financing.

Subtitle B—Public Diplomacy

Sec. 311. Public diplomacy responsibilities of the Department of State and public diplomacy training of members of the Foreign Service.
Sec. 312. International broadcasting.
Sec. 313. Expansion of United States scholarship, exchange, and library programs in the Islamic world.
Sec. 314. International Youth Opportunity Fund.

Subtitle C—Nonproliferation

Sec. 321. Short title.
Sec. 322. Findings.
Sec. 323. Establishment of Office of Nonproliferation Programs in the Executive Office of the President.
Sec. 324. Removal of restrictions on Cooperative Threat Reduction programs.
Sec. 325. Removal of restrictions on Department of Energy nonproliferation programs.
Sec. 326. Modifications of authority to use Cooperative Threat Reduction program funds outside the former Soviet Union.
Sec. 327. Modifications of authority to use International Nuclear Materials Protection and Cooperation program funds outside the former Soviet Union.
Sec. 328. Special reports on adherence to arms control agreements and nonproliferation commitments.
Sec. 329. Presidential report on impediments to certain nonproliferation activities.
Sec. 330. Enhancement of Global Threat Reduction Initiative.
Sec. 331. Expansion of Proliferation Security Initiative.
Sec. 332. Sense of Congress relating to international security standards for nuclear weapons and materials.
Sec. 333. Authorization of appropriations relating to inventory of Russian tactical nuclear warheads and data exchanges.
Sec. 334. Report on accounting for and securing of Russia's non-strategic nuclear weapons.
Sec. 335. Research and development involving alternative use of weapons of mass destruction expertise.
Sec. 336. Strengthening the Nuclear Nonproliferation Treaty.
Sec. 337. Definitions.

DIVISION B—COMBATTING TERRORISM.

Sec. 1001. Short title.

TITLE XI—EFFECTIVELY TARGETING TERRORISTS

Sec. 1101. Sense of Congress on Special Operations forces and related matters.
Sec. 1102. Foreign language expertise.
Sec. 1103. Curtailing terrorist financing.
Sec. 1104. Prohibition on transactions with countries that support terrorism.

Sec. 1105. Comptroller General report on United Kingdom and United States anti-terrorism policies and practices.
Sec. 1106. Enhancement of intelligence community efforts to bring Osama bin Laden and other al Qaeda leaders to justice.

TITLE XII—PREVENTING THE GROWTH OF RADICAL ISLAMIC FUNDAMENTALISM

Subtitle A—Quality Educational Opportunities

Sec. 1201. Findings, policy, and definition.
Sec. 1202. Annual report to Congress.
Sec. 1203. Authorization of appropriations.

Subtitle B—Democracy and Development in the Muslim World

Sec. 1211. Promoting democracy and development in the Middle East, Central Asia, South Asia, and Southeast Asia.
Sec. 1212. Middle East Foundation.

Subtitle C—Restoring American Moral Leadership

Sec. 1221. Advancing United States interests through public diplomacy.
Sec. 1222. Department of State public diplomacy programs.
Sec. 1223. Treatment of detainees.
Sec. 1224. National Commission To Review Policy Regarding the Treatment of Detainees.

Subtitle D—Strategy for the United States Relationship With Afghanistan, Pakistan, and Saudi Arabia

Sec. 1231. Afghanistan.
Sec. 1232. Pakistan.
Sec. 1233. Saudi Arabia.

TITLE XIII—PROTECTION FROM TERRORIST ATTACKS THAT UTILIZE NUCLEAR, CHEMICAL, BIOLOGICAL, AND RADIOLOGICAL WEAPONS

Subtitle A—Non-Proliferation Programs

Sec. 1301. Repeal of limitations to threat reduction assistance.
Sec. 1302. Russian tactical nuclear weapons.
Sec. 1303. Additional assistance to accelerate Non-Proliferation programs.
Sec. 1304. Additional assistance to the International Atomic Energy Agency.

Subtitle B—Border Protection

Sec. 1311. Findings.
Sec. 1312. Hiring and training of border security personnel.

Subtitle C—First Responders

Sec. 1321. Findings.
Sec. 1322. Restoration of justice assistance funding.
Sec. 1323. Providing reliable officers, technology, education, community prosecutors, and training in Our Neighborhood Initiative.

TITLE XIV—PROTECTING TAXPAYERS

Sec. 1401. Reports on metrics for measuring success in Global War on Terrorism.
Sec. 1402. Prohibition on war profiteering.

TITLE XV—OTHER MATTERS

Sec. 1501. Sense of Congress on military commissions for the trial of persons detained in the Global War on Terrorism.

DIVISION C—INTELLIGENCE AUTHORIZATIONS

Sec. 2001. Short title.

TITLE XXI—INTELLIGENCE ACTIVITIES

Sec. 2101. Authorization of appropriations.
Sec. 2102. Classified schedule of authorizations.
Sec. 2103. Incorporation of classified annex.
Sec. 2104. Personnel ceiling adjustments.
Sec. 2105. Intelligence Community Management Account.
Sec. 2106. Incorporation of reporting requirements.
Sec. 2107. Availability to public of certain intelligence funding information.
Sec. 2108. Response of intelligence community to requests from Congress for intelligence documents and information.

TITLE XXII—CENTRAL INTELLIGENCE AGENCY RETIREMENT AND DISABILITY SYSTEM

Sec. 2201. Authorization of appropriations.

TITLE XXIII—INTELLIGENCE AND GENERAL INTELLIGENCE COMMUNITY MATTERS

Sec. 2301. Increase in employee compensation and benefits authorized by law.
Sec. 2302. Restriction on conduct of intelligence activities.
Sec. 2303. Clarification of definition of intelligence community under the National Security Act of 1947.
Sec. 2304. Improvement of notification of Congress regarding intelligence activities of the United States Government.
Sec. 2305. Delegation of authority for travel on common carriers for intelligence collection personnel.
Sec. 2306. Modification of availability of funds for different intelligence activities.
Sec. 2307. Additional limitation on availability of funds for intelligence and intelligence-related activities.
Sec. 2308. Increase in penalties for disclosure of undercover intelligence officers and agents.
Sec. 2309. Retention and use of amounts paid as debts to elements of the intelligence community.
Sec. 2310. Pilot program on disclosure of records under the Privacy Act relating to certain intelligence activities.
Sec. 2311. Extension to intelligence community of authority to delete information about receipt and disposition of foreign gifts and decorations.
Sec. 2312. Availability of funds for travel and transportation of personal effects, household goods, and automobiles.
Sec. 2313. Director of National Intelligence report on compliance with the Detainee Treatment Act of 2005.
Sec. 2314. Report on alleged clandestine detention facilities for individuals captured in the Global War on Terrorism.
Sec. 2315. Sense of Congress on electronic surveillance.

TITLE XXIV—MATTERS RELATING TO ELEMENTS OF THE INTELLIGENCE COMMUNITY

Subtitle A—Office of the Director of National Intelligence

Sec. 2401. Additional authorities of the Director of National Intelligence on intelligence information sharing.
Sec. 2402. Modification of limitation on delegation by the Director of National Intelligence of the protection of intelligence sources and methods.
Sec. 2403. Authority of the Director of National Intelligence to manage access to human intelligence information.
Sec. 2404. Additional administrative authority of the Director of National Intelligence.
Sec. 2405. Clarification of limitation on co-location of the Office of the Director of National Intelligence.
Sec. 2406. Additional duties of the Director of Science and Technology of the Office of the Director of National Intelligence.
Sec. 2407. Appointment and title of Chief Information Officer of the Intelligence Community.
Sec. 2408. Inspector General of the Intelligence Community.
Sec. 2409. Leadership and location of certain offices and officials.
Sec. 2410. National Space Intelligence Center.
Sec. 2411. Operational files in the Office of the Director of National Intelligence.
Sec. 2412. Eligibility for incentive awards of personnel assigned to the Office of the Director of National Intelligence.
Sec. 2413. Repeal of certain authorities relating to the Office of the National Counterintelligence Executive.
Sec. 2414. Inapplicability of Federal Advisory Committee Act to advisory committees of the Office of the Director of National Intelligence.
Sec. 2415. Membership of the Director of National Intelligence on the Transportation Security Oversight Board.
Sec. 2416. Applicability of the Privacy Act to the Director of National Intelligence and the Office of the Director of National Intelligence.

Subtitle B—Central Intelligence Agency

Sec. 2421. Director and Deputy Director of the Central Intelligence Agency.
Sec. 2422. Enhanced protection of Central Intelligence Agency intelligence sources and methods from unauthorized disclosure.
Sec. 2423. Additional exception to foreign language proficiency requirement for certain senior level positions in the Central Intelligence Agency.
Sec. 2424. Additional functions and authorities for protective personnel of the Central Intelligence Agency.
Sec. 2425. Director of National Intelligence report on retirement benefits for former employees of Air America.

Subtitle C—Defense Intelligence Components

Sec. 2431. Enhancements of National Security Agency training program.
Sec. 2432. Codification of authorities of National Security Agency protective personnel.
Sec. 2433. Inspector general matters.
Sec. 2434. Confirmation of appointment of heads of certain components of the intelligence community.
Sec. 2435. Clarification of national security missions of National Geospatial-Intelligence Agency for analysis and dissemination of certain intelligence information.
Sec. 2436. Security clearances in the National Geospatial-Intelligence Agency.

Subtitle D—Other Elements
Sec. 2441. Foreign language incentive for certain non-special agent employees of the Federal Bureau of Investigation.
Sec. 2442. Authority to secure services by contract for the Bureau of Intelligence and Research of the Department of State.
Sec. 2443. Clarification of inclusion of Coast Guard and Drug Enforcement Administration as elements of the intelligence community.
Sec. 2444. Clarifying amendments relating to section 105 of the Intelligence Authorization Act for fiscal year 2004.
TITLE XXV—OTHER MATTERS
Sec. 2501. Technical amendments to the National Security Act of 1947.
Sec. 2502. Technical clarification of certain references to Joint Military Intelligence Program and Tactical Intelligence and Related Activities.
Sec. 2503. Technical amendments to the Intelligence Reform and Terrorism Prevention Act of 2004.
Sec. 2504. Technical amendments to title 10, United States Code, arising from enactment of the Intelligence Reform and Terrorism Prevention Act of 2004.
Sec. 2505. Technical amendment to the Central Intelligence Agency Act of 1949.
Sec. 2506. Technical amendments relating to the multiyear National Intelligence Program.
Sec. 2507. Technical amendments to the Executive Schedule.
Sec. 2508. Technical amendments relating to redesignation of the National Imagery and Mapping Agency as the National Geospatial-Intelligence Agency.
DIVISION D—TRANSPORTATION SECURITY
TITLE XXXI—MARITIME SECURITY
Sec. 3101. Short title; Definitions.
Sec. 3102. Interagency operational command centers for port security.
Sec. 3103. Salvage response plan.
Sec. 3104. Vessel and facility security plans.
Sec. 3105. Assistance for foreign ports.
Sec. 3106. Port security grants.
Sec. 3107. Operation safe commerce.
Sec. 3108. Port security training program.
Sec. 3109. Port security exercise program.
Sec. 3110. Inspection of car ferries entering from Canada.
Sec. 3111. Deadline for transportation worker identification credential security cards.
Sec. 3112. Port security user fee study.
Sec. 3113. Unannounced inspections of maritime facilities.
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SEC. 102. DEFINITION OF 9/11 COMMISSION.

In this division, the term ''9/11 Commission'' means the National Commission on Terrorist Attacks Upon the United States.

TITLE I—HOMELAND SECURITY, EMERGENCY PREPAREDNESS AND RESPONSE

Subtitle A—Emergency Preparedness and Response

CHAPTER 1—EMERGENCY PREPAREDNESS

SEC. 101. ADEQUATE RADIO SPECTRUM FOR FIRST RESPONDERS.

(a) SHORT TITLE.—This chapter may be cited as the ''Homeland Emergency Response Operations Act'' or the ''HERO Act''.

(b) PREVENTION OF DELAY IN REASSIGNMENT OF 24 MEGAHERTZ FOR PUBLIC SAFETY PURPOSES.—Section 309(j)(14) of the Communications Act of 1934 (47 U.S.C. 309(j)(14)) is amended by adding at the end the following new subparagraph:

''(E) EXTENSIONS NOT PERMITTED FOR CHANNELS (63, 64, 68 AND 69) REASSIGNED FOR PUBLIC SAFETY SERVICES.—Notwithstanding subparagraph (B), the Commission shall not grant any extension under such subparagraph from the limitation of subparagraph (A) with respect to the frequencies assigned, pursuant to section 337(a)(1), for public safety services. The Commission shall take all actions necessary to complete assignment of the electromagnetic spectrum between 764 and 776 megahertz, inclusive, and between 794 and 806 megahertz, inclusive, for public safety services and to permit operations by public safety services on those frequencies commencing no later than January 1, 2007.''.

SEC. 102. REPORT ON ESTABLISHING A UNIFIED INCIDENT COMMAND SYSTEM.

(a) REPORT; CERTIFICATION.—Not later than 30 days after the date of the enactment of this Act, and every 30 days thereafter, the Secretary of Homeland Security shall submit to the relevant congressional committees a report on the recommendations of the 9/11 Commission and the policy goals of the Intelligence Reform and Terrorism Prevention Act of 2004 (Public Law 108–458) with respect to establishing a unified incident command system. Such report shall include—

(1) a certification by the Secretary of Homeland Security that such recommendations have been implemented and such policy goals have been achieved; or

(2) if the Secretary of Homeland Security is unable to make the certification described in paragraph (1), a description of—

(A) the steps taken to implement such recommendations and achieve such policy goals;

(B) when the Secretary of Homeland Security expects such recommendations to be implemented and such policy goals to be achieved; and

(C) any allocation of resources or other actions by Congress the Director considers necessary to implement such recommendations and achieve such policy goals.

(b) TERMINATION OF DUTY TO REPORT.—The duty to submit a report under subsection (a) shall terminate when the Secretary of Homeland Security submits a certification pursuant to subsection (a)(1).

(c) GAO REVIEW OF CERTIFICATION.—If the Secretary of Homeland Security submits a certification pursuant to subsection (a)(1), not later than 30 days after the submission of such certification, the Comptroller General shall submit to the relevant congressional committees a report on whether the recommendations described in subsection (a) have been implemented and whether the policy goals described in subsection (a) have been achieved.

SEC. 103. REPORT ON COMPLETING A NATIONAL CRITICAL INFRASTRUCTURE RISK AND VULNERABILITIES ASSESSMENT.

(a) REPORT; CERTIFICATION.—Not later than 30 days after the date of the enactment of this Act, and every 30 days thereafter, the

Secretary of Homeland Security shall submit to the relevant congressional committees a report on the recommendations of the 9/11 Commission and the policy goals of the Intelligence Reform and Terrorism Prevention Act of 2004 (Public Law 108–458) with respect to completing a national critical infrastructure risk and vulnerabilities assessment. Such report shall include—

(1) a certification by the Secretary of Homeland Security that such recommendations have been implemented and such policy goals have been achieved; or

(2) if the Secretary of Homeland Security is unable to make the certification described in paragraph (1), a description of—

(A) the steps taken to implement such recommendations and achieve such policy goals;

(B) when the Secretary of Homeland Security expects such recommendations to be implemented and such policy goals to be achieved; and

(C) any allocation of resources or other actions by Congress the Director considers necessary to implement such recommendations and achieve such policy goals.

(b) TERMINATION OF DUTY TO REPORT.—The duty to submit a report under subsection (a) shall terminate when the Secretary of Homeland Security submits a certification pursuant to subsection (a)(1).

(c) GAO REVIEW OF CERTIFICATION.—If the Secretary of Homeland Security submits a certification pursuant to subsection (a)(1), not later than 30 days after the submission of such certification, the Comptroller General shall submit to the relevant congressional committees a report on whether the recommendations described in subsection (a) have been implemented and whether the policy goals described in subsection (a) have been achieved.

SEC. 104. PRIVATE SECTOR PREPAREDNESS.

The Comptroller General of the United States shall submit to Congress by not later than 90 days after the date of the enactment of this Act—

(1) a determination of what has been done to enhance private sector preparedness for terrorist attack; and

(2) recommendations of any additional congressional action or administrative action that is necessary to enhance such preparedness.

SEC. 105. RELEVANT CONGRESSIONAL COMMITTEES DEFINED.

In this chapter, the term ''relevant congressional committees'' means the Committee on Homeland Security, the Committee on Government Reform, and the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Homeland Security and Government Affairs and the Committee on Environment and Public Works of the Senate.

CHAPTER 2—ASSISTANCE FOR FIRST RESPONDERS

SEC. 111. SHORT TITLE.

This chapter may be cited as the ''Faster and Smarter Funding for First Responders Act of 2006''.

SEC. 112. FINDINGS.

Congress makes the following findings:

(1) In order to achieve its objective of preventing, minimizing the damage from, and assisting in the recovery from terrorist attacks, the Department of Homeland Security must play a leading role in assisting communities to reach the level of preparedness they need to prevent and respond to a terrorist attack.

(2) First responder funding is not reaching the men and women of our Nation's first response teams quickly enough, and sometimes not at all.

(3) To reform the current bureaucratic process so that homeland security dollars reach the first responders who need it most, it is necessary to clarify and consolidate the authority and procedures of the Department of Homeland Security that support first responders.

(4) Ensuring adequate resources for the new national mission of homeland security, without degrading the ability to address effectively other types of major disasters and emergencies, requires a discrete and separate grant making process for homeland security funds for first response to terrorist acts, on the one hand, and for first responder programs designed to meet pre-September 11 priorities, on the other.

(5) While a discrete homeland security grant making process is necessary to ensure proper focus on the unique aspects of terrorism preparedness, it is essential that State and local strategies for utilizing such grants be integrated, to the greatest extent practicable, with existing State and local emergency management plans.

(6) Homeland security grants to first responders must be based on the best intelligence concerning the capabilities and intentions of our terrorist enemies, and that intelligence must be used to target resources to the Nation's greatest threats, vulnerabilities, and consequences.

(7) The Nation's first response capabilities will be improved by sharing resources, training, planning, personnel, and equipment among neighboring jurisdictions through mutual aid agreements and regional cooperation. Such regional cooperation should be supported, where appropriate, through direct grants from the Department of Homeland Security.

(8) An essential prerequisite to achieving the Nation's homeland security objectives for first responders is the establishment of well-defined national goals for terrorism preparedness. These goals should delineate the essential capabilities that every jurisdiction in the United States should possess or to which it should have access.

(9) A national determination of essential capabilities is needed to identify levels of State and local government terrorism preparedness, to determine the nature and extent of State and local first responder needs, to identify the human and financial resources required to fulfill them, to direct funding to meet those needs, and to measure preparedness levels on a national scale.

(10) To facilitate progress in achieving, maintaining, and enhancing essential capabilities for State and local first responders, the Department of Homeland Security should seek to allocate homeland security funding for first responders to meet nationwide needs.

(11) Private sector resources and citizen volunteers can perform critical functions in assisting in preventing and responding to terrorist attacks, and should be integrated into State and local planning efforts to ensure that their capabilities and roles are understood, so as to provide enhanced State and local operational capability and surge capacity.

(12) Public-private partnerships, such as the partnerships between the Business Executives for National Security and the States of New Jersey and Georgia, can be useful to identify and coordinate private sector support for State and local first responders. Such models should be expanded to cover all States and territories.

(13) An important aspect of terrorism preparedness is measurability, so that it is possible to determine how prepared a State or local government is now, and what additional steps it needs to take, in order to prevent, prepare for, respond to, mitigate against, and recover from acts of terrorism.

(14) The Department of Homeland Security should establish, publish, and regularly update national voluntary consensus standards for both equipment and training, in cooperation with both public and private sector standard setting organizations, to assist State and local governments in obtaining the equipment and training to attain the essential capabilities for first response to acts of terrorism, and to ensure that first responder funds are spent wisely.

SEC. 113. FASTER AND SMARTER FUNDING FOR FIRST RESPONDERS.

(a) IN GENERAL.—The Homeland Security Act of 2002 (Public Law 107–296; 6 U.S.C. 361 et seq.) is amended—

(1) in section 1(b) in the table of contents by adding at the end the following:

''TITLE XVIII—FUNDING FOR FIRST RESPONDERS

''Sec. 1801. Definitions.
''Sec. 1802. Faster and Smarter Funding for First Responders.
''Sec. 1803. Covered grant eligibility and criteria.
''Sec. 1804. Risk-based evaluation and prioritization.
''Sec. 1805. Task Force on Terrorism Preparedness for First Responders.
''Sec. 1806. Use of funds and accountability requirements.
''Sec. 1807. National standards for first responder equipment and training.''; and

(2) by adding at the end the following:

''TITLE XVIII—FUNDING FOR FIRST RESPONDERS

''SEC. 1801. DEFINITIONS.

''In this title:

''(1) BOARD.—The term 'Board' means the First Responder Grants Board established under section 1804.

''(2) COVERED GRANT.—The term 'covered grant' means any grant to which this title applies under section 1802.

''(3) DIRECTLY ELIGIBLE TRIBE.—The term 'directly eligible tribe' means any Indian tribe or consortium of Indian tribes that—

''(A) meets the criteria for inclusion in the qualified applicant pool for Self-Governance that are set forth in section 402(c) of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 458bb(c));

''(B) employs at least 10 full-time personnel in a law enforcement or emergency response agency with the capacity to respond to calls for law enforcement or emergency services; and

''(C)(i) is located on, or within 5 miles of, an international border or waterway;

''(ii) is located within 5 miles of a facility designated as high-risk critical infrastructure by the Secretary;

''(iii) is located within or contiguous to one of the 50 largest metropolitan statistical areas in the United States; or

''(iv) has more than 1,000 square miles of Indian country, as that term is defined in section 1151 of title 18, United States Code.

''(4) ELEVATIONS IN THE THREAT ALERT LEVEL.—The term 'elevations in the threat alert level' means any designation (including those that are less than national in scope) that raises the homeland security threat level to either the highest or second highest threat level under the Homeland Security Advisory System referred to in section 201(d)(7).

''(5) EMERGENCY PREPAREDNESS.—The term 'emergency preparedness' shall have the same meaning that term has under section 602 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5195a).

''(6) ESSENTIAL CAPABILITIES.—The term 'essential capabilities' means the levels, availability, and competence of emergency personnel, planning, training, and equipment across a variety of disciplines needed to effectively and efficiently prevent, prepare for, respond to, and recover from acts of terrorism consistent with established practices.

''(7) FIRST RESPONDER.—The term 'first responder' shall have the same meaning as the term 'emergency response provider'.

''(8) INDIAN TRIBE.—The term 'Indian tribe' means any Indian tribe, band, nation, or other organized group or community, including any Alaskan Native village or regional or village corporation as defined in or established pursuant to the Alaskan Native Claims Settlement Act (43 U.S.C. 1601 et seq.), which is recognized as eligible for the special programs and services provided by the United States to Indians because of their status as Indians.

''(9) REGION.—The term 'region' means—

''(A) any geographic area consisting of all or parts of 2 or more contiguous States, counties, municipalities, or other local governments that have a combined population of at least 1,650,000 or have an area of not less than 20,000 square miles, and that, for purposes of an application for a covered grant, is represented by 1 or more governments or governmental agencies within such geographic area, and that is established by law or by agreement of 2 or more such governments or governmental agencies in a mutual aid agreement; or

''(B) any other combination of contiguous local government units (including such a combination established by law or agreement of two or more governments or governmental agencies in a mutual aid agreement) that is formally certified by the Secretary as a region for purposes of this title with the consent of—

''(i) the State or States in which they are located, including a multi-State entity established by a compact between two or more States; and

''(ii) the incorporated municipalities, counties, and parishes that they encompass.

''(10) TASK FORCE.—The term 'Task Force' means the Task Force on Terrorism Preparedness for First Responders established under section 1805.

''(11) TERRORISM PREPAREDNESS.—The term 'terrorism preparedness' means any activity designed to improve the ability to prevent, prepare for, respond to, mitigate against, or recover from threatened or actual terrorist attacks.

''SEC. 1802. FASTER AND SMARTER FUNDING FOR FIRST RESPONDERS.

''(a) COVERED GRANTS.—This title applies to grants provided by the Department to States, regions, or directly eligible tribes for the primary purpose of improving the ability of first responders to prevent, prepare for, respond to, mitigate against, or recover from threatened or actual terrorist attacks, especially those involving weapons of mass destruction, administered under the following:

''(1) STATE HOMELAND SECURITY GRANT PROGRAM.—The State Homeland Security Grant Program of the Department, or any successor to such grant program.

''(2) URBAN AREA SECURITY INITIATIVE.—The Urban Area Security Initiative of the Department, or any successor to such grant program.

''(3) LAW ENFORCEMENT TERRORISM PREVENTION PROGRAM.—The Law Enforcement Terrorism Prevention Program of the Department, or any successor to such grant program.

''(b) EXCLUDED PROGRAMS.—This title does not apply to or otherwise affect the following Federal grant programs or any grant under such a program:

''(1) NONDEPARTMENT PROGRAMS.—Any Federal grant program that is not administered by the Department.

''(2) FIRE GRANT PROGRAMS.—The fire grant programs authorized by sections 33 and 34 of the Federal Fire Prevention and Control Act of 1974 (15 U.S.C. 2229, 2229a).

''(3) EMERGENCY MANAGEMENT PLANNING AND ASSISTANCE ACCOUNT GRANTS.—The Emergency Management Performance Grant program and the Urban Search and Rescue Grants program authorized by title VI of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5195 et seq.); the Departments of Veterans Affairs and Housing and Urban Development, and Independent Agencies Appropriations Act, 2000 (113 Stat. 1047 et seq.); and the Earthquake Hazards Reduction Act of 1977 (42 U.S.C. 7701 et seq.).

''SEC. 1803. COVERED GRANT ELIGIBILITY AND CRITERIA.

''(a) GRANT ELIGIBILITY.—Any State, region, or directly eligible tribe shall be eligible to apply for a covered grant.

''(b) GRANT CRITERIA.—The Secretary shall award covered grants to assist States and local governments in achieving, maintaining, and enhancing the essential capabilities for terrorism preparedness established by the Secretary.

''(c) STATE HOMELAND SECURITY PLANS.—

''(1) SUBMISSION OF PLANS.—The Secretary shall require that any State applying to the Secretary for a covered grant must submit to the Secretary a 3-year State homeland security plan that—

''(A) describes the essential capabilities that communities within the State should possess, or to which they should have access, based upon the terrorism risk factors relevant to such communities, in order to meet the Department's goals for terrorism preparedness;

''(B) demonstrates the extent to which the State has achieved the essential capabilities that apply to the State;

''(C) demonstrates the needs of the State necessary to achieve, maintain, or enhance the essential capabilities that apply to the State;

''(D) includes a prioritization of such needs based on threat, vulnerability, and consequence assessment factors applicable to the State;

''(E) describes how the State intends—

''(i) to address such needs at the city, county, regional, tribal, State, and interstate level, including a precise description of any regional structure the State has established for the purpose of organizing homeland security preparedness activities funded by covered grants;

''(ii) to use all Federal, State, and local resources available for the purpose of addressing such needs; and

''(iii) to give particular emphasis to regional planning and cooperation, including the activities of multijurisdictional planning agencies governed by local officials, both within its jurisdictional borders and with neighboring States;

''(F) with respect to the emergency preparedness of first responders, addresses the unique aspects of terrorism as part of a comprehensive State emergency management plan; and

''(G) provides for coordination of response and recovery efforts at the local level, including procedures for effective incident command in conformance with the National Incident Management System.

''(2) CONSULTATION.—The State plan submitted under paragraph (1) shall be developed in consultation with and subject to appropriate comment by local governments and first responders within the State.

''(3) APPROVAL BY SECRETARY.—The Secretary may not award any covered grant to a State unless the Secretary has approved the applicable State homeland security plan.

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

''(d) CONSISTENCY WITH STATE PLANS.—The Secretary shall ensure that each covered grant is used to supplement and support, in a consistent and coordinated manner, the applicable State homeland security plan or plans.

''(e) APPLICATION FOR GRANT.—

''(1) IN GENERAL.—Except as otherwise provided in this subsection, any State, region, or directly eligible tribe may apply for a covered grant by submitting to the Secretary an application at such time, in such manner, and containing such information as is required under this subsection, or as the Secretary may reasonably require.

''(2) DEADLINES FOR APPLICATIONS AND AWARDS.—All applications for covered grants must be submitted at such time as the Secretary may reasonably require for the fiscal year for which they are submitted. The Secretary shall award covered grants pursuant to all approved applications for such fiscal year as soon as practicable, but not later than March 1 of such year.

''(3) AVAILABILITY OF FUNDS.—All funds awarded by the Secretary under covered grants in a fiscal year shall be available for obligation through the end of the subsequent fiscal year.

''(4) MINIMUM CONTENTS OF APPLICATION.—The Secretary shall require that each applicant include in its application, at a minimum—

''(A) the purpose for which the applicant seeks covered grant funds and the reasons why the applicant needs the covered grant to meet the essential capabilities for terrorism preparedness within the State, region, or directly eligible tribe to which the application pertains;

''(B) a description of how, by reference to the applicable State homeland security plan or plans under subsection (c), the allocation of grant funding proposed in the application, including, where applicable, the amount not passed through under section 1806(g)(1), would assist in fulfilling the essential capabilities for terrorism preparedness specified in such plan or plans;

''(C) a statement of whether a mutual aid agreement applies to the use of all or any portion of the covered grant funds;

''(D) if the applicant is a State, a description of how the State plans to allocate the covered grant funds to regions, local governments, and Indian tribes;

''(E) if the applicant is a region—

''(i) a precise geographical description of the region and a specification of all participating and nonparticipating local governments within the geographical area comprising that region;

''(ii) a specification of what governmental entity within the region will administer the expenditure of funds under the covered grant; and

''(iii) a designation of a specific individual to serve as regional liaison;

''(F) a capital budget showing how the applicant intends to allocate and expend the covered grant funds;

''(G) if the applicant is a directly eligible tribe, a designation of a specific individual to serve as the tribal liaison; and

''(H) a statement of how the applicant intends to meet the matching requirement, if any, that applies under section 1806(g)(2).

''(5) REGIONAL APPLICATIONS.—

''(A) RELATIONSHIP TO STATE APPLICATIONS.—A regional application—

''(i) shall be coordinated with an application submitted by the State or States of which such region is a part;

''(ii) shall supplement and avoid duplication with such State application; and

''(iii) shall address the unique regional aspects of such region's terrorism preparedness needs beyond those provided for in the application of such State or States.

''(B) STATE REVIEW AND SUBMISSION.—To ensure the consistency required under subsection (d) and the coordination required under subparagraph (A) of this paragraph, an applicant that is a region must submit its application to each State of which any part is included in the region for review and concurrence prior to the submission of such application to the Secretary. The regional application shall be transmitted to the Secretary through each such State within 30 days of its receipt, unless the Governor of such a State notifies the Secretary, in writing, that such regional application is inconsistent with the State's homeland security plan and provides an explanation of the reasons therefor.

''(C) DISTRIBUTION OF REGIONAL AWARDS.—If the Secretary approves a regional application, then the Secretary shall distribute a regional award to the State or States submitting the applicable regional application under subparagraph (B), and each such State shall, not later than the end of the 45-day period beginning on the date after receiving a regional award, pass through to the region all covered grant funds or resources purchased with such funds, except those funds necessary for the State to carry out its responsibilities with respect to such regional application. However in no such case shall the State or States pass through to the region less than 80 percent of the regional award.

''(D) CERTIFICATIONS REGARDING DISTRIBUTION OF GRANT FUNDS TO REGIONS.—Any State that receives a regional award under subparagraph (C) shall certify to the Secretary, by not later than 30 days after the expiration of the period described in subparagraph (C) with respect to the grant, that the State has made available to the region the required funds and resources in accordance with subparagraph (C).

''(E) DIRECT PAYMENTS TO REGIONS.—If any State fails to pass through a regional award to a region as required by subparagraph (C) within 45 days after receiving such award and does not request or receive an extension of such period under section 1806(h)(2), the region may petition the Secretary to receive directly the portion of the regional award that is required to be passed through to such region under subparagraph (C).

''(F) REGIONAL LIAISONS.—A regional liaison designated under paragraph (4)(E)(iii) shall—

''(i) coordinate with Federal, State, local, regional, and private officials within the region concerning terrorism preparedness;

''(ii) develop a process for receiving input from Federal, State, local, regional, and private sector officials within the region to assist in the development of the regional application and to improve the region's access to covered grants; and

''(iii) administer, in consultation with State, local, regional, and private officials within the region, covered grants awarded to the region.

''(6) TRIBAL APPLICATIONS.—

''(A) SUBMISSION TO THE STATE OR STATES.—To ensure the consistency required under subsection (d), an applicant that is a directly eligible tribe must submit its application to each State within the boundaries of which any part of such tribe is located for direct submission to the Department along with the application of such State or States.

''(B) OPPORTUNITY FOR STATE COMMENT.—Before awarding any covered grant to a directly eligible tribe, the Secretary shall provide an opportunity to each State within the boundaries of which any part of such tribe is located to comment to the Secretary on the consistency of the tribe's application with the State's homeland security plan. Any such comments shall be submitted to the Secretary concurrently with the submission of the State and tribal applications.

''(C) FINAL AUTHORITY.—The Secretary shall have final authority to determine the consistency of any application of a directly eligible tribe with the applicable State homeland security plan or plans, and to approve any application of such tribe. The Secretary shall notify each State within the boundaries of which any part of such tribe is located of the approval of an application by such tribe.

''(D) TRIBAL LIAISON.—A tribal liaison designated under paragraph (4)(G) shall—

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

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

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

''(E) LIMITATION ON THE NUMBER OF DIRECT GRANTS.—The Secretary may make covered grants directly to not more than 20 directly eligible tribes per fiscal year.

''(F) TRIBES NOT RECEIVING DIRECT GRANTS.—An Indian tribe that does not receive a grant directly under this section is eligible to receive funds under a covered grant from the State or States within the boundaries of which any part of such tribe is located, consistent with the homeland security plan of the State as described in subsection (c). If a State fails to comply with section 1806(g)(1), the tribe may request payment under section 1806(h)(3) in the same manner as a local government.

''(7) EQUIPMENT STANDARDS.—If an applicant for a covered grant proposes to upgrade or purchase, with assistance provided under the grant, new equipment or systems that do not meet or exceed any applicable national voluntary consensus standards established by the Secretary, the applicant shall include in the application an explanation of why such equipment or systems will serve the needs of the applicant better than equipment or systems that meet or exceed such standards.

''SEC. 1804. RISK-BASED EVALUATION AND PRIORITIZATION.

''(a) FIRST RESPONDER GRANTS BOARD.—

''(1) ESTABLISHMENT OF BOARD.—The Secretary shall establish a First Responder Grants Board, consisting of—

''(A) the Secretary;

''(B) the Under Secretary for Emergency Preparedness and Response;

''(C) the Under Secretary for Border and Transportation Security;

''(D) the Under Secretary for Information Analysis and Infrastructure Protection;

''(E) the Under Secretary for Science and Technology;

''(F) the Director of the Office for Domestic Preparedness;

''(G) the Administrator of the United States Fire Administration; and

''(H) the Administrator of the Animal and Plant Health Inspection Service.

''(2) CHAIRMAN.—

''(A) IN GENERAL.—The Secretary shall be the Chairman of the Board.

''(B) EXERCISE OF AUTHORITIES BY DEPUTY SECRETARY.—The Deputy Secretary of Homeland Security may exercise the authorities of the Chairman, if the Secretary so directs.

''(b) FUNCTIONS OF UNDER SECRETARIES.—The Under Secretaries referred to in subsection (a)(1) shall seek to ensure that the relevant expertise and input of the staff of their directorates are available to and considered by the Board.

''(c) PRIORITIZATION OF GRANT APPLICATIONS.—

''(1) FACTORS TO BE CONSIDERED.—The Board shall evaluate and annually prioritize all pending applications for covered grants based upon the degree to which they would, by achieving, maintaining, or enhancing the essential capabilities of the applicants on a nationwide basis, lessen the threat to, vulnerability of, and consequences for persons (including transient commuting and tourist populations) and critical infrastructure. Such evaluation and prioritization shall be based upon the most current risk assessment available by the Directorate for Information Analysis and Infrastructure Protection of the threats of terrorism against the United States. The Board shall coordinate with State, local, regional, and tribal officials in establishing criteria for evaluating and prioritizing applications for covered grants.

''(2) CRITICAL INFRASTRUCTURE SECTORS.—The Board specifically shall consider threats of terrorism against the following critical infrastructure sectors in all areas of the United States, urban and rural:

''(A) Agriculture and food.
''(B) Banking and finance.
''(C) Chemical industries.
''(D) The defense industrial base.
''(E) Emergency services.
''(F) Energy.
''(G) Government facilities.
''(H) Postal and shipping.
''(I) Public health and health care.
''(J) Information technology.
''(K) Telecommunications.
''(L) Transportation systems.
''(M) Water.
''(N) Dams.
''(O) Commercial facilities.
''(P) National monuments and icons.

The order in which the critical infrastructure sectors are listed in this paragraph shall not be construed as an order of priority for consideration of the importance of such sectors.

''(3) TYPES OF THREAT.—The Board specifically shall consider the following types of threat to the critical infrastructure sectors described in paragraph (2), and to populations in all areas of the United States, urban and rural:

''(A) Biological threats.
''(B) Nuclear threats.
''(C) Radiological threats.
''(D) Incendiary threats.
''(E) Chemical threats.
''(F) Explosives.
''(G) Suicide bombers.
''(H) Cyber threats.
''(I) Any other threats based on proximity to specific past acts of terrorism or the known activity of any terrorist group.

The order in which the types of threat are listed in this paragraph shall not be construed as an order of priority for consideration of the importance of such threats.

''(4) CONSIDERATION OF ADDITIONAL FACTORS.—The Board shall take into account any other specific threat to a population (including a transient commuting or tourist population) or critical infrastructure sector that the Board has determined to exist. In evaluating the threat to a population or critical infrastructure sector, the Board shall

give greater weight to threats of terrorism based upon their specificity and credibility, including any pattern of repetition.

''(5) MINIMUM AMOUNTS.—After evaluating and prioritizing grant applications under paragraph (1), the Board shall ensure that, for each fiscal year—

''(A) each of the States, other than the Virgin Islands, American Samoa, Guam, and the Northern Mariana Islands, that has an approved State homeland security plan receives no less than 0.25 percent of the funds available for covered grants for that fiscal year for purposes of implementing its homeland security plan in accordance with the prioritization of needs under section 1803(c)(1)(D);

''(B) each of the States, other than the Virgin Islands, American Samoa, Guam, and the Northern Mariana Islands, that has an approved State homeland security plan and that meets one or both of the additional high-risk qualifying criteria under paragraph (6) receives no less than 0.45 percent of the funds available for covered grants for that fiscal year for purposes of implementing its homeland security plan in accordance with the prioritization of needs under section 1803(c)(1)(D);

''(C) the Virgin Islands, American Samoa, Guam, and the Northern Mariana Islands each receives no less than 0.08 percent of the funds available for covered grants for that fiscal year for purposes of implementing its approved State homeland security plan in accordance with the prioritization of needs under section 1803(c)(1)(D); and

''(D) directly eligible tribes collectively receive no less than 0.08 percent of the funds available for covered grants for such fiscal year for purposes of addressing the needs identified in the applications of such tribes, consistent with the homeland security plan of each State within the boundaries of which any part of any such tribe is located, except that this clause shall not apply with respect to funds available for a fiscal year if the Secretary receives less than 5 applications for such fiscal year from such tribes under section 1803(e)(6)(A) or does not approve at least one such application.

''(6) ADDITIONAL HIGH-RISK QUALIFYING CRITERIA.—For purposes of paragraph (5)(B), additional high-risk qualifying criteria consist of—

''(A) having a significant international land border; or

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

''(d) EFFECT OF REGIONAL AWARDS ON STATE MINIMUM.—Any regional award, or portion thereof, provided to a State under section 1803(e)(5)(C) shall not be considered in calculating the minimum State award under subsection (c)(5) of this section.

''SEC. 1805. TASK FORCE ON TERRORISM PREPAREDNESS FOR FIRST RESPONDERS.

''(a) ESTABLISHMENT.—To assist the Secretary in updating, revising, or replacing essential capabilities for terrorism preparedness, the Secretary shall establish an advisory body pursuant to section 871(a) not later than 60 days after the date of the enactment of this section, which shall be known as the Task Force on Terrorism Preparedness for First Responders.

''(b) UPDATE, REVISE, OR REPLACE.—The Secretary shall regularly update, revise, or replace the essential capabilities for terrorism preparedness as necessary, but not less than every 3 years.

''(c) REPORT.—

''(1) IN GENERAL.—The Task Force shall submit to the Secretary, by not later than 12 months after its establishment by the Secretary under subsection (a) and not later than every 2 years thereafter, a report on its recommendations for essential capabilities for terrorism preparedness.

''(2) CONTENTS.—Each report shall—

''(A) include a priority ranking of essential capabilities in order to provide guidance to the Secretary and to the Congress on determining the appropriate allocation of, and funding levels for, first responder needs;

''(B) set forth a methodology by which any State or local government will be able to determine the extent to which it possesses or has access to the essential capabilities that States and local governments having similar risks should obtain;

''(C) describe the availability of national voluntary consensus standards, and whether there is a need for new national voluntary consensus standards, with respect to first responder training and equipment;

''(D) include such additional matters as the Secretary may specify in order to further the terrorism preparedness capabilities of first responders; and

''(E) include such revisions to the contents of previous reports as are necessary to take into account changes in the most current risk assessment available by the Directorate for Information Analysis and Infrastructure Protection or other relevant information as determined by the Secretary.

''(3) CONSISTENCY WITH FEDERAL WORKING GROUP.—The Task Force shall ensure that its recommendations for essential capabilities for terrorism preparedness are, to the extent feasible, consistent with any preparedness goals or recommendations of the Federal working group established under section 319F(a) of the Public Health Service Act (42 U.S.C. 247d–6(a)).

''(4) COMPREHENSIVENESS.—The Task Force shall ensure that its recommendations regarding essential capabilities for terrorism preparedness are made within the context of a comprehensive State emergency management system.

''(5) PRIOR MEASURES.—The Task Force shall ensure that its recommendations regarding essential capabilities for terrorism preparedness take into account any capabilities that State or local officials have determined to be essential and have undertaken since September 11, 2001, to prevent, prepare for, respond to, or recover from terrorist attacks.

''(d) MEMBERSHIP.—

''(1) IN GENERAL.—The Task Force shall consist of 25 members appointed by the Secretary, and shall, to the extent practicable, represent a geographic (including urban and rural) and substantive cross section of governmental and nongovernmental first responder disciplines from the State and local levels, including as appropriate—

''(A) members selected from the emergency response field, including fire service and law enforcement, hazardous materials response, emergency medical services, and emergency management personnel (including public works personnel routinely engaged in emergency response);

''(B) health scientists, emergency and inpatient medical providers, and public health professionals, including experts in emergency health care response to chemical, biological, radiological, and nuclear terrorism, and experts in providing mental health care during emergency response operations;

''(C) experts from Federal, State, and local governments, and the private sector, representing standards-setting organizations, including representation from the voluntary consensus codes and standards development community, particularly those with expertise in first responder disciplines; and

''(D) State and local officials with expertise in terrorism preparedness, subject to the condition that if any such official is an elected official representing one of the two major political parties, an equal number of elected officials shall be selected from each such party.

''(2) COORDINATION WITH THE DEPARTMENT OF HEALTH AND HEALTH SERVICES.—In the selection of members of the Task Force who are health professionals, including emergency medical professionals, the Secretary shall coordinate such selection with the Secretary of Health and Human Services.

''(3) EX OFFICIO MEMBERS.—The Secretary and the Secretary of Health and Human Services shall each designate one or more officers of their respective Departments to serve as ex officio members of the Task Force. One of the ex officio members from the Department of Homeland Security shall be the designated officer of the Federal Government for purposes of subsection (e) of section 10 of the Federal Advisory Committee Act (5 App. U.S.C.).

''(e) APPLICABILITY OF FEDERAL ADVISORY COMMITTEE ACT.—Notwithstanding section 871(a), the Federal Advisory Committee Act (5 App. U.S.C.), including subsections (a), (b), and (d) of section 10 of such Act, and section 552b(c) of title 5, United States Code, shall apply to the Task Force.

''SEC. 1806. USE OF FUNDS AND ACCOUNTABILITY REQUIREMENTS.

''(a) IN GENERAL.—A covered grant may be used for—

''(1) purchasing or upgrading equipment, including computer software, to enhance terrorism preparedness;

''(2) exercises to strengthen terrorism preparedness;

''(3) training for prevention (including detection) of, preparedness for, response to, or recovery from attacks involving weapons of mass destruction, including training in the use of equipment and computer software;

''(4) developing or updating State homeland security plans, risk assessments, mutual aid agreements, and emergency management plans to enhance terrorism preparedness;

''(5) establishing or enhancing mechanisms for sharing terrorism threat information;

''(6) systems architecture and engineering, program planning and management, strategy formulation and strategic planning, life-cycle systems design, product and technology evaluation, and prototype development for terrorism preparedness purposes;

''(7) additional personnel costs resulting from—

''(A) elevations in the threat alert level of the Homeland Security Advisory System by the Secretary, or a similar elevation in threat alert level issued by a State, region, or local government with the approval of the Secretary;

''(B) travel to and participation in exercises and training in the use of equipment and on prevention activities; and

''(C) the temporary replacement of personnel during any period of travel to and participation in exercises and training in the use of equipment and on prevention activities;

''(8) the costs of equipment (including software) required to receive, transmit, handle, and store classified information;

''(9) protecting critical infrastructure against potential attack by the addition of barriers, fences, gates, and other such devices, except that the cost of such measures may not exceed the greater of—

''(A) $1,000,000 per project; or

''(B) such greater amount as may be approved by the Secretary, which may not exceed 10 percent of the total amount of the covered grant;

''(10) the costs of commercially available interoperable communications equipment

(which, where applicable, is based on national, voluntary consensus standards) that the Secretary, in consultation with the Chairman of the Federal Communications Commission, deems best suited to facilitate interoperability, coordination, and integration between and among emergency communications systems, and that complies with prevailing grant guidance of the Department for interoperable communications;

''(11) educational curricula development for first responders to ensure that they are prepared for terrorist attacks;

''(12) training and exercises to assist public elementary and secondary schools in developing and implementing programs to instruct students regarding age-appropriate skills to prevent, prepare for, respond to, mitigate against, or recover from an act of terrorism;

''(13) paying of administrative expenses directly related to administration of the grant, except that such expenses may not exceed 3 percent of the amount of the grant;

''(14) paying for the conduct of any activity permitted under the Law Enforcement Terrorism Prevention Program, or any such successor to such program; and

''(15) other appropriate activities as determined by the Secretary.

''(b) PROHIBITED USES.—Funds provided as a covered grant may not be used—

''(1) to supplant State or local funds;

''(2) to construct buildings or other physical facilities;

''(3) to acquire land; or

''(4) for any State or local government cost sharing contribution.

''(c) MULTIPLE-PURPOSE FUNDS.—Nothing in this section shall be construed to preclude State and local governments from using covered grant funds in a manner that also enhances first responder preparedness for emergencies and disasters unrelated to acts of terrorism, if such use assists such governments in achieving essential capabilities for terrorism preparedness established by the Secretary.

''(d) REIMBURSEMENT OF COSTS.—(1) In addition to the activities described in subsection (a), a covered grant may be used to provide a reasonable stipend to paid-on-call or volunteer first responders who are not otherwise compensated for travel to or participation in training covered by this section. Any such reimbursement shall not be considered compensation for purposes of rendering such a first responder an employee under the Fair Labor Standards Act of 1938 (29 U.S.C. 201 et seq.).

''(2) An applicant for a covered grant may petition the Secretary for the reimbursement of the cost of any activity relating to prevention (including detection) of, preparedness for, response to, or recovery from acts of terrorism that is a Federal duty and usually performed by a Federal agency, and that is being performed by a State or local government (or both) under agreement with a Federal agency.

''(e) ASSISTANCE REQUIREMENT.—The Secretary may not require that equipment paid for, wholly or in part, with funds provided as a covered grant be made available for responding to emergencies in surrounding States, regions, and localities, unless the Secretary undertakes to pay the costs directly attributable to transporting and operating such equipment during such response.

''(f) FLEXIBILITY IN UNSPENT HOMELAND SECURITY GRANT FUNDS.—Upon request by the recipient of a covered grant, the Secretary may authorize the grantee to transfer all or part of funds provided as the covered grant from uses specified in the grant agreement to other uses authorized under this section, if the Secretary determines that such transfer is in the interests of homeland security.

''(g) STATE, REGIONAL, AND TRIBAL RESPONSIBILITIES.—

''(1) PASS-THROUGH.—The Secretary shall require a recipient of a covered grant that is a State to obligate or otherwise make available to local governments, first responders, and other local groups, to the extent required under the State homeland security plan or plans specified in the application for the grant, not less than 80 percent of the grant funds, resources purchased with the grant funds having a value equal to at least 80 percent of the amount of the grant, or a combination thereof, by not later than the end of the 45-day period beginning on the date the grant recipient receives the grant funds.

''(2) COST SHARING.—

''(A) IN GENERAL.—The Federal share of the costs of an activity carried out with a covered grant to a State, region, or directly eligible tribe awarded after the 2-year period beginning on the date of the enactment of this section shall not exceed 75 percent.

''(B) INTERIM RULE.—The Federal share of the costs of an activity carried out with a covered grant awarded before the end of the 2-year period beginning on the date of the enactment of this section shall be 100 percent.

''(C) IN-KIND MATCHING.—Each recipient of a covered grant 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, including, but not limited to, any necessary personnel overtime, contractor services, administrative costs, equipment fuel and maintenance, and rental space.

''(3) CERTIFICATIONS REGARDING DISTRIBUTION OF GRANT FUNDS TO LOCAL GOVERNMENTS.—Any State that receives a covered grant shall certify to the Secretary, by not later than 30 days after the expiration of the period described in paragraph (1) with respect to the grant, that the State has made available for expenditure by local governments, first responders, and other local groups the required amount of grant funds pursuant to paragraph (1).

''(4) QUARTERLY REPORT ON HOMELAND SECURITY SPENDING.—The Federal share described in paragraph (2)(A) may be increased by up to 2 percent for any State, region, or directly eligible tribe that, not later than 30 days after the end of each fiscal quarter, submits to the Secretary a report on that fiscal quarter. Each such report must include, for each recipient of a covered grant or a pass-through under paragraph (1)—

''(A) the amount obligated to that recipient in that quarter;

''(B) the amount expended by that recipient in that quarter; and

''(C) a summary description of the items purchased by such recipient with such amount.

''(5) ANNUAL REPORT ON HOMELAND SECURITY SPENDING.—Each recipient of a covered grant shall submit an annual report to the Secretary not later than 60 days after the end of each Federal fiscal year. Each recipient of a covered grant that is a region must simultaneously submit its report to each State of which any part is included in the region. Each recipient of a covered grant that is a directly eligible tribe must simultaneously submit its report to each State within the boundaries of which any part of such tribe is located. Each report must include the following:

''(A) The amount, ultimate recipients, and dates of receipt of all funds received under the grant during the previous fiscal year.

''(B) The amount and the dates of disbursements of all such funds expended in compliance with paragraph (1) or pursuant to mutual aid agreements or other sharing arrangements that apply within the State, region, or directly eligible tribe, as applicable, during the previous fiscal year.

''(C) How the funds were utilized by each ultimate recipient or beneficiary during the preceding fiscal year.

''(D) The extent to which essential capabilities identified in the applicable State homeland security plan or plans were achieved, maintained, or enhanced as the result of the expenditure of grant funds during the preceding fiscal year.

''(E) The extent to which essential capabilities identified in the applicable State homeland security plan or plans remain unmet.

''(6) INCLUSION OF RESTRICTED ANNEXES.—A recipient of a covered grant may submit to the Secretary an annex to the annual report under paragraph (5) that is subject to appropriate handling restrictions, if the recipient believes that discussion in the report of unmet needs would reveal sensitive but unclassified information.

''(7) PROVISION OF REPORTS.—The Secretary shall ensure that each annual report under paragraph (5) is provided to the Under Secretary for Emergency Preparedness and Response and the Director of the Office for Domestic Preparedness.

''(h) INCENTIVES TO EFFICIENT ADMINISTRATION OF HOMELAND SECURITY GRANTS.—

''(1) PENALTIES FOR DELAY IN PASSING THROUGH LOCAL SHARE.—If a recipient of a covered grant that is a State fails to pass through to local governments, first responders, and other local groups funds or resources required by subsection (g)(1) within 45 days after receiving funds under the grant, the Secretary may—

''(A) reduce grant payments to the grant recipient from the portion of grant funds that is not required to be passed through under subsection (g)(1);

''(B) terminate payment of funds under the grant to the recipient, and transfer the appropriate portion of those funds directly to local first responders that were intended to receive funding under that grant; or

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

''(i) prohibiting use of such funds to pay the grant recipient's grant-related overtime or other expenses;

''(ii) requiring the grant recipient to distribute to local government beneficiaries all or a portion of grant funds that are not required to be passed through under subsection (g)(1); or

''(iii) for each day that the grant recipient fails to pass through funds or resources in accordance with subsection (g)(1), reducing grant payments to the grant recipient from the portion of grant funds that is not required to be passed through under subsection (g)(1), except that the total amount of such reduction may not exceed 20 percent of the total amount of the grant.

''(2) EXTENSION OF PERIOD.—The Governor of a State may request in writing that the Secretary extend the 45-day period under section 1803(e)(5)(E) or paragraph (1) for an additional 15-day period. The Secretary may approve such a request, and may extend such period for additional 15-day periods, if the Secretary determines that the resulting delay in providing grant funding to the local government entities that will receive funding under the grant will not have a significant detrimental impact on such entities' terrorism preparedness efforts.

''(3) PROVISION OF NON-LOCAL SHARE TO LOCAL GOVERNMENT.—

''(A) IN GENERAL.—The Secretary may upon request by a local government pay to the local government a portion of the amount of

a covered grant awarded to a State in which the local government is located, if—

''(i) the local government will use the amount paid to expedite planned enhancements to its terrorism preparedness as described in any applicable State homeland security plan or plans;

''(ii) the State has failed to pass through funds or resources in accordance with subsection (g)(1); and

''(iii) the local government complies with subparagraphs (B) and (C).

''(B) SHOWING REQUIRED.—To receive a payment under this paragraph, a local government must demonstrate that—

''(i) it is identified explicitly as an ultimate recipient or intended beneficiary in the approved grant application;

''(ii) it was intended by the grantee to receive a severable portion of the overall grant for a specific purpose that is identified in the grant application;

''(iii) it petitioned the grantee for the funds or resources after expiration of the period within which the funds or resources were required to be passed through under subsection (g)(1); and

''(iv) it did not receive the portion of the overall grant that was earmarked or designated for its use or benefit.

''(C) EFFECT OF PAYMENT.—Payment of grant funds to a local government under this paragraph—

''(i) shall not affect any payment to another local government under this paragraph; and

''(ii) shall not prejudice consideration of a request for payment under this paragraph that is submitted by another local government.

''(D) DEADLINE FOR ACTION BY SECRETARY.—The Secretary shall approve or disapprove each request for payment under this paragraph by not later than 15 days after the date the request is received by the Department.

''(i) REPORTS TO CONGRESS.—The Secretary shall submit an annual report to the Congress by January 31 of each year covering the preceding fiscal year—

''(1) describing in detail the amount of Federal funds provided as covered grants that were directed to each State, region, and directly eligible tribe in the preceding fiscal year;

''(2) containing information on the use of such grant funds by grantees; and

''(3) describing—

''(A) the Nation's progress in achieving, maintaining, and enhancing the essential capabilities established by the Secretary as a result of the expenditure of covered grant funds during the preceding fiscal year; and

''(B) an estimate of the amount of expenditures required to attain across the United States the essential capabilities established by the Secretary.

''SEC. 1807. NATIONAL STANDARDS FOR FIRST RESPONDER EQUIPMENT AND TRAINING.

''(a) EQUIPMENT STANDARDS.—

''(1) IN GENERAL.—The Secretary, in consultation with the Under Secretaries for Emergency Preparedness and Response and Science and Technology and the Director of the Office for Domestic Preparedness, shall, not later than 6 months after the date of the enactment of this section, support the development of, promulgate, and update as necessary national voluntary consensus standards for the performance, use, and validation of first responder equipment for purposes of section 1805(e)(7). Such standards—

''(A) shall be, to the maximum extent practicable, consistent with any existing voluntary consensus standards;

''(B) shall take into account, as appropriate, new types of terrorism threats that may not have been contemplated when such existing standards were developed;

''(C) shall be focused on maximizing interoperability, interchangeability, durability, flexibility, efficiency, efficacy, portability, sustainability, and safety; and

''(D) shall cover all appropriate uses of the equipment.

''(2) REQUIRED CATEGORIES.—In carrying out paragraph (1), the Secretary shall specifically consider the following categories of first responder equipment:

''(A) Thermal imaging equipment.

''(B) Radiation detection and analysis equipment.

''(C) Biological detection and analysis equipment.

''(D) Chemical detection and analysis equipment.

''(E) Decontamination and sterilization equipment.

''(F) Personal protective equipment, including garments, boots, gloves, and hoods and other protective clothing.

''(G) Respiratory protection equipment.

''(H) Interoperable communications, including wireless and wireline voice, video, and data networks.

''(I) Explosive mitigation devices and explosive detection and analysis equipment.

''(J) Containment vessels.

''(K) Contaminant-resistant vehicles.

''(L) Such other equipment for which the Secretary determines that national voluntary consensus standards would be appropriate.

''(b) TRAINING STANDARDS.—

''(1) IN GENERAL.—The Secretary, in consultation with the Under Secretaries for Emergency Preparedness and Response and Science and Technology and the Director of the Office for Domestic Preparedness, shall support the development of, promulgate, and regularly update as necessary national voluntary consensus standards for first responder training carried out with amounts provided under covered grant programs, that will enable State and local government first responders to achieve optimal levels of terrorism preparedness as quickly as practicable. Such standards shall give priority to providing training to—

''(A) enable first responders to prevent, prepare for, respond to, mitigate against, and recover from terrorist threats, including threats from chemical, biological, nuclear, and radiological weapons and explosive devices capable of inflicting significant human casualties; and

''(B) familiarize first responders with the proper use of equipment, including software, developed pursuant to the standards established under subsection (a).

''(2) REQUIRED CATEGORIES.—In carrying out paragraph (1), the Secretary specifically shall include the following categories of first responder activities:

''(A) Regional planning.

''(B) Joint exercises.

''(C) Intelligence collection, analysis, and sharing.

''(D) Emergency notification of affected populations.

''(E) Detection of biological, nuclear, radiological, and chemical weapons of mass destruction.

''(F) Such other activities for which the Secretary determines that national voluntary consensus training standards would be appropriate.

''(3) CONSISTENCY.—In carrying out this subsection, the Secretary shall ensure that such training standards are consistent with the principles of emergency preparedness for all hazards.

''(c) CONSULTATION WITH STANDARDS ORGANIZATIONS.—In establishing national voluntary consensus standards for first responder equipment and training under this section, the Secretary shall consult with relevant public and private sector groups, including—

''(1) the National Institute of Standards and Technology;

''(2) the National Fire Protection Association;

''(3) the National Association of County and City Health Officials;

''(4) the Association of State and Territorial Health Officials;

''(5) the American National Standards Institute;

''(6) the National Institute of Justice;

''(7) the Inter-Agency Board for Equipment Standardization and Interoperability;

''(8) the National Public Health Performance Standards Program;

''(9) the National Institute for Occupational Safety and Health;

''(10) ASTM International;

''(11) the International Safety Equipment Association;

''(12) the Emergency Management Accreditation Program; and

''(13) to the extent the Secretary considers appropriate, other national voluntary consensus standards development organizations, other interested Federal, State, and local agencies, and other interested persons.

''(d) COORDINATION WITH SECRETARY OF HHS.—In establishing any national voluntary consensus standards under this section for first responder equipment or training that involve or relate to health professionals, including emergency medical professionals, the Secretary shall coordinate activities under this section with the Secretary of Health and Human Services.''.

(b) DEFINITION OF EMERGENCY RESPONSE PROVIDERS.—Paragraph (6) of section 2 of the Homeland Security Act of 2002 (Public Law 107–296; 6 U.S.C. 101(6)) is amended by striking ''includes'' and all that follows and inserting ''includes Federal, State, and local governmental and nongovernmental emergency public safety, law enforcement, fire, emergency response, emergency medical (including hospital emergency facilities), and related personnel, organizations, agencies, and authorities.''.

SEC. 114. SUPERSEDED PROVISION.

This chapter supersedes section 1014(c)(3) of Public Law 107–56.

SEC. 115. OVERSIGHT.

The Secretary of Homeland Security shall establish within the Office for Domestic Preparedness an Office of the Comptroller to oversee the grants distribution process and the financial management of the Office for Domestic Preparedness.

SEC. 116. GAO REPORT ON AN INVENTORY AND STATUS OF HOMELAND SECURITY FIRST RESPONDER TRAINING.

(a) IN GENERAL.—The Comptroller General of the United States shall report to Congress in accordance with this section—

(1) on the overall inventory and status of first responder training programs of the Department of Homeland Security and other departments and agencies of the Federal Government; and

(2) the extent to which such programs are coordinated.

(b) CONTENTS OF REPORTS.—The reports under this section shall include—

(1) an assessment of the effectiveness of the structure and organization of such training programs;

(2) recommendations to—

(A) improve the coordination, structure, and organization of such training programs; and

(B) increase the availability of training to first responders who are not able to attend centralized training programs;

(3) the structure and organizational effectiveness of such programs for first responders in rural communities;

(4) identification of any duplication or redundancy among such programs;

(5) a description of the use of State and local training institutions, universities, centers, and the National Domestic Preparedness Consortium in designing and providing training;

(6) a cost-benefit analysis of the costs and time required for first responders to participate in training courses at Federal institutions;

(7) an assessment of the approval process for certifying non-Department of Homeland Security training courses that are useful for anti-terrorism purposes as eligible for grants awarded by the Department;

(8) a description of the use of Department of Homeland Security grant funds by States and local governments to acquire training;

(9) an analysis of the feasibility of Federal, State, and local personnel to receive the training that is necessary to adopt the National Response Plan and the National Incident Management System; and

(10) the role of each first responder training institution within the Department of Homeland Security in the design and implementation of terrorism preparedness and related training courses for first responders.

(c) DEADLINES.—The Comptroller General shall—

(1) submit a report under subsection (a)(1) by not later than 60 days after the date of the enactment of this Act; and

(2) submit a report on the remainder of the topics required by this section by not later than 120 days after the date of the enactment of this Act.

SEC. 117. REMOVAL OF CIVIL LIABILITY BARRIERS THAT DISCOURAGE THE DONATION OF FIRE EQUIPMENT TO VOLUNTEER FIRE COMPANIES.

(a) LIABILITY PROTECTION.—A person who donates fire control or fire rescue equipment to a volunteer fire company shall not be liable for civil damages under any State or Federal law for personal injuries, property damage or loss, or death caused by the equipment after the donation.

(b) EXCEPTIONS.—Subsection (a) does not apply to a person if—

(1) the person's act or omission causing the injury, damage, loss, or death constitutes gross negligence or intentional misconduct; or

(2) the person is the manufacturer of the fire control or fire rescue equipment.

(c) PREEMPTION.—This section preempts the laws of any State to the extent that such laws are inconsistent with this section, except that notwithstanding subsection (b) this section shall not preempt any State law that provides additional protection from liability for a person who donates fire control or fire rescue equipment to a volunteer fire company.

(d) DEFINITIONS.—In this section:

(1) PERSON.—The term ''person'' includes any governmental or other entity.

(2) FIRE CONTROL OR RESCUE EQUIPMENT.—The term ''fire control or fire rescue equipment'' includes any fire vehicle, fire fighting tool, communications equipment, protective gear, fire hose, or breathing apparatus.

(3) STATE.—The term ''State'' includes the several States, the District of Columbia, the Commonwealth of Puerto Rico, the Commonwealth of the Northern Mariana Islands, American Samoa, Guam, the Virgin Islands, any other territory or possession of the United States, and any political subdivision of any such State, territory, or possession.

(4) VOLUNTEER FIRE COMPANY.—The term ''volunteer fire company'' means an association of individuals who provide fire protection and other emergency services, where at least 30 percent of the individuals receive little or no compensation compared with an entry level full-time paid individual in that association or in the nearest such association with an entry level full-time paid individual.

(e) EFFECTIVE DATE.—This section applies only to liability for injury, damage, loss, or death caused by equipment that, for purposes of subsection (a), is donated on or after the date that is 30 days after the date of the enactment of this Act.

Subtitle B—Transportation Security

SEC. 121. REPORT ON NATIONAL STRATEGY FOR TRANSPORTATION SECURITY.

(a) REPORT; CERTIFICATION.—Not later than 30 days after the date of the enactment of this Act, and every 30 days thereafter, the Secretary of Transportation shall submit to the relevant congressional committees a report on the recommendations of the 9/11 Commission and the policy goals of the Intelligence Reform and Terrorism Prevention Act of 2004 (Public Law 108–458) with respect to completion of a national strategy for transportation security. Such report shall include—

(1) a certification by the Secretary of Transportation that such recommendations have been implemented and such policy goals have been achieved; or

(2) if the Secretary of Transportation is unable to make the certification described in paragraph (1), a description of—

(A) the steps taken to implement such recommendations and achieve such policy goals;

(B) when the Secretary expects such recommendations to be implemented and such policy goals to be achieved; and

(C) any allocation of resources or other actions by Congress the Secretary considers necessary to implement such recommendations and achieve such policy goals.

(b) TERMINATION OF DUTY TO REPORT.—The duty to submit a report under subsection (a) shall terminate when the Secretary of Transportation submits a certification pursuant to subsection (a)(1).

(c) GAO REVIEW OF CERTIFICATION.—If the Secretary of Transportation submits a certification pursuant to subsection (a)(1), not later than 30 days after the submission of such certification, the Comptroller General shall submit to the relevant congressional committees a report on whether the recommendations described in such subsection (e) have been implemented and whether the policy goals described in subsection (a) have been achieved.

SEC. 122. REPORT ON AIRLINE PASSENGER PRE-SCREENING.

(a) REPORT; CERTIFICATION.—Not later than 30 days after the date of the enactment of this Act, and every 30 days thereafter, the Secretary of Transportation shall submit to the relevant congressional committees a report on the recommendations of the 9/11 Commission and the policy goals of the Intelligence Reform and Terrorism Prevention Act of 2004 (Public Law 108–458) with respect to improving airline passenger pre-screening. Such report shall include—

(1) a certification by the Secretary of Transportation that such recommendations have been implemented and such policy goals have been achieved; or

(2) if the Secretary of Transportation is unable to make the certification described in paragraph (1), a description of—

(A) the steps taken to implement such recommendations and achieve such policy goals;

(B) when the Secretary expects such recommendations to be implemented and such policy goals to be achieved; and

(C) any allocation of resources or other actions by Congress the Secretary considers necessary to implement such recommendations and achieve such policy goals.

(b) TERMINATION OF DUTY TO REPORT.—The duty to submit a report under subsection (a) shall terminate when the Secretary of Transportation submits a certification pursuant to subsection (a)(1).

(c) GAO REVIEW OF CERTIFICATION.—If the Secretary of Transportation submits a certification pursuant to subsection (a)(1), not later than 30 days after the submission of such certification, the Comptroller General shall submit to the relevant congressional committees a report on whether the recommendations described in subsection (a) have been implemented and whether the policy goals described in subsection (a) have been achieved.

SEC. 123. REPORT ON DETECTION OF EXPLOSIVES AT AIRLINE SCREENING CHECKPOINTS.

(a) REPORT; CERTIFICATION.—Not later than 30 days after the date of the enactment of this Act, and every 30 days thereafter, the Secretary of Transportation shall submit to the relevant congressional committees a report on the recommendations of the 9/11 Commission and the policy goals of the Intelligence Reform and Terrorism Prevention Act of 2004 (Public Law 108–458) with respect to the improvement of airline screening checkpoints to detect explosives. Such report shall include—

(1) a certification by the Secretary of Transportation that such recommendations have been implemented and such policy goals have been achieved; or

(2) if the Secretary of Transportation is unable to make the certification described in paragraph (1), a description of—

(A) the steps taken to implement such recommendations and achieve such policy goals;

(B) when the Secretary expects such recommendations to be implemented and such policy goals to be achieved; and

(C) any allocation of resources or other actions by Congress the Secretary considers necessary to implement such recommendations and achieve such policy goals.

(b) TERMINATION OF DUTY TO REPORT.—The duty to submit a report under subsection (a) shall terminate when the Secretary of Transportation submits a certification pursuant to subsection (a)(1).

(c) GAO REVIEW OF CERTIFICATION.—If the Secretary of Transportation submits a certification pursuant to subsection (a)(1), not later than 30 days after the submission of such certification, the Comptroller General shall submit to the relevant congressional committees a report on whether the recommendations described in subsection (a) have been implemented and whether the policy goals described in subsection (a) have been achieved.

SEC. 124. REPORT ON COMPREHENSIVE SCREENING PROGRAM.

(a) REPORT; CERTIFICATION.—Not later than 30 days after the date of the enactment of this Act, and every 30 days thereafter, the Secretary of Transportation shall submit to the relevant congressional committees a report on the recommendations of the 9/11 Commission and the policy goals of the Intelligence Reform and Terrorism Prevention Act of 2004 (Public Law 108–458) with respect to implementation of a comprehensive screening program. Such report shall include—

(1) a certification by the Secretary of Transportation that such recommendations have been implemented and such policy goals have been achieved; or

(2) if the Secretary of Transportation is unable to make the certification described in paragraph (1), a description of—

(A) the steps taken to implement such recommendations and achieve such policy goals;

(B) when the Secretary expects such recommendations to be implemented and such policy goals to be achieved; and

(C) any allocation of resources or other actions by Congress the Secretary considers necessary to implement such recommendations and achieve such policy goals.

(b) TERMINATION OF DUTY TO REPORT.—The duty to submit a report under subsection (a) shall terminate when the Secretary of Transportation submits a certification pursuant to subsection (a)(1).

(c) GAO REVIEW OF CERTIFICATION.—If the Secretary of Transportation submits a certification pursuant to subsection (a)(1), not later than 30 days after the submission of such certification, the Comptroller General shall submit to the relevant congressional committees a report on whether the recommendations described in subsection (a) have been implemented and whether the policy goals described in subsection (a) have been achieved.

SEC. 125. RELEVANT CONGRESSIONAL COMMITTEES DEFINED.

In this subtitle, the term ''relevant congressional committees'' means—

(1) the Committee on Homeland Security of the House of Representatives;

(2) the Committee on Government Reform of the House of Representatives;

(3) the Committee on Transportation and Infrastructure of the House of Representatives;

(4) the Committee on Homeland Security and Government Affairs of the Senate; and

(5) the Committee on Environment and Public Works of the Senate.

Subtitle C—Border Security

SEC. 131. COUNTERTERRORIST TRAVEL INTELLIGENCE.

(a) REPORT; CERTIFICATION.—Not later than 30 days after the date of the enactment of this Act, and every 30 days thereafter, the Director of the National Counterterrorism Center shall submit to the relevant congressional committees a report on the recommendations of the 9/11 Commission and the policy goals of the Intelligence Reform and Terrorism Prevention Act of 2004 (Public Law 108–458) with respect to improving collection and analysis of intelligence on terrorist travel. Each such report shall include—

(1) a certification that such recommendations have been implemented and such policy goals have been achieved; or

(2) if the Director of the National Counterterrorism Center is unable to make the certification described in paragraph (1), a description of—

(A) the steps taken to implement such recommendations and achieve such policy goals;

(B) when such recommendations are expected to be implemented and such policy goals to be achieved; and

(C) any allocation of resources or other actions by Congress considered necessary to implement such recommendations and achieve such policy goals.

(b) TERMINATION OF DUTY TO REPORT.—The duty of the Director of the National Counterterrorism Center to submit a report under subsection (a) shall terminate when the Secretary submits a certification pursuant to subsection (a)(1). The duty of the Director of National Intelligence to submit a report under subsection (a) shall terminate when the Director submits a certification pursuant to subsection (a)(1).

(c) GAO REVIEW OF CERTIFICATION.—If the Director of the National Counterterrorism submits a certification pursuant to subsection (a)(1), not later than 30 days after the submission of such certification, the Comptroller General shall submit to the relevant congressional committees a report on whether the recommendations described in subsection (a) have been implemented and whether the policy goals described in subsection (a) have been achieved.

(d) RELEVANT CONGRESSIONAL COMMITTEES DEFINED.—In this section, the term ''relevant congressional committees'' means the following:

(1) The Committee on Homeland Security of the House of Representatives.

(2) The Committee on Government Reform of the House of Representatives.

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

(4) The Committee on Homeland Security and Governmental Affairs of the Senate.

(5) The Committee on Environment and Public Works of the Senate.

(6) The Select Committee on Intelligence of the Senate.

(7) The Permanent Select Committee on Intelligence of the House of Representatives.

SEC. 132. COMPREHENSIVE SCREENING SYSTEM.

(a) REPORT; CERTIFICATION.—Not later than 30 days after the date of the enactment of this Act, and every 30 days thereafter, the Secretary of Homeland Security and the Secretary of Transportation shall each submit to the relevant congressional committees a report on the recommendations of the 9/11 Commission and the policy goals of the Intelligence Reform and Terrorism Prevention Act of 2004 (Public Law 108–458) with respect to the establishment of the comprehensive screening system described in Presidential Homeland Security Directive 11 (dated August 27, 2004). Each such report shall include—

(1) a certification that such recommendations have been implemented and such policy goals have been achieved; or

(2) if either the Secretary of Homeland Security or the Secretary of Transportation is unable to make the certification described in paragraph (1), a description of—

(A) the steps taken to implement such recommendations and achieve such policy goals;

(B) when such recommendations are expected to be implemented and such policy goals to be achieved; and

(C) any allocation of resources or other actions by Congress considered necessary to implement such recommendations and achieve such policy goals.

(b) TERMINATION OF DUTY TO REPORT.—The duty of the Secretary of Homeland Security to submit a report under subsection (a) shall terminate when the Secretary of Homeland Security submits a certification pursuant to subsection (a)(1). The duty of the Secretary of Transportation to submit a report under subsection (a) shall terminate when the Secretary of Transportation submits a certification pursuant to subsection (a)(1).

(c) GAO REVIEW OF CERTIFICATION.—If the Secretary of Homeland Security and the Secretary of Transportation both submit certifications pursuant to subsection (a)(1), not later than 30 days after the submission of such certifications, the Comptroller General shall submit to the relevant congressional committees a report on whether the recommendations described in subsection (a) have been implemented and whether the policy goals described in subsection (a) have been achieved.

(d) RELEVANT CONGRESSIONAL COMMITTEES DEFINED.—In this section, the term ''relevant congressional committees'' means the following:

(1) The Committee on Homeland Security of the House of Representatives.

(2) The Committee on Government Reform of the House of Representatives.

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

(4) The Committee on Homeland Security and Governmental Affairs of the Senate.

(5) The Committee on Environment and Public Works of the Senate.

SEC. 133. BIOMETRIC ENTRY AND EXIT DATA SYSTEM.

(a) REPORT; CERTIFICATION.—Not later than 30 days after the date of the enactment of this Act, and every 30 days thereafter, the Secretary of Homeland Security shall submit to the relevant congressional committees a report on the recommendations of the 9/11 Commission and the policy goals of the Intelligence Reform and Terrorism Prevention Act of 2004 (Public Law 108–458) with respect to the completion of a biometric entry and exit data system. Each such report shall include—

(1) a certification that such recommendations have been implemented and such policy goals have been achieved; or

(2) if the Secretary of Homeland Security is unable to make the certification described in paragraph (1), a description of—

(A) the steps taken to implement such recommendations and achieve such policy goals;

(B) when such recommendations are expected to be implemented and such policy goals to be achieved; and

(C) any allocation of resources or other actions by Congress the Secretary considers necessary to implement such recommendations and achieve such policy goals.

(b) TERMINATION OF DUTY TO REPORT.—The duty to submit a report under subsection (a) shall terminate when the Secretary of Homeland Security submits a certification pursuant to subsection (a)(1).

(c) GAO REVIEW OF CERTIFICATION.—If the Secretary of Homeland Security submits a certification pursuant to subsection (a)(1), not later than 30 days after the submission of such certification, the Comptroller General shall submit to the relevant congressional committees a report on whether the recommendations described in subsection (a) have been implemented and whether the policy goals described in subsection (a) have been achieved.

(d) RELEVANT CONGRESSIONAL COMMITTEES DEFINED.—In this section, the term ''relevant congressional committees'' means the following:

(1) The Committee on Homeland Security of the House of Representatives.

(2) The Committee on Government Reform of the House of Representatives.

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

(4) The Committee on Homeland Security and Governmental Affairs of the Senate.

(5) The Committee on Environment and Public Works of the Senate.

SEC. 134. INTERNATIONAL COLLABORATION ON BORDER AND DOCUMENT SECURITY.

(a) REPORT; CERTIFICATION.—Not later than 30 days after the date of the enactment of this Act, and every 30 days thereafter, the Secretary of Homeland Security and the Secretary of State shall each submit to the relevant congressional committees a report on the recommendations of the 9/11 Commission and the policy goals of the Intelligence Reform and Terrorism Prevention Act of 2004 (Public Law 108–458) with respect to international collaboration on border and document security. Each such report shall include—

(1) a certification that such recommendations have been implemented and such policy goals have been achieved; or

(2) if either the Secretary of Homeland Security or the Secretary of State is unable to make the certification described in paragraph (1), a description of—

(A) the steps taken to implement such recommendations and achieve such policy goals;

(B) when such recommendations are expected to be implemented and such policy goals to be achieved; and

(C) any allocation of resources or other actions by Congress considered necessary to implement such recommendations and achieve such policy goals.

(b) TERMINATION OF DUTY TO REPORT.—The duty of the Secretary of Homeland Security to submit a report under subsection (a) shall terminate when the Secretary of Homeland Security submits a certification pursuant to subsection (a)(1). The duty of the Secretary of State to submit a report under subsection (a) shall terminate when the Secretary of State submits a certification pursuant to subsection (a)(1).

(c) GAO REVIEW OF CERTIFICATION.—If the Secretary of Homeland Security and the Secretary of State both submit certifications pursuant to subsection (a)(1), not later than 30 days after the submission of such certifications, the Comptroller General shall submit to the relevant congressional committees a report on whether the recommendations described in subsection (a) have been implemented and whether the policy goals described in subsection (a) have been achieved.

(d) WATCH LIST.—The Comptroller General shall submit to the relevant congressional committees a report assessing the sharing of the consolidated and integrated terrorist watch list maintained by the Federal Government with countries designated to participate in the visa waiver program established under section 217 of the Immigration and Nationality Act (8 U.S.C. 1187).

(e) FINGERPRINTING IN DOMESTIC AND FOREIGN PASSPORTS.—

(1) USE IN UNITED STATES PASSPORTS.—

(A) IN GENERAL.—Section 215(b) of the Immigration and Nationality Act (8 U.S.C. 1185(b)) is amended by inserting after ''passport'' the following: ''that contains the fingerprints of the citizen involved''.

(B) EFFECTIVE DATE.—The amendment made by subparagraph (A) shall apply to passports issued on or after the date that is 90 days after the date of the enactment of this Act.

(2) USE IN FOREIGN PASSPORTS.—

(A) IN GENERAL.—Section 212(a)(7) of such Act (8 U.S.C. 1182(a)(7)) is amended by adding at the end the following new subparagraph:

''(C) REQUIREMENT FOR FINGERPRINTS ON PASSPORTS.—No passport of an alien shall be considered valid for purposes of subparagraph (A) or (B) unless the passport contains the fingerprints of the alien.''.

(B) EFFECTIVE DATE.—The amendment made by subparagraph (A) shall apply to aliens applying for admission to the United States on or after the date that is 90 days after the date of the enactment of this Act.

(f) RELEVANT CONGRESSIONAL COMMITTEES DEFINED.—In this section, the term ''relevant congressional committees'' means the following:

(1) The Committee on Homeland Security of the House of Representatives.

(2) The Committee on Government Reform of the House of Representatives.

(3) The Committee on the International Relations of the House of Representatives.

(4) The Committee on the Judiciary of the House of Representatives.

(5) The Committee on Homeland Security and Governmental Affairs of the Senate.

(6) The Committee on the Judiciary of the Senate.

(7) The Committee on Foreign Relations of the Senate.

SEC. 135. STANDARDIZATION OF SECURE IDENTIFICATION.

(a) REPORT; CERTIFICATION.—Not later than 30 days after the date of the enactment of this Act, and every 30 days thereafter, the Secretary of Homeland Security and the Secretary of Health and Human Services shall each submit to the relevant congressional committees a report on the recommendations of the 9/11 Commission and the policy goals of the Intelligence Reform and Terrorism Prevention Act of 2004 (Public Law 108–458) with respect to the establishment of standardization of secure identification. Each such report shall include—

(1) a certification that such recommendations have been implemented and such policy goals have been achieved; or

(2) if either the Secretary of Homeland Security or the Secretary of Health and Human Services is unable to make the certification described in paragraph (1), a description of—

(A) the steps taken to implement such recommendations and achieve such policy goals;

(B) when such recommendations are expected to be implemented and such policy goals to be achieved; and

(C) any allocation of resources or other actions by Congress the Secretary considers necessary to implement such recommendations and achieve such policy goals.

(b) TERMINATION OF DUTY TO REPORT.—The duty to submit a report under subsection (a) shall terminate—

(1) for the Secretary of Homeland Security, when the Secretary of Homeland Security submits a certification pursuant to subsection (a)(1); and

(2) for the Secretary of Health and Human Services, when the Secretary of Health and Human Services submits a certification pursuant to subsection (a)(1).

(c) GAO REVIEW OF CERTIFICATION.—If the Secretary of Homeland Security and the Secretary of Health and Human Services submit certifications pursuant to subsection (a)(1), not later than 30 days after the submission of such certifications, the Comptroller General shall submit to the relevant congressional committees a report on whether the recommendations described in subsection (a) have been implemented and whether the policy goals described in subsection (a) have been achieved.

(d) RELEVANT CONGRESSIONAL COMMITTEES DEFINED.—In this section, the term ''relevant congressional committees'' means the following:

(1) The Committee on Homeland Security of the House of Representatives.

(2) The Committee on Government Reform of the House of Representatives.

(3) The Committee on the Judiciary of the House of Representatives.

(4) The Committee on Ways and Means of the House of Representatives.

(5) The Committee on Finance of the Senate.

(6) The Committee on Homeland Security and Governmental Affairs of the Senate.

SEC. 136. SECURITY ENHANCEMENTS FOR SOCIAL SECURITY CARDS.

(a) REPORT; CERTIFICATION.—Not later than 30 days after the date of the enactment of this Act, and every 30 days thereafter, the Commissioner of Social Security shall submit to the relevant congressional committees a report on the recommendations of the 9/11 Commission and the policy goals of the Intelligence Reform and Terrorism Prevention Act of 2004 (Public Law 108–458) with respect to security enhancements for social security cards and the implementation of section 205(c)(2)(C)(iv)(II) of the Social Security Act (42 U.S.C. 405(c)(2)(C)(iv)(II)) (as added by section 7214 of the Intelligence Reform and Terrorism Prevention Act of 2004 (Public Law 108–458)). Each such report shall include—

(1) a certification that such recommendations have been implemented and such policy goals have been achieved; or

(2) if the Commissioner of Social Security is unable to make the certification described in paragraph (1), a description of—

(A) the steps taken to implement such recommendations and achieve such policy goals;

(B) when such recommendations are expected to be implemented and such policy goals to be achieved; and

(C) any allocation of resources or other actions by Congress the Commissioner considers necessary to implement such recommendations and achieve such policy goals.

(b) TERMINATION OF DUTY TO REPORT.—The duty to submit a report under subsection (a) shall terminate when the Commissioner of Social Security submits a certification pursuant to subsection (a)(1).

(c) GAO REVIEW OF CERTIFICATION.—If the Commissioner of Social Security submits a certification pursuant to subsection (a)(1), not later than 30 days after the submission of such certification, the Comptroller General shall submit to the relevant congressional committees a report on whether the recommendations described in subsection (a) have been implemented and whether the policy goals described in subsection (a) have been achieved.

(d) RELEVANT CONGRESSIONAL COMMITTEES DEFINED.—In this section, the term ''relevant congressional committees'' means the following:

(1) The Committee on Homeland Security of the House of Representatives.

(2) The Committee on Government Reform of the House of Representatives.

(3) The Committee on the Judiciary of the House of Representatives.

(4) The Committee on Ways and Means of the House of Representatives.

(5) The Committee on Finance of the Senate.

(6) The Committee on Homeland Security and Governmental Affairs of the Senate.

Subtitle D—Homeland Security Appropriations

SEC. 141. HOMELAND SECURITY APPROPRIATIONS.

The following sums are appropriated, out of any money in the Treasury not otherwise appropriated, for the Department of Homeland Security for the fiscal year ending September 30, 2007, and for other purposes, namely:

CUSTOMS AND BORDER PROTECTION.

For an additional amount for ''Salaries and Expenses'', $571,000,000 for necessary expenses for border security, including for air asset replacement and air operations facilities upgrade, the acquisition, lease, maintenance, and operation of vehicles. construction, and radiation portal monitors.

UNITED STATES CITIZENSHIP AND IMMIGRATION SERVICES.

For an additional amount for citizenship and immigration services, $87,000,000 for necessary expenses, including for business transformation and fraud detection.

TRANSPORTATION SECURITY ADMINISTRATION.

For an additional amount for ''Aviation Security'', $305,000,000 for necessary expenses, of which—

(1) $250,000,000 shall be made available for aviation security, including the procurement of explosives monitoring equipment; and

(2) $55,000,000 shall be made available for air cargo security, including cargo canine teams and inspectors.

UNITED STATES COAST GUARD.

For an additional amount for ''Acquisition, Construction, and Improvements'', $184,000,000 for necessary expenses for the Integrated Deepwater Systems Program for the purchase of ships, planes, and helicopters.

For an additional amount for ''Operating Expenses'', $23,000,000 for necessary expenses for additional inspectors at foreign and domestic ports.

OFFICE FOR DOMESTIC PREPAREDNESS.

For an additional amount for ''State and Local Programs'', $2,880,000,000 for necessary expenses, of which—

(1) $790,000,000 shall be made available for first responder grants;

(2) $500,000,000 shall be made available for interoperability grants;

(3) $100,000,000 shall be made available for chemical security grants;

(4) $1,200,000,000 shall be made available for rail security grants;

(5) $190,000,000 shall be made available for port security grants; and

(6) $100,000,000 shall be made available for emergency management performance grants.

FEDERAL EMERGENCY MANAGEMENT AGENCY.

For an additional amount for ''Readiness, Mitigation, Response, and Recovery'', $50,000,000 for necessary expenses.

For an additional amount for ''National Pre-Disaster Mitigation Fund'', $100,000,000 for necessary expenses.

TITLE II—REFORMING THE INSTITUTIONS OF GOVERNMENT

Subtitle A—Intelligence Community

SEC. 201. REPORT ON DIRECTOR OF NATIONAL INTELLIGENCE.

(a) REPORT; CERTIFICATION.—Not later than 30 days after the date of the enactment of this Act, and every 30 days thereafter, the Director of National Intelligence shall submit to the relevant congressional committees a report on the recommendations of the 9/11 Commission and the policy goals of the Intelligence Reform and Terrorism Prevention Act of 2004 (Public Law 108–458) with respect to the Director of National Intelligence. Such report shall include—

(1) a certification by the Director of National Intelligence that such recommendations have been implemented and such policy goals have been achieved; or

(2) if the Director of National Intelligence is unable to make the certification described in paragraph (1), a description of—

(A) the steps taken to implement such recommendations and achieve such policy goals;

(B) when the Director of National Intelligence expects such recommendations to be implemented and such policy goals to be achieved; and

(C) any allocation of resources or other actions by Congress the Director considers necessary to implement such recommendations and achieve such policy goals.

(b) TERMINATION OF DUTY TO REPORT.—The duty to submit a report under subsection (a) shall terminate when the Director of National Intelligence submits a certification pursuant to subsection (a)(1).

(c) GAO REVIEW OF CERTIFICATION.—If the Director of National Intelligence submits a certification pursuant to subsection (a)(1), not later than 30 days after the submission of such certification, the Comptroller General shall submit to the relevant congressional committees a report on whether the recommendations described in subsection (a) have been implemented and whether the policy goals described in subsection (a) have been achieved.

(d) GAO REPORT ON DNI EXERCISE OF AUTHORITY.—

(1) ANNUAL REPORT.—Not later than 90 days after the date of the enactment of this Act, and annually thereafter, the Comptroller General shall submit to the relevant congressional committees a report on whether—

(A) the Director of National Intelligence has been able to properly exercise the authority of the Office of the Director of National Intelligence, including budget and personnel authority; and

(B) information sharing among the intelligence community is a high priority.

(2) TERMINATION.—The duty to submit a report under paragraph (1) shall terminate when the Comptroller General certifies to the relevant congressional committees that the recommendations of the 9/11 Commission and the policy goals of the Intelligence Reform and Terrorism Prevention Act of 2004 (Public Law 108–458) with respect to the Director of National Intelligence have been achieved.

SEC. 202. REPORT ON NATIONAL COUNTERTERRORISM CENTER.

(a) REPORT; CERTIFICATION.—Not later than 30 days after the date of the enactment of this Act, and every 30 days thereafter, the Director of National Intelligence shall submit to the relevant congressional committees a report on the recommendations of the 9/11 Commission and the policy goals of the Intelligence Reform and Terrorism Prevention Act of 2004 (Public Law 108–458) with respect to the establishment of a National Counterterrorism Center. Such report shall include—

(1) a certification by the Director of National Intelligence that such recommendations have been implemented and such policy goals have been achieved; or

(2) if the Director of National Intelligence is unable to make the certification described in paragraph (1), a description of—

(A) the steps taken to implement such recommendations and achieve such policy goals;

(B) when the Director of National Intelligence expects such recommendations to be implemented and such policy goals to be achieved; and

(C) any allocation of resources or other actions by Congress the Director considers necessary to implement such recommendations and achieve such policy goals.

(b) TERMINATION OF DUTY TO REPORT.—The duty to submit a report under subsection (a) shall terminate when the Director of National Intelligence submits a certification pursuant to subsection (a)(1).

(c) GAO REVIEW OF CERTIFICATION.—If the Director of National Intelligence submits a certification pursuant to subsection (a)(1), not later than 30 days after the submission of such certification, the Comptroller General shall submit to the relevant congressional committees a report on whether the recommendations described in subsection (a) have been implemented and whether the policy goals described in subsection (a) have been achieved.

SEC. 203. REPORT ON CREATION OF A FEDERAL BUREAU OF INVESTIGATION NATIONAL SECURITY WORKFORCE.

(a) REPORT; CERTIFICATION.—Not later than 30 days after the date of the enactment of this Act, and every 30 days thereafter, the Director of the Federal Bureau of Investigation shall submit to the relevant congressional committees a report on the recommendations of the 9/11 Commission and the policy goals of the Intelligence Reform and Terrorism Prevention Act of 2004 (Public Law 108–458) with respect to the creation of a Federal Bureau of Investigation national security workforce. Such report shall include—

(1) a certification by the Director of the Federal Bureau of Investigation that such recommendations have been implemented and such policy goals have been achieved; or

(2) if the Director of the Federal Bureau of Investigation is unable to make the certification described in paragraph (1), a description of—

(A) the steps taken to implement such recommendations and achieve such policy goals;

(B) when the Director of the Federal Bureau of Investigation expects such recommendations to be implemented and such policy goals to be achieved; and

(C) any allocation of resources or other actions by Congress the Director of the Federal Bureau of Investigation considers necessary to implement such recommendations and achieve such policy goals.

(b) TERMINATION OF DUTY TO REPORT.—The duty to submit a report under subsection (a) shall terminate when the Director of the Federal Bureau of Investigation submits a certification pursuant to subsection (a)(1).

(c) GAO REVIEW OF CERTIFICATION.—If the Director of the Federal Bureau of Investigation submits a certification pursuant to subsection (a)(1), not later than 30 days after the submission of such certification, the Comptroller General shall submit to the relevant congressional committees a report on whether the recommendations described in subsection (a) have been implemented and whether the policy goals described in subsection (a) have been achieved.

(d) GAO REPORT ON CREATION OF FBI NATIONAL SECURITY WORKFORCE.—

(1) ANNUAL REPORT.—Not later than 90 days after the date of the enactment of this Act, and annually thereafter, the Comptroller General shall submit to the relevant congressional committees a report on whether—

(A) there is a sense of urgency within the Federal Bureau of Investigation to create a national security workforce to carry out the domestic counterterrorism mission of the Federal Bureau of Investigation;

(B) the Federal Bureau of Investigation is on track to create such a workforce; and

(C) the culture of the Federal Bureau of Investigation allows the Federal Bureau of Investigation to meet its new challenges and succeed in its counterterrorism role.

(2) TERMINATION.—The duty to submit a report under paragraph (1) shall terminate when the Comptroller General certifies to the relevant congressional committees that the recommendations of the 9/11 Commission and the policy goals of the Intelligence Reform and Terrorism Prevention Act of 2004 (Public Law 108–458) with respect to the creation of a Federal Bureau of Investigation national security workforce have been achieved.

SEC. 204. REPORT ON NEW MISSIONS FOR THE DIRECTOR OF THE CENTRAL INTELLIGENCE AGENCY.

(a) REPORT; CERTIFICATION.—Not later than 90 days after the date of the enactment of this Act, and every 90 days thereafter, the Director of National Intelligence shall submit to the relevant congressional committees a report on the recommendations of the 9/11 Commission and the policy goals of the Intelligence Reform and Terrorism Prevention Act of 2004 (Public Law 108–458) with respect to the new mission of the Director of the Central Intelligence Agency. Such report shall include—

(1) a certification by the Director of National Intelligence that such recommendations have been implemented and such policy goals have been achieved; or

(2) if the Director of National Intelligence is unable to make the certification described in paragraph (1), a description of—

(A) the steps taken to implement such recommendations and achieve such policy goals;

(B) when the Director of National Intelligence expects such recommendations to be implemented and such policy goals to be achieved; and

(C) any allocation of resources or other actions by Congress the Director considers necessary to implement such recommendations and achieve such policy goals.

(b) TERMINATION OF DUTY TO REPORT.—The duty to submit a report under subsection (a) shall terminate when the Director of National Intelligence submits a certification pursuant to subsection (a)(1).

(c) GAO REVIEW OF CERTIFICATION.—If the Director of National Intelligence submits a certification pursuant to subsection (a)(1), not later than 30 days after the submission of such certification, the Comptroller General shall submit to the relevant congressional committees a report on whether the recommendations described in subsection (a) have been implemented and whether the policy goals described in subsection (a) have been achieved.

(d) GAO REPORT ON DIRECTOR OF THE CENTRAL INTELLIGENCE AGENCY.—

(1) ANNUAL REPORT.—Not later than 90 days after the date of the enactment of this Act, and annually thereafter, the Comptroller General shall submit to the relevant congressional committees a report on whether the Director of the Central Intelligence Agency has strong, determined leadership committed to accelerating the pace of the reforms underway.

(2) TERMINATION.—The duty to submit a report under paragraph (1) shall terminate when the Comptroller General certifies to the relevant congressional committees that the recommendations of the 9/11 Commission and the policy goals of the Intelligence Reform and Terrorism Prevention Act of 2004 (Public Law 108–458) with respect to the Director of the Central Intelligence Agency have been achieved.

(e) SENSE OF CONGRESS.—It is the sense of Congress that Congress and the leadership of the Central Intelligence Agency should—

(1) regularly evaluate the effectiveness of the national clandestine service structure to determine if it improves coordination of human intelligence collection operations and produces better intelligence results; and

(2) address morale and personnel issues at the Central Intelligence Agency to ensure the Central Intelligence Agency remains an effective arm of national power.

SEC. 205. REPORT ON INCENTIVES FOR INFORMATION SHARING.

(a) REPORT; CERTIFICATION.—Not later than 30 days after the date of the enactment of this Act, and every 30 days thereafter, the Director of the Office of Management and Budget, in consultation with the Director of National Intelligence and the Program Manager for the Information Sharing Environment, shall submit to the relevant congressional committees a report on the recommendations of the 9/11 Commission and the policy goals of the Intelligence Reform and Terrorism Prevention Act of 2004 (Public Law 108–458) with respect to the provision of affirmative incentives for information sharing, and for reducing disincentives to information sharing, across the Federal Government and with State and local authorities. Such report shall include—

(1) a certification by the Director of the Office of Management and Budget that such recommendations have been implemented and such policy goals have been achieved; or

(2) if the Director of the Office of Management and Budget is unable to make the certification described in paragraph (1), a description of—

(A) the steps taken to implement such recommendations and achieve such policy goals;

(B) when the Director of National Intelligence and the Program Manager for the Information Sharing Environment expect such recommendations to be implemented and such policy goals to be achieved; and

(C) any allocation of resources or other actions by Congress the Director considers necessary to implement such recommendations and achieve such policy goals.

(b) TERMINATION OF DUTY TO REPORT.—The duty to submit a report under subsection (a) shall terminate when the Director of the Office of Management and Budget submits a certification pursuant to subsection (a)(1).

(c) GAO REVIEW OF CERTIFICATION.—If the Director of the Office of Management and Budget submits a certification pursuant to subsection (a)(1), not later than 30 days after the submission of such certification, the Comptroller General shall submit to the relevant congressional committees a report on whether the recommendations described in subsection (a) have been implemented and whether the policy goals described in subsection (a) have been achieved.

SEC. 206. REPORT ON PRESIDENTIAL LEADERSHIP OF NATIONAL SECURITY INSTITUTIONS IN THE INFORMATION REVOLUTION.

(a) REPORT; CERTIFICATION.—Not later than 30 days after the date of the enactment of this Act, and every 30 days thereafter, the Director of the Office of Management and Budget, in consultation with the Director of National Intelligence and the Program Manager for the Information Sharing Environment, shall submit to the relevant congressional committees a report on the recommendations of the 9/11 Commission and the policy goals of the Intelligence Reform and Terrorism Prevention Act of 2004 (Public Law 108–458) with respect to the leadership of the President of national security institutions into the information revolution. Such report shall include—

(1) a certification by the Director of the Office of Management and Budget that such recommendations have been implemented and such policy goals have been achieved; or

(2) if the Director of the Office of Management and Budget is unable to make the certification described in paragraph (1), a description of—

(A) the steps taken to implement such recommendations and achieve such policy goals;

(B) when the Director of the Office of Management and Budget expects such recommendations to be implemented and such policy goals to be achieved; and

(C) any allocation of resources or other actions by Congress the Director considers necessary to implement such recommendations and achieve such policy goals.

(b) TERMINATION OF DUTY TO REPORT.—The duty to submit a report under subsection (a) shall terminate when the Director of the Office of Management and Budget submits a certification pursuant to subsection (a)(1).

(c) GAO REVIEW OF CERTIFICATION.—If the Director of the Office of Management and Budget submits a certification pursuant to subsection (a)(1), not later than 30 days after the submission of such certification, the Comptroller General shall submit to the relevant congressional committees a report on whether the recommendations described in subsection (a) have been implemented and whether the policy goals described in subsection (a) have been achieved.

(d) GAO REPORT ON INFORMATION SYSTEMS.—

(1) ANNUAL REPORT.—Not later than 90 days after the date of the enactment of this Act, and annually thereafter, the Comptroller General shall submit to the relevant congressional committees a report on whether the departments and agencies of the Federal Government have the resources and Presidential support to change information systems to enable information sharing, policies and procedures that compel sharing, and systems of performance evaluation to inform personnel on how well they carry out information sharing.

(2) TERMINATION.—The duty to submit a report under paragraph (1) shall terminate when the Comptroller General certifies to the relevant congressional committees that the recommendations of the 9/11 Commission and the policy goals of the Intelligence Reform and Terrorism Prevention Act of 2004 (Public Law 108–458) with respect to the leadership of the President of national security institutions into the information revolution have been achieved.

SEC. 207. HOMELAND AIRSPACE DEFENSE.

(a) CERTIFICATION.—Not later than 30 days after the date of the enactment of this Act, and every 30 days thereafter, the Secretary of Homeland Security and the Secretary of Defense shall each submit to the specified congressional committees a certification as to whether the Federal Government has implemented the policy goals of the Intelligence Reform and Terrorism Prevention Act of 2004 (Public Law 108–458) and the recommendations of the National Commission on Terrorist Attacks Upon the United States regarding homeland and airspace defense. Each Secretary shall include with such certification recommendations if further congressional action is necessary. If a Secretary is unable to certify the goal in the first sentence, the Secretary shall report to the specified committees what steps have been taken towards implementation, when implementation can reasonably be expected to be completed, and whether additional resources or actions from the Congress are required for implementation.

(b) COMPTROLLER GENERAL REPORT.—Within 30 days of the submission of both certifications under subsection (a), the Comptroller General of the United States shall submit to the specified congressional committees a report verifying that the policy referred to in that subsection has in fact been implemented and recommendations of any additional congressional action necessary to implement the goals referred to in that subsection.

(c) SPECIFIED CONGRESSIONAL COMMITTEES DEFINED.—In this section, the term ''specified congressional committees'' means—

(1) the Committee on Homeland Security, the Committee on Government Reform, and the Committee on Transportation and Infrastructure of the House of Representatives; and

(2) the Committee of Homeland Security and Governmental Affairs and the Committee on Environment and Public Works of the Senate.

SEC. 208. SEMIANNUAL REPORT ON PLANS AND STRATEGIES OF UNITED STATES NORTHERN COMMAND FOR DEFENSE OF THE UNITED STATES HOMELAND.

(a) FINDINGS.—Consistent with the report of the 9/11 Commission, Congress makes the following findings:

(1) The primary responsibility for national defense is with the Department of Defense and the secondary responsibility for national defense is with the Department of Homeland Security, and the two departments must have clear delineations of responsibility.

(2) Before September 11, 2001, the North American Aerospace Defense Command, which had responsibility for defending United States airspace on September 11, 2001—

(A) focused on threats coming from outside the borders of the United States; and

(B) had not increased its focus on terrorism within the United States, even

though the intelligence community had gathered intelligence on the possibility that terrorists might turn to hijacking and even the use of airplanes as missiles within the United States.

(3) The United States Northern Command has been established to assume responsibility for defense within the United States.

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

(1) the Secretary of Defense should regularly assess the adequacy of the plans and strategies of the United States Northern Command with a view to ensuring that the United States Northern Command is prepared to respond effectively to all military and paramilitary threats within the United States; and

(2) the Committee on Armed Services of the Senate and the Committee on Armed Services of the House of Representatives should periodically review and assess the adequacy of those plans and strategies.

(c) SEMIANNUAL REPORT.—Not later than 90 days after the date of the enactment of this Act, and every 180 days thereafter, the Secretary of Defense shall submit to the Committee on Armed Services of the Senate and the Committee on Armed Services of the House of Representatives a report describing the plans and strategies of the United States Northern Command to defend the United States against military and paramilitary threats within the United States.

SEC. 209. RELEVANT CONGRESSIONAL COMMITTEES DEFINED.

In this subtitle, the term ''relevant congressional committees'' means the following:

(1) The Committee on Homeland Security of the House of Representatives.

(2) The Committee on Government Reform, of the House of Representatives.

(3) The Permanent Select Committee on Intelligence of the House of Representatives.

(4) The Committee on Homeland Security and Government Affairs of the Senate.

(5) The Select Committee on Intelligence of the Senate.

Subtitle B—Civil Liberties and Executive Power

SEC. 211. REPORT ON THE BALANCE BETWEEN SECURITY AND CIVIL LIBERTIES.

(a) REPORT; CERTIFICATION.—Not later than 30 days after the date of the enactment of this Act, and every 30 days thereafter, the Attorney General shall submit to the relevant congressional committees a report on the recommendations of the 9/11 Commission and the policy goals of the Intelligence Reform and Terrorism Prevention Act of 2004 (Public Law 108–458) with respect to the balance between security and civil liberties. Such report shall include—

(1) a certification by the Attorney General that such recommendations have been implemented and such policy goals have been achieved; or

(2) if the Attorney General is unable to make the certification described in paragraph (1), a description of—

(A) the steps taken to implement such recommendations and achieve such policy goals;

(B) when the Attorney General expects such recommendations to be implemented and such policy goals to be achieved; and

(C) any allocation of resources or other actions by Congress the Attorney General considers necessary to implement such recommendations and achieve such policy goals.

(b) TERMINATION OF DUTY TO REPORT.—The duty to submit a report under subsection (a) shall terminate when the Attorney General submits a certification pursuant to subsection (a)(1).

(c) GAO REVIEW OF CERTIFICATION.—If the Attorney General submits a certification pursuant to subsection (a)(1), not later than 30 days after the submission of such certification, the Comptroller General shall submit to the relevant congressional committees a report on whether the recommendations described in subsection (a) have been implemented and whether the policy goals described in subsection (a) have been achieved.

SEC. 212. PRIVACY AND CIVIL LIBERTIES OVERSIGHT BOARD.

(a) SHORT TITLE.—This section may be cited as the ''9/11 Commission Civil Liberties Board Act''.

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

(1) On July 22, 2004 the National Commission on Terrorist Attacks Upon the United States issued a report that included 41 specific recommendations to help prevent future terrorist attacks, including details of a global strategy and government reorganization necessary to implement that strategy.

(2) One of the recommendations focused on the protections of civil liberties. Specifically the following recommendation was made: ''At this time of increased and consolidated government authority, there should be a board within the executive branch to oversee adherence to the guidelines we recommend and the commitment the government makes to defend our civil liberties.''.

(3) The report also states that ''the choice between security and liberty is a false choice, as nothing is more likely to endanger America's liberties than the success of a terrorist attack at home. Our History has shown that the insecurity threatens liberty at home. Yet if our liberties are curtailed, we lose the values that we are struggling to defend.''.

(4) On December 17, 2004, Public Law 108–458, the National Intelligence Reform Act, was signed into law. This law created a civil liberties board that does not have the authority necessary to protect civil liberties.

(5) The establishment and adequate funding of a Privacy and Civil Liberties Oversight Board was a crucial recommendation made by the 9/11 Commission.

(6) In its Final Report on 9/11 Commission Recommendations, the Commission noted ''very little urgency'' and ''insufficient'' funding as it relates to the establishment of the Privacy and Civil Liberties Oversight Board.

(7) While the President's budget submission for fiscal year 2006 included $750,000 for the Privacy and Civil Liberties Oversight Board, the President's budget submission for fiscal year 2007 does not contain a funding line for the Board.

(c) MAKING THE PRIVACY AND CIVIL LIBERTIES OVERSIGHT BOARD INDEPENDENT.—Section 1061(b) of the Intelligence Reform and Terrorism Prevention Act of 2004 is amended by striking ''within the Executive Office of the President'' and inserting ''as an independent agency within the Executive branch''.

(d) REQUIRING ALL MEMBERS OF THE PRIVACY AND CIVIL LIBERTIES OVERSIGHT BOARD BE CONFIRMED BY THE SENATE.—Subsection (e) of section 1061 of the Intelligence Reform and Terrorism Prevention Act of 2004 is amended to read as follows:

''(e) MEMBERSHIP.—

''(1) MEMBERS.—The Board shall be composed of a full-time chairman and 4 additional members, who shall be appointed by the President, by and with the advice and consent of the Senate.

''(2) QUALIFICATIONS.—Members of the Board shall be selected solely on the basis of their professional qualifications, achievements, public stature, expertise in civil liberties and privacy, and relevant experience, and without regard to political affiliation, but in no event shall more than 3 members of the Board be members of the same political party. The President shall, before appointing an individual who is not a member of the same political party as the President consult with the leadership of that party, if any, in the Senate and House of Representatives.

''(3) INCOMPATIBLE OFFICE.—An individual appointed to the Board may not, while serving on the Board, be an elected official, officer, or employee of the Federal Government, other than in the capacity as a member of the Board.

''(4) TERM.—Each member of the Board shall serve a term of six years, except that—

''(A) a member appointed to a term of office after the commencement of such term may serve under such appointment only for the remainder of such term;

''(B) upon the expiration of the term of office of a member, the member shall continue to serve until the member's successor has been appointed and qualified, except that no member may serve under this subparagraph—

''(i) for more than 60 days when Congress is in session unless a nomination to fill the vacancy shall have been submitted to the Senate; or

''(ii) after the adjournment sine die of the session of the Senate in which such nomination is submitted; and

''(C) the members initially appointed under this subsection shall serve terms of two, three, four, five, and six years, respectively, from the effective date of this Act, with the term of each such member to be designated by the President.

''(5) QUORUM AND MEETINGS.—The Board shall meet upon the call of the chairman or a majority of its members. Three members of the Board shall constitute a quorum.''.

(e) SUBPOENA POWER FOR THE PRIVACY AND CIVIL LIBERTIES OVERSIGHT BOARD.—Section 1061(d) of the Intelligence Reform and Terrorism Prevention Act of 2004 is amended—

(1) so that subparagraph (D) of paragraph (1) reads as follows:

''(D) require, by subpoena issued at the direction of a majority of the members of the Board, persons (other than departments, agencies, and elements of the executive branch) to produce any relevant information, documents, reports, answers, records, accounts, papers, and other documentary or testimonial evidence.''; and

(2) so that paragraph (2) reads as follows:

''(2) ENFORCEMENT OF SUBPOENA.—In the case of contumacy or failure to obey a subpoena issued under paragraph (1)(D), the United States district court for the judicial district in which the subpoenaed person resides, is served, or may be found may issue an order requiring such person to produce the evidence required by such subpoena.''.

(f) REPORTING REQUIREMENTS.—

(1) DUTIES OF BOARD.—Paragraph (4) of section 1061(c) of the Intelligence Reform and Terrorism Prevention Act of 2004 is amended to read as follows:

''(4) REPORTS.—

''(A) RECEIPT, REVIEW, AND SUBMISSION.—

''(i) IN GENERAL.—The Board shall—

''(I) receive and review reports from privacy officers and civil liberties officers described in section 212; and

''(II) periodically submit, not less than semiannually, reports to the appropriate committees of Congress, including the Committees on the Judiciary of the Senate and the House of Representatives, the Committee on Homeland Security and Governmental Affairs of the Senate, the Committee on Government Reform of the House of Representatives, the Select Committee on Intelligence of the Senate, and the Permanent Select Committee on Intelligence of the House of Representatives, and to the President.

Such reports shall be in unclassified form to the greatest extent possible, with a classified annex where necessary.

''(ii) CONTENTS.—Not less than 2 reports the Board submits each year under clause (i)(II) shall include—

''(I) a description of the major activities of the Board during the preceding period;

''(II) information on the findings, conclusions, and recommendations of the Board resulting from its advice and oversight functions under subsection (c);

''(III) the minority views on any findings, conclusions, and recommendations of the Board resulting from its advice and oversight functions under subsection (c); and

''(IV) each proposal reviewed by the Board under subsection (c)(1) that the Board advised against implementing, but that notwithstanding such advice, was implemented.

''(B) INFORMING THE PUBLIC.—The Board shall—

''(i) make its reports, including its reports to Congress, available to the public to the greatest extent that is consistent with the protection of classified information and applicable law; and

''(ii) hold public hearings and otherwise inform the public of its activities, as appropriate and in a manner consistent with the protection of classified information and applicable law.''.

(2) PRIVACY AND CIVIL LIBERTIES OFFICERS.—Section 1062 of the Intelligence Reform and Terrorism Prevention Act of 2004 is amended to read as follows:

''SEC. 1062. PRIVACY AND CIVIL LIBERTIES OFFICERS.

''(a) DESIGNATION AND FUNCTIONS.—The Attorney General, the Secretary of Defense, the Secretary of State, the Secretary of the Treasury, the Secretary of Health and Human Services, the Secretary of Homeland Security, the National Intelligence Director, the Director of the Central Intelligence Agency, any other entity within the intelligence community (as defined in section 3 of the National Security Act of 1947 (50 U.S.C. 401a)), and the head of any other department, agency, or element of the executive branch designated by the Privacy and Civil Liberties Oversight Board to be appropriate for coverage under this section shall designate not less than 1 senior officer to—

''(1) assist the head of such department, agency, or element and other officials of such department, agency, or element in appropriately considering privacy and civil liberties concerns when such officials are proposing, developing, or implementing laws, regulations, policies, procedures, or guidelines related to efforts to protect the Nation against terrorism;

''(2) periodically investigate and review department, agency, or element actions, policies, procedures, guidelines, and related laws and their implementation to ensure that such department, agency, or element is adequately considering privacy and civil liberties in its actions;

''(3) ensure that such department, agency, or element has adequate procedures to receive, investigate, respond to, and redress complaints from individuals who allege such department, agency, or element has violated their privacy or civil liberties; and

''(4) in providing advice on proposals to retain or enhance a particular governmental power the officer shall consider whether such department, agency, or element has established—

''(A) that the power actually enhances security and the need for the power is balanced with the need to protect privacy and civil liberties;

''(B) that there is adequate supervision of the use by such department, agency, or element of the power to ensure protection of privacy and civil liberties; and

''(C) that there are adequate guidelines and oversight to properly confine its use.

''(b) EXCEPTION TO DESIGNATION AUTHORITY.—

''(1) PRIVACY OFFICERS.—In any department, agency, or element referred to in subsection (a) or designated by the Board, which has a statutorily created privacy officer, such officer shall perform the functions specified in subsection (a) with respect to privacy.

''(2) CIVIL LIBERTIES OFFICERS.—In any department, agency, or element referred to in subsection (a) or designated by the Board, which has a statutorily created civil liberties officer, such officer shall perform the functions specified in subsection (a) with respect to civil liberties.

''(c) SUPERVISION AND COORDINATION.—Each privacy officer or civil liberties officer described in subsection (a) or (b) shall—

''(1) report directly to the head of the department, agency, or element concerned; and

''(2) coordinate their activities with the Inspector General of such department, agency, or element to avoid duplication of effort.

''(d) AGENCY COOPERATION.—The head of each department, agency, or element shall ensure that each privacy officer and civil liberties officer—

''(1) has the information, material, and resources necessary to fulfill the functions of such officer;

''(2) is advised of proposed policy changes;

''(3) is consulted by decisionmakers; and

''(4) is given access to material and personnel the officer determines to be necessary to carry out the functions of such officer.

''(e) REPRISAL FOR MAKING COMPLAINT.—No action constituting a reprisal, or threat of reprisal, for making a complaint or for disclosing information to a privacy officer or civil liberties officer described in subsection (a) or (b), or to the Privacy and Civil Liberties Oversight Board, that indicates a possible violation of privacy protections or civil liberties in the administration of the programs and operations of the Federal Government relating to efforts to protect the Nation from terrorism shall be taken by any Federal employee in a position to take such action, unless the complaint was made or the information was disclosed with the knowledge that it was false or with willful disregard for its truth or falsity.

''(f) PERIODIC REPORTS.—

''(1) IN GENERAL.—The privacy officers and civil liberties officers of each department, agency, or element referred to or described in subsection (a) or (b) shall periodically, but not less than quarterly, submit a report on the activities of such officers—

''(A)(i) to the appropriate committees of Congress, including the Committees on the Judiciary of the Senate and the House of Representatives, the Committee on Homeland Security and Governmental Affairs of the Senate, the Committee on Government Reform of the House of Representatives, the Select Committee on Intelligence of the Senate, and the Permanent Select Committee on Intelligence of the House of Representatives;

''(ii) to the head of such department, agency, or element; and

''(iii) to the Privacy and Civil Liberties Oversight Board; and

''(B) which shall be in unclassified form to the greatest extent possible, with a classified annex where necessary.

''(2) CONTENTS.—Each report submitted under paragraph (1) shall include information on the discharge of each of the functions of the officer concerned, including—

''(A) information on the number and types of reviews undertaken;

''(B) the type of advice provided and the response given to such advice;

''(C) the number and nature of the complaints received by the department, agency, or element concerned for alleged violations; and

''(D) a summary of the disposition of such complaints, the reviews and inquiries conducted, and the impact of the activities of such officer.

''(g) INFORMING THE PUBLIC.—Each privacy officer and civil liberties officer shall—

''(1) make the reports of such officer, including reports to Congress, available to the public to the greatest extent that is consistent with the protection of classified information and applicable law; and

''(2) otherwise inform the public of the activities of such officer, as appropriate and in a manner consistent with the protection of classified information and applicable law.

''(h) SAVINGS CLAUSE.—Nothing in this section shall be construed to limit or otherwise supplant any other authorities or responsibilities provided by law to privacy officers or civil liberties officers.

''(i) PROTECTIONS FOR HUMAN RESEARCH SUBJECTS.—The Secretary of Homeland Security shall ensure that the Department of Homeland Security complies with the protections for human research subjects, as described in part 46 of title 45, Code of Federal Regulations, or in equivalent regulations as promulgated by such Secretary, with respect to research that is conducted or supported by such Department.''.

(g) INCLUSION IN PRESIDENT'S BUDGET SUBMISSION TO CONGRESS.—Section 1105(a) of title 31, United States Code, is amended by adding at the end the following new paragraph:

''(36) a separate statement of the amount of appropriations requested for the Privacy and Civil Liberties Oversight Board.''.

(h) REPORT; CERTIFICATION.—

(1) REPORT.—Not later than 30 days after the date of the enactment of this Act, and every 30 days thereafter, the Attorney General shall submit to the relevant congressional committees a report on the extent to which the Administration has achieved and implemented the policy goals of Public Law 108–458 and the recommendations of the 9/11 Commission regarding the implementation of the Privacy and Civil Liberties Oversight Board. Such report shall include—

(A) a certification by the Attorney General that such recommendations have been implemented and such policy goals have been achieved; or

(B) if the Attorney General is unable to make the certification described in subparagraph (A), a description of—

(i) the steps taken to implement such recommendations and achieve such policy goals;

(ii) when the Attorney General expects such recommendations to be implemented and such policy goals to be achieved; and

(iii) any allocation of resources or other actions by Congress the Attorney General considers necessary to implement such recommendations and achieve such policy goals.

(2) TERMINATION OF DUTY TO REPORT.—The duty to submit a report under paragraph (1) shall terminate when the Attorney General submits a certification pursuant to paragraph (1)(A).

(3) GAO REVIEW OF CERTIFICATION.—If the Attorney General submits a certification pursuant to paragraph (1), not later than 30 days after the submission of such certification, the Comptroller General shall submit to the relevant congressional committees a report on whether the recommendations described in paragraph (1) have been implemented and whether the policy goals described in paragraph (1) have been achieved.

SEC. 213. SET PRIVACY GUIDELINES FOR GOVERNMENT SHARING OF PERSONAL INFORMATION.

(a) REPORT.—Not later than 30 days after the date of the enactment of this Act, and every 30 days thereafter, the Attorney General shall submit to the relevant congressional committees a report on the extent to which the Administration has achieved and implemented the policy goals of Public Law 108–458 and the recommendations of the 9/11 Commission regarding the privacy guidelines for government sharing of personal information. Such report shall include—

(1) a certification by the Attorney General that such recommendations have been implemented and such policy goals have been achieved; or

(2) if the Attorney General is unable to make the certification described in paragraph (1), a description of—

(A) the steps taken to implement such recommendations and achieve such policy goals;

(B) when the Attorney General expects such recommendations to be implemented and such policy goals to be achieved; and

(C) any allocation of resources or other actions by Congress the Attorney General considers necessary to implement such recommendations and achieve such policy goals.

(b) TERMINATION OF DUTY TO REPORT.—The duty to submit a report under subsection (a) shall terminate when the Attorney General submits a certification pursuant to subsection (a)(1).

(c) GAO REVIEW OF CERTIFICATION.—If the Attorney General submits a certification pursuant to subsection (a), not later than 30 days after the submission of such certification, the Comptroller General shall submit to the relevant congressional committees a report on whether the recommendations described in paragraph (1) have been implemented and whether the policy goals described in subsection (A) have been achieved.

SEC. 214. RELEVANT CONGRESSIONAL COMMITTEES DEFINED.

In this subtitle, the term ''relevant congressional committees'' means the Committee on Homeland Security of the House of Representatives, the Committee on Government Reform of the House of Representatives, the Committee on Homeland Security and Governmental Affairs of the Senate, the Committees on the Judiciary of the Senate and House of Representatives, the Select Committee on Intelligence of the Senate, and the Permanent Select Committee on Intelligence of the House of Representatives.

Subtitle C—Intelligence Oversight Reform in the Senate

SEC. 231. SUBCOMMITTEE RELATED TO INTELLIGENCE OVERSIGHT.

(a) ESTABLISHMENT.—There is established in the Select Committee on Intelligence a Subcommittee on Oversight which shall be in addition to any other subcommittee established by the select Committee.

(b) RESPONSIBILITY.—The Subcommittee on Oversight shall be responsible for ongoing oversight of intelligence activities.

SEC. 232. SUBCOMMITTEE RELATED TO INTELLIGENCE APPROPRIATIONS.

(a) ESTABLISHMENT.—There is established in the Committee on Appropriations a Subcommittee on Intelligence.

(b) JURISDICTION.—The Subcommittee on Intelligence of the Committee on Appropriations shall have jurisdiction over funding for intelligence matters.

SEC. 233. EFFECTIVE DATE.

This subtitle shall take effect on the convening of the 110th Congress.

Subtitle D—Standardize Security Clearances

SEC. 241. STANDARDIZATION OF SECURITY CLEARANCES.

(a) REPORT; CERTIFICATION.—Not later than 30 days after the date of the enactment of this Act, and every 30 days thereafter, the Director of the Office of Personnel Management, in consultation with the Director of National Intelligence, the Secretary of Defense, and the Secretary of Homeland Security, shall submit to the relevant congressional committees a report on the recommendations of the 9/11 Commission and the policy goals of section 3001 of the Intelligence Reform and Terrorism Prevention Act of 2004 (Public Law 108–458) with respect to security clearances, including with respect to uniform policies and procedures for the completion of security clearances and reciprocal recognition of such security clearances among agencies of the United States Government. Such report shall include—

(1) a certification by the Director of the Office of Personnel Management that such recommendations have been implemented and such policy goals have been achieved; or

(2) if the Director of the Office of Personnel Management is unable to make the certification described in paragraph (1), a description of—

(A) the steps taken to implement such recommendations and achieve such policy goals;

(B) when the Director of the Office of Personnel Management expects such recommendations to be implemented and such policy goals to be achieved; and

(C) any allocation of resources or other actions by Congress the Director considers necessary to implement such recommendations and achieve such policy goals.

(b) TERMINATION OF DUTY TO REPORT.—The duty to submit a report under subsection (a) shall terminate when the Director of the Office of Personnel Management submits a certification pursuant to subsection (a)(1).

(c) GAO REVIEW OF CERTIFICATION.—If the Director of the Office of Personnel Management submits a certification pursuant to subsection (a)(1), not later than 30 days after the submission of such certification, the Comptroller General shall submit to the relevant congressional committees a report on whether the recommendations described in subsection (a) have been implemented and whether the policy goals described in subsection (a) have been achieved.

TITLE III—FOREIGN POLICY, PUBLIC DIPLOMACY, AND NONPROLIFERATION

Subtitle A—Foreign Policy

SEC. 301. ACTIONS TO ENSURE A LONG-TERM COMMITMENT TO AFGHANISTAN.

(a) SENSE OF CONGRESS.—It is the sense of Congress that the Government of the United States—

(1) should give priority to providing assistance to Afghanistan to establish a substantial economic infrastructure and a sound economy; and

(2) should continue to provide economic and development assistance to Afghanistan, including assistance to the Afghan National Army and the police forces and border police of Afghanistan.

(b) REPORT; CERTIFICATION.—Not later than 90 days after the date of the enactment of this Act, and every 90 days thereafter, the President shall submit to the relevant congressional committees a report on the recommendations of the 9/11 Commission and the policy goals of section 305 of the Afghanistan Freedom Support Act of 2002 (22 U.S.C. 7555) (as added by section 7104(e)(4)(A) of the Intelligence Reform and Terrorism Prevention Act of 2004 (Public Law 108–458)) for ensuring a long-term commitment to Afghanistan. Such report shall include—

(1) a certification by the President that such recommendations have been implemented and such policy goals have been achieved; or

(2) if the President is unable to make the certification described in paragraph (1), a description of—

(A) the steps taken to implement such recommendations and achieve such policy goals;

(B) when the President expects such recommendations to be implemented and such policy goals to be achieved; and

(C) any allocation of resources or other actions by Congress the President considers necessary to implement such recommendations and achieve such policy goals.

(c) TERMINATION OF DUTY TO REPORT.—The duty to submit a report under subsection (b) shall terminate when the President submits a certification pursuant to subsection (b)(1).

(d) GAO REVIEW OF CERTIFICATION.—If the President submits a certification pursuant to subsection (b)(1), not later than 30 days after the submission of such certification, the Comptroller General shall submit to the relevant congressional committees a report on whether the recommendations described in subsection (b) has been implemented and whether the policy goals described in subsection (b) have been achieved.

(e) RELEVANT CONGRESSIONAL COMMITTEES DEFINED.—In this section, the term ''relevant congressional committees'' means—

(1) the Committee on International Relations and the Committee on Government Reform of the House of Representatives; and

(2) the Committee on Foreign Relations and the Committee on Homeland Security and Governmental Affairs of the Senate.

SEC. 302. ACTIONS TO SUPPORT PAKISTAN AGAINST EXTREMISTS.

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

(1) the commitment of the President to provide $3,000,000,000 in assistance over the next five years to Pakistan should be commended;

(2) the Government of the United States should provide assistance to Pakistan to improve Pakistan's failing basic education system and to emphasize development;

(3) the Government of the United States should strongly urge the Government of Pakistan to close Taliban-linked schools known as ''madrassas'', close terrorist training camps, and prevent Taliban forces from operating across the border between Pakistan and Afghanistan; and

(4) the Government of the United States and the Government of Pakistan must redouble their efforts to kill or capture Osama bin Laden and other high-ranking al Qaeda suspects that may be hiding in or around Pakistan.

(b) REPORT.—Not later than 90 days after the date of the enactment of this Act, the Secretary of State shall submit to the Committee on International Relations of the House of Representatives and the Committee on Foreign Relations of the Senate a report on efforts by the Government of Pakistan take the actions described in subsection (a)(3).

SEC. 303. ACTIONS TO SUPPORT REFORM IN SAUDI ARABIA.

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

(1) the Government of the United States and the Government of Saudi Arabia should accelerate efforts to improve strategic dialogue between the two countries, increase exchange programs, and promote pragmatic reforms in Saudi Arabia; and

(2) the Government of Saudi Arabia should take additional steps to regulate charities and promote tolerance and moderation.

(b) REPORT; CERTIFICATION.—Not later than 90 days after the date of the enactment of this Act, and every 90 days thereafter, the Secretary of State shall submit to the relevant congressional committees a report on the recommendations of the 9/11 Commission and the policy goals of section 7105 of the Intelligence Reform and Terrorism Prevention Act of 2004 (Public Law 108–458) for improving dialogue between the people and Government of the United States and the people and Government of Saudi Arabia in order to improve the relationship between the two countries. Such report shall include—

(1) a certification by the Secretary of State that such recommendations have been implemented and such policy goals have been achieved; or

(2) if the Secretary of State is unable to make the certification described in paragraph (1), a description of—

(A) the steps taken to implement such recommendations and achieve such policy goals;

(B) when the Secretary of State expects such recommendations to be implemented and such policy goals to be achieved; and

(C) any allocation of resources or other actions by Congress the Secretary of State considers necessary to implement such recommendations and achieve such policy goals.

(c) TERMINATION OF DUTY TO REPORT.—The duty to submit a report under subsection (b) shall terminate when the Secretary of State submits a certification pursuant to subsection (b)(1).

(d) GAO REVIEW OF CERTIFICATION.—If the Secretary of State submits a certification pursuant to subsection (b)(1), not later than 30 days after the submission of such certification, the Comptroller General shall submit to the relevant congressional committees a report on whether the recommendations described in subsection (b) have been implemented and whether the policy goals described in subsection (b) have been achieved.

(e) RELEVANT CONGRESSIONAL COMMITTEES DEFINED.—In this section, the term ''relevant congressional committees'' means—

(1) the Committee on International Relations and the Committee on Government Reform of the House of Representatives; and

(2) the Committee on Foreign Relations and the Committee on Homeland Security and Governmental Affairs of the Senate.

SEC. 304. ELIMINATION OF TERRORIST SANCTUARIES.

(a) NATIONAL COUNTERTERRORISM CENTER IDENTIFICATION OF TERRORIST SANCTUARIES.—Subsection (d) of section 119 of National Security Act of 1947 (50 U.S.C. 404o) is amended by adding at the end the following new paragraph:

''(7) To identify each country whose territory is being used as a sanctuary for terrorists or terrorist organizations and each country whose territory may potentially be used as a sanctuary for terrorists or terrorist organizations and to develop a comprehensive strategy to eliminate terrorist sanctuaries.''.

(b) REPORT.—Such section is further amended by adding at the end the following new subsection:

''(k) REPORT ON TERRORIST SANCTUARIES.—Not later than 90 days after the date of the enactment of this Act, and annually thereafter, the Director of the National Counterterrorism Center shall submit to the Committee on International Relations, the Permanent Select Committee on Intelligence, the Committee on Homeland Security, and the Committee on Government Reform of the House of Representatives and the Committee on Foreign Relations, the Select Committee on Intelligence, and the Committee on Homeland Security and Governmental Affairs of the Senate a report on terrorist sanctuaries, including a description of the—

''(1) countries whose territory is being used as a sanctuary for terrorists or terrorist organizations;

''(2) countries whose territory may potentially be used as a sanctuary for terrorists or terrorist organizations;

''(3) strategy to eliminate each such sanctuary; and

''(4) progress that has been made in accomplishing such strategy.''.

SEC. 305. COMPREHENSIVE COALITION STRATEGY AGAINST ISLAMIST TERRORISM.

(a) SENSE OF CONGRESS.—It is the sense of Congress that the United States—

(1) should continue to engage other countries in developing a comprehensive coalition strategy against Islamist terrorism; and

(2) should use a broader approach to target the roots of terrorism, including developing strategies with other countries to encourage reform efforts in Saudi Arabia and Pakistan, improving educational and economic opportunities in Muslim countries, identifying and eliminating terrorist sanctuaries, and making progress in the Arab-Israeli peace process.

(b) REPORT; CERTIFICATION.—Not later than 30 days after the date of the enactment of this Act, and every 30 days thereafter, the Secretary of State shall submit to the relevant congressional committees a report on the recommendations of the 9/11 Commission and the policy goals of section 7117 of the Intelligence Reform and Terrorism Prevention Act of 2004 (Public Law 108–458) for engaging other countries in developing a comprehensive coalition strategy for combating terrorism. Such report shall include—

(1) a certification by the Secretary of State that such recommendations have been implemented and such policy goals have been achieved; or

(2) if the Secretary of State is unable to make the certification described in paragraph (1), a description of—

(A) the steps taken to implement such recommendations and achieve such policy goals;

(B) when the Secretary of State expects such recommendations to be implemented and such policy goals to be achieved; and

(C) any allocation of resources or other actions by Congress the Secretary of State considers necessary to implement such recommendations and achieve such policy goals.

(c) TERMINATION OF DUTY TO REPORT.—The duty to submit a report under subsection (b) shall terminate when the Secretary of State submits a certification pursuant to subsection (b)(1).

(d) GAO REVIEW OF CERTIFICATION.—If the Secretary of State submits a certification pursuant to subsection (b)(1), not later than 30 days after the submission of such certification, the Comptroller General shall submit to the relevant congressional committees a report on whether the recommendations described in subsection (b) have been implemented and whether the policy goals described in subsection (b) have been achieved.

(e) RELEVANT CONGRESSIONAL COMMITTEES DEFINED.—In this section, the term ''relevant congressional committees'' means—

(1) the Committee on International Relations and the Committee on Government Reform of the House of Representatives; and

(2) the Committee on Foreign Relations and the Committee on Homeland Security and Governmental Affairs of the Senate.

SEC. 306. STANDARDS FOR THE DETENTION AND HUMANE TREATMENT OF CAPTURED TERRORISTS.

(a) REPORT; CERTIFICATION.—Not later than 30 days after the date of the enactment of this Act, and every 30 days thereafter, the Secretary of State, in consultation with the Attorney General, shall submit to the relevant congressional committees a report on the recommendations of the 9/11 Commission for engaging United States allies to develop a common coalition approach toward the detention and humane treatment of captured terrorists and the policy goals of sections 1002, 1003, and 1005 of the Department of Defense, Emergency Supplemental Appropriations to Address Hurricanes in the Gulf of Mexico, and Pandemic Influenza Act, 2006 (Public Law 109–148). Such report shall include—

(1) a certification by the Secretary of State that such recommendations have been implemented and such policy goals have been achieved; or

(2) if the Secretary of State is unable to make the certification described in paragraph (1), a description of—

(A) the steps taken to implement such recommendations and achieve such policy goals;

(B) when the Secretary of State expects such recommendations to be implemented and such policy goals to be achieved; and

(C) any allocation of resources or other actions by Congress the Secretary of State considers necessary to implement such recommendations and achieve such policy goals.

(b) TERMINATION OF DUTY TO REPORT.—The duty to submit a report under subsection (a) shall terminate when the Secretary of State submits a certification pursuant to subsection (a)(1).

(c) GAO REVIEW OF CERTIFICATION.—If the Secretary of State submits a certification pursuant to subsection (a)(1), not later than 30 days after the submission of such certification, the Comptroller General shall submit to the relevant congressional committees a report on whether the recommendations described in subsection (a) have been implemented and whether the policy goals described in subsection (a) have been achieved.

(d) RELEVANT CONGRESSIONAL COMMITTEES DEFINED.—In this section, the term ''relevant congressional committees'' means—

(1) the Committee on International Relations, the Committee on Armed Services, and the Committee on Government Reform of the House of Representatives; and

(2) the Committee on Foreign Relations, the Committee on Armed Services, and the Committee on Homeland Security and Governmental Affairs of the Senate.

SEC. 307. USE OF ECONOMIC POLICIES TO COMBAT TERRORISM.

(a) REPORT; CERTIFICATION.—Not later than 90 days after the date of the enactment of this Act, and every 90 days thereafter, the Secretary of State, in consultation with the United States Trade Representative, shall submit to the relevant congressional committees a report on the recommendations of the 9/11 Commission and the policy goals of section 7115 of the Intelligence Reform and Terrorism Prevention Act of 2004 (Public Law 108–458) for developing economic policies to combat terrorism. Such report shall include—

(1) a certification by the Secretary of State that such recommendations have been implemented and such policy goals have been achieved, including a description of the extent to which the policy goals of paragraphs (1) through (4) of section 7115(b) of the Intelligence Reform and Terrorism Prevention Act of 2004 have been achieved; or

(2) if the Secretary of State is unable to make the certification described in paragraph (1), a description of—

(A) the steps taken to implement such recommendations and achieve such policy goals;

(B) when the Secretary of State expects such recommendations to be implemented and such policy goals to be achieved; and

(C) any allocation of resources or other actions by Congress the Secretary of State considers necessary to implement such recommendations and achieve such policy goals.

(b) TERMINATION OF DUTY TO REPORT.—The duty to submit a report under subsection (a) shall terminate when the Secretary of State submits a certification pursuant to subsection (a)(1).

(c) GAO REVIEW OF CERTIFICATION.—If the Secretary of State submits a certification pursuant to subsection (a)(1), not later than 30 days after the submission of such certification, the Comptroller General shall submit to the relevant congressional committees a report on whether the recommendations described in subsection (a) have been implemented and whether the policy goals described in subsection (a) have been achieved.

(d) RELEVANT CONGRESSIONAL COMMITTEES DEFINED.—In this section, the term ''relevant congressional committees'' means—

(1) the Committee on International Relations and the Committee on Government Reform of the House of Representatives; and

(2) the Committee on Foreign Relations and the Committee on Homeland Security and Governmental Affairs of the Senate.

SEC. 308. ACTIONS TO ENSURE VIGOROUS EFFORTS AGAINST TERRORIST FINANCING.

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

(1) Financial institutions have too little information about money laundering and terrorist financing compliance in other markets.

(2) The current Financial Action Task Force designation system does not adequately represent the progress countries are making in combatting money laundering.

(3) Lack of information about the compliance of countries with anti-money laundering standards exposes United States financial markets to excessive risk.

(4) Failure to designate countries that fail to make progress in combatting terrorist financing and money laundering eliminates incentives for internal reform.

(5) The Secretary of the Treasury has an affirmative duty to provide to financial institutions and examiners the best possible information on compliance with anti-money laundering and terrorist financing initiatives in other markets.

(b) REPORT.—Not later than March 1 each year, the Secretary of the Treasury shall submit to the relevant congressional committees a report that identifies the applicable standards of each country against money laundering and states whether that country is a country of primary money laundering concern under section 5318A of title 31, United States Code. The report shall include—

(1) information on the effectiveness of each country in meeting its standards against money laundering;

(2) a determination of whether that the efforts of that country to combat money laundering and terrorist financing are adequate, improving, or inadequate; and

(3) the efforts made by the Secretary to provide to the government of each such country of concern technical assistance to cease the activities that were the basis for the determination that the country was of primary money laundering concern.

(c) DISSEMINATION OF INFORMATION IN REPORT.—The Secretary of the Treasury shall make available to the Federal Financial Institutions Examination Council for incorporation into the examination process, in consultation with Federal banking agencies, and to financial institutions the information contained in the report submitted under subsection (b). Such information shall be made available to financial institutions without cost.

(d) DEFINITIONS.—In this section:

(1) FINANCIAL INSTITUTION.—The term ''financial institution'' has the meaning given that term in section 5312(a)(2) of title 31, United States Code.

(2) RELEVANT CONGRESSIONAL COMMITTEES.—The term ''relevant congressional committees'' means—

(A) the Committee on Financial Services, the Committee on Government Reform, and the Committee on the Judiciary of the House of Representatives; and

(B) the Committee on Banking, Housing, and Urban Affairs, the Committee on Homeland Security and Governmental Affairs, and the Committee on the Judiciary of the Senate.

Subtitle B—Public Diplomacy

SEC. 311. PUBLIC DIPLOMACY RESPONSIBILITIES OF THE DEPARTMENT OF STATE AND PUBLIC DIPLOMACY TRAINING OF MEMBERS OF THE FOREIGN SERVICE.

(a) REPORT; CERTIFICATION.—Not later than 30 days after the date of the enactment of this Act, and every 30 days thereafter, the Secretary of State shall submit to the relevant congressional committees a report on the recommendations of the 9/11 Commission and the policy goals of sections 7109 and 7110 the Intelligence Reform and Terrorism Prevention Act of 2004 (Public Law 108–458), and the amendments made by such sections, regarding the public diplomacy responsibilities of the Department of State and public diplomacy training of members of the Foreign Service. Such report shall include—

(1) a certification by the Secretary of State that such recommendations have been implemented and such policy goals have been achieved; or

(2) if the Secretary of State is unable to make the certification described in paragraph (1), a description of—

(A) the steps taken to implement such recommendations and achieve such policy goals;

(B) when the Secretary of State expects such recommendations to be implemented and such policy goals to be achieved; and

(C) any allocation of resources or other actions by Congress the Secretary of State considers necessary to implement such recommendations and achieve such policy goals.

(b) TERMINATION OF DUTY TO REPORT.—The duty to submit a report under subsection (a) shall terminate when the Secretary of State submits a certification pursuant to subsection (a)(1).

(c) GAO REVIEW OF CERTIFICATION.—If the Secretary of State submits a certification pursuant to subsection (a)(1), not later than 30 days after the submission of such certification, the Comptroller General shall submit to the relevant congressional committees a report on whether the recommendations described in subsection (a) have been implemented and whether the policy goals described in subsection (a) have been achieved.

(d) RELEVANT CONGRESSIONAL COMMITTEES DEFINED.—In this section, the term ''relevant congressional committees'' means—

(1) the Committee on International Relations and the Committee on Government Reform of the House of Representatives; and

(2) the Committee on Foreign Relations and the Committee on Homeland Security and Governmental Affairs of the Senate.

SEC. 312. INTERNATIONAL BROADCASTING.

(a) REPORT.—Not later than 90 days after the date of the enactment of this Act, the Broadcasting Board of Governors shall submit to the relevant congressional committees a report on—

(1) the activities of Radio Sawa and Radio Al-Hurra; and

(2) the extent to which the activities of Radio Sawa and Radio Al-Hurra have been successful, including an analysis of impact of the activities on the audience and audience demographics and whether or not funding is adequate to carry out the activities.

(b) RELEVANT CONGRESSIONAL COMMITTEES DEFINED.—In this section, the term ''relevant congressional committees'' means—

(1) the Committee on International Relations and the Committee on Government Reform of the House of Representatives; and

(2) the Committee on Foreign Relations and the Committee on Homeland Security and Governmental Affairs of the Senate.

SEC. 313. EXPANSION OF UNITED STATES SCHOLARSHIP, EXCHANGE, AND LIBRARY PROGRAMS IN THE ISLAMIC WORLD.

(a) REPORT; CERTIFICATION.—Not later than 30 days after the date of the enactment of this Act, and every 30 days thereafter, the Secretary of State shall submit to the relevant congressional committees a report on the recommendations of the 9/11 Commission and the policy goals of sections 7112 of the Intelligence Reform and Terrorism Prevention Act of 2004 (Public Law 108–458) for expanding United States scholarship, exchange, and library programs in the Islamic world. Such report shall include—

(1) a certification by the Secretary of State that such recommendations have been implemented and such policy goals have been achieved; or

(2) if the Secretary of State is unable to make the certification described in paragraph (1), a description of—

(A) the steps taken to implement such recommendations and achieve such policy goals;

(B) when the Secretary of State expects such recommendations to be implemented and such policy goals to be achieved; and

(C) any allocation of resources or other actions by Congress the Secretary of State considers necessary to implement such recommendations and achieve such policy goals.

(b) TERMINATION OF DUTY TO REPORT.—The duty to submit a report under subsection (a) shall terminate when the Secretary of State submits a certification pursuant to subsection (a)(1).

(c) GAO REVIEW OF CERTIFICATION.—If the Secretary of State submits a certification pursuant to subsection (a)(1), not later than 30 days after the submission of such certification, the Comptroller General shall submit to the relevant congressional committees a report on whether the recommendations described in subsection (a) have been implemented and whether the policy goals described in subsection (a) have been achieved.

(d) RELEVANT CONGRESSIONAL COMMITTEES DEFINED.—In this section, the term ''relevant congressional committees'' means—

(1) the Committee on International Relations and the Committee on Government Reform of the House of Representatives; and

(2) the Committee on Foreign Relations and the Committee on Homeland Security and Governmental Affairs of the Senate.

SEC. 314. INTERNATIONAL YOUTH OPPORTUNITY FUND.

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

(1) the Middle East Partnership Initiative (MEPI) and the United States Agency for International Development should be commended for initiating programs in predominantly Muslim countries to support secular education improvements and the teaching of English, including programs that focus on the education of women;

(2) the secular education programs of MEPI and the United States Agency for International Development are a constructive start to answering the challenge of secular education in predominantly Muslim countries;

(3) the secular education programs of MEPI and the United States Agency for International Development should be components of an overall strategy for educational assistance—itself one component of an overall United States strategy for counterterrorism—targeted where the need and the benefit to the national security of the United States are greatest; and

(4) upon formation of a broader strategy for international educational assistance targeted toward the Middle East, a significant increase in funding for these initiatives should be provided.

(b) INTERNATIONAL YOUTH OPPORTUNITY FUND.—There are authorized to be appropriated to the Secretary of State $50,000,000 for each of fiscal years 2007 and 2008 to support the establishment of an International Youth Opportunity Fund pursuant to section 7114 of the Intelligence Reform and Terrorism Prevention Act of 2004 (Public Law 108–458).

Subtitle C—Nonproliferation

SEC. 321. SHORT TITLE.

This subtitle may be cited as the ''Omnibus Nonproliferation and Anti-Nuclear Terrorism Act of 2006''.

SEC. 322. FINDINGS.

Congress makes the following findings:

(1) LOOSE NUCLEAR WEAPONS AND MATERIALS IN THE FORMER SOVIET UNION.—

(A) There are in the world today enormous stockpiles of nuclear weapons and the materials required to make them. Counting materials both in assembled warheads and in other forms, worldwide totals are estimated to encompass some 1,900 tons of highly enriched uranium (enough for 143,000 nuclear weapons) and 1,855 tons of plutonium (enough for 330,000 nuclear weapons).

(B) The Russian Federation alone is estimated to have over 1,000 tons of highly enriched uranium (enough for over 80,000 nuclear weapons) and 140 tons of plutonium (enough for over 30,000 nuclear weapons).

(C) The United States has been working for over a decade to eliminate stockpiles of loose nuclear weapons and materials in the former Soviet Union, but the Department of Energy acknowledges that there is still a need to properly secure about 460 tons of weapons-usable Russian nuclear material (outside of warheads), enough for more than 35,000 nuclear weapons.

(D) A recent report by the Central Intelligence Agency faulted the security of nuclear arsenal facilities in the Russian Federation and assessed that ''undetected smuggling has occurred.''

(E) There are at least 18 documented incidents of ''proliferation significant'' fissile material trafficking from facilities in the former Soviet Union between 1991 and 2001. In one incident in 1998, an inside conspiracy at a Russian nuclear weapons facility attempted to steal 18.5 kilograms of highly enriched uranium. In another incident, 2 kilograms of highly enriched uranium taken from a research facility in Sukhumi, Georgia, has never been recovered.

(F) In May 1994, German police found a small but worrisome quantity of supergrade plutonium in the garage of Adolf Jackle. Extremely expensive to produce, this rare item was likely stolen from one of Russia's two premier nuclear weapons laboratories.

(G) Comprehensive security upgrades are not yet completed at 90 percent of Russian nuclear warhead bunkers for Russia's Strategic Rocket Forces.

(H) Border security in the former Soviet Union is inconsistent at best. Existing infrastructure helps at the outer borders of the former Soviet Union but many borders internal to the former Soviet Union, such as the border between Kazakhstan and the Russian Federation, exist only on a map.

(2) LOOSE NUCLEAR MATERIALS AROUND THE GLOBE.—

(A) Dangerous caches of weapons-usable nuclear materials, much of it poorly secured and vulnerable to theft, exist in a multitude of facilities around the world. For example, there are over 130 research reactors in over 40 countries that house highly enriched uranium, some with enough to manufacture an atomic bomb. In total, about 40 tons of highly enriched uranium, enough for over 1,000 nuclear weapons, is estimated to remain in civilian research reactors.

(B) Over the last 50 years, the United States is known to have exported about 27.5 tons of highly enriched uranium to 43 countries to help develop nuclear power production or bolster scientific initiatives. In 1996, the United States began an effort to recover the more than 17.5 tons of the nuclear material that was still overseas, but has recovered only about 1 ton, according to the Department of Energy and the Government Accountability Office.

(C) It is especially important to keep highly enriched uranium out of terrorists' hands because, with minimal expertise, they could use it to make the simplest, gun-type nuclear weapon—a device in which a high explosive is used to blow one subcritical piece of highly enriched uranium from one end of a tube into another subcritical piece held at the opposite end of the tube.

(D) To Osama bin Laden, acquiring weapons of mass destruction is a ''religious duty''. Al Qaeda and more than two dozen other terrorist groups are pursuing capability to use weapons of mass destruction.

(E) Osama bin Laden's press spokesman, Sulaiman Abu Ghaith, has announced that the group aspires ''to kill 4 million Americans, including 1 million children,'' in response to casualties supposedly inflicted on Muslims by the United States and Israel.

(F) Al Qaeda documents recovered in Afghanistan reveal a determined research effort focused on nuclear weapons.

(3) SECURITY STANDARDS FOR ALL NUCLEAR WEAPONS AND MATERIALS.—

(A) There are no international binding standards for the secure handling and storage of nuclear weapons and materials.

(B) Making a nuclear weapon requires only 4 to 5 kilograms of plutonium or 12 to 15 kilograms of highly enriched uranium.

(C) In October 2001, the United States Government became very concerned that Al Qaeda may have smuggled a 10-kiloton Russian nuclear warhead into New York City. If placed in lower Manhattan, such a device would probably kill 100,000 people instantly, seriously injure tens of thousands more, and render the entire area uninhabitable for decades to come.

(4) RUSSIA'S NUCLEAR EXPERTISE.—

(A) Employment at the large nuclear facilities in the Russian Federation's 10 closed nuclear cities is estimated to be in the range of 120,000 to 130,000 people, of whom approximately 75,000 were employed on nuclear weapons-related work.

(B) Poor wages and living conditions in Russian ''nuclear cities'' have inspired protests and strikes among the employees working in them.

(C) Insiders have been caught attempting to smuggle nuclear materials out of these facilities, presumably to sell on the lucrative black market.

SEC. 323. ESTABLISHMENT OF OFFICE OF NONPROLIFERATION PROGRAMS IN THE EXECUTIVE OFFICE OF THE PRESIDENT.

(a) ESTABLISHMENT.—There is established in the Executive Office of the President an Office of Nonproliferation Programs (in this section referred to as the ''Office'').

(b) DIRECTOR; ASSOCIATE DIRECTORS.—There shall be at the head of the Office a Director who shall be appointed by the President, by and with the advice and consent of the Senate, and who shall be compensated at the rate provided for level II of the Executive Schedule in section 5313 of title 5, United States Code. The President is authorized to appoint not more than four Associate Directors, by and with the advice and consent of the Senate, who shall be compensated at a rate not to exceed that provided for level III of the Executive Schedule in section 5314 of such title. Associate Directors shall perform such functions as the Director may prescribe.

(c) PRIMARY FUNCTIONS OF DIRECTOR.—

(1) IN GENERAL.—The primary function of the Director is to coordinate and lead—

(A) efforts by the United States to curb terrorist access to nuclear technology, materials, or expertise; and

(B) other United States nonproliferation activities, including nuclear nonproliferation activities and activities to counter other weapons of mass destruction.

(2) SPECIFIC FUNCTIONS.—In addition to such other functions and activities as the President may assign, the Director shall—

(A) advise the President, and others within the Executive Office of the President, on the role and effect of such nonproliferation activities on national security and international relations;

(B) lead the development and implementation of a plan (including appropriate budgets, other resources, goals, and metrics for assessing progress) to ensure that all the highest-priority actions to prevent terrorists from getting and using nuclear weapons are taken in the shortest possible time, including but not limited to a fast-paced global effort to ensure that every nuclear warhead and every kilogram of weapons-usable nuclear material worldwide is secured and accounted for, to standards sufficient to defeat demonstrated terrorist and criminal threats, as rapidly as that objective can be accomplished;

(C) identify obstacles to accelerating and strengthening efforts to prevent terrorists from getting and using nuclear weapons, and raise approaches to overcoming these obstacles for action by the President or other appropriate officials;

(D) lead an effort, to be carried out jointly by the various Federal agencies responsible for carrying out such nonproliferation activities, to establish priorities among those activities and to develop and implement strategies and budgets that reflect those priorities;

(E) build strong partnerships with respect to such nonproliferation activities among Federal, State, and local governments, foreign governments, international organizations, and nongovernmental organizations; and

(F) evaluate the scale, quality, and effectiveness of the Federal effort with respect to such nonproliferation activities and advise on appropriate actions.

SEC. 324. REMOVAL OF RESTRICTIONS ON COOPERATIVE THREAT REDUCTION PROGRAMS.

(a) REPEAL OF RESTRICTIONS.—

(1) RESTRICTIONS ON ASSISTANCE IN DESTROYING FORMER SOVIET WEAPONS.—Section 211(b) of the Soviet Nuclear Threat Reduction Act of 1991 (22 U.S.C. 2551 note) is repealed.

(2) RESTRICTIONS ON AUTHORITY TO CARRY OUT CTR PROGRAMS.—Section 1203(d) of the Cooperative Threat Reduction Act of 1993 (title XII of Public Law 103–160; 22 U.S.C. 5952(d)) is repealed.

(3) LIMITATION ON USE OF FUNDS FOR CHEMICAL WEAPONS DESTRUCTION.—Section 1305 of the National Defense Authorization Act for Fiscal Year 2000 (22 U.S.C. 5952 note) is repealed.

(b) EXEMPTION FROM LIMITATIONS.—Cooperative Threat Reduction programs may be carried out notwithstanding any other provision of law, subject to congressional notification and reporting requirements that apply to the use of funds available for Cooperative Threat Reduction programs or the carrying out of projects or activities under such programs.

(c) INAPPLICABILITY OF OTHER RESTRICTIONS.—Section 502 of the Freedom for Russia and Emerging Eurasian Democracies and Open Markets Support Act of 1992 (22 U.S.C. 5852) shall not apply to any Cooperative Threat Reduction program.

SEC. 325. REMOVAL OF RESTRICTIONS ON DEPARTMENT OF ENERGY NONPROLIFERATION PROGRAMS.

Section 4301 of the Atomic Energy Defense Act (50 U.S.C. 2561) is repealed.

SEC. 326. MODIFICATIONS OF AUTHORITY TO USE COOPERATIVE THREAT REDUCTION PROGRAM FUNDS OUTSIDE THE FORMER SOVIET UNION.

Section 1308 of the National Defense Authorization Act for Fiscal Year 2004 (Public Law 108–136; 117 Stat. 1662; 22 U.S.C. 5963) is amended—

(1) by striking ''President'' each place it appears and inserting ''Secretary of Defense'';

(2) in subsection (a), by striking ''each of the following'' and all that follows through the period at the end and inserting the following: ''that such project or activity will—

''(1) assist the United States in the resolution of a critical emerging proliferation threat; or

''(2) permit the United States to take advantage of opportunities to achieve longstanding nonproliferation goals.'';

(3) by striking subsections (c) and (d); and

(4) by redesignating subsection (e) as subsection (c).

SEC. 327. MODIFICATIONS OF AUTHORITY TO USE INTERNATIONAL NUCLEAR MATERIALS PROTECTION AND COOPERATION PROGRAM FUNDS OUTSIDE THE FORMER SOVIET UNION.

Section 3124 of the National Defense Authorization Act for Fiscal Year 2004 (Public Law 108–136; 117 Stat. 1747) is amended—

(1) by striking ''President'' each place it appears and inserting ''Secretary of Energy'';

(2) in subsection (a), by striking ''each of the following'' and all that follows through the period at the end and inserting the following: ''that such project or activity will—

''(1) assist the United States in the resolution of a critical emerging proliferation threat; or

''(2) permit the United States to take advantage of opportunities to achieve longstanding nonproliferation goals.'';

(3) by striking subsections (c) and (d); and

(4) by redesignating subsection (e) as subsection (c).

SEC. 328. SPECIAL REPORTS ON ADHERENCE TO ARMS CONTROL AGREEMENTS AND NONPROLIFERATION COMMITMENTS.

(a) REPORTS REQUIRED.—At least annually, the Secretary of State shall submit to the appropriate congressional committees a report on each country in which a Cooperative Threat Reduction program is being carried out. The report shall describe that country's commitments to—

(1) making substantial national investments in infrastructure to secure, safeguard, and destroy weapons of mass destruction;

(2) forgoing any military modernization exceeding legitimate defense requirements, including replacement of weapons of mass destruction;

(3) forgoing any use of fissionable materials or any other components of deactivated nuclear weapons in a new nuclear weapons program;

(4) complying with all relevant arms control agreements;

(5) adopting and enforcing national and international export controls over munitions and dual-use items; and

(6) facilitating the verification by the United States and international community of that country's compliance with such commitments.

(b) FORM.—The report required under subsection (a) may be submitted with the report required under section 403 of the Arms Control and Disarmament Act (22 U.S.C. 2593a).

SEC. 329. PRESIDENTIAL REPORT ON IMPEDIMENTS TO CERTAIN NONPROLIFERATION ACTIVITIES.

Not later than 90 days after the date of the enactment of this Act, the President shall submit to the appropriate congressional committees a report identifying impediments (including liability concerns, taxation issues, access rights, and other impediments) to—

(1) the ongoing renegotiation of the umbrella agreement relating to Cooperative Threat Reduction; and

(2) the ongoing negotiations for the implementation of the Plutonium Disposition Program, the Nuclear Cities Initiative, and other defense nuclear nonproliferation programs.

SEC. 330. ENHANCEMENT OF GLOBAL THREAT REDUCTION INITIATIVE.

Section 3132 of the Ronald W. Reagan National Defense Authorization Act for Fiscal Year 2005 (Public Law 108–375; 118 Stat. 2166; 50 U.S.C. 2569) is amended—

(1) in subsection (b)—

(A) in the subsection heading, by striking ''PROGRAM AUTHORIZED'' and inserting ''PROGRAM REQUIRED''; and

(B) by striking ''The Secretary of Energy may'' and inserting ''The President, acting through the Secretary of Energy, shall''; and

(2) in subsection (c)(1), by adding at the end the following new subparagraph:

''(N) Take such other actions as may be necessary to effectively implement the Global Threat Reduction Initiative.''.

SEC. 331. EXPANSION OF PROLIFERATION SECURITY INITIATIVE.

(a) SENSE OF CONGRESS RELATING TO PROLIFERATION SECURITY INITIATIVE.—It is the sense of Congress that—

(1) the President should strive to expand and strengthen the Proliferation Security Initiative announced by the President on May 31, 2003, placing particular emphasis on including countries outside of NATO; and

(2) the United States should engage the United Nations to develop a Security Council Resolution to authorize the Proliferation Security Initiative under international law, including by providing legal authority to stop shipments of weapons of mass destruction, their delivery systems, and related materials.

(b) AUTHORIZATION OF APPROPRIATIONS RELATING TO PROLIFERATION SECURITY INITIATIVE.—There are authorized to be appropriated for fiscal year 2007, $50,000,000 to conduct joint training exercises regarding interdiction of weapons of mass destruction under the Proliferation Security Initiative. Particular emphasis should be given to allocating funds from such amount—

(1) to invite other countries that do not participate in the Proliferation Security Initiative to observe the joint training exercises; and

(2) to conduct training exercises with countries that openly join the Proliferation Security Initiative after the date of the enactment of this Act.

SEC. 332. SENSE OF CONGRESS RELATING TO INTERNATIONAL SECURITY STANDARDS FOR NUCLEAR WEAPONS AND MATERIALS.

It is the sense of Congress that the President should seek to devise and implement standards to improve the security of nuclear weapons and materials by—

(1) establishing with other willing nations a set of performance-based standards for the security of nuclear weapons and weapons;

(2) negotiating with those nations an agreement to adopt the standards and implement appropriate verification measures to assure ongoing compliance; and

(3) coordinating with those nations and the International Atomic Energy Agency to strongly encourage other states to adopt and verifiably implement the standards.

SEC. 333. AUTHORIZATION OF APPROPRIATIONS RELATING TO INVENTORY OF RUSSIAN TACTICAL NUCLEAR WARHEADS AND DATA EXCHANGES.

In addition to any other amounts authorized to be appropriated for such purposes, there are authorized to be appropriated to the Administrator for Nuclear Security for fiscal year 2007, $5,000,000 for assistance to Russia to facilitate the conduct of a comprehensive inventory of the stockpile of Russia of—

(1) non-strategic nuclear weapons; and

(2) nuclear weapons, whether strategic or non-strategic, that are not secured by PALs or other electronic means.

SEC. 334. REPORT ON ACCOUNTING FOR AND SECURING OF RUSSIA'S NON-STRATEGIC NUCLEAR WEAPONS.

Not later than 120 days after the date of the enactment of this Act, the Secretary of Defense shall submit to the appropriate congressional committees a report on Russia's non-strategic nuclear weapons. The report shall—

(1) detail past and current efforts of the United States to encourage a proper accounting for and securing of Russia's non-strategic nuclear weapons and Russia's nuclear weapons, whether strategic or non-strategic, that are not secured by PALs or other electronic means;

(2) detail the actions that are most likely to lead to progress in improving the accounting for and securing or dismantlement of such weapons; and

(3) detail the feasibility of enhancing the national security of the United States by developing increased transparency between the United States and Russia with respect to the numbers, locations, and descriptions of such weapons and of the corresponding weapons of the United States.

SEC. 335. RESEARCH AND DEVELOPMENT INVOLVING ALTERNATIVE USE OF WEAPONS OF MASS DESTRUCTION EXPERTISE.

(a) AUTHORITY TO USE FUNDS.—Notwithstanding any other provision of law and subject to subsection (c), any funds available to a department or agency of the Federal Government may be used to conduct non-defense research and development in Russia and the states of the former Soviet Union on technologies specified in subsection (b) utilizing scientists in Russia and the states of the former Soviet Union who have expertise in—

(1) nuclear weapons; or

(2) chemical or biological weapons, but only if such scientists no longer engage, or have never engaged, in activities supporting

prohibited chemical or biological capabilities.

(b) TECHNOLOGIES.—The technologies specified in this subsection are technologies on the following:

(1) Environmental restoration and monitoring.

(2) Proliferation detection.

(3) Health and medicine, including research.

(4) Energy.

(c) LIMITATION.—Funds may not be used under subsection (a) for research and development if the Secretary of State, in consultation with the Secretary of Defense and the Secretary of Energy, determines that such research and development will—

(1) pose a threat to the security interests of the United States; or

(2) further materially any defense technology.

(d) AUTHORIZATION OF APPROPRIATIONS.—

(1) IN GENERAL.—There is authorized to be appropriated to the Department of State $20,000,000 for fiscal year 2007 for the following purposes:

(A) To make determinations under subsection (c).

(B) To defray any increase in costs incurred by the Department of State, or any other department or agency of the Federal Government, for research and development, or demonstration, as a result of research and development conducted under this section.

(2) AVAILABILITY.—(A) Amounts authorized to be appropriated by paragraph (1) are authorized to remain available until expended.

(B) Any amount transferred to a department or agency of the Federal Government pursuant to paragraph (1)(B) shall be merged with amounts available to such department or agency to cover costs concerned, and shall be available for the same purposes, and for the same period, as amounts with which merged.

SEC. 336. STRENGTHENING THE NUCLEAR NONPROLIFERATION TREATY.

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

(1) Article IV of the Treaty on the Non-Proliferation of Nuclear Weapons (commonly referred to as the Nuclear Nonproliferation Treaty or NPT) (21 UST 483) states that countries that are parties to the treaty have the ''inalienable right . . . to develop research, production and use of nuclear energy for peaceful purposes without discrimination and in conformity with articles I and II of this treaty.''.

(2) The rights outlined under article IV include all fuel cycle activities, despite the fact that uranium enrichment and plutonium production potentially put a country in a position to produce weapons usable material.

(3) David Bergmann, former chairman of the Israeli Atomic Energy Commission, stated: ''. . . by developing atomic energy for peaceful uses, you reach the nuclear weapon option. There are not two atomic energies''.

(4) The wording of article IV has made it possible for countries that are parties to the NPT treaty to use peaceful nuclear programs as a cover for weapons programs. In particular, the misuse by North Korea and Iran of these provisions threatens to undercut the viability of the nuclear nonproliferation regime and the entire system of international nuclear commerce.

(5) If the international community fails to devise effective measures to deal with the ''loophole'' in article IV, then there is a great likelihood that the ranks of countries possessing nuclear weapons will increase markedly in the next decade.

(b) PRESIDENTIAL REPORT ON CONTROL OF NUCLEAR FUEL CYCLE TECHNOLOGIES AND MATERIAL.—Not later than 90 days after the date of the enactment of this Act, the President shall submit to the appropriate congressional committees a report identifying ways to more effectively control nuclear fuel cycle technologies and material, including ways that the United States can mobilize the international community to close the ''loophole'' of article IV of the NPT, without undermining the treaty itself.

SEC. 337. DEFINITIONS.

In this subtitle:

(1) APPROPRIATE CONGRESSIONAL COMMITTEES.—The term ''appropriate congressional committees'' means—

(A) the Committee on International Relations, the Committee on Armed Services, the Committee on Homeland Security, and the Committee on Appropriations of the House of Representatives; and

(B) the Committee on Foreign Relations, the Committee on Armed Services, the Committee on Homeland Security and Governmental Affairs, and the Committee on Appropriations of the Senate.

(2) COOPERATIVE THREAT REDUCTION PROGRAMS.—The term ''Cooperative Threat Reduction programs'' means programs and activities specified in section 1501(b) of the National Defense Authorization Act for Fiscal Year 1997 (Public Law 104–201; 110 Stat. 2731; 50 U.S.C. 2362 note).

DIVISION B—COMBATTING TERRORISM

SEC. 1001. SHORT TITLE.

This division may be cited as the ''Targeting Terrorists More Effectively Act of 2006''.

TITLE XI—EFFECTIVELY TARGETING TERRORISTS

SEC. 1101. SENSE OF CONGRESS ON SPECIAL OPERATIONS FORCES AND RELATED MATTERS.

It is the sense of Congress that—

(1) the number of active-duty Army Special Forces-qualified personnel should be increased during the four years after the date of the enactment of this Act so that on the date that is four years after the date of such enactment such number is 9,290;

(2) an additional 16 Predator aircraft should be acquired for the Air Force Special Operations Command by the end of fiscal year 2008;

(3) an additional Special Operations squadron should be established not later than fiscal year 2009; and

(4) the increase in the number of regular and reserve component personnel who are assigned civil affairs duty should be accelerated.

SEC. 1102. FOREIGN LANGUAGE EXPERTISE.

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

(1) Success in the global war on terrorism will require a dramatic increase in institutional and personal expertise in the languages and cultures of the societies where terrorism has taken root, including a substantial increase in the number of national security personnel who obtain expert lingual training.

(2) The National Commission on Terrorist Attacks Upon the United States identified the countries in the Middle East, South Asia, Southeast Asia, and West Africa as countries that serve or could serve as terrorist havens.

(3) Although 22 countries have Arabic as their official language, the National Commission on Terrorist Attacks Upon the United States found that a total of only 6 undergraduate degrees for the study of Arabic were granted by United States colleges and universities in 2002.

(4) The report of the National Commission on Terrorist Attacks Upon the United States contained several criticisms of the lack of linguistic expertise in the Central Intelligence Agency and the Federal Bureau of Investigation prior to the September 11, 2001 terrorist attacks, and called for the Central Intelligence Agency to ''develop a stronger language program, with high standards and sufficient financial incentives''.

(5) An audit conducted by the Department of Justice in July 2004, revealed that the Federal Bureau of Investigation has a backlog of hundreds of thousands of untranslated audio recordings from terror and espionage investigations.

(6) The National Security Education Program Trust Fund, which funds critical grant and scholarship programs for linguistic training in regions critical to national security, will have exhausted all its funding by fiscal year 2006, unless additional appropriations are made to the Trust Fund.

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

(1) the overwhelming majority of Muslims reject terrorism and a small, radical minority has grossly distorted the teachings of one of the world's great faiths to seek justification for acts of terrorism, such radical Islamic fundamentalism constitutes a primary threat to the national security interests of the United States, and an effective strategy for combating terrorism should include increasing the number of personnel throughout the Federal Government with expertise in languages spoken in predominately Muslim countries and in the culture of such countries;

(2) Muslim-Americans constitute an integral and cherished part of the fabric of American society and possess many talents, including linguistic, historic, and cultural expertise that should be harnessed in the war against radical, fundamentalist terror; and

(3) amounts appropriated for the National Flagship Language Initiative pursuant to the amendments made by subsection (e)(2) should be used to support the establishment, operation, and improvement of programs for the study of Arabic, Persian, and other Middle Eastern, South Asian, Southeast Asian, and West African languages in institutes of higher education in the United States.

(c) AUTHORIZATION OF APPROPRIATIONS.—

(1) NATIONAL SECURITY EDUCATION TRUST FUND.—Section 810 of the David L. Boren National Security Education Act of 1991 (50 U.S.C. 1910) is amended by adding at the end the following:

''(d) AUTHORIZATION OF APPROPRIATIONS FOR THE FUND FOR FISCAL YEAR 2007.—

''(1) IN GENERAL.—There are authorized to be appropriated to the Fund $150,000,000 for fiscal year 2007.

''(2) AVAILABILITY OF FUNDS.—Amounts appropriated pursuant to the authorization of appropriations in paragraph (1) shall remain available until expended and not more than $15,000,000 of such amounts may be obligated and expended during any fiscal year.''.

(2) NATIONAL FLAGSHIP LANGUAGE INITIATIVE.—

(A) IN GENERAL.—Section 811(a) of the David L. Boren National Security Education Act of 1991 (50 U.S.C. 1911(a)) is amended by striking ''there is authorized to be appropriated to the Secretary for each fiscal year, beginning with fiscal year 2003, $10,000,000'' and inserting ''there are authorized to be appropriated to the Secretary for each fiscal year 2003 through 2006, $10,000,000, and for each fiscal year after fiscal year 2006, $20,000,000,''.

(B) AVAILABILITY OF FUNDS.—Section 811(b) of such Act (50 U.S.C. 1911(b)) is amended by inserting ''for fiscal years 2003 through 2006'' after ''this section''.

(3) DEMONSTRATION PROGRAM.—There are authorized to be appropriated to the Director of National Intelligence such sums as may be necessary for each of fiscal years 2007, 2008,

and 2009 in order to carry out the demonstration program established under subsection (c).

SEC. 1103. CURTAILING TERRORIST FINANCING.

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

(1) The report of the National Commission on Terrorist Attacks Upon the United States stated that ''[v]igorous efforts to track terrorist financing must remain front and center in United States counterterrorism efforts''.

(2) The report of the Independent Task Force sponsored by the Council on Foreign Relations stated that ''currently existing U. S. and international policies, programs, structures, and organizations will be inadequate to assure sustained results commensurate with the ongoing threat posed to the national security of the United States''.

(3) The report of the Independent Task Force contained the conclusion that ''[l]ong-term success will depend critically upon the structure, integration, and focus of the U. S. Government—and any intergovernmental efforts undertaken to address this problem''.

(b) POLICY.—It is the policy of the United States—

(1) to work with the Government of Saudi Arabia to curtail terrorist financing originating from that country using a range of methods, including diplomacy, intelligence, and law enforcement;

(2) to ensure effective coordination and sufficient resources for efforts of the agencies and departments of the United States to disrupt terrorist financing by carrying out, through the Office of Terrorism and Financial Intelligence in the Department of the Treasury, a comprehensive analysis of the budgets and activities of all such agencies and departments that are related to disrupting the financing of terrorist organizations;

(3) to provide each agency or department of the United States with the appropriate number of personnel to carry out the activities of such agency or department related to disrupting the financing of terrorist organizations;

(4) to centralize the coordination of the efforts of the United States to combat terrorist financing and utilize existing authorities to identify foreign jurisdictions and foreign financial institutions suspected of abetting terrorist financing and take actions to prevent the provision of assistance to terrorists; and

(5) to work with other countries to develop and enforce strong domestic terrorist financing laws, and increase funding for bilateral and multilateral programs to enhance training and capacity-building in countries who request assistance.

(c) AUTHORIZATION OF APPROPRIATIONS TO PROVIDE TECHNICAL ASSISTANCE TO PREVENT FINANCING OF TERRORISTS.—

(1) IN GENERAL.—There are authorized to be appropriated to the President for the ''Economic Support Fund'' to provide technical assistance under the provisions of chapter 4 of part II of the Foreign Assistance Act of 1961 (22 U.S.C. 2346 et seq.) to foreign countries to assist such countries in preventing the financing of terrorist activities—

(A) for fiscal year 2007, $300,000,000; and

(B) for fiscal years 2008 and 2009, such sums as may be necessary.

(2) AVAILABILITY OF FUNDS.—Amounts appropriated pursuant to the authorization of appropriations in this subsection are authorized to remain available until expended.

(3) ADDITIONAL FUNDS.—Amounts authorized to be appropriated under this subsection are in addition to amounts otherwise available for such purposes.

SEC. 1104. PROHIBITION ON TRANSACTIONS WITH COUNTRIES THAT SUPPORT TERRORISM.

(a) CLARIFICATION OF CERTAIN ACTIONS UNDER IEEPA.—In any case in which the President takes action under the International Emergency Economic Powers Act (50 U.S.C. 1701 et seq.) with respect to a foreign country, or persons dealing with or associated with the government of that foreign country, and the government of that foreign country is determined by the Secretary of State to have repeatedly provided support for acts of international terrorism, such action shall apply to a United States person or other person.

(b) DEFINITIONS.—In this section:

(1) CONTROLLED IN FACT.—The term ''is controlled in fact'' includes—

(A) in the case of a corporation, holds at least 50 percent (by vote or value) of the capital structure of the corporation; and

(B) in the case of any other kind of legal entity, holds interests representing at least 50 percent of the capital structure of the entity.

(2) STATE.—The term ''State'' means each of the several States of the United States, the District of Columbia, the Commonwealth of Puerto Rico, Guam, the Virgin Islands, and other territories or possessions of the United States.

(3) UNITED STATES PERSON.—The term ''United States person'' includes any United States citizen, permanent resident alien, entity organized under the law of the United States or of any State (including foreign branches), wherever located, or any other person in the United States.

(c) APPLICABILITY.—

(1) IN GENERAL.—In any case in which the President has taken action under the International Emergency Economic Powers Act and such action is in effect on the date of the enactment of this Act, the provisions of subsection (a) shall not apply to a United States person (or other person) if such person divests or terminates its business with the government or person identified by such action within 90 days after the date of the enactment of this Act.

(2) ACTIONS AFTER DATE OF ENACTMENT.—In any case in which the President takes action under the International Emergency Economic Powers Act on or after the date of the enactment of this Act, the provisions of subsection (a) shall not apply to a United States person (or other person) if such person divests or terminates its business with the government or person identified by such action within 90 days after the date of such action.

(d) NOTIFICATION OF CONGRESS OF TERMINATION OF INVESTIGATION BY OFFICE OF FOREIGN ASSETS CONTROL.—The Office of Federal Procurement Policy Act (41 U.S.C. 403 et seq.) is amended by adding at the end the following new section:

''SEC. 42. NOTIFICATION OF CONGRESS OF TERMINATION OF INVESTIGATION BY OFFICE OF FOREIGN ASSETS CONTROL.

''The Director of the Office of Foreign Assets Control shall notify Congress upon the termination of any investigation by the Office of Foreign Assets Control of the Department of the Treasury if any sanction is imposed by the Director of such office as a result of the investigation.''.

SEC. 1105. COMPTROLLER GENERAL REPORT ON UNITED KINGDOM AND UNITED STATES ANTI-TERRORISM POLICIES AND PRACTICES.

(a) REPORT REQUIRED.—Not later than July 1, 2007, the Comptroller General of the United States shall submit to Congress a report setting forth a comparative analysis of the anti-terrorism policies and practices of the United Kingdom and the United States.

(b) ELEMENTS.—The report required by subsection (a) shall include a comparative analysis of the following:

(1) The counter-intelligence laws and methods of the United Kingdom and the United States.

(2) The structure of the intelligence and law enforcement agencies of the United Kingdom Government and the United States Government.

(3) The compliance by the executive agencies of the United Kingdom and the United States with the laws of such country applicable to terrorism.

(4) The constitutional and legal considerations that enter into the development of anti-terrorism policies in the United Kingdom and the United States.

SEC. 1106. ENHANCEMENT OF INTELLIGENCE COMMUNITY EFFORTS TO BRING OSAMA BIN LADEN AND OTHER AL QAEDA LEADERS TO JUSTICE.

(a) ADDITIONAL APPROPRIATION FOR INTELLIGENCE COMMUNITY MANAGEMENT ACCOUNT.—There is hereby appropriated for the fiscal year ending September 30, 2007, for the Intelligence Community Management Account $200,000,000 which amount shall be available only for a unit dedicated to bringing to justice Osama bin Laden and other key leaders of al Qaeda.

(b) REPORTS ON EFFORTS.—Not later than 60 days after the date of the enactment of this Act, and every 90 days thereafter, the Secretary of Defense shall, in consultation with other appropriate officials, submit to the congressional defense committees, the Committee on International Relations of the House of Representatives, and the Committee on Foreign Relations of the Senate a classified report on progress made by the operations in the global war on terrorism for which funding is provided in subsection (a), including—

(1) an assessment of the likely current location of terrorist leaders (including Osama bin Laden and other key leaders of al Qaeda);

(2) a description of ongoing efforts to bring to justice such terrorists;

(3) a description of the cooperation provided by the governments of any countries assessed as likely locations of top leaders of al Qaeda and by other relevant countries;

(4) a description of diplomatic efforts currently being made to improve the cooperation of any governments described in paragraph (3); and

(5) a description of the status of, and strategy for bringing to justice, perpetrators of terrorism including the top leadership of al Qaeda.

TITLE XII—PREVENTING THE GROWTH OF RADICAL ISLAMIC FUNDAMENTALISM

Subtitle A—Quality Educational Opportunities

SEC. 1201. FINDINGS, POLICY, AND DEFINITION.

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

(1) The report of the National Commission on Terrorist Attacks Upon the United States stated that ''[e]ducation that teaches tolerance, the dignity and value of each individual, and respect for different beliefs is a key element in any global strategy to eliminate Islamic terrorism''.

(2) According to the United Nations Development Program Arab Human Development Report for 2002, 10,000,000 children between the ages of 6 through 15 in the Arab world do not attend school, and ⅔ of the 65,000,000 illiterate adults in the Arab world are women.

(3) The report of the National Commission on Terrorist Attacks Upon the United States concluded that ensuring educational opportunity is essential to the efforts of the United States to defeat global terrorism and

recommended that the United States Government ''should offer to join with other nations in generously supporting [spending funds] . . . directly on building and operating primary and secondary schools in those Muslim states that commit to sensibly investing financial resources in public education''.

(b) POLICY.—It is the policy of the United States—

(1) to work toward the goal of dramatically increasing the availability of basic education in the developing world, which will reduce the influence of radical madrassas and other institutions that promote religious extremism;

(2) to join with other countries in generously supporting the International Youth Opportunity Fund authorized under section 7114 of the 9/11 Commission Implementation Act of 2004 (Public Law 108–458), with the goal of building and operating primary and secondary schools in Muslim countries that commit to sensibly investing the resources of such countries in public education;

(3) to work with the international community, including foreign countries and international organizations to raise $7,000,000,000 to $10,000,000,000 each year to fund education programs in Muslim countries;

(4) to offer additional incentives to countries to increase the availability of basic education; and

(5) to work to prevent financing of educational institutions that support radical Islamic fundamentalism.

(c) APPROPRIATE CONGRESSIONAL COMMITTEES DEFINED.—In this subtitle, the term ''appropriate congressional committees'' means the Committee on Foreign Relations and the Committee on Appropriations of the Senate and the Committee on International Relations and the Committee on Appropriations of the House of Representatives.

SEC. 1202. ANNUAL REPORT TO CONGRESS.

Not later than June 1 each year, the Secretary of State shall submit to the appropriate congressional committees a report on the efforts of countries in the developing world to increase the availability of basic education and to close educational institutions that promote religious extremism and terrorism. Each report shall include—

(1) a list of countries that are making serious and sustained efforts to increase the availability of basic education and to close educational institutions that promote religious extremism and terrorism;

(2) a list of countries that are making efforts to increase the availability of basic education and to close educational institutions that promote religious extremism and terrorism, but such efforts are not serious and sustained; and

(3) a list of countries that are not making efforts to increase the availability of basic education and to close educational institutions that promote religious extremism and terrorism.

SEC. 1203. AUTHORIZATION OF APPROPRIATIONS.

(a) INTERNATIONAL EDUCATION PROGRAMS.—There are authorized to be appropriated to the President for ''Development Assistance'' for international education programs carried out under sections 105 and 496 of the Foreign Assistance Act of 1961 (22 U.S.C. 2151c and 2293)—

(1) for fiscal year 2007, $1,000,000,000; and

(2) for fiscal years 2008 and 2009, such sums as may be necessary.

(b) INTERNATIONAL YOUTH OPPORTUNITY FUND.—There are authorized to be appropriated to the President for fiscal years 2007, 2008, and 2009 such sums as may be necessary for the United States contribution to the International Youth Opportunity Fund authorized under section 7114 of the 9/11 Commission Implementation Act of 2004 (Public Law 108–458) for international education programs.

(c) ADDITIONAL FUNDS.—Amounts authorized to be appropriated in this section are in addition to amounts otherwise available for such purposes.

Subtitle B—Democracy and Development in the Muslim World

SEC. 1211. PROMOTING DEMOCRACY AND DEVELOPMENT IN THE MIDDLE EAST, CENTRAL ASIA, SOUTH ASIA, AND SOUTHEAST ASIA.

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

(1) Al-Qaeda and affiliated groups have established a terrorist network with linkages throughout the Middle East, Central Asia, South Asia, and Southeast Asia.

(2) While political repression and lack of economic development do not justify terrorism, increased political freedoms and economic growth can contribute to an environment that undercuts tendencies and conditions that facilitate the rise of terrorist organizations.

(3) It is in the national security interests of the United States to promote democracy, good governance, political freedom, independent media, women's rights, private sector development, and open economic systems in the countries of the Middle East, Central Asia, South Asia, and Southeast Asia.

(b) POLICY.—It is the policy of the United States—

(1) to promote the objectives described in subsection (a)(3) in the countries of the Middle East, Central Asia, South Asia, and Southeast Asia;

(2) to provide assistance and resources to organizations that are committed to promoting such objectives; and

(3) to work with other countries and international organizations to increase the resources devoted to promoting such objectives.

(c) STRATEGY.—Not later than 180 days after the date of the enactment of this Act, the Secretary of State shall submit to Congress a strategy to promote the policy of the United States set out in subsection (b). Such strategy shall describe how funds appropriated pursuant to the authorization of appropriations in subsection (d) will be used.

(d) AUTHORIZATION OF APPROPRIATIONS.—

(1) IN GENERAL.—There are authorized to be appropriated to the President for the ''Economic Support Fund'' for activities carried out under chapter 4 of part II of the Foreign Assistance Act of 1961 (22 U.S.C. 2346 et seq.) to promote the policy of the United States set out in subsection (b)—

(A) for fiscal year 2007, $500,000,000; and

(B) for fiscal years 2008 and 2009, such sums as may be necessary.

(2) SENSE OF CONGRESS ON USE OF FUNDS.—It is the sense of Congress that a substantial portion of the funds appropriated pursuant to the authorization of appropriations in paragraph (1) should be made available to non-governmental organizations that have a record of success working in the countries of the Middle East, Central Asia, South Asia, and Southeast Asia to build and support democratic institutions, democratic parties, human rights organizations, independent media, and the efforts to promote the rights of women.

(3) ADDITIONAL FUNDS.—Amounts authorized to be appropriated in paragraph (1) are in addition to amounts otherwise available for such purposes.

SEC. 1212. MIDDLE EAST FOUNDATION.

(a) PURPOSES.—The purposes of this section are to support, through the provision of grants, technical assistance, training, and other programs, in the countries of the Middle East, the expansion of—

(1) civil society;

(2) opportunities for political participation for all citizens;

(3) protections for internationally recognized human rights, including the rights of women;

(4) educational system reforms;

(5) independent media;

(6) policies that promote economic opportunities for citizens;

(7) the rule of law; and

(8) democratic processes of government.

(b) MIDDLE EAST FOUNDATION.—

(1) DESIGNATION.—The Secretary of State is authorized to designate an appropriate private, nonprofit organization that is organized or incorporated under the laws of the United States or of a State as the Middle East Foundation (referred to in this section as the ''Foundation'').

(2) FUNDING.—The Secretary of State is authorized to provide funding to the Foundation through the Middle East Partnership Initiative of the Department of State. The Foundation shall use amounts provided under this paragraph to carry out the purposes of this section, including through making grants and providing other assistance to entities to carry out programs for such purposes.

(3) NOTIFICATION TO CONGRESSIONAL COMMITTEES.—The Secretary of State shall notify the Committee on Foreign Relations of the Senate and the Committee on International Relations of the House of Representatives prior to designating an appropriate organization as the Foundation.

(c) GRANTS FOR PROJECTS.—

(1) FOUNDATION TO MAKE GRANTS.—The Secretary of State shall enter into an agreement with the Foundation that requires the Foundation to use the funds provided under subsection (b)(2) to make grants to persons (other than governments or government entities) located in the Middle East or working with local partners based in the Middle East to carry out projects that support the purposes specified in subsection (a).

(2) CENTER FOR PUBLIC POLICY.—Under the agreement described in paragraph (1), the Foundation may make a grant to an institution of higher education located in the Middle East to create a center for public policy for the purpose of permitting scholars and professionals from the countries of the Middle East and from other countries, including the United States, to carry out research, training programs, and other activities to inform public policymaking in the Middle East and to promote broad economic, social, and political reform for the people of the Middle East.

(3) APPLICATIONS FOR GRANTS.—An entity seeking a grant from the Foundation under this section shall submit an application to the head of the Foundation at such time, in such manner, and including such information as the head of the Foundation may reasonably require.

(d) PRIVATE CHARACTER OF THE FOUNDATION.—Nothing in this section shall be construed to—

(1) make the Foundation an agency or establishment of the United States Government, or to make the officers or employees of the Foundation officers or employees of the United States for purposes of title 5, United States Code; or

(2) to impose any restriction on the Foundation's acceptance of funds from private and public sources in support of its activities consistent with the purposes of this section.

(e) LIMITATION ON PAYMENTS TO FOUNDATION PERSONNEL.—No part of the funds provided to the Foundation under this section shall inure to the benefit of any officer or employee of the Foundation, except as salary or reasonable compensation for services.

(f) RETENTION OF INTEREST.—The Foundation may hold funds provided under this section in interest-bearing accounts prior to the disbursement of such funds to carry out the purposes of this section, and may retain for use for such purposes any interest earned without returning such interest to the Treasury of the United States and without further appropriation by Congress.

(g) FINANCIAL ACCOUNTABILITY.—

(1) INDEPENDENT PRIVATE AUDITS OF THE FOUNDATION.—The accounts of the Foundation shall be audited annually in accordance with generally accepted auditing standards by independent certified public accountants or independent licensed public accountants certified or licensed by a regulatory authority of a State or other political subdivision of the United States. The report of the independent audit shall be included in the annual report required by subsection (h).

(2) GAO AUDITS.—The financial transactions undertaken pursuant to this section by the Foundation may be audited by the General Accounting Office in accordance with such principles and procedures and under such rules and regulations as may be prescribed by the Comptroller General of the United States.

(3) AUDITS OF GRANT RECIPIENTS.—

(A) IN GENERAL.—A recipient of a grant from the Foundation shall agree to permit an audit of the books and records of such recipient related to the use of the grant funds.

(B) RECORDKEEPING.—Such recipient shall maintain appropriate books and records to facilitate an audit referred to subparagraph (A), including—

(i) separate accounts with respect to the grant funds;

(ii) records that fully disclose the use of the grant funds;

(iii) records describing the total cost of any project carried out using grant funds; and

(iv) the amount and nature of any funds received from other sources that were combined with the grant funds to carry out a project.

(h) ANNUAL REPORTS.—Not later than January 31, 2007, and annually thereafter, the Foundation shall submit to Congress and make available to the public an annual report that includes, for the fiscal year prior to the fiscal year in which the report is submitted, a comprehensive and detailed description of—

(1) the operations and activities of the Foundation that were carried out using funds provided under this section;

(2) grants made by the Foundation to other entities with funds provided under this section;

(3) other activities of the Foundation to further the purposes of this section; and

(4) the financial condition of the Foundation.

Subtitle C—Restoring American Moral Leadership

SEC. 1221. ADVANCING UNITED STATES INTERESTS THROUGH PUBLIC DIPLOMACY.

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

(1) The United States needs to improve its communication of information and ideas to people in foreign countries, particularly in countries with significant Muslim populations.

(2) Public diplomacy should reaffirm the paramount commitment of the United States to democratic principles, including preserving the civil liberties of all the people of the United States, including Muslim-Americans.

(3) The report of the National Commission on Terrorist Attacks Upon the United States stated that, ''Recognizing that Arab and Muslim audiences rely on satellite television and radio, the government has begun some promising initiatives in television and radio broadcasting to the Arab world, Iran, and Afghanistan. These efforts are beginning to reach large audiences. The Broadcasting Board of Governors has asked for much larger resources. It should get them.''.

(4) A significant expansion of United States international broadcasting would provide a cost-effective means of improving communication with countries with significant Muslim populations by providing news, information, and analysis, as well as cultural programming, through both radio and television broadcasts.

(b) SPECIAL AUTHORITY FOR SURGE CAPACITY.—The United States International Broadcasting Act of 1994 (22 U.S.C. 6201 et seq.) is amended by adding at the end the following new section:

''SEC. 316. SPECIAL AUTHORITY FOR SURGE CAPACITY.

''(a) EMERGENCY AUTHORITY.—

''(1) IN GENERAL.—Whenever the President determines it to be important to the national interests of the United States and so certifies to the appropriate congressional committees, the President, on such terms and conditions as the President may determine, is authorized to direct any department, agency, or other entity of the United States to furnish the Broadcasting Board of Governors with such assistance as may be necessary to provide international broadcasting activities of the United States with a surge capacity to support United States foreign policy objectives during a crisis abroad.

''(2) SUPERSEDES EXISTING LAW.—The authority of paragraph (1) supersedes any other provision of law.

''(3) SURGE CAPACITY DEFINED.—In this subsection, the term 'surge capacity' means the financial and technical resources necessary to carry out broadcasting activities in a geographical area during a crisis.

''(b) AUTHORIZATION OF APPROPRIATIONS.—

''(1) IN GENERAL.—There are authorized to be appropriated to the President such sums as may be necessary for the President to carry out this section, except that no such amount may be appropriated which, when added to amounts previously appropriated for such purpose but not yet obligated, would cause such amounts to exceed $25,000,000.

''(2) AVAILABILITY OF FUNDS.—Amounts appropriated pursuant to the authorization of appropriations in this subsection are authorized to remain available until expended.

''(3) DESIGNATION OF APPROPRIATIONS.—Amounts appropriated pursuant to the authorization of appropriations in this subsection may be referred to as the 'United States International Broadcasting Surge Capacity Fund'.''.

(c) REPORT.—An annual report submitted to the President and Congress by the Broadcasting Board of Governors under section 305(a)(9) of the United States International Broadcasting Act of 1994 (22 U.S.C. 6204(a)(9)) shall provide a detailed description of any activities carried out under section 316 of such Act, as added by subsection (b).

(d) AUTHORIZATION OF APPROPRIATIONS FOR UNITED STATES INTERNATIONAL BROADCASTING ACTIVITIES.—

(1) IN GENERAL.—In addition to amounts otherwise available for such purposes, the following amounts are authorized to be appropriated to carry out United States Government broadcasting activities under the United States Information and Educational Exchange Act of 1948 (22 U.S.C. 1431 et seq.), the United States International Broadcasting Act of 1994 (22 U.S.C. 6201 et seq.), the Foreign Affairs Reform and Restructuring Act of 1998 (as enacted in division G of the Omnibus Consolidated and Emergency Supplemental Appropriations Act, 1999; Public Law 105–277), and this division, and to carry out other authorities in law consistent with such purposes:

(A) INTERNATIONAL BROADCASTING OPERATIONS.—For ''International Broadcasting Operations'', $500,000,000 for the fiscal year 2007.

(B) BROADCASTING CAPITAL IMPROVEMENTS.—For ''Broadcasting Capital Improvements'', $70,000,000 for the fiscal year 2007.

(2) AVAILABILITY OF FUNDS.—Amounts appropriated pursuant to the authorization of appropriations in this section are authorized to remain available until expended.

SEC. 1222. DEPARTMENT OF STATE PUBLIC DIPLOMACY PROGRAMS.

(a) UNITED STATES EDUCATIONAL, CULTURAL, AND PUBLIC DIPLOMACY PROGRAMS.—There are authorized to be appropriated for the Department of State to carry out public diplomacy programs of the Department under the United States Information and Educational Exchange Act of 1948, the Mutual Educational and Cultural Exchange Act of 1961, Reorganization Plan Number 2 of 1977, the Foreign Affairs Reform and Restructuring Act of 1998, the Center for Cultural and Technical Interchange Between East and West Act of 1960, the Dante B. Fascell North-South Center Act of 1991, and the National Endowment for Democracy Act, and to carry out other authorities in law consistent with the purposes of such Acts for ''Educational and Cultural Exchange Programs'', $500,000,000 for the fiscal year 2007.

(b) ADMINISTRATION OF FOREIGN AFFAIRS.—There are authorized to be appropriated for the Department of State under ''Administration of Foreign Affairs'' to carry out the authorities, functions, duties, and responsibilities in the conduct of foreign affairs of the United States, and for other purposes authorized by law for ''Diplomatic and Consular Programs'', $500,000,000 for the fiscal year 2007, which shall only be available for public diplomacy international information programs.

SEC. 1223. TREATMENT OF DETAINEES.

(a) FINDINGS.—Consistent with the report of the National Commission on Terrorist Attacks Upon the United States, Congress makes the following findings:

(1) Carrying out the global war on terrorism requires the development of policies with respect to the detention and treatment of captured international terrorists that are adhered to by all coalition forces.

(2) Article 3 of the Convention Relative to the Treatment of Prisoners of War, done at Geneva August 12, 1949 (6 UST 3316), was specifically designed for cases in which the usual rules of war do not apply, and the minimum standards of treatment pursuant to such Article are generally accepted throughout the world as customary international law.

(3) The Commission on Terrorist Attacks Upon the United States urged to the United States to engage its friends to develop a common coalition approach toward the detention and humane treatment of captured terrorists. The 9/11 Public Discourse Project went on to give the Administration a ranking of ''unfulfilled'' in this area, commenting that ''[d]issession either at home or abroad on how the United States treats captured terrorists only makes it harder to build the diplomatic, political and military alliance necessary to fight the war on terror effectively''.

(b) POLICY.—The policy of the United States is as follows:

(1) It is the policy of the United States to treat all foreign persons captured, detained, interned, or otherwise held in the custody of the United States (hereinafter ''detainees'')

humanely and in accordance with the legal obligations under United States law and international law, including the obligations in the Convention Against Torture, the Geneva Conventions, and the Detainee Treatment Act of 2005.

(2) It is the policy of the United States that all officials of the United States are bound both in wartime and in peacetime by the legal prohibitions against torture, cruel, inhumane, or degrading treatment set out in the Constitution, laws, and treaties of the United States, as reiterated by the Supreme Court in Hamdan v. Rumsfeld (126 S. Ct. 2749 (2006)).

(3) If there is any doubt as to whether a detainee is entitled to the protections afforded by the Geneva Conventions, it is the policy of the United States that such detainee shall enjoy the protections of the Convention Relative to the Treatment of Prisoners of War, done at Geneva August 12, 1949 (6 UST 3316) until such time as the detainee's status can be determined pursuant to the procedures authorized by Army Regulation 190–8, Section 1–6.

(4) It is the policy of the United States to expeditiously process and, if appropriate, prosecute detainees in the custody of the United States, including detainees in custody at Guantanamo Bay, Cuba.

(c) REPORTING.—The Secretary shall submit to the appropriate congressional committees the following:

(1) Not later than 180 days after the date of the enactment of this Act, a report setting forth the number of individuals currently held at Guantanamo Bay, Cuba, the number of such individuals who are unlikely to face a military commission in the next six months, and each reason for not bringing such individuals before a military commission.

(2) Not later than 90 days after the date of the enactment of this Act, a report setting forth all interrogation techniques approved, as of the date of the enactment of this Act, by officials of the United States for use with detainees.

(d) RULES, REGULATIONS, AND GUIDELINES.—

(1) REQUIREMENT.—Not later than 180 days after the date of the enactment of this Act, the Secretary and the Director shall prescribe the rules, regulations, or guidelines necessary to ensure compliance with the standards of the Detainee Treatment Act of 2005 and Common Article 3 of the Geneva Conventions by all personnel of the United States Government and by any person providing services to the United States Government on a contract basis.

(2) REPORT TO CONGRESS.—The Secretary and the Director shall submit to Congress the rules, regulations, or guidelines prescribed under paragraph (1), and any modifications to such rules, regulations, or guidelines—

(A) not later than 30 days after the effective date of such rules, regulations, guidelines, or modifications; and

(B) in a manner and form that will protect the national security interests of the United States.

(e) REPORTS ON POSSIBLE VIOLATIONS.—

(1) REQUIREMENT.—The Secretary and the Director shall each submit, on a timely basis and not less than twice each year, a report to Congress on the circumstances surrounding, and a status report on, any investigation of, or prosecution on account of, a possible violation of the standards specified in subsection (d)(1) by United States Government personnel or by a person providing services to the United States Government on a contract basis.

(2) FORM OF REPORT.—A report required under paragraph (1) shall be submitted in a manner and form that—

(A) will protect the national security interests of the United States; and

(B) will not prejudice any prosecution of an individual alleged to have violated the standards specified in subsection (d)(1).

(f) DEFINITIONS.—In this section:

(1) APPROPRIATE CONGRESSIONAL COMMITTEES.—The term ''appropriate congressional committees'' means the Committee on Armed Services, the Committee on the Judiciary, and the Committee on Foreign Relations of the Senate and the Committee on Armed Services, the Committee on the Judiciary, and the Committee on International Relations of the House of Representatives.

(2) CONVENTION AGAINST TORTURE.—The term ''Convention Against Torture'' means the Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, done at New York December 10, 1984.

(3) DIRECTOR.—The term ''Director'' means the Director of National Intelligence.

(4) GENEVA CONVENTIONS.—The term ''Geneva Conventions'' means—

(A) the Convention for the Amelioration of the Condition of the Wounded and Sick in Armed Forces in the Field, done at Geneva August 12, 1949 (6 UST 3114);

(B) the Convention for the Amelioration of the Condition of the Wounded, Sick, and Shipwrecked Members of Armed Forces at Sea, done at Geneva August 12, 1949 (6 UST 3217);

(C) the Convention Relative to the Treatment of Prisoners of War, done at Geneva August 12, 1949 (6 UST 3316); and

(D) the Convention Relative to the Protection of Civilian Persons in Time of War, done at Geneva August 12, 1949 (6 UST 3516).

(5) SECRETARY.—The term ''Secretary'' means the Secretary of Defense.

(6) TORTURE.—The term ''torture'' has the meaning given that term in section 2340 of title 18, United States Code.

SEC. 1224. NATIONAL COMMISSION TO REVIEW POLICY REGARDING THE TREATMENT OF DETAINEES.

(a) ESTABLISHMENT OF COMMISSION.—There is established the National Commission To Review Policy Regarding the Treatment of Detainees.

(b) PURPOSES.—The purposes of the Commission are as follows:

(1) To examine and report upon the role of policymakers in the interrogation and detention policies related to the treatment of individuals detained during Operation Iraqi Freedom or Operation Enduring Freedom.

(2) To examine and report on the causes of the alleged mistreatment of detainees by United States personnel and the impact of such mistreatment on the security of the Armed Forces of the United States.

(3) To build upon the reviews of the policies of the United States related to the treatment of individuals detained by the United States, including such reviews conducted by the executive branch, Congress, or other entities.

(c) COMPOSITION OF THE COMMISSION.—

(1) MEMBERS.—The Commission shall be composed of 15 members, of whom—

(A) 3 members shall be appointed by the majority leader of the Senate;

(B) 3 members shall be appointed by the Speaker of the House of Representatives;

(C) 3 members shall be appointed by the minority leader of the Senate;

(D) 3 members shall be appointed by the minority leader of the House of Representatives;

(E) 1 member shall be appointed by the Judge Advocate General of the Army;

(F) 1 member shall be appointed by the Judge Advocate General of the Navy; and

(G) 1 member shall be appointed by the Judge Advocate General of the Air Force.

(2) CHAIRPERSON; VICE CHAIRPERSON.—

(A) IN GENERAL.—Subject to subparagraph (B), the Chairperson and Vice Chairperson of the Commission shall be elected by the members.

(B) POLITICAL PARTY AFFILIATION.—The Chairperson and Vice Chairperson may not be from the same political party.

(3) INITIAL MEETING.—Once 10 or more members of the Commission have been appointed, those members who have been appointed may meet and, if necessary, select a temporary chairperson, who may begin the operations of the Commission, including the hiring of staff.

(4) QUORUM; VACANCIES.—After its initial meeting, the Commission shall meet upon the call of the Chairperson or a majority of its members. Eight members of the Commission shall constitute a quorum. Any vacancy in the Commission shall not affect its powers, but shall be filled in the same manner in which the original appointment was made.

(5) SENSE OF CONGRESS ON QUALIFICATIONS OF COMMISSION MEMBERS.—It is the sense of Congress that individuals appointed to the Commission should be prominent United States citizens, with national recognition and significant depth of experience in the fields of intelligence, law enforcement, or foreign affairs, or experience serving the United States Government, including service in the Armed Forces.

(d) FUNCTIONS OF THE COMMISSION.—The functions of the Commission are—

(1) to conduct an investigation that—

(A) investigates the development and implementation of policy relating to the treatment of individuals detained during Operation Iraqi Freedom or Operation Enduring Freedom;

(B) determines whether the United States policy related to the treatment of detained individuals has adversely affected the security of the members of the Armed Forces of the United States;

(C) determines the causes and factors contributing to the alleged abuse of detainees, and whether and to what extent the incidences of abuse of detained individuals has affected the standing of the United States in the world;

(D) determines whether and to what extent leaders of the United States Armed Forces were given the opportunity to comment on and influence policy relating to treatment of detained individuals;

(E) assesses the responsibility of leaders for policies and actions, or failures to act, that may have contributed to the mistreatment of detainees; and

(F) determines whether and to what extent policy relating to the treatment of individuals detained during Operation Iraqi Freedom or Operation Enduring Freedom differed from the policies and practices regarding detainees established by the Armed Forces prior to such operations; and

(2) to submit to the President and Congress such report as is required by this section containing such findings, conclusions, and recommendations as the Commission shall determine, including proposing organization, coordination, planning, management arrangements, procedures, rules, and regulations.

(e) POWERS OF THE COMMISSION.—

(1) IN GENERAL.—

(A) HEARINGS AND EVIDENCE.—The Commission or, on the authority of the Commission, any subcommittee or member thereof, may, for the purpose of carrying out this section—

(i) hold such hearings and sit and act at such times and places, take such testimony, receive such evidence, administer such oaths; and

(ii) require, by subpoena or otherwise, the attendance and testimony of such witnesses

and the production of such books, records, correspondence, memoranda, cables, electronic messages, papers, and documents, as the Commission or such designated subcommittee or designated member may determine advisable.

(B) SUBPOENAS.—

(i) ISSUANCE.—Subpoenas issued under subparagraph (A)(ii) may be issued under the signature of the Chairperson of the Commission, the Vice Chairperson of the Commission, the chairperson of any subcommittee created by a majority of the Commission, or any member designated by a majority of the Commission, and may be served by any person designated by the Chairperson, subcommittee chairperson, or member.

(ii) ENFORCEMENT.—

(I) IN GENERAL.—In the case of contumacy or failure to obey a subpoena issued under subparagraph (A)(ii), the United States district court for the judicial district in which the subpoenaed person resides, is served, or may be found, or where the subpoena is returnable, may issue an order requiring such person to appear at any designated place to testify or to produce documentary or other evidence. Any failure to obey the order of the court may be punished by the court as a contempt of that court.

(II) ADDITIONAL ENFORCEMENT.—In the case of any failure of any witness to comply with any subpoena or to testify when summoned under authority of this section, the Commission may, by majority vote, certify a statement of fact constituting such failure to the appropriate United States attorney, who may bring the matter before the grand jury for its action, under the same statutory authority and procedures as if the United States attorney had received a certification under sections 102 through 104 of the Revised Statutes of the United States (2 U.S.C. 192 through 194).

(2) CLOSED MEETINGS.—

(A) IN GENERAL.—Meetings of the Commission may be closed to the public under section 10(d) of the Federal Advisory Committee Act (5 U.S.C. App.) or other applicable law.

(B) ADDITIONAL AUTHORITY.—In addition to the authority under subparagraph (A), section 10(a)(1) and (3) of the Federal Advisory Committee Act (5 U.S.C. App.) shall not apply to any portion of a Commission meeting if the President determines that such portion or portions of that meeting is likely to disclose matters that could endanger national security. If the President makes such determination, the requirements relating to a determination under section 10(d) of that Act shall apply.

(3) CONTRACTING.—The Commission may, to such extent and in such amounts as are provided in appropriation Acts, enter into contracts to enable the Commission to discharge its duties under this section.

(4) INFORMATION FROM FEDERAL AGENCIES.—The Commission is authorized to secure directly from any executive department, bureau, agency, board, commission, office, independent establishment, or instrumentality of the Government information, suggestions, estimates, and statistics for the purposes of this section. Each department, bureau, agency, board, commission, office, independent establishment, or instrumentality shall, to the extent authorized by law, furnish such information, suggestions, estimates, and statistics directly to the Commission, upon request made by the Chairperson, the chairperson of any subcommittee created by a majority of the Commission, or any member designated by a majority of the Commission.

(5) ASSISTANCE FROM FEDERAL AGENCIES.—

(A) GENERAL SERVICES ADMINISTRATION.—The Administrator of General Services shall provide to the Commission on a reimbursable basis administrative support and other services for the performance of the Commission's functions.

(B) OTHER DEPARTMENTS AND AGENCIES.—In addition to the assistance prescribed in subparagraph (A), departments and agencies of the United States are authorized to provide to the Commission such services, funds, facilities, staff, and other support services as they may determine advisable and as may be authorized by law.

(6) GIFTS.—The Commission may accept, use, and dispose of gifts or donations of services or property.

(7) POSTAL SERVICES.—The Commission may use the United States mails in the same manner and under the same conditions as departments and agencies of the United States.

(f) STAFF OF THE COMMISSION.—

(1) APPOINTMENT AND COMPENSATION.—The Chairperson and Vice Chairperson, in accordance with rules agreed upon by the Commission, may appoint and fix the compensation of a staff director and such other personnel as may be necessary to enable the Commission to carry out its functions, without regard to the provisions of title 5, United States Code, governing appointments in the competitive service, and without regard to the provisions of chapter 51 and subchapter III of chapter 53 of such title relating to classification and General Schedule pay rates, except that no rate of pay fixed under this subsection may exceed the equivalent of that payable for a position at level V of the Executive Schedule under section 5316 of title 5, United States Code.

(2) PERSONNEL AS FEDERAL EMPLOYEES.—

(A) IN GENERAL.—The executive director and any personnel of the Commission who are employees shall be employees under section 2105 of title 5, United States Code, for purposes of chapters 63, 81, 83, 84, 85, 87, 89, and 90 of that title.

(B) MEMBERS OF COMMISSION.—Subparagraph (A) shall not be construed to apply to a member of the Commission.

(3) DETAILEES.—Any Federal Government employee may be detailed to the Commission without reimbursement from the Commission, and such detailee shall retain the rights, status, and privileges of his or her regular employment without interruption.

(4) CONSULTANT SERVICES.—The Commission is authorized to procure the services of experts and consultants in accordance with section 3109 of title 5, United States Code, but at rates not to exceed the daily rate paid a person occupying a position at level IV of the Executive Schedule under section 5315 of title 5, United States Code.

(g) COMPENSATION AND TRAVEL EXPENSES.—

(1) COMPENSATION.—Each member of the Commission may be compensated at not to exceed the daily equivalent of the annual rate of basic pay in effect for a position at level IV of the Executive Schedule under section 5315 of title 5, United States Code, for each day during which that member is engaged in the actual performance of the duties of the Commission.

(2) TRAVEL EXPENSES.—While away from their homes or regular places of business in the performance of services for the Commission, members of the Commission shall be allowed travel expenses, including per diem in lieu of subsistence, in the same manner as persons employed intermittently in the Government service are allowed expenses under section 5703(b) of title 5, United States Code.

(h) SECURITY CLEARANCES FOR COMMISSION MEMBERS AND STAFF.—The appropriate departments and agencies of the Government shall cooperate with the Commission in expeditiously providing to the Commission members and staff appropriate security clearances in a manner consistent with existing procedures and requirements, except that no person shall be provided with access to classified information under this section who would not otherwise qualify for such security clearance.

(i) REPORT OF THE COMMISSION.—Not later than 9 months after the date of the first meeting of the Commission, the Commission shall submit to the President and Congress a report containing such findings, conclusions, and recommendations as have been agreed to by a majority of Commission members.

(j) TERMINATION.—

(1) TERMINATION.—The Commission, and all the authorities of this section, shall terminate 60 days after the date on which the report is submitted under subsection (i).

(2) ADMINISTRATIVE ACTIVITIES BEFORE TERMINATION.—The Commission may use the 60-day period referred to in paragraph (1) for the purpose of concluding its activities, including providing testimony to committees of Congress concerning its reports and disseminating the second report.

(k) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Commission to carry out this section $5,000,000, to remain available until expended.

Subtitle D—Strategy for the United States Relationship With Afghanistan, Pakistan, and Saudi Arabia

SEC. 1231. AFGHANISTAN.

(a) AFGHANISTAN FREEDOM SUPPORT ACT OF 2002.—Section 108(a) the Afghanistan Freedom Support Act of 2002 (22 U.S.C. 7518(a)) is amended by striking ''such sums as may be necessary for each of the fiscal years 2005 and 2006'' and inserting ''$2,400,000,000 for fiscal year 2007 and such sums as may be necessary for each of the fiscal years 2008 and 2009''.

(b) OTHER AUTHORIZATIONS OF APPROPRIATIONS FOR FOREIGN RELATIONS ACTIVITIES.—

(1) FISCAL YEAR 2007.—There are authorized to be appropriated to the President for providing assistance for Afghanistan in a manner consistent with the provisions of the Afghanistan Freedom Support Act of 2002 (22 U.S.C. 7501 et seq.) for fiscal year 2007—

(A) for ''International Military Education and Training'', $1,000,000 to carry out the provisions of section 541 of the Foreign Assistance Act of 1961 (22 U.S.C. 2347);

(B) for ''Foreign Military Financing Program'' grants, $444,000,000 to carry out the provisions of section 23 of the Arms Export Control Act (22 U.S.C. 2763); and

(C) for ''Peacekeeping Operations'', $30,000,000 to carry out the provisions of section 551 of the Foreign Assistance Act of 1961 (22 U.S.C. 2348).

(2) FISCAL YEARS 2008 AND 2009.—

(A) AUTHORIZATION OF APPROPRIATION.—There are authorized to be appropriated for each of the purposes described in subparagraphs (A) through (C) of paragraph (1) such sums as may be necessary for each of the fiscal years 2008 and 2009.

(B) SENSE OF CONGRESS.—It is the sense of Congress that the amount appropriated for each purpose described in subparagraphs (A) through (C) of paragraph (1) for each of the fiscal years 2008 and 2009 should be an amount that is equal to 125 percent of the amount appropriated for such purpose during the preceding fiscal year.

(c) AUTHORIZATION OF APPROPRIATIONS FOR OPERATION AND MAINTENANCE, DEFENSE-WIDE.—There are authorized to be appropriated for fiscal year 2007 for the use of the Armed Forces and other activities and agencies of the Department of Defense for expenses, not otherwise provided for, for operation and maintenance, for Defense-wide activities, $20,000,000 for support to provisional reconstruction teams in Afghanistan.

(d) OTHER FUNDS.—Amounts authorized to be appropriated under this section are in addition to amounts otherwise available for such purposes.

SEC. 1232. PAKISTAN.

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

(1) Since September 11, 2001, the Government of Pakistan has been an important partner in helping the United States remove the Taliban regime in Afghanistan and combating international terrorism in the frontier provinces of Pakistan.

(2) There remain a number of critical issues that threaten to disrupt the relationship between the United States and Pakistan, undermine international security, and destabilize Pakistan, including—

(A) curbing the proliferation of nuclear weapons technology;

(B) combating poverty and corruption;

(C) building effective government institutions, especially secular public schools;

(D) promoting democracy and rule of law, particularly at the national level; and

(E) effectively dealing with Islamic extremism.

(b) POLICY.—It is the policy of the United States—

(1) to work with the Government of Pakistan to combat international terrorism, especially in the frontier provinces of Pakistan;

(2) to establish a long-term strategic partnership with the Government of Pakistan to address the issues described in subparagraphs (A) through (E) of subsection (a)(2);

(3) to dramatically increase funding for United States Agency for International Development and Department of State programs that assist Pakistan in addressing such issues, if the Government of Pakistan demonstrates a commitment to building a moderate, democratic state; and

(4) to work with the international community to secure additional financial and political support to effectively implement the policies set forth in this subsection and help to resolve the dispute between the Government of Pakistan and the Government of India over the disputed territory of Kashmir.

(c) STRATEGY ON PAKISTAN.—

(1) REQUIREMENT FOR REPORT ON STRATEGY.—Not later than 90 days after the date of the enactment of this Act, the President shall submit to the appropriate congressional committees a report, in classified form if necessary, that describes the long-term strategy of the United States to engage with the Government of Pakistan to address the issues described in subparagraphs (A) through (E) of subsection (a)(2) in order accomplish the goal of building a moderate, democratic Pakistan.

(2) APPROPRIATE CONGRESSIONAL COMMITTEES DEFINED.—In this subsection the term ''appropriate congressional committees'' means—

(A) the Committees on Appropriations, Armed Services, and Foreign Relations of the Senate; and

(B) the Committees on Appropriations, Armed Services, and International Relations of the House of Representatives.

(d) NUCLEAR PROLIFERATION.—

(1) SENSE OF CONGRESS.—It is the sense of Congress that the national security interest of the United States will best be served if the United States develops and implements a long-term strategy to improve the United States relationship with Pakistan and works with the Government of Pakistan to stop nuclear proliferation.

(2) LIMITATION ON ASSISTANCE TO PAKISTAN.—None of the funds appropriated for a fiscal year to provide military or economic assistance to the Government of Pakistan may be made available for such purpose unless the President submits to Congress for such fiscal year a certification that no military or economic assistance provided by the United States to the Government of Pakistan will be provided, either directly or indirectly, to a person that is opposing or undermining the efforts of the United States Government to halt the proliferation of nuclear weapons.

(e) AUTHORIZATION OF APPROPRIATIONS.—

(1) IN GENERAL.—There are authorized to be appropriated to the President for providing assistance for Pakistan for fiscal year 2007—

(A) for ''Development Assistance'', $50,000,000 to carry out the provisions of section 103, 105, and 106 of the Foreign Assistance Act of 1961 (22 U.S.C. 2151a, 2151c, and 2151d);

(B) for the ''Child Survival and Health Programs Fund'', $35,000,000 to carry out the provisions of sections 104 of the Foreign Assistance Act of 1961 (22 U.S.C. 2151b);

(C) for the ''Economic Support Fund'', $350,000,000 to carry out the provisions of chapter 4 of part II of the Foreign Assistance Act of 1961 (22 U.S.C. 2346 et seq.);

(D) for ''International Narcotics and Law Enforcement'', $50,000,000 to carry out the provisions of section 481 of the Foreign Assistance Act of 1961 (22 U.S.C. 2291);

(E) for ''Nonproliferation, Anti-Terrorism, Demining, and Related Programs'', $10,000,000;

(F) for ''International Military Education and Training'', $2,000,000 to carry out the provisions of section 541 of the Foreign Assistance Act of 1961 (22 U.S.C. 2347); and

(G) for ''Foreign Military Financing Program'', $300,000,000 grants to carry of the provision of section 23 of the Arms Export Control Act (22 U.S.C. 2763).

(2) OTHER FUNDS.—Amounts authorized to be appropriated under this section are in addition to amounts otherwise available for such purposes.

SEC. 1233. SAUDI ARABIA.

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

(1) The Kingdom of Saudi Arabia has an uneven record in the fight against terrorism, especially with respect to terrorist financing, support for radical madrassas, and a lack of political outlets for its citizens, that poses a threat to the security of the United States, the international community, and the Kingdom of Saudi Arabia itself.

(2) The United States has a national security interest in working with the Government of Saudi Arabia to combat international terrorists that operate within that nation or that operate outside Saudi Arabia with the support of citizens of Saudi Arabia.

(3) In order to more effectively combat terrorism, the Government of Saudi Arabia must undertake a number of political and economic reforms, including increasing anti-terrorism operations conducted by law enforcement agencies, providing more political rights to its citizens, increasing the rights of women, engaging in comprehensive educational reform, enhancing monitoring of charitable organizations, promulgating and enforcing domestic laws and regulation on terrorist financing.

(b) POLICY.—It is the policy of the United States—

(1) to engage with the Government of Saudi Arabia to openly confront the issue of terrorism, as well as other problematic issues such as the lack of political freedoms, with the goal of restructuring the relationship on terms that leaders of both nations can publicly support;

(2) to enhance counterterrorism cooperation with the Government of Saudi Arabia, if the political leaders of such Government are committed to making a serious, sustained effort to combat terrorism; and

(3) to support the efforts of the Government of Saudi Arabia to make political, economic, and social reforms throughout the country.

(c) STRATEGY ON SAUDI ARABIA.—

(1) REQUIREMENT FOR REPORT ON STRATEGY.—Not later than 90 days after the date of the enactment of this Act, the President shall submit to the appropriate congressional committees a report, in classified form if necessary, that describes the long-term strategy of the United States—

(A) to engage with the Government of Saudi Arabia to facilitate political, economic, and social reforms that will enhance the ability of the Government of Saudi Arabia to combat international terrorism; and

(B) to effectively prevent the financing of terrorists in Saudi Arabia.

(2) APPROPRIATE CONGRESSIONAL COMMITTEES DEFINED.—In this subsection the term ''appropriate congressional committees'' means—

(A) the Committees on Appropriations, Armed Services, and Foreign Relations of the Senate; and

(B) the Committees on Appropriations, Armed Services, and International Relations of the House of Representatives.

TITLE XIII—PROTECTION FROM TERRORIST ATTACKS THAT UTILIZE NUCLEAR, CHEMICAL, BIOLOGICAL, AND RADIOLOGICAL WEAPONS

Subtitle A—Non-Proliferation Programs

SEC. 1301. REPEAL OF LIMITATIONS TO THREAT REDUCTION ASSISTANCE.

Section 5 of S. 2980 of the 108th Congress (the Nunn-Lugar Cooperative Threat Reduction Act of 2004), as introduced on November 16, 2004, is hereby enacted into law.

SEC. 1302. RUSSIAN TACTICAL NUCLEAR WEAPONS.

(a) REPORT REQUIRED.—Not later than six months after the date of the enactment of this Act, the President shall submit to Congress a report setting forth the following:

(1) An assessment of the number, location, condition, and security of Russian tactical nuclear weapons.

(2) An assessment of the threat that would be posed by the theft of Russian tactical nuclear weapons.

(3) A plan for developing with Russia a cooperative program to secure, consolidate, and, as appropriate, dismantle Russian tactical nuclear weapons.

(b) PROGRAM.—The Secretary of Defense and the Secretary of Energy shall jointly work with Russia to establish a cooperative program, based on the report under subsection (a), to secure, consolidate, and, as appropriate, dismantle Russian tactical nuclear weapons in order to achieve reductions in the total number of Russian tactical nuclear weapons.

(c) AUTHORIZATION OF APPROPRIATIONS.—

(1) DEPARTMENT OF DEFENSE.—There are authorized to be appropriated for the Department of Defense, $25,000,000 to carry out this section.

(2) DEPARTMENT OF ENERGY.—There are authorized to be appropriated for the Department of Energy, $25,000,000 to carry out this section.

SEC. 1303. ADDITIONAL ASSISTANCE TO ACCELERATE NON-PROLIFERATION PROGRAMS.

(a) AUTHORIZATION OF APPROPRIATIONS FOR THE DEPARTMENT OF DEFENSE.—There are authorized to be appropriated to the Department of Defense $105,000,000 for fiscal year 2007 for Cooperative Threat Reduction Activities as follows:

(1) To accelerate security upgrades at nuclear warhead storage sites located in Russia

or another country of the former Soviet Union, $15,000,000.

(2) To accelerate biological weapons proliferation prevention programs in Kazakhstan, Georgia, and Uzbekistan, $15,000,000.

(3) To accelerate destruction of Libyan chemical weapons, materials, and related equipment, $75,000,000.

(b) AUTHORIZATION OF APPROPRIATIONS FOR THE DEPARTMENT OF ENERGY.—There are authorized to be appropriated to the Department of Energy $95,000,000 for fiscal year 2007 for nonproliferation activities of the National Nuclear Security Administration as follows:

(1) To accelerate the Global Threat Reduction Initiative, $20,000,000.

(2) To accelerate security upgrades at nuclear warhead storage sites located in Russia or in another country, $15,000,000.

(3) To accelerate the closure of the plutonium producing reactor at Zheleznogorsk, Russia as part of the program to eliminate weapons grade plutonium production, $25,000,000.

(4) To accelerate completion of comprehensive security upgrades at Russian storage sites for weapons-usable nuclear materials, $15,000,000.

(c) AUTHORIZATION OF APPROPRIATIONS FOR THE DEPARTMENT OF STATE.—

(1) IN GENERAL.—There are authorized to be appropriated to the Department of State $25,000,000 for fiscal year 2007 for nonproliferation activities as follows:

(A) To accelerate engagement of former chemical and biological weapons scientists in Russia and the countries of the former Soviet Union through the Bio-Chem Redirect Program, $15,000,000.

(B) To enhance efforts to combat bioterrorism by transforming the Soviet biological weapons research and production facilities to commercial enterprises through the Bio-Industry Initiative, $10,000,000.

(2) AVAILABILITY OF FUNDS.—The amount authorized to be appropriated by paragraph (1) shall remain available until expended.

SEC. 1304. ADDITIONAL ASSISTANCE TO THE INTERNATIONAL ATOMIC ENERGY AGENCY.

There are authorized to be appropriated to the Department of Energy $20,000,000 to be used to provide technical and other assistance to the International Atomic Energy Agency to support nonproliferation programs. Such amount is in addition to amounts otherwise available for such purpose.

Subtitle B—Border Protection

SEC. 1311. FINDINGS.

Congress makes the following findings:

(1) More than 500,000,000 people cross the borders of the United States at legal points of entry each year, including approximately 330,000,000 people who are not citizens of the United States.

(2) The National Commission on Terrorist Attacks Upon the United States found that 15 of the 19 hijackers involved in the September 11, 2001 terrorist attacks ''were potentially vulnerable to interception by border authorities''.

(3) Officials with the Bureau of Customs and Border Protection and with the Bureau of Immigration and Customs Enforcement have stated that there is a shortage of agents in such Bureaus. Due to an inadequate budget, the Bureau of Immigration and Customs Enforcement has effected a hiring freeze since March 2004, and the Bureau has not made public any plans to end this freeze.

SEC. 1312. HIRING AND TRAINING OF BORDER SECURITY PERSONNEL.

(a) INSPECTORS AND AGENTS.—

(1) INCREASE IN INSPECTORS AND AGENTS.—During each of fiscal years 2007 through 2010, the Secretary of Homeland Security shall—

(A) increase the number of full-time agents and associated support staff in the Bureau of Immigration and Customs Enforcement of the Department of Homeland Security by the equivalent of at least 100 more than the number of such employees in the Bureau as of the end of the preceding fiscal year; and

(B) increase the number of full-time inspectors and associated support staff in the Bureau of Customs and Border Protection by the equivalent of at least 200 more than the number of such employees in the Bureau as of the end of the preceding fiscal year.

(2) WAIVER OF FTE LIMITATION.—The Secretary is authorized to waive any limitation on the number of full-time equivalent personnel assigned to the Department of Homeland Security to fulfill the requirements of paragraph (1).

(b) TRAINING.—The Secretary shall provide appropriate training for agents, inspectors, and associated support staff on an ongoing basis to utilize new technologies and to ensure that the proficiency levels of such personnel are acceptable to protect the borders of the United States.

Subtitle C—First Responders

SEC. 1321. FINDINGS.

Congress makes the following findings:

(1) In a report entitled ''Emergency First Responders: Drastically Underfunded, Dangerously Unprepared'', an independent task force sponsored by the Council on Foreign Relations found that ''America's local emergency responders will always be the first to confront a terrorist incident and will play the central role in managing its immediate consequences. Their efforts in the first minutes and hours following an attack will be critical to saving lives, establishing order, and preventing mass panic. The United States has both a responsibility and a critical need to provide them with the equipment, training, and other resources necessary to do their jobs safely and effectively.''.

(2) The task force further concluded that many state and local emergency responders, including police officers and firefighters, lack the equipment and training needed to respond effectively to a terrorist attack involving weapons of mass destruction.

(3) The Federal Government has a responsibility to ensure that the people of the United States are protected to the greatest possible extent against a terrorist attack, especially an attack that utilizes nuclear, chemical, biological, or radiological weapons, and consequently, the Federal Government has a critical responsibility to address the equipment, training, and other needs of State and local first responders.

SEC. 1322. RESTORATION OF JUSTICE ASSISTANCE FUNDING.

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

(1) State and local police officers, firefighters, and emergency responders play an essential role in the efforts of the United States to prevent terrorist attacks and, if an attack occurred, to address the effects of the attack.

(2) An independent task force has concluded that hundreds of local police offices and firefighting and emergency response units throughout the United States are unprepared for responding to a terrorist attack involving nuclear, chemical, biological, or radiological weapons.

(3) The Edward Byrne Memorial Justice Assistance Grant Program provides critical Federal support for personnel, equipment, training, and technical assistance for the homeland security responsibilities of local law enforcement offices.

(4) The Consolidated Appropriations Act, 2005 (Public Law 108–447) appropriated funding for the Edward Byrne Memorial Justice Assistance Grant Program, a program that resulted from the combination of the Edward Byrne Memorial Grant Program and the Local Law Enforcement Block Grant Program.

(5) Funding for the Edward Byrne Memorial Justice Assistance Grant Program, as provided in the Consolidated Appropriations Act, 2005, has been reduced by nearly 50 percent since fiscal year 2002.

(b) SENSE OF CONGRESS.—It is the sense of Congress that the President should request in the annual budget proposal, and Congress should appropriate, the full amount authorized to be appropriated in subsection (c).

(c) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated for the Edward Byrne Memorial Justice Assistance Grant Program—

(1) for fiscal year 2007, $1,250,000,000;

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

(3) for fiscal year 2009, $1,600,000,000.

SEC. 1323. PROVIDING RELIABLE OFFICERS, TECHNOLOGY, EDUCATION, COMMUNITY PROSECUTORS, AND TRAINING IN OUR NEIGHBORHOOD INITIATIVE.

(a) COPS PROGRAM.—Section 1701(a) of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3796dd(a)) is amended—

(1) by inserting ''and prosecutor'' after ''increase police''; and

(2) by inserting ''to enhance law enforcement access to new technologies, and'' after ''presence,''.

(b) HIRING AND REDEPLOYMENT GRANT PROJECTS.—Section 1701(b) of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3796dd(b)) is amended—

(1) in paragraph (1)—

(A) in subparagraph (B)—

(i) by inserting after ''Nation'' the following: '', or pay overtime to existing career law enforcement officers to the extent that such overtime is devoted to community policing efforts''; and

(ii) by striking ''and'' at the end;

(B) in subparagraph (C)—

(i) by striking ''or pay overtime''; and

(ii) by striking the period at the end and inserting ''; and''; and

(C) by adding at the end the following:

''(D) promote higher education among in-service State and local law enforcement officers by reimbursing them for the costs associated with seeking a college or graduate school education.''; and

(2) in paragraph (2), by striking all that follows ''SUPPORT SYSTEMS.—'' and inserting ''Grants pursuant to—

''(A) paragraph (1)(B) for overtime may not exceed 25 percent of the funds available for grants pursuant to this subsection for any fiscal year;

''(B) paragraph (1)(C) may not exceed 20 percent of the funds available for grants pursuant to this subsection in any fiscal year; and

''(C) paragraph (1)(D) may not exceed 5 percent of the funds available for grants pursuant to this subsection for any fiscal year.''.

(c) ADDITIONAL GRANT PROJECTS.—Section 1701(d) of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3796dd(d)) is amended—

(1) in paragraph (2)—

(A) by inserting ''integrity and ethics'' after ''specialized''; and

(B) by inserting ''and'' after ''enforcement officers'';

(2) in paragraph (7), by inserting ''school officials, religiously-affiliated organizations,'' after ''enforcement officers'';

(3) by striking paragraph (8) and inserting the following:

''(8) establish school-based partnerships between local law enforcement agencies and local school systems, by using school resource officers who operate in and around elementary and secondary schools to serve as a law enforcement liaison with other Federal, State, and local law enforcement and regulatory agencies, combat school-related crime and disorder problems, gang membership and criminal activity, firearms and explosives-related incidents, illegal use and possession of alcohol, and the illegal possession, use, and distribution of drugs;'';

(4) in paragraph (10), by striking ''and'' at the end;

(5) in paragraph (11), by striking the period that appears at the end and inserting ''; and''; and

(6) by adding at the end the following:

''(12) develop and implement innovative programs (such as the TRIAD program) that bring together a community's sheriff, chief of police, and elderly residents to address the public safety concerns of older citizens.''.

(d) TECHNICAL ASSISTANCE.—Section 1701(f) of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3796dd(f)) is amended—

(1) in paragraph (1)—

(A) by inserting ''use up to 5 percent of the funds appropriated under subsection (a) to'' after ''The Attorney General may''; and

(B) by inserting at the end the following: ''In addition, the Attorney General may use up to 5 percent of the funds appropriated under subsections (d), (e), and (f) for technical assistance and training to States, units of local government, Indian tribal governments, and to other public and private entities for those respective purposes.'';

(2) in paragraph (2), by inserting ''under subsection (a)'' after ''the Attorney General''; and

(3) in paragraph (3)—

(A) by striking ''the Attorney General may'' and inserting ''the Attorney General shall'';

(B) by inserting ''regional community policing institutes'' after ''operation of''; and

(C) by inserting ''representatives of police labor and management organizations, community residents,'' after ''supervisors,''.

(e) TECHNOLOGY AND PROSECUTION PROGRAMS.—Section 1701 of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3796dd) is amended—

(1) by striking subsection (k);

(2) by redesignating subsections (f) through (j) as subsections (g) through (k); and

(3) by striking subsection (e) and inserting the following:

''(e) LAW ENFORCEMENT TECHNOLOGY PROGRAM.—Grants made under subsection (a) may be used to assist police departments, in employing professional, scientific, and technological advancements that will help them—

''(1) improve police communications through the use of wireless communications, computers, software, videocams, databases and other hardware and software that allow law enforcement agencies to communicate more effectively across jurisdictional boundaries and effectuate interoperability;

''(2) develop and improve access to crime solving technologies, including DNA analysis, photo enhancement, voice recognition, and other forensic capabilities; and

''(3) promote comprehensive crime analysis by utilizing new techniques and technologies, such as crime mapping, that allow law enforcement agencies to use real-time crime and arrest data and other related information—including non-criminal justice data—to improve their ability to analyze, predict, and respond pro-actively to local crime and disorder problems, as well as to engage in regional crime analysis.

''(f) COMMUNITY-BASED PROSECUTION PROGRAM.—Grants made under subsection (a) may be used to assist State, local or tribal prosecutors' offices in the implementation of community-based prosecution programs that build on local community policing efforts. Funds made available under this subsection may be used to—

''(1) hire additional prosecutors who will be assigned to community prosecution programs, including programs that assign prosecutors to handle cases from specific geographic areas, to address specific violent crime and other local crime problems (including intensive illegal gang, gun and drug enforcement projects and quality of life initiatives), and to address localized violent and other crime problems based on needs identified by local law enforcement agencies, community organizations, and others;

''(2) redeploy existing prosecutors to community prosecution programs as described in paragraph (1) of this section by hiring victim and witness coordinators, paralegals, community outreach, and other such personnel; and

''(3) establish programs to assist local prosecutors' offices in the implementation of programs that help them identify and respond to priority crime problems in a community with specifically tailored solutions.

At least 75 percent of the funds made available under this subsection shall be reserved for grants under paragraphs (1) and (2) and of those amounts no more than 10 percent may be used for grants under paragraph (2) and at least 25 percent of the funds shall be reserved for grants under paragraphs (1) and (2) to units of local government with a population of less than 50,000.''.

(f) RETENTION GRANTS.—Section 1703 of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3796dd–2) is amended by adding at the end the following:

''(d) RETENTION GRANTS.—The Attorney General may use no more than 50 percent of the funds under subsection (a) to award grants targeted specifically for retention of police officers to grantees in good standing, with preference to those that demonstrate financial hardship or severe budget constraint that impacts the entire local budget and may result in the termination of employment for police officers funded under subsection (b)(1).''.

(g) DEFINITIONS.—

(1) CAREER LAW ENFORCEMENT OFFICER.—Section 1709(1) of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3796dd–8) is amended by inserting after ''criminal laws'' the following: ''including sheriffs deputies charged with supervising offenders who are released into the community but also engaged in local community policing efforts.''.

(2) SCHOOL RESOURCE OFFICER.—Section 1709(4) of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3796dd–8) is amended—

(A) by striking subparagraph (A) and inserting the following:

''(A) to serve as a law enforcement liaison with other Federal, State, and local law enforcement and regulatory agencies, to address and document crime and disorder problems including gangs and drug activities, firearms and explosives-related incidents, and the illegal use and possession of alcohol affecting or occurring in or around an elementary or secondary school;'';

(B) by striking subparagraph (E) and inserting the following:

''(E) to train students in conflict resolution, restorative justice, and crime awareness, and to provide assistance to and coordinate with other officers, mental health professionals, and youth counselors who are responsible for the implementation of prevention/intervention programs within the schools;''; and

(C) by adding at the end the following:

''(H) to work with school administrators, members of the local parent teacher associations, community organizers, law enforcement, fire departments, and emergency medical personnel in the creation, review, and implementation of a school violence prevention plan;

''(I) to assist in documenting the full description of all firearms found or taken into custody on school property and to initiate a firearms trace and ballistics examination for each firearm with the local office of the Bureau of Alcohol, Tobacco, and Firearms;

''(J) to document the full description of all explosives or explosive devices found or taken into custody on school property and report to the local office of the Bureau of Alcohol, Tobacco, and Firearms; and

''(K) to assist school administrators with the preparation of the Department of Education, Annual Report on State Implementation of the Gun-Free Schools Act which tracks the number of students expelled per year for bringing a weapon, firearm, or explosive to school.''.

(h) AUTHORIZATION OF APPROPRIATIONS.—Section 1001(a)(11) of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3793(a)(11)) is amended—

(1) by amending subparagraph (A) to read as follows:

''(A) There are authorized to be appropriated to carry out part Q, to remain available until expended—

''(i) $1,150,000,000 for fiscal year 2007;

''(ii) $1,150,000,000 for fiscal year 2008;

''(iii) $1,150,000,000 for fiscal year 2009;

''(iv) $1,150,000,000 for fiscal year 2010;

''(v) $1,150,000,000 for fiscal year 2011; and

''(vi) $1,150,000,000 for fiscal year 2012.''; and

(2) in subparagraph (B)—

(A) by striking ''3 percent'' and inserting ''5 percent'';

(B) by striking ''1701(f)'' and inserting ''1701(g)'';

(C) by striking the second sentence and inserting ''Of the remaining funds, if there is a demand for 50 percent of appropriated hiring funds, as determined by eligible hiring applications from law enforcement agencies having jurisdiction over areas with populations exceeding 150,000, no less than 50 percent shall be allocated for grants pursuant to applications submitted by units of local government or law enforcement agencies having jurisdiction over areas with populations exceeding 150,000 or by public and private entities that serve areas with populations exceeding 150,000, and no less than 50 percent shall be allocated for grants pursuant to applications submitted by units of local government or law enforcement agencies having jurisdiction over areas with populations less than 150,000 or by public and private entities that serve areas with populations less than 150,000.'';

(D) by striking ''85 percent'' and inserting ''$600,000,000''; and

(E) by striking ''1701(b),'' and all that follows through ''of part Q'' and inserting the following: ''1701 (b) and (c), $350,000,000 to grants for the purposes specified in section 1701(e), and $200,000,000 to grants for the purposes specified in section 1701(f).''.

TITLE XIV—PROTECTING TAXPAYERS

SEC. 1401. REPORTS ON METRICS FOR MEASURING SUCCESS IN GLOBAL WAR ON TERRORISM.

(a) REQUIREMENT FOR REPORTS.—The Comptroller General of the United States shall submit to Congress reports on the metrics for use in tracking and measuring acts of global terrorism, international

counterterrorism efforts, and the success of United States counterterrorism policies and practices including specific, replicable definitions, criteria, and standards of measurement to be used for the following:

(1) Counting and categorizing acts of international terrorism.

(2) Monitoring counterterrorism efforts of foreign governments.

(3) Monitoring financial support provided to terrorist groups.

(4) Assessing the success of United States counterterrorism policies and practices.

(b) SCHEDULE OF REPORTS.—The Comptroller General shall submit to Congress an initial report under subsection (a) not later than 1 year after the date of the enactment of this Act and a second report not later than 1 year after the date on which the initial report is submitted.

SEC. 1402. PROHIBITION ON PROFITEERING.

(a) PROHIBITION.—

(1) IN GENERAL.—Chapter 47 of title 18, United States Code, is amended by adding at the end the following:

''§ 1039. War profiteering and fraud relating to military action, relief, and reconstruction efforts

''(a) PROHIBITION.—

''(1) IN GENERAL.—Whoever, in any matter involving a contract or the provision of goods or services, directly or indirectly, in connection with a war, military action, or relief or reconstruction activities within the jurisdiction of the United States Government, knowingly and willfully—

''(A)(i) executes or attempts to execute a scheme or artifice to defraud the United States; or

''(ii) materially overvalues any good or service with the specific intent to defraud and excessively profit from the war, military action, or relief or reconstruction activities;

shall be fined under paragraph (2), imprisoned not more than 20 years, or both; or

''(B)(i) falsifies, conceals, or covers up by any trick, scheme, or device a material fact;

''(ii) makes any materially false, fictitious, or fraudulent statements or representations; or

''(iii) makes or uses any materially false writing or document knowing the same to contain any materially false, fictitious or fraudulent statement or entry;

shall be fined under paragraph (2) imprisoned not more than 10 years, or both.

''(2) FINE.—A person convicted of an offense under paragraph (1) may be fined the greater of—

''(A) $1,000,000; or

''(B) if such person derives profits or other proceeds from the offense, not more than twice the gross profits or other proceeds.

''(b) EXTRATERRITORIAL JURISDICTION.—There is extraterritorial Federal jurisdiction over an offense under this section.

''(c) VENUE.—A prosecution for an offense under this section may be brought—

''(1) as authorized by chapter 211 of this title;

''(2) in any district where any act in furtherance of the offense took place; or

''(3) in any district where any party to the contract or provider of goods or services is located.''.

(2) TABLE OF SECTIONS.—The table of sections for chapter 47 of title 18, United States Code, is amended by adding at the end the following:

''1039. War profiteering and fraud relating to military action, relief, and reconstruction efforts.''.

(b) CIVIL FORFEITURE.—Section 981(a)(1)(C) of title 18, United States Code, is amended by inserting ''1039,'' after ''1032,''.

(c) CRIMINAL FORFEITURE.—Section 982(a)(2)(B) of title 18, United States Code, is amended by striking ''or 1030'' and inserting ''1030, or 1039''.

(d) RICO.—Section 1956(c)(7)(D) of title 18, United States Code, is amended by inserting the following: '', section 1039 (relating to war profiteering and fraud relating to military action, relief, and reconstruction efforts)'' after ''liquidating agent of financial institution),''.

TITLE XV—OTHER MATTERS

SEC. 1501. SENSE OF CONGRESS ON MILITARY COMMISSIONS FOR THE TRIAL OF PERSONS DETAINED IN THE GLOBAL WAR ON TERRORISM.

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

(1) The Constitution of the United States grants to Congress the power ''To define and punish . . . Offenses against the Law of Nations'', as well as the power ''To declare War . . . To raise and support Armies . . . [and] To provide and maintain a Navy.''.

(2) On November 13, 2001, the President issued a military order establishing military commissions to try individuals detained in the global war on terrorism.

(3) On June 29, 2006, the Supreme Court held in *Hamdan v. Rumsfeld* (126 S. Ct. 2749 (2006)) that—

(A) the authority to establish military commissions ''can derive only from the powers granted jointly to the President and Congress in time of war'';

(B) the military commission established by the President to try Hamdan ''lacks the power to proceed'' because the procedures governing the commission departed impermissibly from the procedures governing courts martial and the requirements of Common Article 3 of the Geneva Conventions; and

(C) procedures governing military commissions may depart from the procedures governing courts martial ''only if some practical need explains deviations from court-martial practice''.

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

(1) aliens detained by the United States who are alleged to have violated the law of war should be tried for their offenses;

(2) it is in the national interest for Congress to exercise its authority under the Constitution to enact legislation authorizing and regulating the use of military commissions to try and punish offenders against the law of war;

(3) procedures established by Congress for the use of military commissions should be consistent with the decision of the Supreme Court in *Hamdan v. Rumsfeld*;

(4) in drafting legislation for the use of military commissions, the Committees on Armed Services of the Senate and the House of Representatives should take into account the views of professional military lawyers who have experience in prosecuting, defending, and judging cases under chapter 47 of title 10, United States Code (the Uniform Code of Military Justice);

(5) the Committee on Armed Services of the Senate is drafting a bipartisan proposal on military commissions that reflects the views of senior military lawyers, and this process must be allowed to move forward; and

(6) as the Judge Advocate General of the Navy explained in testimony before the Committee on Armed Services of the Senate on July 13, 2006, ''[w]e need to think in terms of the long view, and to always put our own sailors, soldiers, Marines, and airmen in the place of an accused when we're drafting these rules to ensure that these rules are acceptable when we have someone in a future war who faces similar rules''.

DIVISION C—INTELLIGENCE AUTHORIZATIONS

SEC. 2001. SHORT TITLE.

This division may be cited as the ''Intelligence Authorization Act for Fiscal Year 2007''.

TITLE XXI—INTELLIGENCE ACTIVITIES

SEC. 2101. AUTHORIZATION OF APPROPRIATIONS.

Funds are hereby authorized to be appropriated for fiscal year 2007 for the conduct of the intelligence and intelligence-related activities of the following elements of the United States Government:

(1) The Office of the Director of National Intelligence.

(2) The Central Intelligence Agency.

(3) The Department of Defense.

(4) The Defense Intelligence Agency.

(5) The National Security Agency.

(6) The Department of the Army, the Department of the Navy, and the Department of the Air Force.

(7) The Department of State.

(8) The Department of the Treasury.

(9) The Department of Energy.

(10) The Department of Justice.

(11) The Federal Bureau of Investigation.

(12) The National Reconnaissance Office.

(13) The National Geospatial-Intelligence Agency.

(14) The Coast Guard.

(15) The Department of Homeland Security.

(16) The Drug Enforcement Administration.

SEC. 2102. CLASSIFIED SCHEDULE OF AUTHORIZATIONS.

(a) SPECIFICATIONS OF AMOUNTS AND PERSONNEL CEILINGS.—The amounts authorized to be appropriated under section 2101, and the authorized personnel ceilings as of September 30, 2007, for the conduct of the intelligence and intelligence-related activities of the elements listed in such section, are those specified in the classified Schedule of Authorizations prepared to accompany the conference report on the bill _____ of the One Hundred Ninth Congress and in the Classified Annex to such report as incorporated in this division under section 2103.

(b) AVAILABILITY OF CLASSIFIED SCHEDULE OF AUTHORIZATIONS.—The Schedule of Authorizations shall be made available to the Committees on Appropriations of the Senate and House of Representatives and to the President. The President shall provide for suitable distribution of the Schedule, or of appropriate portions of the Schedule, within the executive branch.

SEC. 2103. INCORPORATION OF CLASSIFIED ANNEX.

(a) STATUS OF CLASSIFIED ANNEX.—The Classified Annex prepared by the Select Committee on Intelligence of the Senate to accompany its report on the bill S. ____ of the One Hundred Ninth Congress and transmitted to the President is hereby incorporated into this division.

(b) CONSTRUCTION WITH OTHER PROVISIONS OF DIVISION.—Unless otherwise specifically stated, the amounts specified in the Classified Annex are not in addition to amounts authorized to be appropriated by other provisions of this division.

(c) LIMITATION ON USE OF FUNDS.—Funds appropriated pursuant to an authorization contained in this division that are made available for a program, project, or activity referred to in the Classified Annex may only be expended for such program, project, or activity in accordance with such terms, conditions, limitations, restrictions, and requirements as are set out for that program, project, or activity in the Classified Annex.

(d) DISTRIBUTION OF CLASSIFIED ANNEX.—The President shall provide for appropriate

distribution of the Classified Annex, or of appropriate portions of the annex, within the executive branch of the Government.

SEC. 2104. PERSONNEL CEILING ADJUSTMENTS.

(a) AUTHORITY FOR ADJUSTMENTS.—With the approval of the Director of the Office of Management and Budget, the Director of National Intelligence may authorize employment of civilian personnel in excess of the number authorized for fiscal year 2007 under section 2102 when the Director of National Intelligence determines that such action is necessary to the performance of important intelligence functions, except that the number of personnel employed in excess of the number authorized under such section may not, for any element of the intelligence community, exceed 2 percent of the number of civilian personnel authorized under such section for such element.

(b) NOTICE TO INTELLIGENCE COMMITTEES.—The Director of National Intelligence shall promptly notify the Select Committee on Intelligence of the Senate and the Permanent Select Committee on Intelligence of the House of Representatives whenever the Director exercises the authority granted by this section.

SEC. 2105. INTELLIGENCE COMMUNITY MANAGEMENT ACCOUNT.

(a) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated for the Intelligence Community Management Account of the Director of National Intelligence for fiscal year 2007 the sum of $648,952,000. Within such amount, funds identified in the classified Schedule of Authorizations referred to in section 2102(a) for advanced research and development shall remain available until September 30, 2008.

(b) AUTHORIZED PERSONNEL LEVELS.—The elements within the Intelligence Community Management Account of the Director of National Intelligence are authorized 1,575 full-time personnel as of September 30, 2007. Personnel serving in such elements may be permanent employees of the Intelligence Community Management Account or personnel detailed from other elements of the United States Government.

(c) CLASSIFIED AUTHORIZATIONS.—

(1) AUTHORIZATION OF APPROPRIATIONS.—In addition to amounts authorized to be appropriated for the Intelligence Community Management Account by subsection (a), there are also authorized to be appropriated for the Intelligence Community Management Account for fiscal year 2007 such additional amounts as are specified in the classified Schedule of Authorizations referred to in section 2102(a). Such additional amounts for research and development shall remain available until September 30, 2008.

(2) AUTHORIZATION OF PERSONNEL.—In addition to the personnel authorized by subsection (b) for elements of the Intelligence Community Management Account as of September 30, 2007, there are also authorized such additional personnel for such elements as of that date as are specified in the classified Schedule of Authorizations.

(d) REIMBURSEMENT.—Except as provided in section 113 of the National Security Act of 1947 (50 U.S.C. 404h), during fiscal year 2007 any officer or employee of the United States or a member of the Armed Forces who is detailed to the staff of the Intelligence Community Management Account from another element of the United States Government shall be detailed on a reimbursable basis, except that any such officer, employee, or member may be detailed on a nonreimbursable basis for a period of less than one year for the performance of temporary functions as required by the Director of National Intelligence.

SEC. 2106. INCORPORATION OF REPORTING REQUIREMENTS.

(a) IN GENERAL.—Each requirement to submit a report to the congressional intelligence committees that is included in the joint explanatory statement to accompany the conference report on the bill _____ of the One Hundred Ninth Congress, or in the classified annex to this division, is hereby incorporated into this division, and is hereby made a requirement in law.

(b) CONGRESSIONAL INTELLIGENCE COMMITTEES DEFINED.—In this section, the term ''congressional intelligence committees'' means—

(1) the Select Committee on Intelligence of the Senate; and

(2) the Permanent Select Committee on Intelligence of the House of Representatives.

SEC. 2107. AVAILABILITY TO PUBLIC OF CERTAIN INTELLIGENCE FUNDING INFORMATION.

(a) AMOUNTS REQUESTED EACH FISCAL YEAR.—The President shall disclose to the public for each fiscal year after fiscal year 2007 the aggregate amount of appropriations requested in the budget of the President for such fiscal year for the National Intelligence Program.

(b) AMOUNTS AUTHORIZED AND APPROPRIATED EACH FISCAL YEAR.—Congress shall disclose to the public for each fiscal year after fiscal year 2006 the aggregate amount of funds authorized to be appropriated, and the aggregate amount of funds appropriated, by Congress for such fiscal year for the National Intelligence Program.

(c) STUDY ON DISCLOSURE OF ADDITIONAL INFORMATION.—

(1) IN GENERAL.—The Director of National Intelligence shall conduct a study to assess the advisability of disclosing to the public amounts as follows:

(A) The aggregate amount of appropriations requested in the budget of the President for each fiscal year for each element of the intelligence community.

(B) The aggregate amount of funds authorized to be appropriated, and the aggregate amount of funds appropriated, by Congress for each fiscal year for each element of the intelligence community.

(2) REQUIREMENTS.—The study required by paragraph (1) shall—

(A) address whether or not the disclosure to the public of the information referred to in that paragraph would harm the national security of the United States; and

(B) take into specific account concerns relating to the disclosure of such information for each element of the intelligence community.

(3) REPORT.—Not later than 180 days after the date of the enactment of this Act, the Director shall submit to Congress a report on the study required by paragraph (1).

SEC. 2108. RESPONSE OF INTELLIGENCE COMMUNITY TO REQUESTS FROM CONGRESS FOR INTELLIGENCE DOCUMENTS AND INFORMATION.

(a) IN GENERAL.—Title V of the National Security Act of 1947 (50 U.S.C. 413 et seq.) is amended by adding at the end the following new section:

''RESPONSE OF INTELLIGENCE COMMUNITY TO REQUESTS FROM CONGRESS FOR INTELLIGENCE DOCUMENTS AND INFORMATION

''SEC. 508. (a) REQUESTS OF COMMITTEES.—The Director of National Intelligence, the Director of the National Counterterrorism Center, the Director of a national intelligence center, or the head of any other department, agency, or element of the Federal Government, or other organization within the Executive branch, that is an element of the intelligence community shall, not later than 15 days after receiving a request for any intelligence assessment, report, estimate, legal opinion, or other intelligence information from the Select Committee on Intelligence of the Senate, the Permanent Select Committee on Intelligence of the House of Representatives, or any other committee of Congress with jurisdiction over the subject matter to which information in such assessment, report, estimate, legal opinion, or other information relates, make available to such committee such assessment, report, estimate, legal opinion, or other information, as the case may be.

''(b) REQUESTS OF CERTAIN MEMBERS.—(1) The Director of National Intelligence, the Director of the National Counterterrorism Center, the Director of a national intelligence center, or the head of any other department, agency, or element of the Federal Government, or other organization within the Executive branch, that is an element of the intelligence community shall respond, in the time specified in subsection (a), to a request described in that subsection from the Chairman or Vice Chairman of the Select Committee on Intelligence of the Senate or the Chairman or Ranking Member of the Permanent Select Committee on Intelligence of the House of Representatives.

''(2) Upon making a request covered by paragraph (1)—

''(A) the Chairman or Vice Chairman, as the case may be, of the Select Committee on Intelligence of the Senate shall notify the other of the Chairman or Vice Chairman of such request; and

''(B) the Chairman or Ranking Member, as the case may be, of the Permanent Select Committee on Intelligence of the House of Representatives shall notify the other of the Chairman or Ranking Member of such request.

''(c) ASSERTION OF PRIVILEGE.—In response to a request covered by subsection (a) or (b), the Director of National Intelligence, the Director of the National Counterterrorism Center, the Director of a national intelligence center, or the head of any other department, agency, or element of the Federal Government, or other organization within the Executive branch, that is an element of the intelligence community shall provide the document or information covered by such request unless the President certifies that such document or information is not being provided because the President is asserting a privilege pursuant to the Constitution of the United States.''.

(b) CLERICAL AMENDMENT.—The table of contents in the first section of that Act is amended by inserting after the item relating to section 507 the following new item:

''Sec. 508. Response of intelligence community to requests from Congress for intelligence documents and information.''.

TITLE XXII—CENTRAL INTELLIGENCE AGENCY RETIREMENT AND DISABILITY SYSTEM

SEC. 2201. AUTHORIZATION OF APPROPRIATIONS.

There is authorized to be appropriated for the Central Intelligence Agency Retirement and Disability Fund for fiscal year 2007 the sum of $256,400,000.

TITLE XXIII—INTELLIGENCE AND GENERAL INTELLIGENCE COMMUNITY MATTERS

SEC. 2301. INCREASE IN EMPLOYEE COMPENSATION AND BENEFITS AUTHORIZED BY LAW.

Appropriations authorized by this division for salary, pay, retirement, and other benefits for Federal employees may be increased by such additional or supplemental amounts as may be necessary for increases in such compensation or benefits authorized by law.

SEC. 2302. RESTRICTION ON CONDUCT OF INTELLIGENCE ACTIVITIES.

The authorization of appropriations by this division shall not be deemed to constitute authority for the conduct of any intelligence activity which is not otherwise authorized by the Constitution or the laws of the United States.

SEC. 2303. CLARIFICATION OF DEFINITION OF INTELLIGENCE COMMUNITY UNDER THE NATIONAL SECURITY ACT OF 1947.

Subparagraph (L) of section 3(4) of the National Security Act of 1947 (50 U.S.C. 401a(4)) is amended by striking ''other'' the second place it appears.

SEC. 2304. IMPROVEMENT OF NOTIFICATION OF CONGRESS REGARDING INTELLIGENCE ACTIVITIES OF THE UNITED STATES GOVERNMENT.

(a) CLARIFICATION OF DEFINITION OF CONGRESSIONAL INTELLIGENCE COMMITTEES TO INCLUDE ALL MEMBERS OF COMMITTEES.—Section 3(7) of the National Security Act of 1947 (50 U.S.C. 401a(7)) is amended—

(1) in subparagraph (A), by inserting '', and includes each member of the Select Committee'' before the semicolon; and

(2) in subparagraph (B), by inserting '', and includes each member of the Permanent Select Committee'' before the period.

(b) NOTICE ON INFORMATION NOT DISCLOSED.—

(1) IN GENERAL.—Section 502 of such Act (50 U.S.C. 413a) is amended—

(A) by redesignating subsections (b) and (c) as subsections (c) and (d), respectively; and

(B) by inserting after subsection (a) the following new subsection (b):

''(b) NOTICE ON INFORMATION NOT DISCLOSED.—(1) If the Director of National Intelligence or the head of a department, agency, or other entity of the United States Government does not provide information required by subsection (a) in full or to all the members of the congressional intelligence committees and requests that such information not be provided in full or to all members of the congressional intelligence committees, the Director shall, in a timely fashion—

''(A) notify all the members of such committees of the determination not to provide such information in full or to all members of such committees, as the case may be, including a statement of the reasons for such determination; and

''(B) submit, in writing, to all the members of such committees a summary of the intelligence activities covered by such determination that provides sufficient information to permit such members to assess the legality, benefits, costs, and advisability of such activities.

''(2) Nothing in this subsection shall be construed as authorizing less than full and current disclosure to all the members of the Select Committee on Intelligence of the Senate and the Permanent Select Committee on Intelligence of the House of Representatives of any information necessary to keep all the members of such committees fully and currently informed on all intelligence activities covered by this section.''.

(2) CONFORMING AMENDMENT.—Subsection (d) of such section, as redesignated by paragraph (1)(A) of this subsection, is amended by striking ''subsection (b)'' and inserting ''subsections (b) and (c)''.

(c) REPORTS AND NOTICE ON COVERT ACTIONS.—

(1) FORM AND CONTENT OF CERTAIN REPORTS.—Subsection (b) of section 503 of such Act (50 U.S.C. 413b) is amended—

(A) by redesignating paragraphs (1) and (2) as subparagraphs (A) and (B), respectively;

(B) by inserting ''(1)'' after ''(b)''; and

(C) by adding at the end the following new paragraph:

''(2) Any report relating to a covert action that is submitted to the congressional intelligence committees for the purposes of paragraph (1) shall be in writing, and shall contain the following:

''(A) A concise statement of any facts pertinent to such report.

''(B) An explanation of the significance of the covert action covered by such report.''.

(2) NOTICE ON INFORMATION NOT DISCLOSED.—Subsection (c) of such section is amended by adding at the end the following new paragraph:

''(5) If the Director of National Intelligence or the head of a department, agency, or other entity of the United States Government does not provide information required by subsection (b)(2) in full or to all the members of the congressional intelligence committees, and requests that such information not be provided in full or to all members of the congressional intelligence committees, for the reason specified in paragraph (2), the Director shall, in a timely fashion—

''(A) notify all the members of such committees of the determination not to provide such information in full or to all members of such committees, as the case may be, including a statement of the reasons for such determination; and

''(B) submit, in writing, to all the members of such committees a summary of the covert action covered by such determination that provides sufficient information to permit such members to assess the legality, benefits, costs, and advisability of such covert action.''.

(3) MODIFICATION OF NATURE OF CHANGE OF COVERT ACTION TRIGGERING NOTICE REQUIREMENTS.—Subsection (d) of such section is amended by striking ''significant'' the first place it appears.

SEC. 2305. DELEGATION OF AUTHORITY FOR TRAVEL ON COMMON CARRIERS FOR INTELLIGENCE COLLECTION PERSONNEL.

(a) DELEGATION OF AUTHORITY.—Section 116(b) of the National Security Act of 1947 (50 U.S.C. 404k(b)) is amended—

(1) by inserting ''(1)'' before ''The Director'';

(2) in paragraph (1), by striking ''may only delegate'' and all that follows and inserting ''may delegate the authority in subsection (a) to the head of any other element of the intelligence community.''; and

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

''(2) The head of an element of the intelligence community to whom the authority in subsection (a) is delegated pursuant to paragraph (1) may further delegate such authority to such senior officials of such element as are specified in guidelines prescribed by the Director of National Intelligence for purposes of this paragraph.''.

(b) SUBMITTAL OF GUIDELINES TO CONGRESS.—Not later than six months after the date of the enactment of this Act, the Director of National Intelligence shall prescribe and submit to the congressional intelligence committees the guidelines referred to in paragraph (2) of section 116(b) of the National Security Act of 1947, as added by subsection (a).

(c) CONGRESSIONAL INTELLIGENCE COMMITTEES DEFINED.—In this section, the term ''congressional intelligence committees'' means—

(1) the Select Committee on Intelligence of the Senate; and

(2) the Permanent Select Committee on Intelligence of the House of Representatives.

SEC. 2306. MODIFICATION OF AVAILABILITY OF FUNDS FOR DIFFERENT INTELLIGENCE ACTIVITIES.

Subparagraph (B) of section 504(a)(3) of the National Security Act of 1947 (50 U.S.C. 414(a)(3)) is amended to read as follows:

''(B) the use of such funds for such activity supports an emergent need, improves program effectiveness, or increases efficiency; and''.

SEC. 2307. ADDITIONAL LIMITATION ON AVAILABILITY OF FUNDS FOR INTELLIGENCE AND INTELLIGENCE-RELATED ACTIVITIES.

Section 504 of the National Security Act of 1947 (50 U.S.C. 414) is amended—

(1) in subsection (a), by inserting ''the congressional intelligence committees have been fully and currently informed of such activity and if'' after ''only if'';

(2) by redesignating subsections (b), (c), (d), and (e) as subsections (c), (d), (e), and (f), respectively; and

(3) by inserting after subsection (a) the following new subsection (b):

''(b) In any case in which notice to the congressional intelligence committees on an intelligence or intelligence-related activity is covered by section 502(b), or in which notice to the congressional intelligence committees on a covert action is covered by section 503(c)(5), the congressional intelligence committees shall be treated as being fully and currently informed on such activity or covert action, as the case may be, for purposes of subsection (a) if the requirements of such section 502(b) or 503(c)(5), as applicable, have been met.''.

SEC. 2308. INCREASE IN PENALTIES FOR DISCLOSURE OF UNDERCOVER INTELLIGENCE OFFICERS AND AGENTS.

(a) DISCLOSURE OF AGENT AFTER ACCESS TO INFORMATION IDENTIFYING AGENT.—Subsection (a) of section 601 of the National Security Act of 1947 (50 U.S.C. 421) is amended by striking ''ten years'' and inserting ''15 years''.

(b) DISCLOSURE OF AGENT AFTER ACCESS TO CLASSIFIED INFORMATION.—Subsection (b) of such section is amended by striking ''five years'' and inserting ''ten years''.

SEC. 2309. RETENTION AND USE OF AMOUNTS PAID AS DEBTS TO ELEMENTS OF THE INTELLIGENCE COMMUNITY.

(a) IN GENERAL.—Title XI of the National Security Act of 1947 (50 U.S.C. 442 et seq.) is amended by adding at the end the following new section:

''RETENTION AND USE OF AMOUNTS PAID AS DEBTS TO ELEMENTS OF THE INTELLIGENCE COMMUNITY

''SEC. 1103. (a) AUTHORITY TO RETAIN AMOUNTS PAID.—Notwithstanding section 3302 of title 31, United States Code, or any other provision of law, the head of an element of the intelligence community may retain amounts paid or reimbursed to the United States, including amounts paid by an employee of the Federal Government from personal funds, for repayment of a debt owed to the element of the intelligence community.

''(b) CREDITING OF AMOUNTS RETAINED.—(1) Amounts retained under subsection (a) shall be credited to the current appropriation or account from which such funds were derived or whose expenditure formed the basis for the underlying activity from which the debt concerned arose.

''(2) Amounts credited to an appropriation or account under paragraph (1) shall be merged with amounts in such appropriation or account, and shall be available in accordance with subsection (c).

''(c) AVAILABILITY OF AMOUNTS.—Amounts credited to an appropriation or account under subsection (b) with respect to a debt owed to an element of the intelligence community shall be available to the head of such element, for such time as is applicable to amounts in such appropriation or account, or such longer time as may be provided by law, for purposes as follows:

''(1) In the case of a debt arising from lost or damaged property of such element, the repair of such property or the replacement of such property with alternative property that will perform the same or similar functions as such property.

''(2) The funding of any other activities authorized to be funded by such appropriation or account.

''(d) DEBT OWED TO AN ELEMENT OF THE INTELLIGENCE COMMUNITY DEFINED.—In this section, the term 'debt owed to an element of the intelligence community' means any of the following:

''(1) A debt owed to an element of the intelligence community by an employee or former employee of such element for the negligent or willful loss of or damage to property of such element that was procured by such element using appropriated funds.

''(2) A debt owed to an element of the intelligence community by an employee or former employee of such element as repayment for default on the terms and conditions associated with a scholarship, fellowship, or other educational assistance provided to such individual by such element, whether in exchange for future services or otherwise, using appropriated funds.

''(3) Any other debt or repayment owed to an element of the intelligence community by a private person or entity by reason of the negligent or willful action of such person or entity, as determined by a court of competent jurisdiction or in a lawful administrative proceeding.''.

(b) CLERICAL AMENDMENT.—The table of contents in the first section of that Act is amended by adding at the end the following new item:

''Sec. 1103. Retention and use of amounts paid as debts to elements of the intelligence community.''.

SEC. 2310. PILOT PROGRAM ON DISCLOSURE OF RECORDS UNDER THE PRIVACY ACT RELATING TO CERTAIN INTELLIGENCE ACTIVITIES.

(a) IN GENERAL.—Subsection (b) of section 552a of title 5, United States Code, is amended—

(1) in paragraph (11), by striking ''or'' at the end;

(2) in paragraph (12), by striking the period and inserting ''; or''; and

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

''(13) to an element of the intelligence community set forth in or designated under section 3(4) of the National Security Act of 1947 (50 U.S.C. 401a(4))—

''(A) by another element of the intelligence community that maintains the record, if the record is relevant to a lawful and authorized foreign intelligence or counterintelligence activity conducted by the receiving element of the intelligence community and pertains to an identifiable individual or, upon the authorization of the Director of National Intelligence (or a designee of the Director in a position not lower than Deputy Director of National Intelligence), other than an identifiable individual; or

''(B) by any other agency that maintains the record, if—

''(i) the head of the element of the intelligence community makes a written request to that agency specifying the particular portion of the record that is relevant to a lawful and authorized activity of the element of the intelligence community to protect against international terrorism or the proliferation of weapons of mass destruction; or

''(ii) the head of that agency determines that—

''(I) the record, or particular portion thereof, constitutes terrorism information (as that term is defined in section 1016(a)(4) of the National Security Intelligence Reform Act of 2004 (title I of Public Law 108–458)) or information concerning the proliferation of weapons of mass destruction; and

''(II) the disclosure of the record, or particular portion thereof, will be to an element of the intelligence community authorized to collect and analyze foreign intelligence or counterintelligence information related to international terrorism or the proliferation of weapons of mass destruction.''.

(b) EXEMPTION FROM CERTAIN PRIVACY ACT REQUIREMENTS FOR RECORD ACCESS AND ACCOUNTING FOR DISCLOSURES.—Elements of the intelligence community set forth in or designated under section 3(4) of the National Security Act of 1947 (50 U.S.C. 401a(4)) receiving a disclosure under subsection (b)(13) of section 552a of title 5, United States Code, shall not be required to comply with subsection (c)(3), (c)(4), or (d) of such section 552a with respect to such disclosure, or the records, or portions thereof, disclosed under subsection (b)(13) of such section 552a.

(c) CONSULTATION ON DETERMINATIONS OF INFORMATION TYPE.—Such section is further amended by adding at the end the following new subsection:

''(w) AUTHORITY TO CONSULT ON DETERMINATIONS OF INFORMATION TYPE.—When determining for purposes of subsection (b)(13)(B)(ii) whether a record constitutes terrorism information (as that term is defined in section 1016(a)(4)) of the National Security Intelligence Reform Act of 2004 (title I of Public Law 108–458; 118 Stat. 3665)) or information concerning the proliferation of weapons of mass destruction, the head of an agency may consult with the Director of National Intelligence or the Attorney General.''.

(d) CONSTRUCTION.—Nothing in the amendments made by this section shall be deemed to constitute authority for the receipt, collection, or retention of information unless the receipt, collection, or retention of such information by the element of the intelligence community concerned is otherwise authorized by the Constitution, laws, or Executive orders of the United States.

(e) RECORDKEEPING REQUIREMENTS.—

(1) RETENTION OF REQUESTS.—Any request made by the head of an element of the intelligence community to another department or agency of the Federal Government under paragraph (13)(B)(i) of section 552a(b) of title 5, United States Code (as added by subsection (a)), shall be retained by such element of the intelligence community in a manner consistent with the protection of intelligence sources and methods. Any request so retained should be accompanied by an explanation that supports the assertion of the element of the intelligence community requesting the record that the information was, at the time of request, relevant to a lawful and authorized activity to protect against international terrorism or the proliferation of weapons of mass destruction.

(2) ACCESS TO RETAINED REQUESTS.—An element of the intelligence community retaining a request, and any accompanying explanation, under paragraph (1) shall, consistent with the protection of intelligence sources and methods, provide access to such request, and any accompanying explanation, to the following:

(A) The head of the department or agency of the Federal Government receiving such request, or the designee of the head of such department or agency, if—

(i) the access of such official to such request, and any accompanying explanation, is consistent with the protection of intelligence sources and methods;

(ii) such official is appropriately cleared for access to such request, and any accompanying explanation; and

(iii) the access of such official to such request, and any accompanying explanation, is necessary for the performance of the duties of such official.

(B) The Select Committee on Intelligence of the Senate or the Permanent Select Committee on Intelligence of the House of Representatives.

(C) The Inspector General of any element of the intelligence community having jurisdiction over the matter.

(f) REPORTS.—

(1) ANNUAL REPORTS.—Not later than one year after the date of the enactment of this Act, and annually thereafter through the termination of this section and the amendments made by this section under subsection (j), the Director of National Intelligence and the Attorney General, in coordination with the Privacy and Civil Liberties Oversight Board, shall jointly submit to the appropriate committees of Congress a report on the administration of this section and the amendments made by this section.

(2) FINAL REPORT.—Not later than six months before the date specified in subsection (j), the Director of National Intelligence and the Attorney General, in coordination with the Privacy and Civil Liberties Oversight Board, shall jointly submit to the appropriate committees of Congress a report on administration of this section and the amendments made by this section. The report shall include the recommendations of the Director and the Attorney General, as they consider appropriate, regarding the continuation in effect of such amendments after such date.

(3) REVIEW AND REPORT BY PRIVACY AND CIVIL LIBERTIES OVERSIGHT BOARD.—Not later than six months before the date specified in subsection (j), the Privacy and Civil Liberties Oversight Board shall—

(A) review the administration of the amendments made by this section; and

(B) in a manner consistent with section 1061(c)(1) of the National Security Intelligence Reform Act of 2004 (title I of Public Law 108–458; 118 Stat. 3684; 5 U.S.C. 601 note), submit to the appropriate committees of Congress a report providing such advice and counsel on the administration of this section and the amendments made by this section as the Board considers appropriate.

(4) FORM OF REPORTS.—Each report under this subsection shall, to the maximum extent practicable, be submitted in unclassified form. Any classified annex included with such a report shall be submitted to the Select Committee on Intelligence of the Senate and the Permanent Select Committee on Intelligence of the House of Representatives.

(g) GUIDELINES.—

(1) IN GENERAL.—Not later than six months after the date of the enactment of this Act, the Attorney General and the Director of National Intelligence shall, in consultation with the Secretary of Defense and other appropriate officials, jointly prescribe guidelines governing the implementation and exercise of the authorities provided in this section and the amendments made by this section.

(2) ELEMENTS.—The guidelines prescribed under paragraph (1) shall—

(A) ensure that the authorities provided under paragraph (13) of section 552a(b) of title 5, United States Code (as added by subsection (a)), are implemented in a manner that protects the rights under the Constitution of United States persons;

(B) direct that all applicable policies and procedures governing the receipt, collection, retention, analysis, and dissemination of foreign intelligence information concerning United States persons are appropriately followed; and

(C) provide that the authorities provided under paragraph (13) of section 552a(b) of title 5, United States Code (as so added), are

implemented in a manner consistent with existing laws, regulations, and Executive orders governing the conduct of intelligence activities.

(3) FORM.—The guidelines prescribed under paragraph (1) shall be unclassified, to the maximum extent practicable, but may include a classified annex.

(4) SUBMITTAL TO CONGRESS.—The guidelines prescribed under paragraph (1) shall be submitted to the appropriate committees of Congress. Any classified annex included with such guidelines shall be submitted to the Select Committee on Intelligence of the Senate and the Permanent Select Committee on Intelligence of the House of Representatives.

(h) EFFECTIVE DATE.—

(1) IN GENERAL.—Except as provided in paragraph (2), this section and the amendments made by this section shall take effect on the date of the issuance of the guidelines required by subsection (g).

(2) CERTAIN REQUIREMENTS.—Subsections (f) and (g) shall take effect on the date of the enactment of this Act.

(i) APPROPRIATE COMMITTEES OF CONGRESS DEFINED.—In this section, the term ''appropriate committees of Congress'' means—

(1) the Committee on Homeland Security and Governmental Affairs and the Select Committee on Intelligence of the Senate; and

(2) the Committee on Government Reform and the Permanent Select Committee on Intelligence of the House of Representatives.

(j) TERMINATION.—This section and the amendments made by this section shall cease to have effect on the date that is three years after the date of the issuance of the guidelines required by subsection (g).

SEC. 2311. EXTENSION TO INTELLIGENCE COMMUNITY OF AUTHORITY TO DELETE INFORMATION ABOUT RECEIPT AND DISPOSITION OF FOREIGN GIFTS AND DECORATIONS.

Paragraph (4) of section 7342(f) of title 5, United States Code, is amended to read as follows:

''(4)(A) In transmitting such listings for an element of the intelligence community, the head of such element may delete the information described in subparagraphs (A) and (C) of paragraphs (2) and (3) if the head of such element certifies in writing to the Secretary of State that the publication of such information could adversely affect United States intelligence sources or methods.

''(B) Any information not provided to the Secretary of State pursuant to the authority in subparagraph (A) shall be transmitted to the Director of National Intelligence.

''(C) In this paragraph, the term 'element of the intelligence community' means an element of the intelligence community listed in or designated under section 3(4) of the National Security Act of 1947 (50 U.S.C. 401a(4)).''.

SEC. 2312. AVAILABILITY OF FUNDS FOR TRAVEL AND TRANSPORTATION OF PERSONAL EFFECTS, HOUSEHOLD GOODS, AND AUTOMOBILES.

(a) FUNDS OF OFFICE OF DIRECTOR OF NATIONAL INTELLIGENCE.—Funds appropriated to the Office of the Director of National Intelligence and available for travel and transportation expenses shall be available for such expenses when any part of the travel or transportation concerned begins in a fiscal year pursuant to travel orders issued in such fiscal year, notwithstanding that such travel or transportation is or may not be completed during such fiscal year.

(b) FUNDS OF CENTRAL INTELLIGENCE AGENCY.—Funds appropriated to the Central Intelligence Agency and available for travel and transportation expenses shall be available for such expenses when any part of the travel or transportation concerned begins in a fiscal year pursuant to travel orders issued in such fiscal year, notwithstanding that such travel or transportation is or may not be completed during such fiscal year.

(c) TRAVEL AND TRANSPORTATION EXPENSES DEFINED.—In this section, the term ''travel and transportation expenses'' means the following:

(1) Expenses in connection with travel of personnel, including travel of dependents.

(2) Expenses in connection with transportation of personal effects, household goods, or automobiles of personnel.

SEC. 2313. DIRECTOR OF NATIONAL INTELLIGENCE REPORT ON COMPLIANCE WITH THE DETAINEE TREATMENT ACT OF 2005.

(a) REPORT REQUIRED.—Not later than 180 days after the date of the enactment of this Act, the Director of National Intelligence shall submit to the congressional intelligence committees a comprehensive report on all measures taken by the Office of the Director of National Intelligence and by each element, if any, of the intelligence community with relevant responsibilities to comply with the provisions of the Detainee Treatment Act of 2005 (title X of division A of Public Law 109–148).

(b) ELEMENTS.—The report required by subsection (a) shall include the following:

(1) A description of the detention or interrogation methods, if any, that have been determined to comply with section 1003 of the Detainee Treatment Act of 2005 (119 Stat. 2739; 42 U.S.C. 2000dd), and, with respect to each such method—

(A) an identification of the official making such determination; and

(B) a statement of the basis for such determination.

(2) A description of the detention or interrogation methods, if any, whose use has been discontinued pursuant to the Detainee Treatment Act of 2005, and, with respect to each such method—

(A) an identification of the official making the determination to discontinue such method; and

(B) a statement of the basis for such determination.

(3) A description of any actions that have been taken to implement section 1004 of the Detainee Treatment Act of 2005 (119 Stat. 2740; 42 U.S.C. 2000dd–1), and, with respect to each such action—

(A) an identification of the official taking such action; and

(B) a statement of the basis for such action.

(4) Any other matters that the Director considers necessary to fully and currently inform the congressional intelligence committees about the implementation of the Detainee Treatment Act of 2005.

(5) An appendix containing—

(A) all guidelines for the application of the Detainee Treatment Act of 2005 to the detention or interrogation activities, if any, of any element of the intelligence community; and

(B) all legal opinions of any office or official of the Department of Justice about the meaning or application of Detainee Treatment Act of 2005 with respect to the detention or interrogation activities, if any, of any element of the intelligence community.

(c) FORM.—The report required by subsection (a) shall be submitted in classified form.

(d) DEFINITIONS.—In this section:

(1) The term ''congressional intelligence committees'' means—

(A) the Select Committee on Intelligence of the Senate; and

(B) the Permanent Select Committee of the House of Representatives.

(2) The term ''intelligence community'' means the elements of the intelligence community specified in or designated under section 3(4) of the National Security Act of 1947 (50 U.S.C. 401a(4)).

SEC. 2314. REPORT ON ALLEGED CLANDESTINE DETENTION FACILITIES FOR INDIVIDUALS CAPTURED IN THE GLOBAL WAR ON TERRORISM.

(a) IN GENERAL.—The President shall ensure that the United States Government continues to comply with the authorization, reporting, and notification requirements of title V of the National Security Act of 1947 (50 U.S.C. 413 et seq.).

(b) DIRECTOR OF NATIONAL INTELLIGENCE REPORT.—

(1) REPORT REQUIRED.—Not later than 60 days after the date of the enactment of this Act, the Director of National Intelligence shall provide to the members of the Select Committee on Intelligence of the Senate and the Permanent Select Committee on Intelligence of the House of Representatives a detailed report setting forth the nature and cost of, and otherwise providing a full accounting on, any clandestine prison or detention facility currently or formerly operated by the United States Government, regardless of location, where detainees in the global war on terrorism are or were being held.

(2) ELEMENTS.—The report required by paragraph (1) shall set forth, for each prison or facility, if any, covered by such report, the following:

(A) The location and size of such prison or facility.

(B) If such prison or facility is no longer being operated by the United States Government, the disposition of such prison or facility.

(C) The number of detainees currently held or formerly held, as the case may be, at such prison or facility.

(D) Any plans for the ultimate disposition of any detainees currently held at such prison or facility.

(E) A description of the interrogation procedures used or formerly used on detainees at such prison or facility and a determination, in coordination with other appropriate officials, on whether such procedures are or were in compliance with United States obligations under the Geneva Conventions and the Convention Against Torture.

(3) FORM OF REPORT.—The report required by paragraph (1) shall be submitted in classified form.

SEC. 2315. SENSE OF CONGRESS ON ELECTRONIC SURVEILLANCE.

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

(1) United States government authorities should have the legal authority to engage in electronic surveillance of any telephone conversation in which one party is reasonably believed to be a member or agent of a terrorist organization.

(2) Absent emergency or other appropriate circumstances, domestic electronic surveillance should be subject to judicial review in order to protect the privacy of law abiding Americans with no ties to terrorism.

(3) The Foreign Intelligence Surveillance Act of 1978 (FISA) authorizes the President to obtain a warrant for the electronic surveillance of any telephone conversation in which one party is reasonably believed to be a member or agent of a terrorist organization. That Act also establishes procedures for engaging in electronic surveillance without a warrant on a temporary basis when emergency circumstances make obtaining a warrant impractical.

(4) During the quarter century since the enactment of the Foreign Intelligence Surveillance Act of 1978, the Foreign Intelligence Surveillance Court has issued a warrant for electronic surveillance in response

to all but 5 of the approximately 19,000 applications for such a warrant.

(5) Congress has amended the Foreign Intelligence Surveillance Act of 1978 numerous times, including six times since September 11, 2001, to streamline the procedures for obtaining a warrant from the Foreign Intelligence Surveillance Court.

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

(1) the Select Committee on Intelligence of the Senate and the Permanent Select Committee on Intelligence of the House of Representatives must be fully briefed on the history, operation, and usefulness of the warrantless wiretapping program carried out by the National Security Agency;

(2) Congress should modify the Foreign Intelligence Surveillance Act of 1978 as needed to ensure that the government may engage in electronic surveillance of telephone conversations in which one party is reasonably believed to be a member or agent of a terrorist organization;

(3) the requirement that the government must, absent emergency or other appropriate circumstances, obtain a judicial warrant prior to engaging in electronic surveillance of a United States person should remain in place to protect the privacy of law abiding Americans with no ties to terrorism; and

(4) the President is not above the law and must abide by congressionally-enacted procedures for engaging in electronic surveillance.

TITLE XXIV—MATTERS RELATING TO ELEMENTS OF THE INTELLIGENCE COMMUNITY

Subtitle A—Office of the Director of National Intelligence

SEC. 2401. ADDITIONAL AUTHORITIES OF THE DIRECTOR OF NATIONAL INTELLIGENCE ON INTELLIGENCE INFORMATION SHARING.

Section 102A(g)(1) of the National Security Act of 1947 (50 U.S.C. 403–1(g)(1)) is amended—

(1) in subparagraph (E), by striking ''and'' at the end;

(2) in subparagraph (F), by striking the period and inserting a semicolon; and

(3) by adding at the end the following the following new subparagraphs:

''(G) in carrying out this subsection, have the authority—

''(i) to direct the development, deployment, and utilization of systems of common concern for elements of the intelligence community, or that support the activities of such elements, related to the collection, processing, analysis, exploitation, and dissemination of intelligence information; and

''(ii) without regard to any provision of law relating to the transfer, reprogramming, obligation, or expenditure of funds, other than the provisions of this Act and the National Security Intelligence Reform Act of 2004 (title I of Public Law 108–458), to expend funds for purposes associated with the development, deployment, and utilization of such systems, which funds may be received and utilized by any department, agency, or other element of the United States Government for such purposes; and

''(H) for purposes of addressing critical gaps in intelligence information sharing or access capabilities, have the authority to transfer funds appropriated for a program within the National Intelligence Program to a program funded by appropriations not within the National Intelligence Program, consistent with paragraphs (3) through (7) of subsection (d).''.

SEC. 2402. MODIFICATION OF LIMITATION ON DELEGATION BY THE DIRECTOR OF NATIONAL INTELLIGENCE OF THE PROTECTION OF INTELLIGENCE SOURCES AND METHODS.

Section 102A(i)(3) of the National Security Act of 1947 (50 U.S.C. 403–1(i)(3)) is amended by inserting before the period the following: '', any Deputy Director of National Intelligence, or the Chief Information Officer of the Intelligence Community''.

SEC. 2403. AUTHORITY OF THE DIRECTOR OF NATIONAL INTELLIGENCE TO MANAGE ACCESS TO HUMAN INTELLIGENCE INFORMATION.

Section 102A(b) of the National Security Act of 1947 (50 U.S.C. 403–1(b)) is amended—

(1) by inserting ''(1)'' before ''Unless''; and

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

''(2) The Director of National Intelligence shall—

''(A) have access to all national intelligence, including intelligence reports, operational data, and other associated information, concerning the human intelligence operations of any element of the intelligence community authorized to undertake such collection;

''(B) consistent with the protection of intelligence sources and methods and applicable requirements in Executive Order 12333 (or any successor order) regarding the retention and dissemination of information concerning United States persons, ensure maximum access to the intelligence information contained in the information referred to in subparagraph (A) throughout the intelligence community; and

''(C) consistent with subparagraph (B), provide within the Office of the Director of National Intelligence a mechanism for intelligence community analysts and other officers with appropriate clearances and an official need-to-know to gain access to information referred to in subparagraph (A) or (B) when relevant to their official responsibilities.''.

SEC. 2404. ADDITIONAL ADMINISTRATIVE AUTHORITY OF THE DIRECTOR OF NATIONAL INTELLIGENCE.

Section 102A of the National Security Act of 1947 (50 U.S.C. 403–1) is amended by adding at the end the following new subsection:

''(s) ADDITIONAL ADMINISTRATIVE AUTHORITIES.—(1) Notwithstanding section 1532 of title 31, United States Code, or any other provision of law prohibiting the interagency financing of activities described in clause (i) or (ii) of subparagraph (A), in the performance of the responsibilities, authorities, and duties of the Director of National Intelligence or the Office of the Director of National Intelligence—

''(A) the Director may authorize the use of interagency financing for—

''(i) national intelligence centers established by the Director under section 119B; and

''(ii) boards, commissions, councils, committees, and similar groups established by the Director; and

''(B) upon the authorization of the Director, any department, agency, or element of the United States Government, including any element of the intelligence community, may fund or participate in the funding of such activities.

''(2) No provision of law enacted after the date of the enactment of this subsection shall be deemed to limit or supersede the authority in paragraph (1) unless such provision makes specific reference to the authority in that paragraph.''.

SEC. 2405. CLARIFICATION OF LIMITATION ON CO-LOCATION OF THE OFFICE OF THE DIRECTOR OF NATIONAL INTELLIGENCE.

Section 103(e) of the National Security Act of 1947 (50 U.S.C. 403–3(e)) is amended—

(1) by striking ''**WITH**'' and inserting ''**OF HEADQUARTERS WITH HEADQUARTERS OF**'';

(2) by inserting ''the headquarters of'' before ''the Office''; and

(3) by striking ''any other element'' and inserting ''the headquarters of any other element''.

SEC. 2406. ADDITIONAL DUTIES OF THE DIRECTOR OF SCIENCE AND TECHNOLOGY OF THE OFFICE OF THE DIRECTOR OF NATIONAL INTELLIGENCE.

(a) COORDINATION AND PRIORITIZATION OF RESEARCH CONDUCTED BY ELEMENTS OF INTELLIGENCE COMMUNITY.—Subsection (d) of section 103E of the National Security Act of 1947 (50 U.S.C. 403–3e) is amended—

(1) in paragraph (3)(A), by inserting ''and prioritize'' after ''coordinate''; and

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

''(4) In carrying out paragraph (3)(A), the Committee shall identify basic, advanced, and applied research programs to be carried out by elements of the intelligence community.''.

(b) DEVELOPMENT OF TECHNOLOGY GOALS.—That section is further amended—

(1) in subsection (c)—

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

(B) by redesignating paragraph (5) as paragraph (8); and

(C) by inserting after paragraph (4) the following new paragraphs:

''(5) assist the Director in establishing goals for the elements of the intelligence community to meet the technology needs of the intelligence community;

''(6) under the direction of the Director, establish engineering standards and specifications applicable to each acquisition of a major system (as that term is defined in section 506A(e)(3)) by the intelligence community;

''(7) ensure that each acquisition program of the intelligence community for a major system (as so defined) complies with the standards and specifications established under paragraph (6); and''; and

(2) by adding at the end the following new subsection:

''(e) GOALS FOR TECHNOLOGY NEEDS OF INTELLIGENCE COMMUNITY.—In carrying out subsection (c)(5), the Director of Science and Technology shall—

''(1) systematically identify and assess the most significant intelligence challenges that require technical solutions;

''(2) examine options to enhance the responsiveness of research and design programs of the elements of the intelligence community to meet the requirements of the intelligence community for timely support; and

''(3) assist the Director of National Intelligence in establishing research and development priorities and projects for the intelligence community that—

''(A) are consistent with current or future national intelligence requirements;

''(B) address deficiencies or gaps in the collection, processing, analysis, or dissemination of national intelligence;

''(C) take into account funding constraints in program development and acquisition; and

''(D) address system requirements from collection to final dissemination (also known as 'end-to-end architecture').''.

(c) REPORT.—(1) Not later than June 30, 2007, the Director of National Intelligence shall submit to Congress a report containing a strategy for the development and use of technology in the intelligence community through 2021.

(2) The report shall include—

(A) an assessment of the highest priority intelligence gaps across the intelligence community that may be resolved by the use of technology;

(B) goals for advanced research and development and a strategy to achieve such goals;

(C) an explanation of how each advanced research and development project funded under the National Intelligence Program addresses an identified intelligence gap;

(D) a list of all current and projected research and development projects by research type (basic, advanced, or applied) with estimated funding levels, estimated initiation dates, and estimated completion dates; and

(E) a plan to incorporate technology from research and development projects into National Intelligence Program acquisition programs.

(3) The report may be submitted in classified form.

SEC. 2407. APPOINTMENT AND TITLE OF CHIEF INFORMATION OFFICER OF THE INTELLIGENCE COMMUNITY.

(a) APPOINTMENT.—

(1) IN GENERAL.—Subsection (a) of section 103G of the National Security Act of 1947 (50 U.S.C. 403–3g) is amended by striking ''the President, by and with the advice and consent of the Senate'' and inserting ''the Director of National Intelligence''.

(2) APPLICABILITY.—The amendment made by paragraph (1) shall take effect on the date of the enactment of this Act, and shall apply with respect to any appointment of an individual as Chief Information Officer of the Intelligence Community that is made on or after that date.

(b) TITLE.—Such section is further amended—

(1) in subsection (a), by inserting ''of the Intelligence Community'' after ''Chief Information Officer'';

(2) in subsection (b), by inserting ''of the Intelligence Community'' after ''Chief Information Officer'';

(3) in subsection (c), by inserting ''of the Intelligence Community'' after ''Chief Information Officer''; and

(4) in subsection (d), by inserting ''of the Intelligence Community'' after ''Chief Information Officer'' the first place it appears.

SEC. 2408. INSPECTOR GENERAL OF THE INTELLIGENCE COMMUNITY.

(a) ESTABLISHMENT.—(1) Title I of the National Security Act of 1947 (50 U.S.C. 402 et seq.) is amended by inserting after section 103G the following new section:

''INSPECTOR GENERAL OF THE INTELLIGENCE COMMUNITY

''SEC. 103H. (a) OFFICE OF INSPECTOR GENERAL OF INTELLIGENCE COMMUNITY.—There is within the Office of the Director of National Intelligence an Office of the Inspector General of the Intelligence Community.

''(b) PURPOSE.—The purpose of the Office of the Inspector General of the Intelligence Community is to—

''(1) create an objective and effective office, appropriately accountable to Congress, to initiate and conduct independently investigations, inspections, and audits relating to—

''(A) the programs and operations of the intelligence community;

''(B) the elements of the intelligence community within the National Intelligence Program; and

''(C) the relationships between the elements of the intelligence community within the National Intelligence Program and the other elements of the intelligence community;

''(2) recommend policies designed—

''(A) to promote economy, efficiency, and effectiveness in the administration and implementation of such programs and operations, and in such relationships; and

''(B) to prevent and detect fraud and abuse in such programs, operations, and relationships;

''(3) provide a means for keeping the Director of National Intelligence fully and currently informed about—

''(A) problems and deficiencies relating to the administration and implementation of such programs and operations, and to such relationships; and

''(B) the necessity for, and the progress of, corrective actions; and

''(4) in the manner prescribed by this section, ensure that the congressional intelligence committees are kept similarly informed of—

''(A) significant problems and deficiencies relating to the administration and implementation of such programs and operations, and to such relationships; and

''(B) the necessity for, and the progress of, corrective actions.

''(c) INSPECTOR GENERAL OF INTELLIGENCE COMMUNITY.—(1) There is an Inspector General of the Intelligence Community, who shall be the head of the Office of the Inspector General of the Intelligence Community, who shall be appointed by the President, by and with the advice and consent of the Senate.

''(2) The nomination of an individual for appointment as Inspector General shall be made—

''(A) without regard to political affiliation;

''(B) solely on the basis of integrity, compliance with the security standards of the intelligence community, and prior experience in the field of intelligence or national security; and

''(C) on the basis of demonstrated ability in accounting, financial analysis, law, management analysis, public administration, or auditing.

''(3) The Inspector General shall report directly to and be under the general supervision of the Director of National Intelligence.

''(4) The Inspector General may be removed from office only by the President. The President shall immediately communicate in writing to the congressional intelligence committees the reasons for the removal of any individual from the position of Inspector General.

''(d) DUTIES AND RESPONSIBILITIES.—Subject to subsections (g) and (h), it shall be the duty and responsibility of the Inspector General of the Intelligence Community—

''(1) to provide policy direction for, and to plan, conduct, supervise, and coordinate independently, the investigations, inspections, and audits relating to the programs and operations of the intelligence community, the elements of the intelligence community within the National Intelligence Program, and the relationships between the elements of the intelligence community within the National Intelligence Program and the other elements of the intelligence community to ensure they are conducted efficiently and in accordance with applicable law and regulations;

''(2) to keep the Director of National Intelligence fully and currently informed concerning violations of law and regulations, violations of civil liberties and privacy, and fraud and other serious problems, abuses, and deficiencies that may occur in such programs and operations, and in such relationships, and to report the progress made in implementing corrective action;

''(3) to take due regard for the protection of intelligence sources and methods in the preparation of all reports issued by the Inspector General, and, to the extent consistent with the purpose and objective of such reports, take such measures as may be appropriate to minimize the disclosure of intelligence sources and methods described in such reports; and

''(4) in the execution of the duties and responsibilities under this section, to comply with generally accepted government auditing standards.

''(e) LIMITATIONS ON ACTIVITIES.—(1) The Director of National Intelligence may prohibit the Inspector General of the Intelligence Community from initiating, carrying out, or completing any investigation, inspection, or audit if the Director determines that such prohibition is necessary to protect vital national security interests of the United States.

''(2) If the Director exercises the authority under paragraph (1), the Director shall submit an appropriately classified statement of the reasons for the exercise of such authority within 7 days to the congressional intelligence committees.

''(3) The Director shall advise the Inspector General at the time a report under paragraph (2) is submitted, and, to the extent consistent with the protection of intelligence sources and methods, provide the Inspector General with a copy of such report.

''(4) The Inspector General may submit to the congressional intelligence committees any comments on a report of which the Inspector General has notice under paragraph (3) that the Inspector General considers appropriate.

''(f) AUTHORITIES.—(1) The Inspector General of the Intelligence Community shall have direct and prompt access to the Director of National Intelligence when necessary for any purpose pertaining to the performance of the duties of the Inspector General.

''(2)(A) The Inspector General shall have access to any employee, or any employee of a contractor, of any element of the intelligence community whose testimony is needed for the performance of the duties of the Inspector General.

''(B) The Inspector General shall have direct access to all records, reports, audits, reviews, documents, papers, recommendations, or other material which relate to the programs and operations with respect to which the Inspector General has responsibilities under this section.

''(C) The level of classification or compartmentation of information shall not, in and of itself, provide a sufficient rationale for denying the Inspector General access to any materials under subparagraph (B).

''(D) Failure on the part of any employee, or any employee of a contractor, of any element of the intelligence community to cooperate with the Inspector General shall be grounds for appropriate administrative actions by the Director or, on the recommendation of the Director, other appropriate officials of the intelligence community, including loss of employment or the termination of an existing contractual relationship.

''(3) The Inspector General is authorized to receive and investigate complaints or information from any person concerning the existence of an activity constituting a violation of laws, rules, or regulations, or mismanagement, gross waste of funds, abuse of authority, or a substantial and specific danger to the public health and safety. Once such complaint or information has been received from an employee of the Federal Government—

''(A) the Inspector General shall not disclose the identity of the employee without the consent of the employee, unless the Inspector General determines that such disclosure is unavoidable during the course of the investigation or the disclosure is made to an official of the Department of Justice responsible for determining whether a prosecution should be undertaken; and

''(B) no action constituting a reprisal, or threat of reprisal, for making such complaint may be taken by any employee in a position to take such actions, unless the

complaint was made or the information was disclosed with the knowledge that it was false or with willful disregard for its truth or falsity.

''(4) The Inspector General shall have authority to administer to or take from any person an oath, affirmation, or affidavit, whenever necessary in the performance of the duties of the Inspector General, which oath, affirmation, or affidavit when administered or taken by or before an employee of the Office of the Inspector General of the Intelligence Community designated by the Inspector General shall have the same force and effect as if administered or taken by or before an officer having a seal.

''(5)(A) Except as provided in subparagraph (B), the Inspector General is authorized to require by subpoena the production of all information, documents, reports, answers, records, accounts, papers, and other data and documentary evidence necessary in the performance of the duties and responsibilities of the Inspector General.

''(B) In the case of departments, agencies, and other elements of the United States Government, the Inspector General shall obtain information, documents, reports, answers, records, accounts, papers, and other data and evidence for the purpose specified in subparagraph (A) using procedures other than by subpoenas.

''(C) The Inspector General may not issue a subpoena for or on behalf of any other element of the intelligence community, including the Office of the Director of National Intelligence.

''(D) In the case of contumacy or refusal to obey a subpoena issued under this paragraph, the subpoena shall be enforceable by order of any appropriate district court of the United States.

''(g) COORDINATION AMONG INSPECTORS GENERAL OF INTELLIGENCE COMMUNITY.—(1) In the event of a matter within the jurisdiction of the Inspector General of the Intelligence Community that may be subject to an investigation, inspection, or audit by both the Inspector General of the Intelligence Community and an Inspector General, whether statutory or administrative, with oversight responsibility for an element or elements of the intelligence community, the Inspector General of the Intelligence Community and such other Inspector or Inspectors General shall expeditiously resolve which Inspector General shall conduct such investigation, inspection, or audit.

''(2) The Inspector General conducting an investigation, inspection, or audit covered by paragraph (1) shall submit the results of such investigation, inspection, or audit to any other Inspector General, including the Inspector General of the Intelligence Community, with jurisdiction to conduct such investigation, inspection, or audit who did not conduct such investigation, inspection, or audit.

''(3)(A) If an investigation, inspection, or audit covered by paragraph (1) is conducted by an Inspector General other than the Inspector General of the Intelligence Community, the Inspector General of the Intelligence Community may, upon completion of such investigation, inspection, or audit by such other Inspector General, conduct under this section a separate investigation, inspection, or audit of the matter concerned if the Inspector General of the Intelligence Community determines that such initial investigation, inspection, or audit was deficient in some manner or that further investigation, inspection, or audit is required.

''(B) This paragraph shall not apply to the Inspector General of the Department of Defense or to any other Inspector General within the Department of Defense.

''(h) STAFF AND OTHER SUPPORT.—(1) The Inspector General of the Intelligence Community shall be provided with appropriate and adequate office space at central and field office locations, together with such equipment, office supplies, maintenance services, and communications facilities and services as may be necessary for the operation of such offices.

''(2)(A) Subject to applicable law and the policies of the Director of National Intelligence, the Inspector General shall select, appoint, and employ such officers and employees as may be necessary to carry out the functions of the Inspector General. The Inspector General shall ensure that any officer or employee so selected, appointed, or employed has security clearances appropriate for the assigned duties of such officer or employee.

''(B) In making selections under subparagraph (A), the Inspector General shall ensure that such officers and employees have the requisite training and experience to enable the Inspector General to carry out the duties of the Inspector General effectively.

''(C) In meeting the requirements of this paragraph, the Inspector General shall create within the Office of the Inspector General of the Intelligence Community a career cadre of sufficient size to provide appropriate continuity and objectivity needed for the effective performance of the duties of the Inspector General.

''(3)(A) Subject to the concurrence of the Director, the Inspector General may request such information or assistance as may be necessary for carrying out the duties and responsibilities of the Inspector General from any department, agency, or other element of the United States Government.

''(B) Upon request of the Inspector General for information or assistance under subparagraph (A), the head of the department, agency, or element concerned shall, insofar as is practicable and not in contravention of any existing statutory restriction or regulation of the department, agency, or element, furnish to the Inspector General, or to an authorized designee, such information or assistance.

''(C) The Inspector General of the Intelligence Community may, upon reasonable notice to the head of any element of the intelligence community, conduct, as authorized by this section, an investigation, inspection, or audit of such element and may enter into any place occupied by such element for purposes of the performance of the duties of the Inspector General.

''(i) REPORTS.—(1)(A) The Inspector General of the Intelligence Community shall, not later than January 31 and July 31 of each year, prepare and submit to the Director of National Intelligence a classified, and, as appropriate, unclassified semiannual report summarizing the activities of the Office of the Inspector General of the Intelligence Community during the immediately preceding 6-month periods ending December 31 (of the preceding year) and June 30, respectively.

''(B) Each report under this paragraph shall include, at a minimum, the following:

''(i) A list of the title or subject of each investigation, inspection, or audit conducted during the period covered by such report, including a summary of the progress of each particular investigation, inspection, or audit since the preceding report of the Inspector General under this paragraph.

''(ii) A description of significant problems, abuses, and deficiencies relating to the administration and implementation of programs and operations of the intelligence community, and in the relationships between elements of the intelligence community, identified by the Inspector General during the period covered by such report.

''(iii) A description of the recommendations for corrective or disciplinary action made by the Inspector General during the period covered by such report with respect to significant problems, abuses, or deficiencies identified in clause (ii).

''(iv) A statement whether or not corrective or disciplinary action has been completed on each significant recommendation described in previous semiannual reports, and, in a case where corrective action has been completed, a description of such corrective action.

''(v) A certification whether or not the Inspector General has had full and direct access to all information relevant to the performance of the functions of the Inspector General.

''(vi) A description of the exercise of the subpoena authority under subsection (f)(5) by the Inspector General during the period covered by such report.

''(vii) Such recommendations as the Inspector General considers appropriate for legislation to promote economy, efficiency, and effectiveness in the administration and implementation of programs and operations undertaken by the intelligence community, and in the relationships between elements of the intelligence community, and to detect and eliminate fraud and abuse in such programs and operations and in such relationships.

''(C) Not later than the 30 days after the date of receipt of a report under subparagraph (A), the Director shall transmit the report to the congressional intelligence committees together with any comments the Director considers appropriate.

''(2)(A) The Inspector General shall report immediately to the Director whenever the Inspector General becomes aware of particularly serious or flagrant problems, abuses, or deficiencies relating to the administration and implementation of programs or operations of the intelligence community or in the relationships between elements of the intelligence community.

''(B) The Director shall transmit to the congressional intelligence committees each report under subparagraph (A) within seven calendar days of receipt of such report, together with such comments as the Director considers appropriate.

''(3) In the event that—

''(A) the Inspector General is unable to resolve any differences with the Director affecting the execution of the duties or responsibilities of the Inspector General;

''(B) an investigation, inspection, or audit carried out by the Inspector General focuses on any current or former intelligence community official who—

''(i) holds or held a position in an element of the intelligence community that is subject to appointment by the President, whether or not by and with the advice and consent of the Senate, including such a position held on an acting basis;

''(ii) holds or held a position in an element of the intelligence community, including a position held on an acting basis, that is appointed by the Director of National Intelligence; or

''(iii) holds or held a position as head of an element of the intelligence community or a position covered by subsection (b) or (c) of section 106;

''(C) a matter requires a report by the Inspector General to the Department of Justice on possible criminal conduct by a current or former official described in subparagraph (B);

''(D) the Inspector General receives notice from the Department of Justice declining or approving prosecution of possible criminal conduct of any current or former official described in subparagraph (B); or

''(E) the Inspector General, after exhausting all possible alternatives, is unable to obtain significant documentary information in the course of an investigation, inspection, or audit,

the Inspector General shall immediately notify and submit a report on such matter to the congressional intelligence committees.

''(4) Pursuant to title V, the Director shall submit to the congressional intelligence committees any report or findings and recommendations of an investigation, inspection, or audit conducted by the office which has been requested by the Chairman or Vice Chairman or Ranking Minority Member of either committee.

''(5)(A) An employee of an element of the intelligence community, an employee assigned or detailed to an element of the intelligence community, or an employee of a contractor to the intelligence community who intends to report to Congress a complaint or information with respect to an urgent concern may report such complaint or information to the Inspector General.

''(B) Not later than the end of the 14-calendar day period beginning on the date of receipt from an employee of a complaint or information under subparagraph (A), the Inspector General shall determine whether the complaint or information appears credible. Upon making such a determination, the Inspector General shall transmit to the Director a notice of that determination, together with the complaint or information.

''(C) Upon receipt of a transmittal from the Inspector General under subparagraph (B), the Director shall, within seven calendar days of such receipt, forward such transmittal to the congressional intelligence committees, together with any comments the Director considers appropriate.

''(D)(i) If the Inspector General does not find credible under subparagraph (B) a complaint or information submitted under subparagraph (A), or does not transmit the complaint or information to the Director in accurate form under subparagraph (B), the employee (subject to clause (ii)) may submit the complaint or information to Congress by contacting either or both of the congressional intelligence committees directly.

''(ii) An employee may contact the intelligence committees directly as described in clause (i) only if the employee—

''(I) before making such a contact, furnishes to the Director, through the Inspector General, a statement of the employee's complaint or information and notice of the employee's intent to contact the congressional intelligence committees directly; and

''(II) obtains and follows from the Director, through the Inspector General, direction on how to contact the intelligence committees in accordance with appropriate security practices.

''(iii) A member or employee of one of the congressional intelligence committees who receives a complaint or information under clause (i) does so in that member or employee's official capacity as a member or employee of such committee.

''(E) The Inspector General shall notify an employee who reports a complaint or information to the Inspector General under this paragraph of each action taken under this paragraph with respect to the complaint or information. Such notice shall be provided not later than 3 days after any such action is taken.

''(F) An action taken by the Director or the Inspector General under this paragraph shall not be subject to judicial review.

''(G) In this paragraph, the term 'urgent concern' means any of the following:

''(i) A serious or flagrant problem, abuse, violation of law or Executive order, or deficiency relating to the funding, administration, or operations of an intelligence activity involving classified information, but does not include differences of opinions concerning public policy matters.

''(ii) A false statement to Congress, or a willful withholding from Congress, on an issue of material fact relating to the funding, administration, or operation of an intelligence activity.

''(iii) An action, including a personnel action described in section 2302(a)(2)(A) of title 5, United States Code, constituting reprisal or threat of reprisal prohibited under subsection (f)(3)(B) of this section in response to an employee's reporting an urgent concern in accordance with this paragraph.

''(H) In support of this paragraph, Congress makes the findings set forth in paragraphs (1) through (6) of section 701(b) of the Intelligence Community Whistleblower Protection Act of 1998 (title VII of Public Law 105–272; 5 U.S.C. App. 8H note).

''(6) In accordance with section 535 of title 28, United States Code, the Inspector General shall report to the Attorney General any information, allegation, or complaint received by the Inspector General relating to violations of Federal criminal law that involves a program or operation of an element of the intelligence community, or in the relationships between the elements of the intelligence community, consistent with such guidelines as may be issued by the Attorney General pursuant to subsection (b)(2) of such section. A copy of each such report shall be furnished to the Director.

''(j) SEPARATE BUDGET ACCOUNT.—The Director of National Intelligence shall, in accordance with procedures to be issued by the Director in consultation with the congressional intelligence committees, include in the National Intelligence Program budget a separate account for the Office of Inspector General of the Intelligence Community.

''(k) CONSTRUCTION OF DUTIES REGARDING ELEMENTS OF INTELLIGENCE COMMUNITY.—Except as resolved pursuant to subsection (g), the performance by the Inspector General of the Intelligence Community of any duty, responsibility, or function regarding an element of the intelligence community shall not be construed to modify or effect the duties and responsibilities of any other Inspector General, whether statutory or administrative, having duties and responsibilities relating to such element.''.

(2) The table of contents in the first section of the National Security Act of 1947 is amended by inserting after the item relating to section 103G the following new item:

''Sec. 103H. Inspector General of the Intelligence Community.''.

(b) REPEAL OF SUPERSEDED AUTHORITY TO ESTABLISH POSITION.—Section 8K of the Inspector General Act of 1978 (5 U.S.C. App.) is repealed.

(c) EXECUTIVE SCHEDULE LEVEL IV.—Section 5314 of title 5, United States Code, is amended by adding at the end the following new item:

''Inspector General of the Intelligence Community.''.

SEC. 2409. LEADERSHIP AND LOCATION OF CERTAIN OFFICES AND OFFICIALS.

(a) NATIONAL COUNTER PROLIFERATION CENTER.—Section 119A(a) of the National Security Act of 1947 (50 U.S.C. 404o–1(a)) is amended—

(1) by striking ''(a) ESTABLISHMENT.—'' and inserting the following:

''(a) IN GENERAL.—

''(1) ESTABLISHMENT.—The''; and

(2) by adding at the end the following new paragraphs:

''(2) DIRECTOR.—The head of the National Counter Proliferation Center shall be the Director of the National Counter Proliferation Center, who shall be appointed by the Director of National Intelligence.

''(3) LOCATION.—The National Counter Proliferation Center shall be located within the Office of the Director of National Intelligence.''.

(b) OFFICERS.—Section 103(c) of that Act (50 U.S.C. 403–3(c)) is amended—

(1) by redesignating paragraph (9) as paragraph (13); and

(2) by inserting after paragraph (8) the following new paragraphs:

''(9) The Chief Information Officer of the Intelligence Community.

''(10) The Inspector General of the Intelligence Community.

''(11) The Director of the National Counterterrorism Center.

''(12) The Director of the National Counter Proliferation Center.''.

SEC. 2410. NATIONAL SPACE INTELLIGENCE CENTER.

(a) ESTABLISHMENT.—

(1) IN GENERAL.—Title I of the National Security Act of 1947 (50 U.S.C. 401 et seq.) is amended by adding after section 119B the following new section:

''NATIONAL SPACE INTELLIGENCE CENTER

''SEC. 119C. (a) ESTABLISHMENT.—There is established within the Office of the Director of National Intelligence a National Space Intelligence Center.

''(b) DIRECTOR OF NATIONAL SPACE INTELLIGENCE CENTER.—The National Intelligence Officer for Science and Technology, or a successor position designated by the Director of National Intelligence, shall act as the Director of the National Space Intelligence Center.

''(c) MISSIONS.—The National Space Intelligence Center shall have the following missions:

''(1) To coordinate and provide policy direction for the management of space-related intelligence assets.

''(2) To prioritize collection activities consistent with the National Intelligence Collection Priorities framework, or a successor framework or other document designated by the Director of National Intelligence.

''(3) To provide policy direction for programs designed to ensure a sufficient cadre of government and nongovernment personnel in fields relating to space intelligence, including programs to support education, recruitment, hiring, training, and retention of qualified personnel.

''(4) To evaluate independent analytic assessments of threats to classified United States space intelligence systems throughout all phases of the development, acquisition, and operation of such systems.

''(d) ACCESS TO INFORMATION.—The Director of National Intelligence shall ensure that the National Space Intelligence Center has access to all national intelligence information (as appropriate), and such other information (as appropriate and practical), necessary for the Center to carry out the missions of the Center under subsection (c).

''(e) SEPARATE BUDGET ACCOUNT.—The Director of National Intelligence shall include in the National Intelligence Program budget a separate line item for the National Space Intelligence Center.''.

(2) CLERICAL AMENDMENT.—The table of contents for that Act is amended by inserting after the item relating to section 119B the following new item:

''Sec. 119C. National Space Intelligence Center.''.

(b) REPORT ON ORGANIZATION OF CENTER.—

(1) REPORT REQUIRED.—Not later than 180 days after the date of the enactment of this Act, the Director of the National Space Intelligence Center shall submit to the Select Committee on Intelligence of the Senate and

the Permanent Select Committee on Intelligence of the House of Representatives a report on the organizational structure of the National Space Intelligence Center established by section 119C of the National Security Act of 1947 (as added by subsection (a)).

(2) ELEMENTS.—The report required by paragraph (1) shall include the following:

(A) The proposed organizational structure of the National Space Intelligence Center.

(B) An identification of key participants in the Center.

(C) A strategic plan for the Center during the five-year period beginning on the date of the report.

SEC. 2411. OPERATIONAL FILES IN THE OFFICE OF THE DIRECTOR OF NATIONAL INTELLIGENCE.

(a) IN GENERAL.—Title VII of the National Security Act of 1947 (50 U.S.C. 431 et seq.) is amended by inserting before section 701 the following new section:

''OPERATIONAL FILES IN THE OFFICE OF THE DIRECTOR OF NATIONAL INTELLIGENCE

''SEC. 700. (a) EXEMPTION OF CERTAIN FILES FROM SEARCH, REVIEW, PUBLICATION, OR DISCLOSURE.—(1) Information and records described in paragraph (2) shall be exempt from the provisions of section 552 of title 5, United States Code, that require search, review, publication, or disclosure in connection therewith when—

''(A) such information or records are not disseminated outside the Office of the Director of National Intelligence; or

''(B) such information or records are incorporated into new information or records created by personnel of the Office in a manner that identifies such new information or records as incorporating such information or records and such new information or records are not disseminated outside the Office.

''(2) Information and records described in this paragraph are the following:

''(A) Information disseminated or otherwise provided to an element of the Office of the Director of National Intelligence from the operational files of an element of the intelligence community that have been exempted from search, review, publication, or disclosure in accordance with this title or any other provision of law.

''(B) Any information or records created by the Office that incorporate information described in subparagraph (A).

''(3) An operational file of an element of the intelligence community from which information described in paragraph (2)(A) is disseminated or provided to the Office of the Director of National Intelligence as described in that paragraph shall remain exempt from search, review, publication, or disclosure under section 552 of title 5, United States Code, to the extent the operational files from which such information was derived remain exempt from search, review, publication, or disclosure under section 552 of such title.

''(b) SEARCH AND REVIEW OF CERTAIN FILES.—Information disseminated or otherwise provided to the Office of the Director of National Intelligence by another element of the intelligence community that is not exempt from search, review, publication, or disclosure under subsection (a), and that is authorized to be disseminated outside the Office, shall be subject to search and review under section 552 of title 5, United States Code, but may remain exempt from publication and disclosure under such section by the element disseminating or providing such information to the Office to the extent authorized by such section.

''(c) SEARCH AND REVIEW FOR CERTAIN PURPOSES.—Notwithstanding subsection (a), exempted operational files shall continue to be subject to search and review for information concerning any of the following:

''(1) United States citizens or aliens lawfully admitted for permanent residence who have requested information on themselves pursuant to the provisions of section 552 or 552a of title 5, United States Code.

''(2) Any special activity the existence of which is not exempt from disclosure under the provisions of section 552 of title 5, United States Code.

''(3) The specific subject matter of an investigation by any of the following for any impropriety, or violation of law, Executive order, or Presidential directive, in the conduct of an intelligence activity:

''(A) The Select Committee on Intelligence of the Senate.

''(B) The Permanent Select Committee on Intelligence of the House of Representatives.

''(C) The Intelligence Oversight Board.

''(D) The Department of Justice.

''(E) The Office of the Director of National Intelligence.

''(F) The Office of the Inspector General of the Intelligence Community.''.

(b) CLERICAL AMENDMENT.—The table of contents in the first section of that Act is amended by inserting before the item relating to section 701 the following new item:

''Sec. 700. Operational files in the Office of the Director of National Intelligence.''.

SEC. 2412. ELIGIBILITY FOR INCENTIVE AWARDS OF PERSONNEL ASSIGNED TO THE OFFICE OF THE DIRECTOR OF NATIONAL INTELLIGENCE.

(a) IN GENERAL.—Subsection (a) of section 402 of the Intelligence Authorization Act for Fiscal Year 1984 (50 U.S.C. 403e–1) is amended to read as follows:

''(a) AUTHORITY FOR PAYMENT OF AWARDS.—(1) The Director of National Intelligence may exercise the authority granted in section 4503 of title 5, United States Code, with respect to Federal employees and members of the Armed Forces detailed or assigned to the Office of the Director of National Intelligence in the same manner as such authority may be exercised with respect to personnel of the Office.

''(2) The Director of the Central Intelligence Agency may exercise the authority granted in section 4503 of title 5, United States Code, with respect to Federal employees and members of the Armed Forces detailed or assigned to the Central Intelligence Agency in the same manner as such authority may be exercised with respect to personnel of the Agency.''.

(b) REPEAL OF OBSOLETE AUTHORITY.—That section is further amended—

(1) by striking subsection (c); and

(2) by redesignating subsection (d) as subsection (c).

(c) EXPEDITIOUS PAYMENT.—That section is further amended by adding at the end the following new subsection (d):

''(d) EXPEDITIOUS PAYMENT.—Payment of an award under this authority in this section shall be made as expeditiously as is practicable after the making of the award.''.

(d) CONFORMING AMENDMENTS.—That section is further amended—

(1) in subsection (b), by striking ''to the Central Intelligence Agency or to the Intelligence Community Staff'' and inserting ''to the Office of the Director of National Intelligence or to the Central Intelligence Agency''; and

(2) in subsection (c), as redesignated by subsection (b)(2) of this section, by striking ''Director of Central Intelligence'' and inserting ''Director of National Intelligence or Director of the Central Intelligence Agency''.

(e) TECHNICAL AND STYLISTIC AMENDMENTS.—That section is further amended—

(1) in subsection (b)—

(A) by inserting ''PERSONNEL ELIGIBLE FOR AWARDS.—''after ''(b)'';

(B) by striking ''subsection (a) of this section'' and inserting ''subsection (a)''; and

(C) by striking ''a date five years before the date of enactment of this section'' and inserting ''December 9, 1978''; and

(2) in subsection (c), as so redesignated, by inserting ''PAYMENT AND ACCEPTANCE OF AWARDS.—'' after ''(c)''.

SEC. 2413. REPEAL OF CERTAIN AUTHORITIES RELATING TO THE OFFICE OF THE NATIONAL COUNTERINTELLIGENCE EXECUTIVE.

(a) REPEAL OF CERTAIN AUTHORITIES.—Section 904 of the Counterintelligence Enhancement Act of 2002 (title IX of Public Law 107–306; 50 U.S.C. 402c) is amended—

(1) by striking subsections (d), (g), (h), (i), and (j); and

(2) by redesignating subsections (e), (f), (k), (l), and (m) as subsections (d), (e), (f), (g), and (h), respectively.

(b) CONFORMING AMENDMENTS.—That section is further amended—

(1) in subsection (d), as redesignated by subsection (a)(2) of this section, by striking ''subsection (f)'' each place it appears in paragraphs (1) and (2) and inserting ''subsection (e)''; and

(2) in subsection (e), as so redesignated—

(A) in paragraph (1), by striking ''subsection (e)(1)'' and inserting ''subsection (d)(1)''; and

(B) in paragraph (2), by striking ''subsection (e)(2)'' and inserting ''subsection (d)(2)''.

SEC. 2414. INAPPLICABILITY OF FEDERAL ADVISORY COMMITTEE ACT TO ADVISORY COMMITTEES OF THE OFFICE OF THE DIRECTOR OF NATIONAL INTELLIGENCE.

Section 4(b) of the Federal Advisory Committee Act (5 U.S.C. App.) is amended—

(1) in paragraph (1), by striking ''or'';

(2) in paragraph (2), by striking the period and inserting ''; or''; and

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

''(3) the Office of the Director of National Intelligence.''.

SEC. 2415. MEMBERSHIP OF THE DIRECTOR OF NATIONAL INTELLIGENCE ON THE TRANSPORTATION SECURITY OVERSIGHT BOARD.

Subparagraph (F) of section 115(b)(1) of title 49, United States Code, is amended to read as follows:

''(F) The Director of National Intelligence, or the Director's designee.''.

SEC. 2416. APPLICABILITY OF THE PRIVACY ACT TO THE DIRECTOR OF NATIONAL INTELLIGENCE AND THE OFFICE OF THE DIRECTOR OF NATIONAL INTELLIGENCE.

(a) AUTHORITY TO EXEMPT.—The Director of National Intelligence may prescribe regulations to exempt any system of records within the Office of the Director of National Intelligence from the applicability of the provisions of subsections (c)(3), (c)(4), and (d) of section 552a of title 5, United States Code.

(b) PROMULGATION REQUIREMENTS.—In prescribing any regulations under subsection (a), the Director shall comply with the requirements (including general notice requirements) of subsections (b), (c), and (e) of section 553 of title 5, United States Code.

Subtitle B—Central Intelligence Agency

SEC. 2421. DIRECTOR AND DEPUTY DIRECTOR OF THE CENTRAL INTELLIGENCE AGENCY.

(a) APPOINTMENT OF DIRECTOR OF CENTRAL INTELLIGENCE AGENCY.—Subsection (a) of section 104A of the National Security Act of 1947 (50 U.S.C. 403–4a) is amended by inserting ''from civilian life'' after ''who shall be appointed''.

(b) ESTABLISHMENT OF POSITION OF DEPUTY DIRECTOR OF CENTRAL INTELLIGENCE AGENCY.—Such section is further amended—

(1) by redesignating subsections (b), (c), (d), (e), (f), and (g) as subsections (c), (d), (e), (f), (g), and (h), respectively; and

(2) by inserting after subsection (a) the following new subsection (b):

''(b) DEPUTY DIRECTOR OF CENTRAL INTELLIGENCE AGENCY.—(1) There is a Deputy Director of the Central Intelligence Agency who shall be appointed from civilian life by the President, by and with the advice and consent of the Senate.

''(2) The Deputy Director of the Central Intelligence Agency shall assist the Director of the Central Intelligence Agency in carrying out the duties and responsibilities of the Director.

''(3) The Deputy Director of the Central Intelligence Agency shall act for, and exercise the powers of, the Director of the Central Intelligence Agency during the absence or disability of the Director of the Central Intelligence Agency or during a vacancy in the position of Director of the Central Intelligence Agency.''.

(c) CONFORMING AMENDMENT.—Paragraph (2) of subsection (d) of such section, as redesignated by subsection (b)(1) of this section, is further amended by striking ''subsection (d)'' and inserting ''subsection (e)''.

(d) EXECUTIVE SCHEDULE LEVEL III.—Section 5314 of title 5, United States Code, is amended by adding at the end the following new item:

''Deputy Director of the Central Intelligence Agency.''.

(e) ROLE OF DNI IN APPOINTMENT.—Section 106(a)(2) of the National Security Act of 1947 (50 U.S.C. 403–6) is amended by adding at the end the following new subparagraph:

''(C) The Deputy Director of the Central Intelligence Agency.''.

(f) MILITARY STATUS OF INDIVIDUAL SERVING AS DIRECTOR OF CENTRAL INTELLIGENCE AGENCY OR ADMINISTRATIVELY PERFORMING DUTIES OF DEPUTY DIRECTOR OF CENTRAL INTELLIGENCE AGENCY.—(1) A commissioned officer of the Armed Forces who is serving as the Director of the Central Intelligence Agency or is engaged in administrative performance of the duties of Deputy Director of the Central Intelligence Agency as of the date of the enactment of this Act shall not, while continuing in such service, or in the administrative performance of such duties, after that date—

(A) be subject to supervision or control by the Secretary of Defense or by any officer or employee of the Department of Defense; or

(B) exercise, by reason of the officer's status as a commissioned officer, any supervision or control with respect to any of the military or civilian personnel of the Department of Defense except as otherwise authorized by law.

(2) Except as provided in subparagraph (A) or (B) of paragraph (1), the service, or the administrative performance of duties, described in that paragraph by an officer described in that paragraph shall not affect the status, position, rank, or grade of such officer in the Armed Forces, or any emolument, perquisite, right, privilege, or benefit incident to or arising out of such status, position, rank, or grade.

(3) A commissioned officer described in paragraph (1), while serving, or continuing in the administrative performance of duties, as described in that paragraph and while remaining on active duty, shall continue to receive military pay and allowances. Funds from which such pay and allowances are paid shall be reimbursed from funds available to the Director of the Central Intelligence Agency.

(g) EFFECTIVE DATE AND APPLICABILITY.—

(1) DIRECTOR OF CENTRAL INTELLIGENCE AGENCY.—The amendment made by subsection (a) shall—

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

(B) apply upon the occurrence of any act creating a vacancy in the position of Director of the Central Intelligence Agency after such date, except that if the vacancy occurs by resignation from such position of the individual serving in such position on such date, that individual may continue serving in such position after such resignation until the individual appointed to succeed such resigning individual as Director of the Central Intelligence Agency, by and with the advice and consent of the Senate, assumes the duties of such position.

(2) DEPUTY DIRECTOR OF CENTRAL INTELLIGENCE AGENCY.—The amendments made by subsections (b) through (e) shall take effect on the date of the enactment of this Act and shall apply upon the earlier of—

(A) the date of the nomination by the President of an individual to serve as Deputy Director of the Central Intelligence Agency, except that the individual administratively performing the duties of the Deputy Director of the Central Intelligence Agency as of the date of the enactment of this Act may continue to perform such duties after such date of nomination and until the individual appointed to the position of Deputy Director of the Central Intelligence Agency, by and with the advice and consent of the Senate, assumes the duties of such position; or

(B) the date of the cessation of the performance of the duties of Deputy Director of the Central Intelligence Agency by the individual administratively performing such duties as of the date of the enactment of this Act.

SEC. 2422. ENHANCED PROTECTION OF CENTRAL INTELLIGENCE AGENCY INTELLIGENCE SOURCES AND METHODS FROM UNAUTHORIZED DISCLOSURE.

(a) RESPONSIBILITY OF DIRECTOR OF CENTRAL INTELLIGENCE AGENCY UNDER NATIONAL SECURITY ACT OF 1947.—Subsection (e) of section 104A of the National Security Act of 1947 (50 U.S.C. 403–4a), as redesignated by section 2421(b)(1) of this Act, is further amended—

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

(2) by redesignating paragraph (4) as paragraph (5); and

(3) by inserting after paragraph (3) the following new paragraph (4):

''(4) protect intelligence sources and methods of the Central Intelligence Agency from unauthorized disclosure, consistent with any direction issued by the President or the Director of National Intelligence; and''.

(b) PROTECTION UNDER CENTRAL INTELLIGENCE AGENCY ACT OF 1949.—Section 6 of the Central Intelligence Agency Act of 1949 (50 U.S.C. 403g) is amended by striking ''section 102A(i)'' and all that follows through ''unauthorized disclosure'' and inserting ''sections 102A(i) and 104A(e)(4) of the National Security Act of 1947 (50 U.S.C. 403–1(i), 403–4a(e)(4))''.

(c) CONSTRUCTION WITH EXEMPTION FROM REQUIREMENT FOR DISCLOSURE OF INFORMATION TO PUBLIC.—Section 104A(e)(4) of the National Security Act of 1947, as amended by subsection (a), and section 6 of the Central Intelligence Agency Act of 1949, as amended by subsection (b), shall be treated as statutes that specifically exempt from disclosure the matters specified in such sections for purposes of section 552(b)(3) of title 5, United States Code.

(d) TECHNICAL AMENDMENTS TO CENTRAL INTELLIGENCE AGENCY RETIREMENT ACT.—Section 201(c) of the Central Intelligence Agency Retirement Act (50 U.S.C. 2011(c)) is amended—

(1) in the subsection caption, by striking ''OF DCI'';

(2) by striking ''section 102A(i)'' and inserting ''sections 102A(i) and 104A(e)(4)'';

(3) by striking ''of National Intelligence''; and

(4) by inserting ''of the Central Intelligence Agency'' after ''methods''.

SEC. 2423. ADDITIONAL EXCEPTION TO FOREIGN LANGUAGE PROFICIENCY REQUIREMENT FOR CERTAIN SENIOR LEVEL POSITIONS IN THE CENTRAL INTELLIGENCE AGENCY.

(a) ADDITIONAL EXCEPTION.—Subsection (h) of section 104A of the National Security Act of 1947 (50 U.S.C. 403–4a), as redesignated by section 2421(b)(1) of this Act, is further amended—

(1) in paragraph (1)—

(A) by striking ''paragraph (2)'' and inserting ''paragraphs (2) and (3)''; and

(B) by striking ''Directorate of Operations'' and inserting ''National Clandestine Service'';

(2) in paragraph (2), by striking ''position or category of positions'' each place it appears and inserting ''individual, individuals, position, or category of positions''; and

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

''(3) Paragraph (1) shall not apply to any individual in the Directorate of Intelligence or the National Clandestine Service of the Central Intelligence Agency who is serving in a Senior Intelligence Service position as of December 23, 2005, regardless of whether such individual is a member of the Senior Intelligence Service.''.

(b) REPORT ON WAIVERS.—Section 611(c) of the Intelligence Authorization Act for Fiscal Year 2005 (Public Law 108–487; 118 Stat. 3955) is amended—

(1) by striking the first sentence and inserting the following new sentence: ''The Director of the Central Intelligence Agency shall submit to Congress a report that identifies individuals who, or positions within the Senior Intelligence Service in the Directorate of Intelligence or the National Clandestine Service of the Central Intelligence Agency that, are determined by the Director to require a waiver under subsection (h) of section 104A of the National Security Act of 1947, as added by subsection (a) and redesignated by section 421(b)(1) of the Intelligence Authorization Act for Fiscal Year 2007.''; and

(2) in the second sentence—

(A) by striking ''section 104A(g)(2), as so added'' and inserting ''subsection (h)(2) of section 104A, as so added and redesignated''; and

(B) by striking ''position or category of positions'' and inserting ''individual, individuals, position, or category of positions''.

SEC. 2424. ADDITIONAL FUNCTIONS AND AUTHORITIES FOR PROTECTIVE PERSONNEL OF THE CENTRAL INTELLIGENCE AGENCY.

Section 5(a)(4) of the Central Intelligence Agency Act of 1949 (50 U.S.C. 403f(a)(4)) is amended—

(1) by inserting ''(A)'' after ''(4)'';

(2) in subparagraph (A), as so designated—

(A) by striking ''and the protection'' and inserting ''the protection''; and

(B) by striking the semicolon and inserting '', and the protection of the Director of National Intelligence and such personnel of the Office of the Director of National Intelligence as the Director of National Intelligence may designate; and''; and

(3) by adding at the end the following new subparagraph:

''(B) Authorize personnel engaged in the performance of protective functions authorized pursuant to subparagraph (A), when engaged in the performance of such functions, to make arrests without warrant for any offense against the United States committed in the presence of such personnel, or for any felony cognizable under the laws of the United States, if such personnel have reasonable grounds to believe that the person to be

arrested has committed or is committing such felony, except that any authority pursuant to this subparagraph may be exercised only in accordance with guidelines approved by the Director and the Attorney General and such personnel may not exercise any authority for the service of civil process or for the investigation of criminal offenses;''.

SEC. 2425. DIRECTOR OF NATIONAL INTELLIGENCE REPORT ON RETIREMENT BENEFITS FOR FORMER EMPLOYEES OF AIR AMERICA.

(a) IN GENERAL.—Not later than 120 days after the date of the enactment of this Act, the Director of National Intelligence shall submit to Congress a report on the advisability of providing Federal retirement benefits to United States citizens for the service of such individuals before 1977 as employees of Air America or an associated company while such company was owned or controlled by the United States Government and operated or managed by the Central Intelligence Agency.

(b) REPORT ELEMENTS.—(1) The report required by subsection (a) shall include the following:

(A) The history of Air America and associated companies before 1977, including a description of—

(i) the relationship between such companies and the Central Intelligence Agency and other elements of the United States Government;

(ii) the workforce of such companies;

(iii) the missions performed by such companies and their employees for the United States; and

(iv) the casualties suffered by employees of such companies in the course of their employment with such companies.

(B) A description of the retirement benefits contracted for or promised to the employees of such companies before 1977, the contributions made by such employees for such benefits, the retirement benefits actually paid such employees, the entitlement of such employees to the payment of future retirement benefits, and the likelihood that former employees of such companies will receive any future retirement benefits.

(C) An assessment of the difference between—

(i) the retirement benefits that former employees of such companies have received or will receive by virtue of their employment with such companies; and

(ii) the retirement benefits that such employees would have received and in the future receive if such employees had been, or would now be, treated as employees of the United States whose services while in the employ of such companies had been or would now be credited as Federal service for the purpose of Federal retirement benefits.

(D) The recommendations of the Director regarding the advisability of legislative action to treat employment at such companies as Federal service for the purpose of Federal retirement benefits in light of the relationship between such companies and the United States Government and the services and sacrifices of such employees to and for the United States, and if legislative action is considered advisable, a proposal for such action and an assessment of its costs.

(2) The Director of National Intelligence shall include in the report any views of the Director of the Central Intelligence Agency on the matters covered by the report that the Director of the Central Intelligence Agency considers appropriate.

(c) ASSISTANCE OF COMPTROLLER GENERAL.—The Comptroller General of the United States shall, upon the request of the Director of National Intelligence and in a manner consistent with the protection of classified information, assist the Director in the preparation of the report required by subsection (a).

(d) FORM.—The report required by subsection (a) shall be submitted in unclassified form, but may include a classified annex.

(e) DEFINITIONS.—In this section:

(1) The term ''Air America'' means Air America, Incorporated.

(2) The term ''associated company'' means any company associated with or subsidiary to Air America, including Air Asia Company Limited and the Pacific Division of Southern Air Transport, Incorporated.

Subtitle C—Defense Intelligence Components

SEC. 2431. ENHANCEMENTS OF NATIONAL SECURITY AGENCY TRAINING PROGRAM.

(a) TERMINATION OF EMPLOYEES.—Subsection (d)(1)(C) of section 16 of the National Security Agency Act of 1959 (50 U.S.C. 402 note) is amended by striking ''terminated either by'' and all that follows and inserting ''terminated—

''(i) by the Agency due to misconduct by the employee;

''(ii) by the employee voluntarily; or

''(iii) by the Agency for the failure of the employee to maintain such level of academic standing in the educational course of training as the Director of the National Security Agency shall have specified in the agreement of the employee under this subsection; and''.

(b) AUTHORITY TO WITHHOLD DISCLOSURE OF AFFILIATION WITH NSA.—Subsection (e) of such section is amended by striking ''(1) When an employee'' and all that follows through ''(2) Agency efforts'' and inserting ''Agency efforts''.

SEC. 2432. CODIFICATION OF AUTHORITIES OF NATIONAL SECURITY AGENCY PROTECTIVE PERSONNEL.

The National Security Agency Act of 1959 (50 U.S.C. 402 note) is amended by adding at the end the following new section:

''SEC. 20. (a) The Director is authorized to designate personnel of the Agency to perform protective functions for the Director and for any personnel of the Agency designated by the Director.

''(b)(1) In the performance of protective functions under this section, personnel of the Agency designated to perform protective functions pursuant to subsection (a) are authorized, when engaged in the performance of such functions, to make arrests without a warrant for—

''(A) any offense against the United States committed in the presence of such personnel; or

''(B) any felony cognizable under the laws of the United States if such personnel have reasonable grounds to believe that the person to be arrested has committed or is committing such felony.

''(2) The authority in paragraph (1) may be exercised only in accordance with guidelines approved by the Director and the Attorney General.

''(3) Personnel of the Agency designated to perform protective functions pursuant to subsection (a) shall not exercise any authority for the service of civil process or the investigation of criminal offenses.

''(c) Nothing in this section shall be construed to impair or otherwise affect any authority under any other provision of law relating to the performance of protective functions.''.

SEC. 2433. INSPECTOR GENERAL MATTERS.

(a) COVERAGE UNDER INSPECTOR GENERAL ACT OF 1978.—Subsection (a)(2) of section 8G of the Inspector General Act of 1978 (5 U.S.C. App. 8G) is amended—

(1) by inserting ''the Defense Intelligence Agency,'' after ''the Corporation for Public Broadcasting,'';

(2) by inserting ''the National Geospatial-Intelligence Agency,'' after ''the National Endowment for the Arts,''; and

(3) by inserting ''the National Reconnaissance Office, the National Security Agency,'' after ''the National Labor Relations Board,''.

(b) CERTAIN DESIGNATIONS UNDER INSPECTOR GENERAL ACT OF 1978.—Subsection (a) of section 8H of the Inspector General Act of 1978 (5 U.S.C. App. 8H) is amended by adding at the end the following new paragraph:

''(3) The Inspectors General of the Defense Intelligence Agency, the National Geospatial-Intelligence Agency, the National Reconnaissance Office, and the National Security Agency shall be designees of the Inspector General of the Department of Defense for purposes of this section.''.

(c) POWER OF HEADS OF ELEMENTS OVER INVESTIGATIONS.—Subsection (d) of section 8G of that Act—

(1) by inserting ''(1)'' after ''(d)'';

(2) in the second sentence of paragraph (1), as designated by paragraph (1) of this subsection, by striking ''The head'' and inserting ''Except as provided in paragraph (2), the head''; and

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

''(2)(A) The Director of National Intelligence or the Secretary of Defense may prohibit the Inspector General of an element of the intelligence community specified in subparagraph (D) from initiating, carrying out, or completing any audit or investigation if the Director or the Secretary, as the case may be, determines that the prohibition is necessary to protect vital national security interests of the United States.

''(B) If the Director or the Secretary exercises the authority under subparagraph (A), the Director or the Secretary, as the case may be, shall submit to the committees of Congress specified in subparagraph (E) an appropriately classified statement of the reasons for the exercise of the authority not later than seven days after the exercise of the authority.

''(C) At the same time the Director or the Secretary submits under subparagraph (B) a statement on the exercise of the authority in subparagraph (A) to the committees of Congress specified in subparagraph (E), the Director or the Secretary, as the case may be, shall notify the Inspector General of such element of the submittal of such statement and, to the extent consistent with the protection of intelligence sources and methods, provide the Inspector General with a copy of such statement. The Inspector General may submit to such committees of Congress any comments on a notice or statement received by the Inspector General under this subparagraph that the Inspector General considers appropriate.

''(D) The elements of the intelligence community specified in this subparagraph are as follows:

''(i) The Defense Intelligence Agency.

''(ii) The National Geospatial-Intelligence Agency.

''(iii) The National Reconnaissance Office.

''(iv) The National Security Agency.

''(E) The committees of Congress specified in this subparagraph are—

''(i) the Committee on Armed Services and the Select Committee on Intelligence of the Senate; and

''(ii) the Committee on Armed Services and the Permanent Select Committee on Intelligence of the House of Representatives.''.

SEC. 2434. CONFIRMATION OF APPOINTMENT OF HEADS OF CERTAIN COMPONENTS OF THE INTELLIGENCE COMMUNITY.

(a) DIRECTOR OF NATIONAL SECURITY AGENCY.—The National Security Agency Act of 1959 (50 U.S.C. 402 note) is amended by inserting after the first section the following new section:

''SEC. 2. (a) There is a Director of the National Security Agency.

''(b) The Director of the National Security Agency shall be appointed by the President, by and with the advice and consent of the Senate.

''(c) The Director of the National Security Agency shall be the head of the National Security Agency and shall discharge such functions and duties as are provided by this Act or otherwise by law.''.

(b) DIRECTOR OF NATIONAL GEOSPATIAL-INTELLIGENCE AGENCY.—Section 441(b) of title 10, United States Code, is amended—

(1) by redesignating paragraphs (2) and (3) as paragraphs (3) and (4), respectively; and

(2) by inserting after paragraph (1) the following new paragraph (2):

''(2) The Director of the National Geospatial Intelligence Agency shall be appointed by the President, by and with the advice and consent of the Senate.''.

(c) DIRECTOR OF NATIONAL RECONNAISSANCE OFFICE.—The Director of the National Reconnaissance Office shall be appointed by the President, by and with the advice and consent of the Senate.

(d) POSITIONS OF IMPORTANCE AND RESPONSIBILITY.—

(1) DESIGNATION OF POSITIONS.—The President may designate any of the positions referred to in paragraph (2) as positions of importance and responsibility under section 601 of title 10, United States Code.

(2) COVERED POSITIONS.—The positions referred to in this paragraph are as follows:

(A) The Director of the National Security Agency.

(B) The Director of the National Geospatial-Intelligence Agency.

(C) The Director of the National Reconnaissance Office.

(e) EFFECTIVE DATE AND APPLICABILITY.—(1) The amendments made by subsections (a) and (b), and subsection (c), shall take effect on the date of the enactment of this Act and shall apply upon the earlier of—

(A) the date of the nomination by the President of an individual to serve in the position concerned, except that the individual serving in such position as of the date of the enactment of this Act may continue to perform such duties after such date of nomination and until the individual appointed to such position, by and with the advice and consent of the Senate, assumes the duties of such position; or

(B) the date of the cessation of the performance of the duties of such position by the individual performing such duties as of the date of the enactment of this Act.

(2) Subsection (d) shall take effect on the date of the enactment of this Act.

SEC. 2435. CLARIFICATION OF NATIONAL SECURITY MISSIONS OF NATIONAL GEOSPATIAL-INTELLIGENCE AGENCY FOR ANALYSIS AND DISSEMINATION OF CERTAIN INTELLIGENCE INFORMATION.

Section 442(a) of title 10, United States Code, is amended—

(1) by redesignating paragraph (2) as paragraph (3);

(2) by inserting after paragraph (1) the following new paragraph (2):

''(2)(A) As directed by the Director of National Intelligence, the National Geospatial-Intelligence Agency shall also analyze, disseminate, and incorporate into the National System for Geospatial-Intelligence, likenesses, videos, or presentations produced by ground-based platforms, including handheld or clandestine photography taken by or on behalf of human intelligence collection organizations or available as open-source information.

''(B) The authority provided by this paragraph does not include the authority to manage or direct the tasking of, set requirements and priorities for, set technical requirements related to, or modify any classification or dissemination limitations related to the collection of, handheld or clandestine photography taken by or on behalf of human intelligence collection organizations.''; and

(3) in paragraph (3), as so redesignated, by striking ''paragraph (1)'' and inserting ''paragraphs (1) and (2)''.

SEC. 2436. SECURITY CLEARANCES IN THE NATIONAL GEOSPATIAL-INTELLIGENCE AGENCY.

The Secretary of Defense shall, during the period beginning on the date of the enactment of this Act and ending on December 31, 2007, delegate to the Director of the National Geospatial-Intelligence Agency personnel security authority with respect to the National Geospatial-Intelligence Agency (including authority relating to the use of contractor personnel in investigations and adjudications for security clearances) that is identical to the personnel security authority of the Director of the National Security Agency with respect to the National Security Agency.

Subtitle D—Other Elements

SEC. 2441. FOREIGN LANGUAGE INCENTIVE FOR CERTAIN NON-SPECIAL AGENT EMPLOYEES OF THE FEDERAL BUREAU OF INVESTIGATION.

(a) AUTHORITY TO PAY INCENTIVE.—The Director of the Federal Bureau of Investigation may pay a cash award authorized by section 4523 of title 5, United States Code, in accordance with the provisions of such section, to any employee of the Federal Bureau of Investigation described in subsection (b) as if such employee were a law enforcement officer as specified in such section.

(b) COVERED EMPLOYEES.—An employee of the Federal Bureau of Investigation described in this subsection is any employee of the Federal Bureau of Investigation—

(1) who uses foreign language skills in support of the analyses, investigations, or operations of the Bureau to protect against international terrorism or clandestine intelligence activities (or maintains foreign language skills for purposes of such support); and

(2) whom the Director of the Federal Bureau of Investigation, subject to the joint guidance of the Attorney General and the Director of National Intelligence, may designate for purposes of this section.

SEC. 2442. AUTHORITY TO SECURE SERVICES BY CONTRACT FOR THE BUREAU OF INTELLIGENCE AND RESEARCH OF THE DEPARTMENT OF STATE.

Title I of the State Department Basic Authorities Act of 1956 (22 U.S.C. 2651a et seq.) is amended by inserting after section 23 the following new section:

''SERVICES BY CONTRACT FOR BUREAU OF INTELLIGENCE AND RESEARCH

''SEC. 23A. (a) AUTHORITY TO ENTER INTO CONTRACTS.—The Secretary may enter into contracts with individuals or organizations for the provision of services in support of the mission of the Bureau of Intelligence and Research of the Department of State if the Secretary determines that—

''(1) the services to be procured are urgent or unique; and

''(2) it would not be practicable for the Department to obtain such services by other means.

''(b) TREATMENT AS EMPLOYEES OF THE UNITED STATES GOVERNMENT.—(1) Individuals employed under a contract pursuant to the authority in subsection (a) shall not, by virtue of the performance of services under such contract, be considered employees of the United States Government for purposes of any law administered by the Office of Personnel Management.

''(2) The Secretary may provide for the applicability to individuals described in paragraph (1) of any law administered by the Secretary concerning the employment of such individuals.

''(c) CONTRACT TO BE APPROPRIATE MEANS OF SECURING SERVICES.—The chief contracting officer of the Department of State shall ensure that each contract entered into by the Secretary under this section is the appropriate means of securing the services to be provided under such contract.''.

SEC. 2443. CLARIFICATION OF INCLUSION OF COAST GUARD AND DRUG ENFORCEMENT ADMINISTRATION AS ELEMENTS OF THE INTELLIGENCE COMMUNITY.

Section 3(4) of the National Security Act of 1947 (50 U.S.C. 401a(4)) is amended—

(1) in subparagraph (H)—

(A) by inserting ''the Coast Guard,'' after ''the Marine Corps,''; and

(B) by inserting ''the Drug Enforcement Administration,'' after ''the Federal Bureau of Investigation,''; and

(2) in subparagraph (K), by striking '', including the Office of Intelligence of the Coast Guard''.

SEC. 2444. CLARIFYING AMENDMENTS RELATING TO SECTION 105 OF THE INTELLIGENCE AUTHORIZATION ACT FOR FISCAL YEAR 2004.

Section 105(b) of the Intelligence Authorization Act for Fiscal Year 2004 (Public Law 108–177; 117 Stat. 2603; 31 U.S.C. 311 note) is amended—

(1) by striking ''Director of Central Intelligence'' and inserting ''Director of National Intelligence''; and

(2) by inserting ''or in section 313 of such title,'' after ''subsection (a)),''.

TITLE XXV—OTHER MATTERS

SEC. 2501. TECHNICAL AMENDMENTS TO THE NATIONAL SECURITY ACT OF 1947.

The National Security Act of 1947 (50 U.S.C. 401 et seq.) is amended as follows:

(1) In section 102A (50 U.S.C. 403–1)—

(A) in subsection (c)(7)(A), by striking ''section'' and inserting ''subsection'';

(B) in subsection (d)—

(i) in paragraph (3), by striking ''subparagraph (A)'' in the matter preceding subparagraph (A) and inserting ''paragraph (1)(A)'';

(ii) in paragraph (5)(A), by striking ''or personnel'' in the matter preceding clause (i); and

(iii) in paragraph (5)(B), by striking ''or agency involved'' in the second sentence and inserting ''involved or the Director of the Central Intelligence Agency (in the case of the Central Intelligence Agency)'';

(C) in subsection (l)(2)(B), by striking ''section'' and inserting ''paragraph''; and

(D) in subsection (n), by inserting ''AND OTHER'' after ''ACQUISITION''.

(2) In section 119(c)(2)(B) (50 U.S.C. 404o(c)(2)(B)), by striking ''subsection (h)'' and inserting ''subsection (i)''.

(3) In section 705(e)(2)(D)(i) (50 U.S.C. 432c(e)(2)(D)(i)), by striking ''responsible'' and inserting ''responsive''.

SEC. 2502. TECHNICAL CLARIFICATION OF CERTAIN REFERENCES TO JOINT MILITARY INTELLIGENCE PROGRAM AND TACTICAL INTELLIGENCE AND RELATED ACTIVITIES.

Section 102A of the National Security Act of 1947 (50 U.S.C. 403–1) is amended—

(1) in subsection (c)(3)(A), by striking ''annual budgets for the Joint Military Intelligence Program and for Tactical Intelligence and Related Activities'' and inserting ''annual budget for the Military Intelligence Program or any successor program or programs''; and

(2) in subsection (d)(1)(B), by striking ''Joint Military Intelligence Program'' and inserting ''Military Intelligence Program or any successor program or programs''.

SEC. 2503. TECHNICAL AMENDMENTS TO THE INTELLIGENCE REFORM AND TERRORISM PREVENTION ACT OF 2004.

(a) AMENDMENTS TO NATIONAL SECURITY INTELLIGENCE REFORM ACT OF 2004.—The National Security Intelligence Reform Act of 2004 (title I of Public Law 108–458) is further amended as follows:

(1) In section 1016(e)(10)(B) (6 U.S.C. 458(e)(10)(B)), by striking ''Attorney General'' the second place it appears and inserting ''Department of Justice''.

(2) In section 1061 (5 U.S.C. 601 note)—

(A) in subsection (d)(4)(A), by striking ''National Intelligence Director'' and inserting ''Director of National Intelligence''; and

(B) in subsection (h), by striking ''National Intelligence Director'' and inserting ''Director of National Intelligence''.

(3) In section 1071(e), by striking ''(1)''.

(4) In section 1072(b), by inserting ''AGENCY'' after ''INTELLIGENCE''.

(b) OTHER AMENDMENTS TO INTELLIGENCE REFORM AND TERRORISM PREVENTION ACT OF 2004.—The Intelligence Reform and Terrorism Prevention Act of 2004 (Public Law 108–458) is amended as follows:

(1) In section 2001 (28 U.S.C. 532 note)—

(A) in subsection (c)(1), by inserting ''of'' before ''an institutional culture'';

(B) in subsection (e)(2), by striking ''the National Intelligence Director in a manner consistent with section 112(e)'' and inserting ''the Director of National Intelligence in a manner consistent with applicable law''; and

(C) in subsection (f), by striking ''shall,'' in the matter preceding paragraph (1) and inserting ''shall''.

(2) In section 2006 (28 U.S.C. 509 note)—

(A) in paragraph (2), by striking ''the Federal'' and inserting ''Federal''; and

(B) in paragraph (3), by striking ''the specific'' and inserting ''specific''.

SEC. 2504. TECHNICAL AMENDMENTS TO TITLE 10, UNITED STATES CODE, ARISING FROM ENACTMENT OF THE INTELLIGENCE REFORM AND TERRORISM PREVENTION ACT OF 2004.

(a) REFERENCES TO HEAD OF INTELLIGENCE COMMUNITY.—Title 10, United States Code, is amended by striking ''Director of Central Intelligence'' each place it appears in a provision as follows and inserting ''Director of National Intelligence'':

(1) Section 193(d)(2).
(2) Section 193(e).
(3) Section 201(a).
(4) Section 201(b)(1).
(5) Section 201(c)(1).
(6) Section 425(a).
(7) Section 431(b)(1).
(8) Section 441(c).
(9) Section 441(d).
(10) Section 443(d).
(11) Section 2273(b)(1).
(12) Section 2723(a).

(b) CLERICAL AMENDMENTS.—Such title is further amended by striking ''DIRECTOR OF CENTRAL INTELLIGENCE'' each place it appears in a provision as follows and inserting ''DIRECTOR OF NATIONAL INTELLIGENCE'':

(1) Section 441(c).
(2) Section 443(d).

(c) REFERENCE TO HEAD OF CENTRAL INTELLIGENCE AGENCY.—Section 444 of such title is amended by striking ''Director of Central Intelligence'' each place it appears and inserting ''Director of the Central Intelligence Agency''.

SEC. 2505. TECHNICAL AMENDMENT TO THE CENTRAL INTELLIGENCE AGENCY ACT OF 1949.

Section 5(a)(1) of the Central Intelligence Agency Act of 1949 (50 U.S.C. 403f(a)(1)) is amended by striking ''authorized under paragraphs (2) and (3) of section 102(a), subsections (c)(7) and (d) of section 103, subsections (a) and (g) of section 104, and section 303 of the National Security Act of 1947 (50 U.S.C. 403(a)(2), (3), 403–3(c)(7), (d), 403–4(a), (g), and 405)'' and inserting ''authorized under subsections (d), (e), (f), and (g) of section 104A of the National Security Act of 1947 (50 U.S.C. 403–4a).''.

SEC. 2506. TECHNICAL AMENDMENTS RELATING TO THE MULTIYEAR NATIONAL INTELLIGENCE PROGRAM.

(a) IN GENERAL.—Subsection (a) of section 1403 of the National Defense Authorization Act for Fiscal Year 1991 (50 U.S.C. 404b) is amended—

(1) in the subsection caption, by striking ''FOREIGN''; and

(2) by striking ''foreign'' each place it appears.

(b) RESPONSIBILITY OF DNI.—That section is further amended—

(1) in subsections (a) and (c), by striking ''Director of Central Intelligence'' and inserting ''Director of National Intelligence''; and

(2) in subsection (b), by inserting ''of National Intelligence'' after ''Director''.

(c) CONFORMING AMENDMENT.—The heading of that section is amended to read as follows:

''SEC. 1403. MULTIYEAR NATIONAL INTELLIGENCE PROGRAM.''.

SEC. 2507. TECHNICAL AMENDMENTS TO THE EXECUTIVE SCHEDULE.

(a) EXECUTIVE SCHEDULE LEVEL II.—Section 5313 of title 5, United States Code, is amended by striking the item relating to the Director of Central Intelligence and inserting the following new item:

''Director of the Central Intelligence Agency.''.

(b) EXECUTIVE SCHEDULE LEVEL III.—Section 5314 of title 5, United States Code, is amended by striking the item relating to the Deputy Directors of Central Intelligence.

(c) EXECUTIVE SCHEDULE LEVEL IV.—Section 5315 of title 5, United States Code, is amended by striking the item relating to the General Counsel of the Office of the National Intelligence Director and inserting the following new item:

''General Counsel of the Office of the Director of National Intelligence.''.

SEC. 2508. TECHNICAL AMENDMENTS RELATING TO REDESIGNATION OF THE NATIONAL IMAGERY AND MAPPING AGENCY AS THE NATIONAL GEOSPATIAL-INTELLIGENCE AGENCY.

(a) TITLE 5, UNITED STATES CODE.—(1) Title 5, United States Code, is amended by striking ''National Imagery and Mapping Agency'' each place it appears in a provision as follows and inserting ''National Geospatial-Intelligence Agency'':

(A) Section 2302(a)(2)(C)(ii).
(B) Section 3132(a)(1)(B).
(C) Section 4301(1) (in clause (ii)).
(D) Section 4701(a)(1)(B).
(E) Section 5102(a)(1) (in clause (x)).
(F) Section 5342(a)(1) (in clause (K)).
(G) Section 6339(a)(1)(E).
(H) Section 7323(b)(2)(B)(i)((XIII).

(2) Section 6339(a)(2)(E) of such title is amended by striking ''National Imagery and Mapping Agency, the Director of the National Imagery and Mapping Agency'' and inserting ''National Geospatial-Intelligence Agency, the Director of the National Geospatial-Intelligence Agency''.

(b) TITLE 44, UNITED STATES CODE.—(1)(A) Section 1336 of title 44, United States Code, is amended by striking ''National Imagery and Mapping Agency'' both places it appears and inserting ''National Geospatial-Intelligence Agency''.

(B) The heading of such section is amended to read as follows:

''§ 1336. National Geospatial-Intelligence Agency: special publications''.

(2) The table of sections at the beginning of chapter 13 of such title is amended by striking the item relating to section 1336 and inserting the following new item:

''1336. National Geospatial-Intelligence Agency: special publications.''.

(c) HOMELAND SECURITY ACT OF 2002.—Section 201(f)(2)(E) of the Homeland Security Act of 2002 (6 U.S.C. 121(f)(2)(E)) is amended by striking ''National Imagery and Mapping Agency'' and inserting ''National Geospatial-Intelligence Agency''.

(d) INSPECTOR GENERAL ACT OF 1978.—Section 8H of the Inspector General Act of 1978 (5 U.S.C. App.) is amended by striking ''National Imagery and Mapping Agency'' each place it appears and inserting ''National Geospatial-Intelligence Agency''.

(e) ETHICS IN GOVERNMENT ACT OF 1978.—Section 105(a)(1) of the Ethics in Government Act of 1978 (5 U.S.C. App.) is amended by striking ''National Imagery and Mapping Agency'' and inserting ''National Geospatial-Intelligence Agency''.

(f) OTHER ACTS.—(1) Section 7(b)(2)(A)(i) of the Employee Polygraph Protection Act of 1988 (29 U.S.C. 2006(b)(2)(A)(i)) is amended by striking ''National Imagery and Mapping Agency'' and inserting ''National Geospatial-Intelligence Agency''.

(2) Section 207(a)(2)(B) of the Legislative Branch Appropriations Act, 1993 (44 U.S.C. 501 note) is amended by striking ''National Imagery and Mapping Agency'' and inserting ''National Geospatial-Intelligence Agency''.

DIVISION D—TRANSPORTATION SECURITY

TITLE XXXI—MARITIME SECURITY

SEC. 3101. SHORT TITLE; DEFINITIONS.

(a) SHORT TITLE.—This title may be cited as the ''Maritime Transportation Security Act of 2006''.

(b) DEFINITIONS.—In this title:

(1) APPROPRIATE CONGRESSIONAL COMMITTEES.—The term ''appropriate congressional committees'' means the Committee on Appropriations, the Committee on Commerce, Science, and Transportation, the Committee on Finance, and the Committee on Homeland Security and Governmental Affairs of the Senate, and the Committee on Appropriations, the Committee on Homeland Security, and the Committee on Ways and Means of the House of Representatives.

(2) COMMISSIONER.—The term ''Commissioner'' means the Commissioner of Customs.

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

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

SEC. 3102. INTERAGENCY OPERATIONAL COMMAND CENTERS FOR PORT SECURITY.

(a) IN GENERAL.—Chapter 701 of title 46, United States Code, is amended by inserting after section 70103 the following new section:

''§ 70103A. Interagency operational command centers for port security

''(a) IN GENERAL.—In order to improve interagency cooperation, unity of command, and the sharing of intelligence information in a common mission to provide greater protection for port and intermodal transportation systems against acts of terrorism, the Secretary, shall establish interagency operational command centers for port security at all high priority ports.

''(b) CHARACTERISTICS.—The interagency operational centers shall—

''(1) be based on the most appropriate compositional and operational characteristics of the pilot project interagency operational centers for port security in Miami, Florida, Norfolk/Hampton Roads, Virginia, Charleston, South Carolina, and San Diego, California and the virtual operation center at the port of New York/New Jersey;

''(2) be adapted to meet the security needs, requirements, and resources of the individual port area at which each center is operating;

''(3) provide for participation by—

''(A) representatives of the United States Customs and Border Protection, Immigration and Customs Enforcement, the Transportation Security Administration, the Department of Defense, the Department of Justice, and other Federal agencies, determined to be appropriate by the Secretary of Homeland Security;

''(B) representatives of State and local law enforcement or port security personnel; and

''(C) members of the area maritime security committee, as deemed appropriate by the Coast Guard Captain of the Port;

''(4) be incorporated in the implementation and administration of—

''(A) maritime transportation security plans developed under section 70103 of this title;

''(B) maritime intelligence activities under section 70113 of this title;

''(C) short and long range vessel tracking under sections 70114 and 70115 of this title;

''(D) secure transportation systems under section 70119 of this title;

''(E) the United States Customs and Border Protection's screening and high-risk cargo inspection programs;

''(F) the transportation security incident response plans required by section 70104 of this title; and

''(G) the execution of the protocols established under sections 3119 and 3120 of the Maritime Transportation Security Act of 2006 and the amendments made by such sections.

''(c) REPORT REQUIREMENT.—Nothing in this section relieves the Commandant of the Coast Guard from compliance with the requirements of section 807 of the Coast Guard and Maritime Transportation Act of 2004. The Commandant shall utilize the information developed for the report required by such section 807 in carrying out the requirements of this section.

''(d) SECURITY CLEARANCE ASSISTANCE.—The Secretary may assist non-Federal personnel described in subsection (b)(3)(B) or (C) in obtaining expedited appropriate security clearances and in maintaining their security clearances.

''(e) SECURITY INCIDENTS.—During a transportation security incident (as defined in section 70101(6) of this title) involving a port, the Coast Guard Captain of the Port, designated by the Commandant of the Coast Guard, in each joint operations center for maritime security shall act as the incident commander, unless otherwise directed under the National Maritime Transportation Security Plan established under section 70103 of this title or by the President.''.

(b) CLERICAL AMENDMENT.—The chapter analysis for chapter 701 of title 46, United States Code, is amended by inserting after the item relating to section 70103 the following new item:

''70103A. Interagency operational command centers for port security.''.

(c) BUDGET AND COST-SHARING ANALYSIS.—Not later than 180 days after the date of the enactment of this Act, the Secretary of the department in which the Coast Guard is operating shall submit to the Committee on Commerce, Science, and Transportation of the Senate, and the Committee on Homeland Security of the House of Representatives, a proposed budget analysis for implementing subsection (a) of section 70103A of title 46, United States Code (as added by subsection (a) of this section), including cost-sharing arrangements with other departments and agencies of the Federal Government involved in the interagency operation of the centers established under such section 70101A.

SEC. 3103. SALVAGE RESPONSE PLAN.

Section 70103(b)(2) of title 46, United States Code, is amended—

(1) by redesignating subparagraphs (E) and (F) as subparagraphs (F) and (G), respectively; and

(2) by inserting after subparagraph (D) the following:

''(E) include a salvage response plan—

''(i) to identify salvage equipment capable of restoring operational trade capacity; and

''(ii) to ensure that the flow of cargo through United States ports is reestablished as efficiently and quickly as possible after a transportation security incident.''.

SEC. 3104. VESSEL AND FACILITY SECURITY PLANS.

Section 70103(c)(3) of title 46, United States Code, is amended—

(1) in subparagraph (E), by striking the ''training, periodic unannounced drills and'';

(2) by redesignating subparagraphs (F) and (G) as subparagraphs (G) and (H), respectively; and

(3) by inserting after subparagraph (E) the following new subparagraph:

''(F) provide a strategy and timeline for conducting training and periodic unannounced drills for persons on the vessel or at the facility to be carried out under the plan to deter, to the maximum extent practicable, a transportation security incident or a substantial threat of such a transportation security incident;''.

SEC. 3105. ASSISTANCE FOR FOREIGN PORTS.

(a) IN GENERAL.—Section 70109 of title 46, United States Code, is amended—

(1) by striking the section heading and inserting the following:

''§ 70109. International cooperation and coordination''; and

(2) by adding at the end the following:

''(c) FOREIGN ASSISTANCE PROGRAMS.—

''(1) IN GENERAL.—The Secretary, in consultation with the Secretary of Transportation, the Secretary of State, the Secretary of Energy, and the Commandant of the United States Coast Guard, shall identify foreign assistance programs that could facilitate implementation of port security antiterrorism measures in foreign countries. The Secretary shall establish a strategic plan to utilize the programs that are capable of implementing port security antiterrorism measures at ports in foreign countries that the Secretary finds, under section 70108, to lack effective antiterrorism measures.

''(2) CARIBBEAN BASIN.—The Secretary, in coordination with the Secretary of State and in consultation with the Organization of American States and the Commandant of the United States Coast Guard, shall place particular emphasis on utilizing programs to facilitate the implementation of port security antiterrorism measures at the ports located in the Caribbean Basin, as such ports pose unique security and safety threats to the United States due to—

''(A) the strategic location of such ports between South America and United States;

''(B) the relative openness of such ports; and

''(C) the significant number of shipments of narcotics to the United States that are moved through such ports.

''(3) INTERNATIONAL CARGO SECURITY STANDARDS.—The Secretary, in consultation with the Secretary of State, shall enter into negotiations with foreign governments and international organizations, including the International Maritime Organization, the World Customs Organization, and the International Standards Organization, as appropriate—

''(A) to promote standards for the security of containers and other cargo moving within the international supply chain;

''(B) to encourage compliance with minimum technical requirements for the capabilities of nonintrusive inspection equipment, including imaging and radiation detection devices, established under the Maritime Transportation Security Act of 2006;

''(C) to implement the requirements of the container security initiative under section 70117; and

''(D) to implement standards and procedures established under section 70119.''.

(b) REPORT ON SECURITY AT PORTS IN THE CARIBBEAN BASIN.—Not later than 180 days after the date of the enactment of this Act, the Comptroller General of the United States shall submit to the Committee on Commerce, Science, and Transportation of the Senate, the Committee on Transportation and Infrastructure of the House of Representatives, and the Committee on Homeland Security of the House of Representatives a report on the security of ports in the Caribbean Basin. The report—

(1) shall include—

(A) an assessment of the effectiveness of the measures employed to improve security at ports in the Caribbean Basin and recommendations for any additional measures to improve such security;

(B) an estimate of the number of ports in the Caribbean Basin that will not be secured by July 1, 2007, and an estimate of the financial impact in the United States of any action taken pursuant to section 70110 of title 46, United States Code, that affects trade between such ports and the United States; and

(C) an assessment of the additional resources and program changes that are necessary to maximize security at ports in the Caribbean Basin; and

(2) may be submitted in both classified and redacted formats.

(c) CONFORMING AMENDMENT.—The chapter analysis for chapter 701 of title 46, United States Code, is amended by striking the item relating to section 70901 and inserting the following:

''70901. International cooperation and coordination''.

SEC. 3106. PORT SECURITY GRANTS.

(a) BASIS FOR GRANTS.—Section 70107(a) of title 46, United States Code, is amended by striking ''for making a fair and equitable allocation of funds'' and inserting ''based on risk and vulnerability''.

(b) LETTERS OF INTENT.—Section 70107(e) of title 46, United States Code, is amended by adding at the end the following:

''(5) LETTERS OF INTENT.—The Secretary may execute letters of intent to commit funding for eligible costs. Not more than 20 percent of the grant funds awarded under this subsection in any fiscal year may be awarded for projects that span multiple years.''.

SEC. 3107. OPERATION SAFE COMMERCE.

Section 70107 of title 46, United States Code, is amended by adding at the end the following new subsection:

''(j) OPERATION SAFE COMMERCE.—

''(1) IN GENERAL.—Not later than 1 year after the date of the enactment of the Maritime Transportation Security Act of 2006, the Secretary shall initiate grant projects that—

''(A) integrate nonintrusive inspection and radiation detection equipment with automatic identification methods for containers, vessels, and vehicles;

''(B) test physical access control protocols and technologies;

''(C) create a data sharing network capable of transmitting data required by entities participating in the international supply chain from every intermodal transfer point to the National Targeting Center of the Department; and

''(D) otherwise further maritime and cargo security, as determined by the Secretary.

''(2) SUPPLY CHAIN SECURITY FOR SPECIAL CONTAINER AND NONCONTAINERIZED CARGO.—

The Secretary shall consider demonstration projects that further the security of the international supply chain for special container cargo, including refrigerated containers, and noncontainerized cargo, including roll-on/roll-off, break-bulk, liquid, and dry bulk cargo.

''(3) ANNUAL REPORT.—Not later than March 1 of each year, the Secretary shall submit a report detailing the results of Operation Safe Commerce to—

''(A) the Committee on Commerce, Science, and Transportation of the Senate;

''(B) the Committee on Homeland Security and Government Affairs of the Senate;

''(C) the Committee on Homeland Security of the House of Representatives;

''(D) the Committee on Appropriations of the Senate; and

''(E) the Committee on Appropriations of the House of Representatives.''.

SEC. 3108. PORT SECURITY TRAINING PROGRAM.

(a) IN GENERAL.—The Secretary, acting through the Assistant Secretary for Grants and Training and in coordination with components of the Department with maritime security expertise, including the Coast Guard, the Transportation Security Administration, and United States Customs and Border Protection, shall establish a Port Security Training Program (in this section referred to as the ''Program'') for the purpose of enhancing the capabilities of each commercial seaports in the United States to prevent, prepare for, respond to, mitigate against, and recover from threatened or actual acts of terrorism, natural disasters, and other emergencies.

(b) REQUIREMENTS.—The Program shall provide validated training that—

(1) reaches multiple disciplines, including Federal, State, and local government officials, commercial seaport personnel and management, and governmental and nongovernmental emergency response providers;

(2) provides training at the awareness, performance, and management and planning levels;

(3) utilizes multiple training mediums and methods, including—

(A) direct delivery;

(B) train-the-trainer;

(C) computer-based training;

(D) web-based training; and

(E) video teleconferencing;

(4) addresses port security topics, including—

(A) seaport security plans and procedures, including how security plans and procedures are adjusted when threat levels increase;

(B) seaport security force operations and management;

(C) physical security and access control at seaports;

(D) methods of security for preventing and countering cargo theft;

(E) container security;

(F) recognition and detection of weapons, dangerous substances, and devices;

(G) operation and maintenance of security equipment and systems;

(H) security threats and patterns;

(I) security incident procedures, including procedures for communicating with governmental and nongovernmental emergency response providers; and

(J) evacuation procedures;

(5) is consistent with, and supports implementation of, the National Incident Management System, the National Response Plan, the National Infrastructure Protection Plan, the National Preparedness Guidance, the National Preparedness Goal, the National Maritime Transportation Security Plan and other such national initiatives;

(6) is evaluated against clear and consistent performance measures;

(7) addresses security requirements under facility security plans; and

(8) educates, trains, and involves populations of at-risk neighborhoods around ports, including training on an annual basis for neighborhoods to learn what to be watchful for in order to be a ''citizen corps'', if necessary.

(c) NATIONAL VOLUNTARY CONSENSUS STANDARDS.—The Secretary shall—

(1) support the development, promulgation, and regular updating as necessary of national voluntary consensus standards for port security training; and

(2) ensure that the training provided under this section is consistent with such standards.

(d) TRAINING PARTNERS.—In developing and delivering training under the Program, the Secretary shall—

(1) work with government training facilities, academic institutions, private organizations, employee organizations, and other entities that provide specialized, state-of-the-art training for governmental and nongovernmental emergency responder providers or commercial seaport personnel and management; and

(2) utilize, as appropriate, training courses provided by community colleges, public safety academies, State and private universities, and other facilities.

(e) CONSULTATION.—The Secretary shall ensure that, in carrying out the Program, the Office of Grants and Training consults with commercial seaport personnel and management.

(f) COMMERCIAL SEAPORT PERSONNEL DEFINED.—For purposes of this section, the term ''commercial seaport personnel'' means any person engaged in an activity relating to the loading or unloading of cargo, the movement or tracking of cargo, the maintenance and repair of intermodal equipment, the operation of cargo-related equipment (whether or not integral to the vessel), and the handling of mooring lines on the dock when a vessel is made fast or let go, in the United States or the coastal waters thereof.

SEC. 3109. PORT SECURITY EXERCISE PROGRAM.

(a) IN GENERAL.—The Secretary shall establish a Port Security Exercise Program (in this section referred to as the ''Program'') for the purpose of testing and evaluating the capabilities of Federal, State, local, and foreign governments, commercial seaport personnel and management, governmental and nongovernmental emergency response providers, the private sector, or any other organization or entity, as the Secretary determines to be appropriate, to prevent, prepare for, mitigate against, respond to, and recover from acts of terrorism, natural disasters, and other emergencies at commercial seaports.

(b) REQUIREMENTS.—The Secretary, acting through the Assistant Secretary for Grants and Training and in coordination with components of the Department with maritime security expertise, including the Coast Guard, the Transportation Security Administration, and United States Customs and Border Protection, shall ensure that the Program—

(1) consolidates all existing port security exercise programs administered by the Department;

(2) conducts, on a periodic basis, port security exercises at commercial seaports that are—

(A) scaled and tailored to the needs of each port;

(B) live in the case of the most at-risk ports;

(C) as realistic as practicable and based on current risk assessments, including credible threats, vulnerabilities, and consequences;

(D) consistent with the National Incident Management System, the National Response Plan, the National Infrastructure Protection Plan, the National Preparedness Guidance, the National Preparedness Goal, the National Maritime Transportation Security Plan and other such national initiatives;

(E) evaluated against clear and consistent performance measures;

(F) assessed to learn best practices, which shall be shared with appropriate Federal, State, and local officials, seaport personnel and management; governmental and nongovernmental emergency response providers, and the private sector; and

(G) followed by remedial action in response to lessons learned; and

(3) assists State and local governments and commercial seaports in designing, implementing, and evaluating exercises that—

(A) conform to the requirements of paragraph (2); and

(B) are consistent with any applicable Area Maritime Transportation Security Plan and State or Urban Area Homeland Security Plan.

(c) REMEDIAL ACTION MANAGEMENT SYSTEM.—The Secretary, acting through the Assistant Secretary for Grants and Training, shall establish a Remedial Action Management System to—

(1) identify and analyze each port security exercise for lessons learned and best practices;

(2) disseminate lessons learned and best practices to participants in the Program;

(3) monitor the implementation of lessons learned and best practices by participants in the Program; and

(4) conduct remedial action tracking and long-term trend analysis.

(d) GRANT PROGRAM FACTOR.—In evaluating and prioritizing applications for the port security grant program under section 70107 of title 46, United States Code, the Secretary shall give additional consideration to those applicants that have conducted port security exercises under this section.

(e) CONSULTATION.—The Secretary shall ensure that, in carrying out the Program, the Office of Grants and Training consults with—

(1) governmental and nongovernmental emergency response providers; and

(2) commercial seaport personnel and management.

(f) COMMERCIAL SEAPORT PERSONNEL DEFINED.—For purposes of this section, the term ''commercial seaport personnel'' means any person engaged in an activity relating to the loading or unloading of cargo, the movement or tracking of cargo, the maintenance and repair of intermodal equipment, the operation of cargo-related equipment (whether or not integral to the vessel), and the handling of mooring lines on the dock when a vessel is made fast or let go, in the United States or the coastal waters thereof.

SEC. 3110. INSPECTION OF CAR FERRIES ENTERING FROM CANADA.

Not later than 120 days after the date of the enactment of this Act, the Secretary of Homeland Security, acting through the Commissioner of Customs, in coordination with the Secretary of State, and their Canadian counterparts, shall develop a plan for the inspection of passengers and vehicles before such passengers board, or such vehicles are loaded onto, a ferry bound for a United States port.

SEC. 3111. DEADLINE FOR TRANSPORTATION WORKER IDENTIFICATION CREDENTIAL SECURITY CARDS.

Section 70105(a) of title 46, United States Code, is amended by adding at the end the following:

''(3) The Secretary shall—

''(A) promulgate a final rule to implement this section not later than January 1, 2007;

''(B) conduct a complete review of the biometric card readers not later than 90 days after the promulgation of such rule; and

''(C) implement this section not later than July 1, 2007.''.

SEC. 3112. PORT SECURITY USER FEE STUDY.

The Secretary of Homeland Security, in consultation with the Secretary of the Treasury and the United States Trade Representative, shall conduct a study of the need for, and feasibility of, establishing a system of oceanborne and port-related intermodal transportation user fees that could be imposed and collected as a dedicated revenue source, on a temporary or continuing basis, to provide necessary funding for the improvement and maintenance of enhanced port security. Not later than 1 year after date of the enactment of this Act, the Secretary shall submit a report to the appropriate congressional committees that—

(1) contains the Secretary's findings, conclusions, and recommendations (including legislative recommendations if appropriate) regarding implementation of user fees;

(2) includes an assessment of the annual amount of customs fees and duties collected through oceanborne and port-related transportation and the amount and percentage of such fees and duties that are dedicated to improving and maintaining security;

(3) includes an assessment of the impact of the fees, charges, and standards on the competitiveness of United States ports and port terminal operators; and

(4) includes recommendations for addressing any negative impact the fees, charges, and standards have on the competitiveness of United States ports and port terminal operators.

SEC. 3113. UNANNOUNCED INSPECTIONS OF MARITIME FACILITIES.

Subparagraph (D) of section 70103(c)(4) of title 46, United States Code, is amended to read as follows:

''(D) verify the effectiveness of each such facility security plan periodically, not less than twice annually, at least one of which shall be an inspection of the facility that is conducted without notice to the facility.''.

SEC. 3114. FOREIGN PORT ASSESSMENTS.

Section 70108 of title 46, United States Code, is amended by adding at the end the following:

''(d) PERIODIC REASSESSMENT.—The Secretary shall reassess the effectiveness of antiterrorism measures maintained at ports as described under subsection (a) and of procedures described in subsection (b) not less than every 3 years.''.

SEC. 3115. PILOT PROGRAM TO IMPROVE THE SECURITY OF EMPTY CONTAINERS.

(a) IN GENERAL.—The Secretary, acting through the Commissioner of Customs, shall conduct a 1-year pilot program to evaluate and improve the security of empty containers at United States seaports to ensure the safe and secure delivery of cargo and to prevent potential acts of terrorism involving such containers. The pilot program shall include the use of visual searches of empty containers at United States seaports.

(b) REPORT.—Not later than 90 days after the completion of the pilot program under paragraph (1), the Secretary shall prepare and submit to the appropriate congressional committees a report that contains—

(1) the results of pilot program; and

(2) the determination of the Secretary whether or not to expand the pilot program.

SEC. 3116. DOMESTIC RADIATION DETECTION AND IMAGING.

(a) EXAMINING CONTAINERS.—Not later than December 31, 2007, all containers entering the United States through the busiest 22 seaports of entry shall be examined for radiation.

(b) STRATEGY.—The Secretary shall develop a strategy for the deployment of radiation detection capabilities that includes—

(1) a risk-based prioritization of ports of entry at which radiation detection equipment will be deployed;

(2) a proposed time line of when radiation detection equipment will be deployed at each of the ports of entry identified under paragraph (1);

(3) the type of equipment to be used at each of the ports of entry identified under paragraph (1), including the joint deployment and utilization of radiation detection equipment and nonintrusive imaging equipment;

(4) standard operating procedures for examining containers with such equipment, including sensor alarming, networking and communications and response protocols;

(5) operator training plans;

(6) the Department policy for the use of nonintrusive inspection equipment; and

(7) a classified annex that—

(A) details plans for covert testing; and

(B) outlines the risk-based prioritization of ports of entry used under paragraph (1).

(c) REPORT.—Not later than 90 days after the date of the enactment of this Act, the Secretary shall submit the strategy developed under subsection (b) to appropriate congressional committees.

(d) OTHER WMD THREATS.—Not later than 180 days after the date of the enactment of this Act, the Secretary shall submit a strategy for the deployment of equipment to detect chemical, biological, and other weapons at all ports of entry into the United States to appropriate congressional committees.

(e) IMPLEMENTATION.—Not later than 2 years after the date of the enactment of this Act, the Secretary shall fully implement the strategy developed under subsection (b).

SEC. 3117. EVALUATION OF THE ENVIRONMENTAL HEALTH AND SAFETY IMPACTS OF NONINTRUSIVE INSPECTION TECHNOLOGY.

(a) RADIATION SAFETY.—Not later than 90 days after the date of the enactment of this Act, the Director of the National Institutes of Health, in conjunction with the Director of the Domestic Nuclear Detection Office and the Commissioner of Customs, shall—

(1) conduct an evaluation of the health and safety impacts of non-intrusive inspection technology; and

(2) identify appropriate operational protocols for the use of United States Customs and Border Protection non-intrusive inspection equipment.

(b) SUBMISSION TO CONGRESS.—The final evaluation conducted under subsection (a) shall be transmitted to the appropriate congressional committees not later than 180 days after the date of the enactment of this Act.

SEC. 3118. AUTHORIZATION FOR CUSTOMS AND BORDER PROTECTION PERSONNEL.

The Act of February 13, 1911 (36 Stat. 901, chapter 46; 19 U.S.C. 267) is amended by inserting after section 5 the following new section:

''SEC. 5A. AUTHORIZATION FOR CUSTOMS AND BORDER PROTECTION PERSONNEL.

''(a) IN GENERAL.—In addition to any monies hereafter appropriated to the United States Customs and Border Protection of the Department of Homeland Security, there are authorized to be appropriated for the purpose of increasing the number of Customs and Border Protection personnel, to remain available until expended, the following:

''(1) $88,000,000 in fiscal year 2007.

''(2) $176,000,000 in fiscal year 2008.

''(3) $189,000,000 in fiscal year 2009.

''(b) ADDITIONAL PERSONNEL.—The additional personnel authorized under subsection (a) shall include:

''(1) 1,000 additional Customs and Border Protection Officers at United States ports of entry, of which the Commissioner of Customs shall assign—

''(A) at least 1 additional officer at each port of entry in the United States; and

''(B) the balance of the additional officers authorized by this subsection among ports of entry in the United States based upon the volume of trade.

''(2) 100 nonsupervisory import specialists for the purpose of performing trade facilitation and enforcement functions.

''(c) RESOURCE ALLOCATION MODEL.—Not later than 1 year after the date of the enactment of this Act, and every 2 years thereafter, the Commissioner of Customs shall prepare and submit to the Committee on Finance of the Senate and the Committee on Ways and Means of the House of Representatives a Resource Allocation Model to determine the optimal staffing levels required to carry out the commercial operations of the United States Customs and Border Protection, including inspection and cargo clearance and the revenue functions described in section 412(b)(2) of the Homeland Security Act of 2002 (6 U.S.C. 212(b)(2)). The model shall comply with the requirements of section 412(b)(1) of such Act and shall take into account previous staffing models and historic and projected trade volumes and trends. The Resource Allocation Model shall apply both risk-based and random sampling approaches for determining adequate staffing needs for priority trade functions, including—

''(1) performing revenue functions;

''(2) enforcing antidumping and countervailing laws;

''(3) protecting intellectual property rights;

''(4) enforcing provisions of law relating to textiles;

''(5) conducting agricultural inspections; and

''(6) enforcing penalties.''.

SEC. 3119. STRATEGIC PLAN.

(a) IN GENERAL.—Not later than 180 days after the date of the enactment of this Act, the Secretary, in consultation with appropriate Federal, State, local, and tribal government agencies, public port authorities, and private sector stakeholders responsible for security matters that affect or relate to the movement of containers through the international supply chain, shall submit, to appropriate congressional committees, a comprehensive strategic plan to enhance international supply chain.

(b) CONTENT.—The strategic plan submitted under subsection (a) shall—

(1) clarify and delineate the roles, responsibilities, and authorities of Federal, State, local, and tribal government agencies and private sector stakeholders that relate to the security of the movement of containers arriving in, departing from, or moving through seaports of the United States;

(2) provide measurable goals, including objectives, mechanisms, and a schedule, for furthering the security of commercial operations from point of origin to point of destination;

(3) build on available resources and consider costs and benefits;

(4) identify mandatory, baseline security goals, and the minimum container security standards and procedures;

(5) include a process for sharing intelligence and information with private sector stakeholders to assist in their security efforts;

(6) identify a framework for prudent and measured response in the event of a transportation security incident (as defined in section 70101 of title 46, United States Code,) in a United States seaport;

(7) provide a plan for the expeditious resumption of the flow of legitimate trade in accordance with the amendments made by section 3120 of this Act;

(8) focus on the secure movement of containerized cargo;

(9) consider the linkages between supply chain security and security programs within other systems of movement, including travel security and terrorist financing programs;

(10) expand upon and relate to existing strategies and plans, including the National Strategy for Maritime Security and the National Maritime Transportation Security Plan; and

(11) ensure that supply chain security mandates and voluntary programs, to the extent practicable, provide even-handed treatment for affected parties of the same type, regardless of the size of the particular business.

(c) UPDATE.—Not less than 3 years after the strategic plan is submitted under subsection (a), the Secretary shall submit an update of the strategic plan to appropriate congressional committees.

(d) CONSULTATIONS.—Consultations described in subsection (a) shall focus on—

(1) designing measurable goals, including objectives, mechanisms, and a schedule, for furthering the security of the international supply chain;

(2) identifying and addressing gaps in capabilities, responsibilities, resources, or authorities;

(3) identifying and streamlining unnecessary overlaps in capabilities, responsibilities, or authorities; and

(4) identifying and making recommendations regarding legislative, regulatory, and organizational changes necessary to improve coordination among the entities or to enhance the security of the international supply chain.

(e) UTILIZATION OF ADVISORY COMMITTEES.—As part of the consultative process, the Secretary shall utilize the Homeland Security Advisory Committee, the National Maritime Security Advisory Committee, and the Commercial Operations Advisory Committee to review the draft strategic plan and any subsequent update to that plan.

(f) INTERNATIONAL STANDARDS AND PRACTICES.—In furtherance of the strategic plan, the Secretary is encouraged to consider proposed or established standards and practices of foreign governments and international organizations, including, as appropriate, the International Maritime Organization, the World Customs Organization, the International Labor Organization, and the International Organization for Standardization to establish standards and best practices for the security of containers moving through the international supply chain.

SEC. 3120. RESUMPTION OF TRADE.

(a) Section 70103(a)(2)(J) of title 46, United States Code, is amended by inserting after the end period: ''The plan shall provide, to the extent practicable, preference in the reestablishment of the flow of cargo through United States ports after a transportation security incident to—

''(i) vessels that have a vessel security plan approved under subsection (c) or vessels that have a valid international ship security certificate; and

''(ii) vessels manned by individuals who are described in section 70105(b)(2)(B) and who have undergone a background records check under section 70105(d) or who hold transportation security cards issued under section 70105.''.

(b) Title III of the Tariff Act of 1930 is amended by inserting after section 318 the following new section:

''SEC. 318A. TRADE RESUMPTION PLAN.

''(a) DEFINITIONS.—In this section:

''(1) INSPECTION.—The term 'inspection' means the comprehensive process used by the personnel of the United States Customs and Border Protection to assess goods entering the United States for duty purposes, to detect the presence of restricted or prohibited items, or to ensure compliance with applicable laws. The process may include screening, conducting an examination, or conducting a search.

''(2) TARGETING.—The term 'targeting' means the process used by the personnel of the United States Customs and Border Protection to determine the risk of security or trade violations associated with cargo bound for the United States.

''(3) TRANSPORTATION DISRUPTION.—The term 'transportation disruption' means any significant delay, interruption, or stoppage in the flow of international trade caused by a natural disaster, labor dispute, heightened threat level, an act of terrorism, or any transportation security incident defined in section 1572.3 of title 49, Code of Federal Regulations.

''(b) TRADE RESUMPTION PLAN.—Not later than 1 year after the date of the enactment of this Act, the Commissioner of Customs shall develop a Trade Resumption Plan to provide for the resumption of trade in the event of a transportation disruption. The Plan shall include—

''(1) a program to redeploy resources and personnel, as necessary, to reestablish the flow of international trade in the event of a transportation disruption;

''(2) a training program to periodically instruct personnel of the United States Customs and Border Protection in trade resumption functions in the event of a transportation disruption;

''(3) a plan to revise cargo targeting and inspection protocols to meet the security and trade facilitation needs of the United States following a transportation disruption, including, to the extent practicable, giving priority to—

''(A) cargo originating from a designated port described in section 629(j);

''(B) cargo that has been handled, stored, shipped, and imported by, or otherwise processed by, a tier 3 participant in the Customs-Trade Partnership Against Terrorism (C-TPAT);

''(C) cargo that has undergone nuclear or radiological detection scan, x-ray or density scan, and optical character recognition scan, at the last port of departure prior to arrival in the United States;

''(D) cargo transported in containers with tamper-proof seals;

''(E) perishable cargo; and

''(F) any other cargo the Commissioner considers appropriate;

''(4) a plan to communicate any revised procedures or instructions to the private sector following a transportation disruption; and

''(5) a plan to coordinate trade facilitation efforts among affected ports of entry following a transportation disruption.

''(c) CONSULTATIONS.—

''(1) IN GENERAL.—The Commissioner of Customs shall consult with appropriate government agencies, port authorities, terminal operators, and the Customs Commercial Operations Advisory Committee (COAC) in the development of the Trade Resumption Plan.

''(2) PUBLIC COMMENT.—The Commissioner of Customs shall afford port authorities, terminal operators, and the COAC 60 days in which to comment on a draft Trade Resumption Plan before finalizing such plan.

''(d) EXERCISES.—The Commissioner of Customs shall coordinate annual exercises with appropriate Federal, State, and local agencies, port authorities, terminal operators, and tier 3 participants in the C-TPAT to practice and prepare for implementation of the Trade Resumption Plan. Such exercises shall be coordinated with the Coast Guard's area maritime security plan exercises.

''(e) REPORT AND CONSULTATION.—Not later than 180 days after the date that the annual exercises described in subsection (d) are completed, the Commissioner of Customs shall submit a report to the Committee on Finance of the Senate and the Committee on Ways and Means of the House of Representatives on the status of the Trade Resumption Plan required by subsection (b) and the result of exercises required by subsection (d), and shall consult with the committees regarding any proposals to revise the Plan.''.

SEC. 3121. AUTOMATED TARGETING SYSTEM.

Title III of the Tariff Act of 1930, as added by section 3120 of this Act, is amended by inserting after section 318A the following:

''SEC. 318B. AUTOMATED TARGETING SYSTEM.

''(a) IN GENERAL.—The Secretary of Homeland Security, acting through the Commissioner of Customs, shall develop and maintain an antiterrorism cargo identification and screening system for containerized cargo shipped to the United States either directly or via a foreign port to assess imports and target those imports that pose a high risk of containing contraband.

''(b) 24-HOUR ADVANCE NOTIFICATION.—In order to provide the best possible data for the Automated Targeting System, the Commissioner shall require importers shipping goods to the United States via cargo container to supply advanced trade data or a subset thereof not later than 24 hours before loading a container under the advance notification requirements under section 484(a)(2). The requirement shall apply to goods entered on or after July 1, 2007.

''(c) NEW OR EXPANDED INFORMATION SUBMISSIONS.—

''(1) IN GENERAL.—Any additional information submissions allowable within the Commissioner's existing authority or submitted voluntarily by supply chain participants shall be transmitted in a secure fashion, as determined by the Commissioner and in accordance with this subsection, to protect the information from unauthorized access.

''(2) CONFIDENTIALITY OF INFORMATION.—Information that is required of, or voluntarily submitted by, supply chain participants to the United States Customs and Border Protection for purposes of this section—

''(A) shall be exempt from disclosure under section 552 of title 5, United States Code (commonly referred to as the Freedom of Information Act);

''(B) shall not, without the written consent of the person or entity submitting such information, be used directly by the Department or a third party, in any civil action arising under Federal or State law if such information is submitted in good faith; and

''(C) shall not, without the written consent of the person or entity submitting such information, be used or disclosed by any officer or employee of the United States for purposes other than the purposes of this section, except—

''(i) in furtherance of an investigation or other prosecution of a criminal act; or

''(ii) when disclosure of the information would be—

''(I) to either House of Congress, or to the extent of matter within its jurisdiction, any committee or subcommittee thereof, any joint committee thereof or subcommittee of any such joint committee; or

''(II) to the Comptroller General, or any authorized representative of the Comptroller General, in the course of the performance of the duties of the Comptroller General.

''(3) INDEPENDENTLY OBTAINED INFORMATION.—Nothing in this subsection shall be

construed to limit or otherwise affect the ability of a Federal, State, or local, government entity, under applicable law, to obtain supply chain security information, including any information lawfully and properly disclosed generally or broadly to the public and to use such information in any manner permitted by law.

''(4) PENALTIES.—Any person who is an officer or employee of the United States and knowingly publishes, divulges, discloses, or makes known in any manner or to any extent not authorized by law, any supply chain security information protected in this section from disclosure, shall be—

''(A) fined under title 18, United States Code, imprisoned not more than 1 year, or both; and

''(B) removed from office or employment.

''(5) AUTHORITY TO ISSUE WARNINGS.—The Secretary may provide advisories, alerts, and warnings to relevant companies, targeted sectors, other governmental entities, or the general public regarding potential risks to the supply chain as appropriate. In issuing a warning under this paragraph, the Secretary shall take appropriate actions to protect from disclosure—

''(A) the source of any voluntarily submitted supply chain security information that forms the basis for the warning; and

''(B) information that is proprietary, business sensitive, relates specifically to the submitting person or entity, or is otherwise not appropriately in the public domain.

''(6) SYSTEM IMPROVEMENTS.—The Automated Targeting System used by the United States Customs and Border Protection to identify cargo for increased inspection prior to the clearance of such cargo into the United States shall include a component to permit—

''(A) the electronic comparison of similar manifest and available entry data for cargo entered into or bound for the United States, in order to efficiently identify cargo for increased inspection or expeditious release following a transportation disruption; and

''(B) the electronic isolation of select data elements relating to cargo entered into or bound for the United States, in order to efficiently identify cargo for increased inspection or expeditious release following a transportation disruption.

''(d) AUTHORIZATION OF APPROPRIATIONS.—

''(1) IN GENERAL.—There are authorized to be appropriated to the Secretary of Homeland Security to carry out the Automated Targeting System to identify high-risk oceanborne container cargo for inspection—

''(A) $30,700,000 for fiscal year 2007;

''(B) $33,200,000 for fiscal year 2008; and

''(C) $35,700,000 for fiscal year 2009.

''(2) SUPPLEMENT.—The amounts authorized by this subsection shall be in addition to any other amounts authorized to be appropriated to carry out that the Automated Targeting System.''.

SEC. 3122. CONTAINER SECURITY INITIATIVE.

(a) AUTHORIZATION.—The Secretary, acting through the Commissioner of Customs, is authorized to establish and implement a program (to be known as the ''Container Security Initiative'' or ''CSI'') to identify and examine maritime containers that pose a security risk at foreign ports before the containers are shipped to the United States.

(b) ASSESSMENT.—Before the Secretary designates any foreign port under CSI, the Secretary, in coordination with other Federal officials, as appropriate, shall conduct an assessment of the port to evaluate the costs, benefits, and other factors associated with such designation, including—

(1) the level of risk for the potential compromise of containers by terrorists or terrorist weapons;

(2) the smuggling of narcotics;

(3) large scale violations of united States trade laws, including intellectual property rights and textile transshipment;

(4) the economic impact of cargo traveling from the foreign port to the United States in terms of trade value and volume;

(5) the results of the Coast Guard assessments conducted pursuant to section 70108 of title 46, United States Code;

(6) the capabilities and level of cooperation expected of the government of the intended host country;

(7) the willingness of the government of the intended host country to permit validation of security practices within the country in which the foreign port is located, for the purposes of C-TPAT or similar programs; and

(8) the potential for C-TPAT cargo traveling through the foreign port.

(c) ANNUAL REPORT.—Not later than March 1 of each year in which the Secretary proposes to designate a foreign port under CSI, the Secretary shall submit a report, in classified or unclassified form, detailing the assessment of each foreign port the Secretary is considering designating under CSI, to appropriate congressional committees.

(d) CURRENT CSI PORTS.—The report under subsection (c) shall include an annual assessment justifying the continuance of each port designated under CSI as of the date of enactment of this Act.

(e) DESIGNATION OF NEW PORTS.—The Secretary shall not designate a foreign port under CSI unless the Secretary has completed the assessment required in subsection (b) for that port and submitted a report under subsection (c) that includes that port.

(f) NEGOTIATIONS.—The Secretary may request that the Secretary of State, in conjunction with the United States Trade Representative, enter into trade negotiations with the government of each foreign country with a port designated under CSI, as appropriate, to ensure full compliance with the requirements under CSI.

(g) INSPECTIONS.—

(1) REQUIREMENTS AND PROCEDURES.—The Secretary shall—

(A) establish technical capability requirements and standard operating procedures for the use of nonintrusive inspection and radiation detection equipment in conjunction with CSI;

(B) require that the equipment operated at each port designated under CSI be operated in accordance with the requirements and procedures established under subparagraph (A); and

(C) continually monitor the technologies, processes, and techniques used to inspect cargo at ports designated under CSI.

(2) CONSIDERATIONS.—

(A) CONSISTENCY OF STANDARDS AND PROCEDURES.—In establishing the technical capability requirements and standard operating procedures under paragraph (1)(A), the Secretary shall take into account any such relevant standards and procedures utilized by other Federal departments or agencies as well as those developed by international bodies.

(B) APPLICABILITY.—The technical capability requirements and standard operating procedures established pursuant to paragraph (1)(A) shall not apply to activities conducted under the Megaports Initiative of the Department of Energy.

(3) FOREIGN ASSISTANCE.—

(A) IN GENERAL.—The Secretary, in coordination with the Secretary of State, the Secretary of Energy, and other Federal agencies, shall identify foreign assistance programs that could facilitate the implementation of cargo security antiterrorism measures at ports designated under CSI and foreign ports not designated under CSI that lack effective antiterrorism measures.

(B) ACQUISITION.—The Secretary may—

(i) lease, loan, provide, or otherwise assist in the deployment of non-intrusive inspection and handheld radiation detection equipment at foreign seaports under such terms and conditions as the Secretary prescribes, including nonreimbursable loans or the transfer of ownership of equipment; and

(ii) provide training and technical assistance for domestic or foreign personnel responsible for operating or maintaining such equipment.

(C) TRAINING.—The Secretary may provide training on the use of inspection equipment, or other training that the Secretary determines to be appropriate to secure the international supply chain, to foreign personnel at each port designated under CSI.

(h) PERSONNEL.—The Secretary shall—

(1) annually assess the personnel needs at each port designated under CSI; and

(2) deploy personnel in accordance with the assessment under paragraph (1).

(i) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Secretary to carry out this section—

(1) $142,000,000 for fiscal year 2007;

(2) $144,000,000 for fiscal year 2008; and

(3) $146,000,000 for fiscal year 2009.

SEC. 3123. CUSTOMS-TRADE PARTNERSHIP AGAINST TERRORISM VALIDATION PROGRAM.

(a) ESTABLISHMENT.—

(1) ESTABLISHMENT.—The Secretary is authorized to establish a voluntary program (to be known as the ''Customs-Trade Partnership Against Terrorism'' or ''C-TPAT'') to strengthen and improve the overall security of the international supply chain and United States border security.

(2) MINIMUM SECURITY REQUIREMENTS.—The Secretary shall review the minimum security requirements of C-TPAT at least once every year and update such requirements as necessary.

(b) ELIGIBLE ENTITIES.—Importers, customs brokers, forwarders, air, sea, land carriers, contract logistics providers, and other entities in the international supply chain and intermodal transportation system are eligible to apply to voluntarily enter into partnerships with the Department under C-TPAT.

(c) MINIMUM REQUIREMENTS.—An applicant seeking to participate in C-TPAT shall—

(1) demonstrate a history of moving commerce in the international supply chain;

(2) conduct an assessment of its supply chains based upon security criteria established by the Secretary, including—

(A) business partner requirements;

(B) container security;

(C) physical security and access controls;

(D) personnel security;

(E) procedural security;

(F) security training and threat awareness; and

(G) information technology security;

(3) implement and maintain security measures and supply chain security practices meeting security criteria; and

(4) meet all other requirements established by the Secretary.

(d) TIER ONE PARTICIPANTS.—

(1) BENEFITS.—The Secretary may offer limited benefits to C-TPAT participants whose security measures and supply chain security practices have been certified in accordance with the guidelines established pursuant to subsection (c).

(2) GUIDELINES.—The Secretary shall update guidelines for certifying a C-TPAT participant's security measures and supply chain security practices under this section.

(e) TIER TWO PARTICIPANTS.—

(1) IN GENERAL.—Not later than 1 year after a C-TPAT participant has been certified under subsection (d), the Secretary shall

validate the security measures and supply chain security practices of that participant. Such validation shall include assessments at appropriate foreign locations utilized by the participant as part of the supply chain.

(2) CONSEQUENCES FOR FAILED VALIDATION.—If a C-TPAT participant's security measures and supply chain security practices fail to meet the validation requirements under this section, the Commissioner of Customs may—

(A) deny the participant benefits under C-TPAT on a temporary or permanent basis; or

(B) suspend or expel the participant from C-TPAT.

(3) RIGHT OF APPEAL.—A C-TPAT participant described in this subsection may file an appeal with the Secretary of the Commissioner's decision under paragraph (2) to deny benefits under C-TPAT or under paragraph (2) to suspend or expel the participant from C-TPAT.

(4) BENEFITS.—The Secretary shall extend benefits to each C-TPAT participant that has been validated under this section, which may include—

(A) reduced examinations; and

(B) priority processing for searches.

(f) TIER THREE PARTICIPANTS.—

(1) IN GENERAL.—The Secretary shall establish a third tier of C-TPAT that offers additional benefits to C-TPAT participants that demonstrate a sustained commitment beyond the minimum criteria for participation in C-TPAT.

(2) ADDITIONAL CRITERIA.—The Secretary shall designate criteria for C-TPAT participants under this section that may include criteria to ensure—

(A) cargo is loaded on a vessel with a vessel security plan approved under section 70103(c) of title 46, United States Code, or on a vessel with a valid International Ship Security Certificate as provided for under part 104 of title 33, Code of Federal Regulations;

(B) container security devices, policies, or practices that exceed the standards and procedures established by the Secretary are utilized; and

(C) cargo complies with any other requirements determined by the Secretary.

(3) BENEFITS.—The Secretary, in consultation with the Commercial Operations Advisory Committee (COAC) and the National Maritime Security Advisory Committee, may provide benefits to C-TPAT participants under this section, which may include—

(A) the expedited release of tier three cargo into destination ports within the United States during all threat levels designated by the Secretary;

(B) preference to vessels;

(C) further reduced examinations;

(D) priority processing for examinations; and,

(E) further reduced scores in the Automated Targeting System.

(4) DEFINITION.—In this section, the term ''container security device'' means a mechanical or electronic device designed to, at a minimum, positively identify containers and detect and record unauthorized intrusion of containers. Such devices shall have false alarm rates that have been demonstrated to be below one percent.

(g) CONSEQUENCES FOR LACK OF COMPLIANCE.—

(1) IN GENERAL.—If a C-TPAT participant's security measures and supply chain security practices fail to meet any of the requirements under this title, the Commissioner may deny the participant benefits in whole or in part under this section.

(2) FALSE OR MISLEADING INFORMATION.—If a C-TPAT participant intentionally provides false or misleading information during the validation process of the participant under this section, the Commissioner of Customs shall suspend or expel the participant from C-TPAT for a period of not less than 5 years.

(3) RIGHT OF APPEAL.—A C-TPAT participant may file an appeal with the Secretary of the Commissioner's decision under this subsection to deny benefits or suspend or expel the participant from C-TPAT.

(h) REVALIDATION.—The Secretary shall establish a process for revalidating C-TPAT participants under this title. Such revalidation shall occur not less frequently than once during every 4-year period following the initial validation.

(i) NON-CONTAINERIZED CARGO.—The Secretary may consider the potential for participation in C-TPAT by importers of non-containerized cargoes that otherwise meet the requirements under this section.

(j) STRATEGIC PLAN.—A 5-year Strategic Plan to identify outcome-based goals and performance measures of the Program.

(1) ANNUAL PLAN.—An annual plan for each fiscal year designed to match available resources to the projected workload.

(2) RESOURCE MANAGEMENT STAFFING PLAN.—The Commissioner shall—

(A) develop a staffing plan to recruit, train, and retain staff (including a formalized training program) to meet the objectives identified in the strategic plan;

(B) conduct a study of the Program's training needs and develop a comprehensive training program to support the certification, validation, and revalidation processes of the Program; and

(C) provide cross-training in post-incident trade resumption for personnel engaged in the Program.

(k) ADDITIONAL PERSONNEL.—In each of the fiscal years 2007 through 2009, the Secretary shall increase by not less than 50 (over the previous fiscal year) the number of positions for validation and revalidation activities of the C-TPAT, and shall provide appropriate training and support for the positions.

(l) CONFIDENTIAL INFORMATION SAFEGUARDS.—In consultation with COAC, the Commissioner shall develop and implement procedures to ensure the protection of confidential data collected, stored, or shared with government agencies or as part of the application, validation, or revalidation. The procedures shall include—

(1) measures for protecting data shared with any government agency;

(2) measures for providing a secure system for document storage accessible only to the appropriate personnel;

(3) measures for storing all electronic files in a manner that prevents theft, copying, or deletion; and

(4) measures for labeling all records to clearly mark what is considered confidential or a trade secret.

(m) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated $75,000,000 for each of the fiscal years 2007 through 2009 to carry out this section.

SEC. 3124. TECHNICAL REQUIREMENTS FOR NON-INTRUSIVE INSPECTION EQUIPMENT.

(a) IN GENERAL.—Not later than 180 days after the date of the enactment of this Act, the Director of the Domestic Nuclear Detection Office, in consultation with the Director of the National Institute of Science and Technology and the Commissioner of Customs, shall initiate a rulemaking—

(1) to establish minimum technical requirements for the capabilities of non-intrusive inspection equipment for cargo, including imaging and radiation devices; and

(2) to ensure that all equipment used can detect risks and threats as determined appropriate by the Secretary.

(b) ENDORSEMENTS; SOVEREIGNTY CONFLICTS.—In establishing such requirements, the Director of the Domestic Nuclear Detection Office shall be careful to avoid the endorsement of products associated with specific companies.

(c) FINAL RULE DEADLINE.—The Director of the Domestic Nuclear Detection Office shall issue a final rule under subsection (a) not later than 1 year after the rulemaking proceeding is initiated.

SEC. 3125. RANDOM INSPECTION OF CONTAINERS.

Not later than 1 year after the date of the enactment of this Act, the Commissioner of Customs shall develop and implement a plan, utilizing best practices for empirical scientific research design and random sampling standards for random physical inspection of shipping containers in addition to any targeted or pre-shipment inspection of such containers required by law or regulation or conducted under any other program conducted by the Commissioner. Nothing in this section shall be construed to mean that implementation of the random sampling plan would preclude the additional physical inspection of shipping containers not inspected pursuant to the plan.

SEC. 3126. INTERNATIONAL TRADE DATA SYSTEM.

(a) IN GENERAL.—Section 411 of the Tariff Act of 1930 (19 U.S.C. 1411) is amended by adding at the end the following new subsections:

''(d) INTERNATIONAL TRADE DATA SYSTEM.—

''(1) ESTABLISHMENT.—

''(A) IN GENERAL.—The Secretary of the Treasury (in this section, referred to as the 'Secretary') shall oversee the establishment of an electronic trade data interchange system to be known as the 'International Trade Data System' (ITDS). The ITDS shall be implemented not later than the date that the Automated Commercial Environment (commonly referred to as 'ACE') is implemented.

''(B) PURPOSE.—The purpose of the ITDS is to eliminate redundant information requirements, to efficiently regulate the flow of commerce, and to effectively enforce laws and regulations relating to international trade, by establishing a single portal system, operated by the United States Customs and Border Protection, for the collection and distribution of standard electronic import and export data required by all Federal agencies.

''(C) PARTICIPATION.—

''(i) IN GENERAL.—All Federal agencies that require documentation for clearing or licensing the importation and exportation of cargo shall participate in the ITDS.

''(ii) WAIVER.—The Director of the Office of Management and Budget may waive, in whole or in part, the requirement for participation for any Federal agency based on national security.

''(D) CONSULTATION.—The Secretary shall consult with and assist agencies in the transition from paper to electronic format for the submission, issuance, and storage of documents relating to data required to enter cargo into the United States.

''(2) DATA ELEMENTS.—

''(A) IN GENERAL.—The Interagency Steering Committee established under paragraph (3) shall, in consultation with the agencies participating in the ITDS, define the standard set of data elements to be collected, stored, and shared in the ITDS. The Steering Committee shall periodically review the data elements in order to update the data elements, as necessary.

''(B) HARMONIZATION.—The Interagency Steering Committee shall ensure that the ITDS data requirements are compatible with the commitments or obligations established by the World Customs Organization (WCO) and the World Trade Organization (WTO) for the entry of cargo.

''(C) COORDINATION.—The Secretary of the Treasury shall be responsible for coordinating operation of the ITDS among the participating agencies and the office within the

United States Customs and Border Protection that is responsible for maintaining the ITDS.

''(3) STEERING COMMITTEE.—There is established an Interagency Steering Committee. The members of the committee shall include the Secretary of the Treasury (who shall serve as the chairperson of the committee), the Director of the Office of Management and Budget, and the head of each agency participating in the ITDS. The Steering Committee shall assist the Secretary of the Treasury in overseeing the implementation of, and participation in, the ITDS.

''(4) REPORT.—The Steering Committee shall submit a report annually to the Committee on Finance of the Senate and the Committee on Ways and Means of the House of Representatives. Each report shall include information on—

''(A) the status of the ITDS implementation;

''(B) the extent of participation in the ITDS by Federal agencies;

''(C) the remaining barriers to any agency's participation;

''(D) the extent to which the ITDS is consistent with applicable standards established by the World Customs Organization and the World Trade Organization;

''(E) recommendations for technological and other improvements to the ITDS; and

''(F) the status of the Bureau's development, implementation, and management of the Automated Commercial Environment.

''(e) TREASURY OVERSIGHT.—The Secretary of the Treasury shall ensure that no fewer than 5 full-time equivalents in the Office of Tax, Trade, and Tariff Policy are available—

''(1) to carry out oversight of the customs revenue functions delegated to the Secretary of Homeland Security pursuant to section 412 of the Homeland Security Act of 2002 (6 U.S.C. 212); and

''(2) to carry out oversight of the International Trade Data System established under this section.

''(f) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated for each of the fiscal years 2007, 2008, and 2009, $750,000 for salaries and expenses required to carry out subsection (e).''.

TITLE XXXII—RAIL SECURITY

SEC. 3201. SHORT TITLE.

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

SEC. 3202. RAIL TRANSPORTATION SECURITY RISK ASSESSMENT.

(a) IN GENERAL.—

(1) VULNERABILITY AND RISK ASSESSMENT.—The Secretary of Homeland Security shall establish a task force, consisting of representatives of the Transportation Security Administration, the Department of Transportation, and other appropriate Federal agencies, which shall complete a vulnerability and risk assessment of freight and passenger rail transportation (including railroads, as that term is defined in section 20102(1) of title 49, United States Code). The assessment shall include—

(A) a methodology for conducting the risk assessment, including timelines, that addresses how the Secretary of Homeland Security will work with the entities describe in subsection (b) and make use of existing expertise within the Department of Homeland Security, the Department of Transportation, and other appropriate Federal agencies;

(B) the identification and evaluation of critical assets and infrastructures;

(C) the identification of vulnerabilities and risks to those assets and infrastructures;

(D) the identification of vulnerabilities and risks that are specific to the transportation of hazardous materials by railroad;

(E) the identification of security weaknesses in passenger and cargo security, transportation infrastructure, protection systems, procedural policies, communications systems, employee training, emergency response planning, and any other area identified by the assessment; and

(F) an account of actions taken or planned by public and private entities to address identified rail security issues and assess the effective integration of such actions.

(2) RECOMMENDATIONS.—Based on the assessment conducted under paragraph (1), the Secretary of Homeland Security, in consultation with the Secretary of Transportation, shall develop prioritized recommendations for improving rail security, including any recommendations the Secretary has for—

(A) improving the security of rail tunnels, rail bridges, rail switching and car storage areas, other rail infrastructure and facilities, information systems, and other areas identified by the Secretary as posing significant rail-related risks to public safety and the movement of interstate commerce, taking into account the impact that any proposed security measure might have on the provision of rail service;

(B) deploying equipment to detect explosives and hazardous chemical, biological, and radioactive substances, and any appropriate countermeasures;

(C) training appropriate railroad or railroad shipper employees in terrorism prevention, passenger evacuation, and response activities;

(D) conducting public outreach campaigns on passenger railroads;

(E) deploying surveillance equipment; and

(F) identifying the immediate and long-term costs of measures that may be required to address those risks.

(3) PLANS.—The report required under subsection (c) shall include—

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

(B) a plan for coordinating existing and planned rail security initiatives undertaken by the public and private sectors; and

(C) a contingency plan, developed in conjunction with freight and intercity and commuter passenger railroads, to ensure the continued movement of freight and passengers in the event of an attack affecting the railroad system, which shall contemplate—

(i) the possibility of rerouting traffic due to the loss of critical infrastructure, such as a bridge, tunnel, yard, or station; and

(ii) methods of continuing railroad service in the Northeast Corridor in the event of a commercial power loss, or catastrophe affecting a critical bridge, tunnel, yard, or station.

(b) CONSULTATION; USE OF EXISTING RESOURCES.—In carrying out the assessment and developing the recommendations and plans required by subsection (a), the Secretary of Homeland Security shall consult with rail management, rail labor, owners or lessors of rail cars used to transport hazardous materials, first responders, shippers of hazardous materials, public safety officials, and other relevant parties.

(c) REPORT.—Not later than 180 days after the date of the enactment of this Act, the Secretary shall submit a report to the Committee on Commerce, Science, and Transportation of the Senate, the Committee on Transportation and Infrastructure of the House of Representatives, and the Committee on Homeland Security of the House of Representatives. The report shall contain the assessment, prioritized recommendations, and plans required under subsection (a) and an estimate of the cost to implement such recommendations. The Secretary may submit the report in both classified and redacted formats if the Secretary determines that such action is appropriate or necessary.

(d) ANNUAL UPDATES.—The Secretary of Homeland Security, in consultation with the Secretary of Transportation, shall update the assessment and recommendations each year and transmit a report, which may be submitted in both classified and redacted formats, to the committees named in subsection (c)(1), containing the updated assessment and recommendations.

(e) FUNDING.—From the funds appropriated for fiscal year 2007, pursuant to section 114(u) of title 49, United States Code (as added by section 3217(a)), $5,000,000 shall be made available to the Secretary of Homeland Security to carry out this section.

SEC. 3203. SYSTEMWIDE AMTRAK SECURITY UPGRADES.

(a) IN GENERAL.—Subject to subsection (c), the Secretary of Homeland Security, in consultation with the Assistant Secretary of the Transportation Security Administration, may award grants to Amtrak—

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

(2) to secure Amtrak trains;

(3) to secure Amtrak stations;

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

(5) to obtain train tracking and interoperable communications systems that are coordinated to the maximum extent possible;

(6) to hire additional police and security officers, including canine units;

(7) to expand emergency preparedness efforts; and

(8) for employee security training.

(b) CONDITIONS.—The Secretary of Transportation shall disburse funds provided to Amtrak under subsection (a) for projects contained in an Amtrak systemwide security plan approved by the Secretary of Homeland Security. The plan shall include appropriate measures to address security awareness, emergency response, and passenger evacuation training.

(c) EQUITABLE GEOGRAPHIC ALLOCATION.—The Secretary of Homeland Security shall ensure that, subject to meeting the highest security needs on Amtrak's entire system and consistent with the risk assessment required under section 3202, stations and facilities located outside of the Northeast Corridor receive an equitable share of the security funds authorized by this section.

(d) FUNDING.—

(1) IN GENERAL.—From the funds appropriated pursuant to section 114(u) of title 49, United States Code (as added by section 3217(a)), there shall be made available to the Secretary of Homeland Security and the Assistant Secretary of the Transportation Security Administration to carry out this section—

(A) $63,500,000 for fiscal year 2007;

(B) $30,000,000 for fiscal year 2008; and

(C) $30,000,000 for fiscal year 2009.

(2) AVAILABILITY.—Amounts appropriated pursuant to this subsection shall remain available until expended.

SEC. 3204. FIRE AND LIFE-SAFETY IMPROVEMENTS.

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

(b) FUNDING.—From the funds appropriated pursuant to section 3217(b), there shall be made available to the Secretary of Transportation for the purposes of carrying out subsection (a)—

(1) $190,000,000 for each of the fiscal years 2007, 2008, and 2009 for the 6 New York tunnels to provide ventilation, electrical, and fire safety technology upgrades, emergency communication and lighting systems, and emergency access and egress for passengers;

(2) $19,000,000 for each of the fiscal years 2007, 2008, and 2009 for the Baltimore & Potomac and Union tunnels, to provide adequate drainage, ventilation, communication, lighting, and passenger egress upgrades; and

(3) $13,333,000 for each of the fiscal years 2007, 2008, and 2009 for the Union Station tunnels in Washington, D.C., to improve ventilation, communication, lighting, and passenger egress upgrades.

(c) INFRASTRUCTURE UPGRADES.—From the funds appropriated for fiscal year 2007, pursuant to section 3217(b), $3,000,000 shall be made available to the Secretary of Transportation for the preliminary design of options for a new tunnel on a different alignment to augment the capacity of the existing Baltimore tunnels.

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

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

(1) until Amtrak has submitted to the Secretary, and the Secretary has approved, an engineering and financial plan for such projects; and

(2) unless, for each project funded pursuant to this section, the Secretary has approved a project management plan prepared by Amtrak addressing appropriate project budget, construction schedule, recipient staff organization, document control and record keeping, change order procedure, quality control and assurance, periodic plan updates, and periodic status reports.

(f) REVIEW OF PLANS.—

(1) INITIAL REVIEW.—Not later than 45 days after the date on which a plan required by paragraphs (1) and (2) of subsection (e) is submitted by Amtrak, the Secretary of Transportation shall complete a review of the plan and approve or disapprove the plan. If the Secretary determines that a plan is incomplete or deficient, the Secretary shall notify Amtrak of the incomplete items or deficiencies.

(2) SUBMISSION OF MODIFIED PLAN.—Not later than 30 days after receiving notification from the Secretary under paragraph (1), Amtrak shall submit a modified plan for the Secretary's review.

(3) REVIEW OF MODIFIED PLAN.—Not later than 15 days after receiving additional information on items previously included in the plan, and not later than 45 days after receiving items newly included in a modified plan, the Secretary shall—

(A) approve the modified plan; or

(B) if the Secretary finds the plan is still incomplete or deficient—

(i) submit a report to the Committee on Commerce, Science, and Transportation of the Senate, the Committee on Transportation and Infrastructure of the House of Representatives, and the Committee on Homeland Security of the House of Representatives that describes the portions of the plan the Secretary finds incomplete or deficient;

(ii) approve all other portions of the plan; and

(iii) obligate the funds associated with those other portions.

(4) AGREEMENT.—Not later than 15 days after the partial approval of a modified plan under paragraph (3), the Secretary shall execute an agreement with Amtrak that describes a process for resolving the remaining portions of the modified plan.

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

(1) consider the extent to which rail carriers other than Amtrak use or plan to use the tunnels;

(2) consider the feasibility of seeking a financial contribution from those other rail carriers toward the costs of the projects; and

(3) obtain financial contributions or commitments from such other rail carriers at levels reflecting the extent of their use or planned use of the tunnels, if feasible.

SEC. 3205. FREIGHT AND PASSENGER RAIL SECURITY UPGRADES.

(a) SECURITY IMPROVEMENT GRANTS.—The Secretary of Homeland Security, through the Assistant Secretary of the Transportation Security Administration and other appropriate Federal agencies, may award grants to freight railroads, the Alaska Railroad, hazardous materials shippers, owners of rail cars used in the transportation of hazardous materials, universities, colleges, research centers, and State and local governments (for rail passenger facilities and infrastructure not owned by Amtrak), for full or partial reimbursement of costs incurred in the conduct of activities to prevent or respond to acts of terrorism, sabotage, or other intercity passenger rail and freight rail security vulnerabilities and risks identified under section 3202, including—

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

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

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

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

(5) structural modification or replacement of rail cars transporting high hazard materials to improve their resistance to acts of terrorism;

(6) employee security awareness, preparedness, passenger evacuation, and emergency response training;

(7) public security awareness campaigns for passenger train operations;

(8) the sharing of intelligence and information about security threats;

(9) to obtain train tracking and interoperable communications systems that are coordinated to the maximum extent possible;

(10) to hire additional police and security officers, including canine units; and

(11) other improvements recommended by the report required by section 3202, including infrastructure, facilities, and equipment upgrades.

(b) GRANTS TO AMTRAK.—The Secretary of Homeland Security, through the Secretary of Transportation, may award grants to Amtrak for the purposes described in subsection (a).

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

(d) ALLOCATION.—The Secretary of Homeland Security shall distribute the funds made available under this section based on risk and vulnerability as determined under section 3202. The Secretary shall encourage non-Federal financial participation in awarding grants. With respect to grants for intercity passenger rail security, the Secretary shall take into account passenger volume and whether a station is used by commuter rail passengers and intercity rail passengers.

(e) CONDITIONS.—The Secretary of Transportation may not disburse funds to Amtrak under subsection (b) unless Amtrak meets the conditions set forth in section 3203(b).

(f) ALLOCATION BETWEEN RAILROADS AND OTHERS.—Unless the Secretary of Homeland Security determines, based on the assessment required under section 3202, that critical rail transportation security needs require reimbursement in greater amounts to any eligible entity, a grant may not be awarded under this section—

(1) to Amtrak in an amount in excess of $45,000,000; or

(2) for the purposes described in paragraph (3) or (5) of subsection (a) in an amount in excess of $80,000,000.

(g) FUNDING.—

(1) IN GENERAL.—From the funds appropriated pursuant to section 114(u) of title 49, United States Code (as added by section 3217(a)), $100,000,000 shall be made available to the Secretary of Homeland Security for each of the fiscal years 2007, 2008, and 2009 to carry out this section.

(2) AVAILABILITY.—Amounts appropriated pursuant to this subsection shall remain available until expended.

(h) HIGH HAZARD MATERIALS DEFINED.—In this title, the term ''high hazard materials'' means quantities of poison inhalation hazard materials, Class 2.3 gases, Class 6.1 materials, and anhydrous ammonia that the Secretary of Homeland Security, in consultation with the Secretary of Transportation, determines pose a security risk.

SEC. 3206. RAIL SECURITY RESEARCH AND DEVELOPMENT.

(a) ESTABLISHMENT OF RESEARCH AND DEVELOPMENT PROGRAM.—The Secretary of Homeland Security, through the Under Secretary for Science and Technology and the Assistant Secretary of the Transportation Security Administration, in consultation with the Secretary of Transportation shall carry out a research and development program to improve freight and intercity passenger rail security. The program may include research and development projects to—

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

(2) test new emergency response techniques and technologies;

(3) develop improved freight technologies, including—

(A) technologies for sealing rail cars;

(B) automatic inspection of rail cars;

(C) communication-based train controls; and

(D) emergency response training;

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

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

(A) technologies to detect a breach in a tank car or other rail car used to transport hazardous materials and transmit information about the integrity of cars to the train crew or dispatcher;

(B) research to improve tank car integrity, with a focus on tank cars that carry high hazard materials; and

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

(6) other projects that address vulnerabilities and risks identified under section 3202.

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

(1) is sponsoring a research and development project in a similar area as of the date of the enactment of this Act; or

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

(c) GRANTS AND ACCOUNTABILITY.—In carrying out the research and development program established under this section, the Secretary of Homeland Security—

(1) may award grants to the entities described in subsections (a) and (b) of section 3205; and

(2) shall adopt necessary procedures, including audits, to ensure that grant funds disbursed under this section are expended in accordance with the purposes of this title and the priorities and other criteria developed by the Secretary.

(d) FUNDING.—

(1) IN GENERAL.—From the funds appropriated pursuant to section 114(u) of title 49, United States Code (as added by section 3217(a)), $35,000,000 shall be made available to the Secretary of Homeland Security for each of the fiscal years 2007, 2008, and 2009 to carry out this section.

(2) AVAILABILITY.—Amounts appropriated pursuant to this subsection shall remain available until expended.

SEC. 3207. OVERSIGHT AND GRANT PROCEDURES.

(a) SECRETARIAL OVERSIGHT.—The Secretary of Homeland Security may expend not more than 0.5 percent of the amounts made available for capital projects under this title—

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

(2) to oversee construction of such projects; and

(3) to make contracts to audit and review the safety, procurement, management, and financial compliance of a recipient of amounts under this title.

(b) PROCEDURES FOR GRANT AWARD.—

(1) IN GENERAL.—Not later than 90 days after the date of the enactment of this Act, the Secretary shall prescribe procedures and schedules for the awarding of grants under this title, including—

(A) application and qualification procedures (including a requirement that the applicant have a security plan);

(B) a record of decision on applicant eligibility; and

(C) the execution of a grant agreement between the grant recipient and the Secretary.

(2) CONSISTENCY.—The procedures prescribed under this subsection shall be consistent, to the extent practicable, with the grant procedures established under section 70107 of title 46, United States Code.

SEC. 3208. AMTRAK PLAN TO ASSIST FAMILIES OF PASSENGERS INVOLVED IN RAIL PASSENGER ACCIDENTS.

(a) IN GENERAL.—Chapter 243 of title 49, United States Code, is amended by inserting after section 24313 the following:

"§ 24314. Plans to address needs of families of passengers involved in rail passenger accidents

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

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

''(1) A process by which Amtrak will maintain and provide to the National Transportation Safety Board and the Secretary of Transportation, immediately upon request, a list (which is based on the best available information at the time of the request) of the names of the passengers aboard the train (whether or not such names have been verified), and will periodically update the list. The plan shall include a procedure, with respect to unreserved trains and passengers not holding reservations on other trains, for Amtrak to use reasonable efforts to ascertain the number and names of passengers aboard a train involved in an accident.

''(2) A plan for creating and publicizing a reliable, toll-free telephone number not later than 4 hours after such an accident occurs, and for providing staff, to handle calls from the families of the passengers.

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

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

''(5) A process by which—

''(A) the family of each passenger will be consulted about the disposition of all remains and personal effects of the passenger within Amtrak's control;

''(B) any possession of the passenger within Amtrak's control will be returned to the family unless the possession is needed for the accident investigation or any criminal investigation; and

''(C) any unclaimed possession of a passenger within Amtrak's control will be retained by the rail passenger carrier for not less than 18 months.

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

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

''(c) USE OF INFORMATION.—The National Transportation Safety Board, the Secretary of Transportation, and Amtrak may not release any personal information on a list obtained under subsection (b)(1) but may provide information on the list about a passenger to the family of the passenger to the extent that the Board or Amtrak considers appropriate.

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

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

''(f) FUNDING.—From the funds appropriated for fiscal year 2007 pursuant to section 3217(b) of the Rail Security Act of 2006, $500,000 shall be made available to the Secretary of Transportation for the use of Amtrak to carry out this section. Amounts made available under this subsection shall remain available until expended.''.

(b) CONFORMING AMENDMENT.—The chapter analysis for chapter 243 of title 49, United States Code, is amended by inserting after the item relating to section 24313 the following:

''24314. Plan to assist families of passengers involved in rail passenger accidents.''.

SEC. 3209. NORTHERN BORDER RAIL PASSENGER REPORT.

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

(1) a description of the current system for screening passengers and baggage on passenger rail service between the United States and Canada;

(2) an assessment of the current program to provide preclearance of airline passengers between the United States and Canada as outlined in ''The Agreement on Air Transport Preclearance between the Government of Canada and the Government of the United States of America'', dated January 18, 2001;

(3) an assessment of the current program to provide preclearance of freight railroad traffic between the United States and Canada as outlined in the ''Declaration of Principle for the Improved Security of Rail Shipments by Canadian National Railway and Canadian Pacific Railway from Canada to the United States'', dated April 2, 2003;

(4) information on progress by the Department of Homeland Security and other Federal agencies towards finalizing a bilateral protocol with Canada that would provide for preclearance of passengers on trains operating between the United States and Canada;

(5) a description of legislative, regulatory, budgetary, or policy barriers within the United States Government to providing prescreened passenger lists for rail passengers traveling between the United States and Canada to the Department of Homeland Security;

(6) a description of the position of the Government of Canada and relevant Canadian agencies with respect to preclearance of such passengers;

(7) a draft of any changes in existing Federal law necessary to provide for pre-screening of such passengers and providing prescreened passenger lists to the Department of Homeland Security; and

(8) an analysis of the feasibility of reinstating in-transit inspections onboard international Amtrak trains.

SEC. 3210. RAIL WORKER SECURITY TRAINING PROGRAM.

(a) IN GENERAL.—Not later than 180 days after the date of the enactment of this Act, the Secretary of Homeland Security and the Secretary of Transportation, in consultation with appropriate law enforcement, security, and terrorism experts, representatives of railroad carriers, and nonprofit employee organizations that represent rail workers, shall develop and issue detailed guidance for

a rail worker security training program to prepare front-line workers for potential threat conditions. The guidance shall take into consideration any current security training requirements or best practices.

(b) PROGRAM ELEMENTS.—The guidance developed under subsection (a) shall include elements, as appropriate to passenger and freight rail service, that address—

(1) the determination of the seriousness of any occurrence;

(2) crew communication and coordination;

(3) appropriate responses to defend or protect oneself;

(4) use of protective devices;

(5) evacuation procedures;

(6) psychology of terrorists to cope with hijacker behavior and passenger responses;

(7) situational training exercises regarding various threat conditions; and

(8) any other subject the Secretary considers to be appropriate.

(c) RAILROAD CARRIER SECURITY TRAINING PROGRAMS.—

(1) IN GENERAL.—Not later than 90 days after the Secretary of Homeland Security issues guidance under subsection (a) in final form, each railroad carrier shall develop a rail worker security training program in accordance with that guidance and submit it to the Secretary for review.

(2) PROGRAM REVIEW.—Not later than 30 days after receiving a railroad carrier's program under this subsection, the Secretary shall review the program and transmit comments to the railroad carrier concerning any revisions the Secretary considers necessary for the program to meet the guidance requirements.

(3) RAILROAD CARRIER RESPONSE.—A railroad carrier shall respond to the Secretary's comments not later than 30 days after receiving such comments.

(d) TRAINING.—

(1) IMPLEMENTATION.—Not later than 1 year after the Secretary reviews the training program developed by a railroad carrier under this section, the railroad carrier shall complete the training of all front-line workers in accordance with that program.

(2) REPORT.—The Secretary shall review implementation of the training program of a representative sample of railroad carriers and submit a report to the Committee on Commerce, Science, and Transportation of the Senate, the Committee on Transportation and Infrastructure of the House of Representatives, and the Committee on Homeland Security of the House of Representatives that contains the number of reviews conducted and the results. The Secretary may submit the report in both classified and redacted formats as necessary.

(e) UPDATES.—The Secretary shall update the training guidance issued under subsection (a) as appropriate to reflect new or different security threats. Railroad carriers shall revise their programs accordingly and provide additional training to their front-line workers within a reasonable time after the guidance is updated.

(f) FRONT-LINE WORKERS DEFINED.—In this section, the term ''front-line workers'' means security personnel, dispatchers, train operators, other onboard employees, maintenance and maintenance support personnel, bridge tenders, as well as other appropriate employees of railroad carriers, as defined by the Secretary.

(g) OTHER EMPLOYEES.—The Secretary of Homeland Security shall issue guidance and best practices for a rail shipper employee security program containing the elements listed under subsection (b), as appropriate.

SEC. 3211. WHISTLEBLOWER PROTECTION PROGRAM.

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

''§ 20116. Whistleblower protection for rail security matters

''(a) DISCRIMINATION AGAINST EMPLOYEE.—A rail carrier engaged in interstate or foreign commerce may not discharge a railroad employee or otherwise discriminate against a railroad employee because the employee (or any person acting pursuant to a request of the employee)—

''(1) provided, caused to be provided, or is about to provide or cause to be provided, to the employer or the Federal Government information relating to a reasonably perceived threat, in good faith, to security;

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

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

''(b) DISPUTE RESOLUTION.—

''(1) IN GENERAL.—A dispute, grievance, or claim arising under this section is subject to resolution under section 3 of the Railway Labor Act (45 U.S.C. 153). In a proceeding by the National Railroad Adjustment Board, a division or delegate of the Board, or another board of adjustment established under section 3 of such Act to resolve the dispute, grievance, or claim the proceeding shall be expedited and the dispute, grievance, or claim shall be resolved not later than 180 days after it is filed.

''(2) DAMAGES.—If the violation is a form of discrimination that does not involve discharge, suspension, or another action affecting pay, and no other remedy is available under this subsection, the Board, division, delegate, or other board of adjustment may award the employee reasonable damages, including punitive damages, of not more than $20,000.

''(c) PROCEDURAL REQUIREMENTS.—Except as provided in subsection (b), the procedure set forth in section 42121(b)(2)(B), including the burdens of proof, applies to any complaint brought under this section.

''(d) ELECTION OF REMEDIES.—An employee of a railroad carrier may not seek protection under both this section and another provision of law for the same allegedly unlawful act of the carrier.

''(e) DISCLOSURE OF IDENTITY.—(1) Except as provided in paragraph (2) of this subsection, or with the written consent of the employee, the Secretary of Transportation may not disclose the name of an employee of a railroad carrier who has provided information about an alleged violation of this section.

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

(b) CONFORMING AMENDMENT.—The chapter analysis for chapter 201 of title 49, United States Code, is amended by inserting after the item relating to section 20115 the following:

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

SEC. 3212. HIGH HAZARD MATERIAL SECURITY THREAT MITIGATION PLANS.

(a) IN GENERAL.—The Secretary of Homeland Security, in consultation with the Assistant Secretary of the Transportation Security Administration and the Secretary of Transportation, shall require rail carriers transporting a high hazard material and of a quantity equal or exceeding the quantities of such material listed in section 172.800, title 49, Code of Federal Regulations, to develop a high hazard material security threat mitigation plan containing appropriate measures, including alternative routing and temporary shipment suspension options, to address assessed risks to high consequence targets. The plan, and any information submitted to the Secretary under this section shall be protected as sensitive security information under the regulations prescribed under section 114(s) of title 49, United States Code.

(b) IMPLEMENTATION.—A high hazard material security threat mitigation plan shall be put into effect by a rail carrier for the shipment of high hazardous materials by rail on the rail carrier's right-of-way when the threat levels of the Homeland Security Advisory System are high or severe and specific intelligence of probable or imminent threat exists towards—

(1) a high-consequence target that is within the catastrophic impact zone of a railroad right-of-way used to transport high hazardous material; or

(2) rail infrastructure or operations within the immediate vicinity of a high-consequence target.

(c) COMPLETION AND REVIEW OF PLANS.—

(1) PLANS REQUIRED.—Each rail carrier described in subsection (a) shall—

(A) submit a list of routes used to transport high hazard materials to the Secretary of Homeland Security not later than 60 days after the date of the enactment of this Act;

(B) develop and submit a high hazard material security threat mitigation plan to the Secretary not later than 180 days after the rail carrier receives the notice of high consequence targets on such routes by the Secretary; and

(C) submit any subsequent revisions to the plan to the Secretary not later than 30 days after making the revisions.

(2) REVIEW AND UPDATES.—The Secretary of Homeland Security, in cooperation with the Secretary of Transportation, shall review each plan developed under this section and submit comments to the railroad carrier concerning any revisions that the Secretary considers to be necessary. A railroad carrier shall respond to the Secretary's comments not later than 30 days after receiving such comments. Each rail carrier shall update and resubmit its plan for review not less than once every 2 years.

(d) DEFINITIONS.—In this section:

(1) HIGH-CONSEQUENCE TARGET.—The term ''high-consequence target'' means a building, buildings, infrastructure, public space, or natural resource designated by the Secretary of Homeland Security that is viable terrorist target of national significance, the attack of which could result in—

(A) catastrophic loss of life; and

(B) significantly damaged national security and defense capabilities; or

(C) national economic harm.

(2) CATASTROPHIC IMPACT ZONE.—The term ''catastrophic impact zone'' means the area immediately adjacent to, under, or above an active railroad right-of-way used to ship high hazard materials in which the potential release or explosion of the high hazard material being transported would likely cause—

(A) loss of life; or

(B) significant damage to property or structures.

(3) RAIL CARRIER.—The term ''rail carrier'' has the meaning given that term by section 10102(5) of title 49, United States Code.

SEC. 3213. MEMORANDUM OF AGREEMENT.

(a) MEMORANDUM OF AGREEMENT.—Not later than 1 year after the date of the enactment of this Act, the Secretary of Transportation and the Secretary of Homeland Security shall execute and develop an annex to the memorandum of agreement between the Department of Transportation and the Department of Homeland Security signed on

September 28, 2004, governing the specific roles, delineations of responsibilities, resources and commitments of the each department in addressing railroad transportation security matters, including the processes each department will follow to promote communications, efficiency, and nonduplication of effort.

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

SEC. 3214. RAIL SECURITY ENHANCEMENTS.

(a) RAIL POLICE OFFICERS.—Section 28101 of title 49, United States Code, is amended—

(1) by inserting ''(A) IN GENERAL'' before ''Under''; and

(2) by striking ''the rail carrier'' each place it appears and inserting ''any rail carrier''.

(b) REVIEW OF RAIL REGULATIONS.—Not later than 1 year after the date of the enactment of this Act, the Secretary of Transportation, in consultation with the Secretary of Homeland Security and the Assistant Secretary of the Transportation Security Administration, shall review the rail regulations of the Department of Transportation in existence as of the date of the enactment of this Act to identify areas in which such regulations need to be revised to improve rail security.

SEC. 3215. PUBLIC AWARENESS.

(a) IN GENERAL.—Not later than 90 days after the date of the enactment of this Act, the Secretary of Homeland Security, in consultation with the Secretary of Transportation, shall develop a national plan for public outreach and awareness.

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

(1) be designed to increase awareness of measures that the general public, railroad passengers, and railroad employees can take to increase railroad system security; and

(2) provide outreach to railroad carriers and their employees to improve their awareness of available technologies, ongoing research and development efforts, and available Federal funding sources to improve railroad security.

(c) IMPLEMENTATION.—Not later than 9 months after the date of the enactment of this Act, the Secretary of Homeland Security shall implement the plan developed under this section.

SEC. 3216. RAILROAD HIGH HAZARD MATERIAL TRACKING.

(a) WIRELESS COMMUNICATIONS.—

(1) IN GENERAL.—In conjunction with the research and development program established under section 3206 and consistent with the results of research relating to wireless tracking technologies, the Secretary of Homeland Security, in consultation with the Assistant Secretary of the Transportation Security Administration, shall develop a program that will encourage the equipping of rail cars transporting high hazard materials in quantities equal to or greater than the quantities listed in section 172.800 of title 49, Code of Federal Regulations, with wireless terrestrial or satellite communications technology that provides—

(A) car position location and tracking capabilities;

(B) notification of rail car depressurization, breach, or unsafe temperature; and

(C) notification of hazardous material release.

(2) COORDINATION.—In developing the program required by paragraph (1), the Secretary shall—

(A) consult with the Secretary of Transportation to coordinate the program with any ongoing or planned efforts for rail car tracking at the Department of Transportation; and

(B) ensure that the program is consistent with recommendations and findings of the Department of Homeland Security's hazardous material tank rail car tracking pilot programs.

(b) FUNDING.—From the funds appropriated pursuant to section 114(u) of title 49, United States Code (as added by section 3217(a)), $3,000,000 shall be made available to the Secretary of Homeland Security for each of the fiscal years 2007, 2008, and 2009 to carry out this section.

SEC. 3217. AUTHORIZATION OF APPROPRIATIONS.

(a) TRANSPORTATION SECURITY ADMINISTRATION AUTHORIZATION.—Section 114 of title 49, United States Code, is amended by adding at the end the following:

''(u) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Secretary of Homeland Security for rail security—

''(1) $206,500,000 for fiscal year 2007;

''(2) $168,000,000 for fiscal year 2008; and

''(3) $168,000,000 for fiscal year 2009.''.

(b) DEPARTMENT OF TRANSPORTATION.—There are authorized to be appropriated to the Secretary of Transportation to carry out this title and sections 20116 and 24314 of title 49, United States Code, as added by this title—

(1) $225,000,000 for fiscal year 2007;

(2) $223,000,000 for fiscal year 2008; and

(3) $223,000,000 for fiscal year 2009.

TITLE XXXIII—MASS TRANSIT SECURITY

SEC. 3301. SHORT TITLE.

This title may be cited as the ''Public Transportation Terrorism Prevention Act of 2006''.

SEC. 3302. FINDINGS.

Congress finds that—

(1) public transportation systems throughout the world have been a primary target of terrorist attacks, causing countless death and injuries;

(2) 5,800 public transportation agencies operate in the United States;

(3) 14,000,000 people in the United States ride public transportation each work day;

(4) safe and secure public transportation systems are essential for the Nation's economy and for significant national and international public events;

(5) the Federal Transit Administration has invested $74,900,000,000 since 1992 for construction and improvements to the Nation's public transportation systems;

(6) the Federal Government appropriately invested $18,100,000,000 in fiscal years 2002 through 2005 to protect our Nation's aviation system and its 1,800,000 daily passengers;

(7) the Federal Government has allocated $250,000,000 in fiscal years 2003 through 2005 to protect public transportation systems in the United States;

(8) the Federal Government has invested $7.38 in aviation security improvements per passenger, but only $0.007 in public transportation security improvements per passenger;

(9) the Government Accountability Office, the Mineta Institute for Surface Transportation Policy Studies, the American Public Transportation Association, and many transportation experts have reported an urgent need for significant investment in public transportation security improvements; and

(10) the Federal Government has a duty to deter and mitigate, to the greatest extent practicable, threats against the Nation's public transportation systems.

SEC. 3303. SECURITY ASSESSMENTS.

(a) PUBLIC TRANSPORTATION SECURITY ASSESSMENTS.—

(1) SUBMISSION.—Not later than 30 days after the date of the enactment of this Act, the Federal Transit Administration of the Department of Transportation shall submit all public transportation security assessments and all other relevant information to the Secretary of Homeland Security.

(2) REVIEW.—Not later than July 31, 2007, the Secretary of Homeland Security shall review and augment the security assessments received under paragraph (1).

(3) ALLOCATIONS.—The Secretary of Homeland Security shall use the security assessments received under paragraph (1) as the basis for allocating grant funds under section 3304, unless the Secretary notifies the Committee on Banking, Housing, and Urban Affairs of the Senate that the Secretary has determined that an adjustment is necessary to respond to an urgent threat or other significant factors.

(4) SECURITY IMPROVEMENT PRIORITIES.—Not later than September 30, 2007, the Secretary of Homeland Security, after consultation with the management and employee representatives of each public transportation system for which a security assessment has been received under paragraph (1), shall establish security improvement priorities that will be used by public transportation agencies for any funding provided under section 3304.

(5) UPDATES.—Not later than July 31, 2008, and annually thereafter, the Secretary of Homeland Security shall—

(A) update the security assessments referred to in this subsection; and

(B) conduct security assessments of all public transportation agencies considered to be at greatest risk of a terrorist attack.

(b) USE OF SECURITY ASSESSMENT INFORMATION.—The Secretary of Homeland Security shall use the information collected under subsection (a)—

(1) to establish the process for developing security guidelines for public transportation security; and

(2) to design a security improvement strategy that—

(A) minimizes terrorist threats to public transportation systems; and

(B) maximizes the efforts of public transportation systems to mitigate damage from terrorist attacks.

(c) BUS AND RURAL PUBLIC TRANSPORTATION SYSTEMS.—Not later than July 31, 2007, the Secretary of Homeland Security shall conduct security assessments, appropriate to the size and nature of each system, to determine the specific needs of—

(1) local bus-only public transportation systems; and

(2) selected public transportation systems that receive funds under section 5311 of title 49, United States Code.

SEC. 3304. SECURITY ASSISTANCE GRANTS.

(a) CAPITAL SECURITY ASSISTANCE PROGRAM.—

(1) IN GENERAL.—The Secretary of Homeland Security shall award grants directly to public transportation agencies for allowable capital security improvements based on the priorities established under section 3303(a)(4).

(2) ALLOWABLE USE OF FUNDS.—Grants awarded under paragraph (1) may be used for—

(A) tunnel protection systems;

(B) perimeter protection systems;

(C) redundant critical operations control systems;

(D) chemical, biological, radiological, or explosive detection systems;

(E) surveillance equipment;

(F) communications equipment;

(G) emergency response equipment;

(H) fire suppression and decontamination equipment;

(I) global positioning or automated vehicle locator type system equipment;

(J) evacuation improvements; and

(K) other capital security improvements.

(b) OPERATIONAL SECURITY ASSISTANCE PROGRAM.—

(1) IN GENERAL.—The Secretary of Homeland Security shall award grants directly to public transportation agencies for allowable operational security improvements based on the priorities established under section 3303(a)(4).

(2) ALLOWABLE USE OF FUNDS.—Grants awarded under paragraph (1) may be used for—

(A) security training for public transportation employees, including bus and rail operators, mechanics, customer service, maintenance employees, transit police, and security personnel;

(B) live or simulated drills;

(C) public awareness campaigns for enhanced public transportation security;

(D) canine patrols for chemical, biological, or explosives detection;

(E) overtime reimbursement for enhanced security personnel during significant national and international public events, consistent with the priorities established under section 3303(a)(4); and

(F) other appropriate security improvements identified under section 3303(a)(4), excluding routine, ongoing personnel costs.

(c) CONGRESSIONAL NOTIFICATION.—Not later than 3 days before the award of any grant under this section, the Secretary of Homeland Security shall notify the Committee on Banking, Housing, and Urban Affairs of the Senate of the intent to award such grant.

(d) PUBLIC TRANSPORTATION AGENCY RESPONSIBILITIES.—Each public transportation agency that receives a grant under this section shall—

(1) identify a security coordinator to coordinate security improvements;

(2) develop a comprehensive plan that demonstrates the agency's capacity for operating and maintaining the equipment purchased under this section; and

(3) report annually to the Department of Homeland Security on the use of grant funds received under this section.

(e) RETURN OF MISSPENT GRANT FUNDS.—If the Secretary of Homeland Security determines that a grantee used any portion of the grant funds received under this section for a purpose other than the allowable uses specified for that grant under this section, the grantee shall return any amount so used to the Treasury of the United States.

SEC. 3305. INTELLIGENCE SHARING.

(a) INTELLIGENCE SHARING.—The Secretary of Homeland Security shall ensure that the Department of Transportation receives appropriate and timely notification of all credible terrorist threats against public transportation assets in the United States.

(b) INFORMATION SHARING ANALYSIS CENTER.—

(1) ESTABLISHMENT.—The Secretary of Homeland Security shall provide sufficient financial assistance for the reasonable costs of the Information Sharing and Analysis Center for Public Transportation (referred to in this subsection as the ''ISAC'') established pursuant to Presidential Directive 63, to protect critical infrastructure.

(2) PUBLIC TRANSPORTATION AGENCY PARTICIPATION.—The Secretary of Homeland Security—

(A) shall require those public transportation agencies that the Secretary determines to be at significant risk of terrorist attack to participate in the ISAC;

(B) shall encourage all other public transportation agencies to participate in the ISAC; and

(C) shall not charge a fee to any public transportation agency for participating in the ISAC.

SEC. 3306. RESEARCH, DEVELOPMENT, AND DEMONSTRATION GRANTS.

(a) GRANTS AUTHORIZED.—The Secretary of Homeland Security, in consultation with the Federal Transit Administration, shall award grants to public or private entities to conduct research into, and demonstrate, technologies and methods to reduce and deter terrorist threats or mitigate damages resulting from terrorist attacks against public transportation systems.

(b) USE OF FUNDS.—Grants awarded under subsection (a) may be used to—

(1) research chemical, biological, radiological, or explosive detection systems that do not significantly impede passenger access;

(2) research imaging technologies;

(3) conduct product evaluations and testing; and

(4) research other technologies or methods for reducing or deterring terrorist attacks against public transportation systems, or mitigating damage from such attacks.

(c) REPORTING REQUIREMENT.—Each entity that receives a grant under this section shall report annually to the Department of Homeland Security on the use of grant funds received under this section.

(d) RETURN OF MISSPENT GRANT FUNDS.—If the Secretary of Homeland Security determines that a grantee used any portion of the grant funds received under this section for a purpose other than the allowable uses specified under subsection (b), the grantee shall return any amount so used to the Treasury of the United States.

SEC. 3307. REPORTING REQUIREMENTS.

(a) SEMI-ANNUAL REPORT TO CONGRESS.—

(1) IN GENERAL.—Not later than March 31 and September 30 each year, the Secretary of Homeland Security shall submit a report, containing the information described in paragraph (2), to—

(A) the Committee on Banking, Housing, and Urban Affairs of the Senate;

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

(C) the Committee on Appropriations of the Senate.

(2) CONTENTS.—The report submitted under paragraph (1) shall include—

(A) a description of the implementation of the provisions of sections 3303 through 3306;

(B) the amount of funds appropriated to carry out the provisions of each of sections 3303 through 3306 that have not been expended or obligated; and

(C) the state of public transportation security in the United States.

(b) ANNUAL REPORT TO GOVERNORS.—

(1) IN GENERAL.—Not later than March 31 each year, the Secretary of Homeland Security shall submit a report to the Governor of each State with a public transportation agency that has received a grant under this title.

(2) CONTENTS.—The report submitted under paragraph (1) shall specify—

(A) the amount of grant funds distributed to each such public transportation agency; and

(B) the use of such grant funds.

SEC. 3308. AUTHORIZATION OF APPROPRIATIONS.

(a) CAPITAL SECURITY ASSISTANCE PROGRAM.—There are authorized to be appropriated $2,370,000,000 for fiscal year 2007 to carry out the provisions of section 3304(a), which shall remain available until expended.

(b) OPERATIONAL SECURITY ASSISTANCE PROGRAM.—There are authorized to be appropriated to carry out the provisions of section 3304(b)—

(1) $534,000,000 for fiscal year 2007;

(2) $333,000,000 for fiscal year 2008; and

(3) $133,000,000 for fiscal year 2009.

(c) INTELLIGENCE.—There are authorized to be appropriated such sums as may be necessary to carry out the provisions of section 3305.

(d) RESEARCH.—There are authorized to be appropriated $130,000,000 for fiscal year 2007 to carry out the provisions of section 3306, which shall remain available until expended.

SEC. 3309. SUNSET PROVISION.

The authority to make grants under this title shall expire on October 1, 2010.

TITLE XXXIV—AVIATION SECURITY

SEC. 3401. INAPPLICABILITY OF LIMITATION ON EMPLOYMENT OF PERSONNEL WITHIN TRANSPORTATION SECURITY ADMINISTRATION TO ACHIEVE AVIATION SECURITY.

(a) IN GENERAL.—Notwithstanding any other provision of law, if the conditions set forth in subsection (b) are met, the Secretary of Homeland Security is not required to—

(1) comply with any statutory limitation on the number of employees in the Transportation Security Administration (referred to in this section as the ''TSA''), whether before or after the transfer of the TSA from the Department of Transportation to the Department of Homeland Security; or

(2) comply with any administrative rule or regulation imposing a limitation on the recruitment or employment of personnel in the TSA to a maximum number of permanent positions.

(b) CONDITIONS.—The conditions set forth in this subsection are met if the enforcement or compliance with a limitation, rule, or regulation described in subsection (a) would prevent the Secretary of Homeland Security from recruiting and employing in the TSA such personnel as may be necessary—

(1) to provide the highest levels of aviation security; and

(2) to accomplish the objective specified in paragraph (1) in such a manner that the average aviation security-related delay experienced by airline passengers is reduced to less than 10 minutes.

SEC. 3402. AVIATION RESEARCH AND DEVELOPMENT FOR EXPLOSIVE DETECTION.

(a) ADVANCED EXPLOSIVES DETECTION SYSTEMS.—The Secretary of Homeland Security, through the Under Secretary for Science and Technology and the Assistant Secretary of the Transportation Security Administration, and in consultation with the Secretary of Transportation, shall, in carrying out research and development on the detection of explosive materials at airport security checkpoints, focus on the detection of explosive materials, including liquid explosives, in a manner that—

(1) improves the ability of airport security technologies to determine which items could—

(A) threaten safety;

(B) be used as an explosive; or

(C) assembled into an explosive device; and

(2) results in the development of an advanced screening technology that incorporates existing technologies into a single screening system.

(b) AUTHORIZATION OF APPROPRIATIONS.—

(1) IN GENERAL.—There are authorized to be appropriated to the Secretary of Homeland Security to carry out this section—

(A) $200,000,000 for fiscal year 2008; and

(B) $250,000,000 for fiscal year 2009.

(2) AVAILABILITY.—Amounts appropriated pursuant to paragraph (1) shall remain available until expended.

SEC. 3403. AVIATION REPAIR STATION SECURITY.

(a) CERTIFICATION OF FOREIGN REPAIR STATIONS SUSPENSION.—Beginning on the date that is 90 days after the date of the enactment of this Act, the Administrator of the Federal Aviation Administration may not certify any foreign repair station under part 145 of title 14, Code of Federal Regulations,

unless the Under Secretary for Border and Transportation Security has issued final regulations, pursuant to section 44924(f) of title 49, United States Code, to ensure the security of foreign and domestic aircraft repair stations.

(b) 6-MONTH DEADLINE FOR SECURITY REVIEW AND AUDIT.—Section 44924 of title 49, United States Code, is amended by striking ''18 months'' each place it appears and inserting ''6 months''.

DIVISION E—A NEW DIRECTION IN IRAQ

TITLE XLI—UNITED STATES POLICY ON IRAQ

SEC. 4001. UNITED STATES POLICY ON IRAQ.

(a) SHORT TITLE.—This section may be cited as the ''United States Policy on Iraq Act of 2006''.

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

(1) Global terrorist networks, including those that attacked the United States on September 11, 2001, continue to threaten the national security of the United States and are recruiting, planning, and developing capabilities to attack the United States and its allies throughout the world.

(2) Winning the fight against terrorist networks requires an integrated, comprehensive effort that uses all facets of power of the United States and the members of the international community who value democracy, freedom, and the rule of law.

(3) The United States Armed Forces, particularly the Army and Marine Corps, are stretched thin, and many soldiers and Marines have experienced three or more deployments to combat zones.

(4) Sectarian violence has surpassed the insurgency and terrorism as the main security threat in Iraq, increasing the prospects of a broader civil war which could draw in Iraq's neighbors.

(5) United States and coalition forces have trained and equipped more than 129,000 Iraqi soldiers, sailors, and airmen, and more than 165,000 Iraqi police, highway patrol, and other Ministry of Interior forces.

(6) Of the 106 operational Iraqi Army combat battalions, 85 are either in the lead or operating independently, according to the August 2006 report of the Administration to Congress entitled ''Measuring Stability and Security in Iraq'';

(7) Congress expressed its sense in the National Defense Authorization Act for Fiscal Year 2006 (119 Stat. 3466) that ''calendar year 2006 should be a period of significant transition to full Iraqi sovereignty, with Iraqi security forces taking the lead for the security of a free and sovereign Iraq, thereby creating the conditions for the phased redeployment of United States forces from Iraq''.

(8) Iraq's security forces are heavily infiltrated by sectarian militia, which has greatly increased sectarian tensions and impeded the development of effective security services loyal to the Iraq Government.

(9) With the approval by the Iraqi Council of Representatives of the ministers of defense, national security, and the interior on June 7, 2006, the entire cabinet of Prime Minister Maliki is now in place.

(10) Pursuant to the Iraq Constitution, the Council of Representatives is to appoint a Panel which will have 4 months to recommend changes to the Iraq Constitution.

(11) Despite pledges of more than $8,000,000,000 in assistance for Iraq by foreign governments other than the United States at the Madrid International Donors' Conference in October 2003, only $3,500,000,000 of such assistance has been forthcoming.

(12) The current open-ended commitment of United States forces in Iraq is unsustainable and a deterrent to the Iraqis making the political compromises and personnel and resource commitments that are needed for the stability and security of Iraq.

(c) SENSE OF CONGRESS.—It is the sense of Congress that in order to change course from an open-ended commitment and to promote the assumption of security responsibilities by the Iraqis, thus advancing the chances for success in Iraq—

(1) the following actions need to be taken to help achieve the broad-based and sustainable political settlement so essential for defeating the insurgency and preventing all-out civil war—

(A) there must be a fair sharing of political power and economic resources among all the Iraqi groups so as to invest them in the formation of an Iraqi nation by either amendments to the Iraq Constitution or by legislation or other means, within the timeframe provided for in the Iraq Constitution;

(B) the President should convene an international conference so as to more actively involve the international community and Iraq's neighbors, promote a durable political settlement among Iraqis, reduce regional interference in Iraq's internal affairs, encourage more countries to contribute to Iraq's extensive needs, and ensure that pledged funds are forthcoming;

(C) the Iraq Government should promptly and decisively disarm the militias and remove those members of the Iraqi security forces whose loyalty to the Iraq Government is in doubt; and

(D) the President should—

(i) expedite the transition of United States forces in Iraq to a limited presence and mission of training Iraqi security forces, providing logistic support of Iraqi security forces, protecting United States infrastructure and personnel, and participating in targeted counterterrorism activities;

(ii) after consultation with the Government of Iraq, begin the phased redeployment of United States forces from Iraq this year; and

(iii) submit to Congress a plan by the end of 2006 with estimated dates for the continued phased redeployment of United States forces from Iraq, with the understanding that unexpected contingencies may arise;

(2) during and after the phased redeployment of United States forces from Iraq, the United States will need to sustain a nonmilitary effort to actively support reconstruction, governance, and a durable political solution in Iraq; and

(3) the President should carefully assess the impact that ongoing United States military operations in Iraq are having on the capability of the United States Government to conduct an effective counterterrorism campaign to defeat the broader global terrorist networks that threaten the United States.

SEC. 4002. SENSE OF SENATE ON NEED FOR A NEW DIRECTION IN IRAQ POLICY AND IN THE CIVILIAN LEADERSHIP OF THE DEPARTMENT OF DEFENSE.

(a) FINDINGS.—The Senate makes the following findings:

(1) The Armed Forces of the United States have served honorably and courageously in Iraq, with more than 2,600 brave Americans having made the ultimate sacrifice and more than 20,000 wounded.

(2) The current ''stay the course'' policy in Iraq has made America less secure, reduced the readiness of our troops, and burdened America's taxpayers with more than $300,000,000,000 in additional debt.

(3) With weekly attacks against American and Iraqi troops at their highest levels since the start of the war, and sectarian violence intensifying, it is clear that staying the course in Iraq is not a strategy for success.

(b) SENSE OF SENATE.—It is the sense of the Senate that—

(1) our troops deserve, and the American people expect, the George W. Bush Administration to provide competent civilian leadership and a true strategy for success in Iraq; and

(2) President George W. Bush needs to change course in Iraq to provide a strategy for success, and one indication of such a change of course would be to replace the current Secretary of Defense.

TITLE XLII—SPECIAL COMMITTEE OF SENATE ON WAR AND RECONSTRUCTION CONTRACTING

SEC. 4101. FINDINGS.

Congress makes the following findings:

(1) The wars in Iraq and Afghanistan have exerted very large demands on the Treasury of the United States and required tremendous sacrifice by the members of the Armed Forces of the United States.

(2) Congress has a constitutional responsibility to ensure comprehensive oversight of the expenditure of United States Government funds.

(3) Waste and corporate abuse of United States Government resources are particularly unacceptable and reprehensible during times of war.

(4) The magnitude of the funds involved in the reconstruction of Afghanistan and Iraq and the war on terrorism, together with the speed with which these funds have been committed, presents a challenge to the effective performance of the traditional oversight function of Congress and the auditing functions of the executive branch.

(5) The Senate Special Committee to Investigate the National Defense Program, popularly know as the Truman Committee, which was established during World War II, offers a constructive precedent for bipartisan oversight of wartime contracting that can also be extended to wartime and postwar reconstruction activities.

(6) The Truman Committee is credited with an extremely successful investigative effort, performance of a significant public education role, and achievement of fiscal savings measured in the billions of dollars.

(7) The public has a right to expect that taxpayer resources will be carefully disbursed and honestly spent.

SEC. 4102. SPECIAL COMMITTEE ON WAR AND RECONSTRUCTION CONTRACTING.

There is established a special committee of the Senate to be known as the Special Committee on War and Reconstruction Contracting (hereafter in this title referred to as the ''Special Committee'').

SEC. 4103. PURPOSE AND DUTIES.

(a) PURPOSE.—The purpose of the Special Committee is to investigate the awarding and performance of contracts to conduct military, security, and reconstruction activities in Afghanistan and Iraq and to support the prosecution of the war on terrorism.

(b) DUTIES.—The Special Committee shall examine the contracting actions described in subsection (a) and report on such actions, in accordance with this section, regarding—

(1) bidding, contracting, accounting, and auditing standards for Federal Government contracts;

(2) methods of contracting, including sole-source contracts and limited competition or noncompetitive contracts;

(3) subcontracting under large, comprehensive contracts;

(4) oversight procedures;

(5) consequences of cost-plus and fixed price contracting;

(6) allegations of wasteful and fraudulent practices;

(7) accountability of contractors and Government officials involved in procurement and contracting;

(8) penalties for violations of law and abuses in the awarding and performance of Government contracts; and

(9) lessons learned from the contracting process used in Iraq and Afghanistan and in connection with the war on terrorism with respect to the structure, coordination, management policies, and procedures of the Federal Government.

(c) INVESTIGATION OF WASTEFUL AND FRAUDULENT PRACTICES.—The investigation by the Special Committee of allegations of wasteful and fraudulent practices under subsection (b)(6) shall include investigation of allegations regarding any contract or spending entered into, supervised by, or otherwise involving the Coalition Provisional Authority, regardless of whether or not such contract or spending involved appropriated funds of the United States.

(d) EVIDENCE CONSIDERED.—In carrying out its duties, the Special Committee shall ascertain and evaluate the evidence developed by all relevant governmental agencies regarding the facts and circumstances relevant to contracts described in subsection (a) and any contract or spending covered by subsection (c).

SEC. 4104. COMPOSITION OF SPECIAL COMMITTEE.

(a) MEMBERSHIP.—

(1) IN GENERAL.—The Special Committee shall consist of 7 members of the Senate of whom—

(A) 4 members shall be appointed by the President pro tempore of the Senate, in consultation with the majority leader of the Senate; and

(B) 3 members shall be appointed by the minority leader of the Senate.

(2) DATE.—The appointments of the members of the Special Committee shall be made not later than 90 days after the date of the enactment of this Act.

(b) VACANCIES.—Any vacancy in the Special Committee shall not affect its powers, but shall be filled in the same manner as the original appointment.

(c) SERVICE.—Service of a Senator as a member, chairman, or ranking member of the Special Committee shall not be taken into account for the purposes of paragraph (4) of rule XXV of the Standing Rules of the Senate.

(d) CHAIRMAN AND RANKING MEMBER.—The chairman of the Special Committee shall be designated by the majority leader of the Senate, and the ranking member of the Special Committee shall be designated by the minority leader of the Senate.

(e) QUORUM.—

(1) REPORTS AND RECOMMENDATIONS.—A majority of the members of the Special Committee shall constitute a quorum for the purpose of reporting a matter or recommendation to the Senate.

(2) TESTIMONY.—One member of the Special Committee shall constitute a quorum for the purpose of taking testimony.

(3) OTHER BUSINESS.—A majority of the members of the Special Committee, or ⅓ of the members of the Special Committee if at least one member of the minority party is present, shall constitute a quorum for the purpose of conducting any other business of the Special Committee.

SEC. 4105. RULES AND PROCEDURES.

(a) GOVERNANCE UNDER STANDING RULES OF SENATE.—Except as otherwise specifically provided in this subtitle, the investigation, study, and hearings conducted by the Special Committee shall be governed by the Standing Rules of the Senate.

(b) ADDITIONAL RULES AND PROCEDURES.—The Special Committee may adopt additional rules or procedures if the chairman and ranking member agree that such additional rules or procedures are necessary to enable the Special Committee to conduct the investigation, study, and hearings authorized by this resolution. Any such additional rules and procedures—

(1) shall not be inconsistent with this resolution or the Standing Rules of the Senate; and

(2) shall become effective upon publication in the Congressional Record.

SEC. 4106. AUTHORITY OF SPECIAL COMMITTEE.

(a) IN GENERAL.—The Special Committee may exercise all of the powers and responsibilities of a committee under rule XXVI of the Standing Rules of the Senate.

(b) HEARINGS.—The Special Committee or, at its direction, any subcommittee or member of the Special Committee, may, for the purpose of carrying out this resolution—

(1) hold such hearings, sit and act at such times and places, take such testimony, receive such evidence, and administer such oaths as the Special Committee or such subcommittee or member considers advisable; and

(2) require, by subpoena or otherwise, the attendance and testimony of such witnesses and the production of such books, records, correspondence, memoranda, papers, documents, tapes, and materials as the Special Committee considers advisable.

(c) ISSUANCE AND ENFORCEMENT OF SUBPOENAS.—

(1) ISSUANCE.—Subpoenas issued under subsection (b) shall bear the signature of the Chairman of the Special Committee and shall be served by any person or class of persons designated by the Chairman for that purpose.

(2) ENFORCEMENT.—In the case of contumacy or failure to obey a subpoena issued under subsection (a), the United States district court for the judicial district in which the subpoenaed person resides, is served, or may be found may issue an order requiring such person to appear at any designated place to testify or to produce documentary or other evidence. Any failure to obey the order of the court may be punished by the court as a contempt of that court.

(d) MEETINGS.—The Special Committee may sit and act at any time or place during sessions, recesses, and adjournment periods of the Senate.

SEC. 4107. REPORTS.

(a) INITIAL REPORT.—The Special Committee shall submit to the Senate a report on the investigation conducted pursuant to section 4103 not later than 270 days after the appointment of the Special Committee members.

(b) UPDATED REPORT.—The Special Committee shall submit an updated report on such investigation not later than 180 days after the submission of the report under subsection (a).

(c) ADDITIONAL REPORTS.—The Special Committee may submit any additional report or reports that the Special Committee considers appropriate.

(d) FINDINGS AND RECOMMENDATIONS.—The reports under this section shall include findings and recommendations of the Special Committee regarding the matters considered under section 4103.

(e) DISPOSITION OF REPORTS.—Any report made by the Special Committee when the Senate is not in session shall be submitted to the Clerk of the Senate. Any report made by the Special Committee shall be referred to the committee or committees that have jurisdiction over the subject matter of the report.

SEC. 4108. ADMINISTRATIVE PROVISIONS.

(a) STAFF.—

(1) IN GENERAL.—The Special Committee may employ in accordance with paragraph (2) a staff composed of such clerical, investigatory, legal, technical, and other personnel as the Special Committee, or the chairman or the ranking member, considers necessary or appropriate.

(2) APPOINTMENT OF STAFF.—

(A) IN GENERAL.—The Special Committee shall appoint a staff for the majority, a staff for the minority, and a nondesignated staff.

(B) MAJORITY STAFF.—The majority staff shall be appointed, and may be removed, by the chairman and shall work under the general supervision and direction of the chairman.

(C) MINORITY STAFF.—The minority staff shall be appointed, and may be removed, by the ranking member of the Special Committee, and shall work under the general supervision and direction of such member.

(D) NONDESIGNATED STAFF.—Nondesignated staff shall be appointed, and may be removed, jointly by the chairman and the ranking member, and shall work under the joint general supervision and direction of the chairman and ranking member.

(b) COMPENSATION.—

(1) MAJORITY STAFF.—The chairman shall fix the compensation of all personnel of the majority staff of the Special Committee.

(2) MINORITY STAFF.—The ranking member shall fix the compensation of all personnel of the minority staff of the Special Committee.

(3) NONDESIGNATED STAFF.—The chairman and ranking member shall jointly fix the compensation of all nondesignated staff of the Special Committee, within the budget approved for such purposes for the Special Committee.

(c) REIMBURSEMENT OF EXPENSES.—The Special Committee may reimburse the members of its staff for travel, subsistence, and other necessary expenses incurred by such staff members in the performance of their functions for the Special Committee.

(d) PAYMENT OF EXPENSES.—There shall be paid out of the applicable accounts of the Senate such sums as may be necessary for the expenses of the Special Committee. Such payments shall be made on vouchers signed by the chairman of the Special Committee and approved in the manner directed by the Committee on Rules and Administration of the Senate. Amounts made available under this subsection shall be expended in accordance with regulations prescribed by the Committee on Rules and Administration of the Senate.

SEC. 4109. TERMINATION.

The Special Committee shall terminate on July 1, 2008.

SEC. 4110. SENSE OF SENATE ON CERTAIN CLAIMS REGARDING THE COALITION PROVISIONAL AUTHORITY.

It is the sense of the Senate that any claim of fraud, waste, or abuse under the False Claims Act that involves any contract or spending by the Coalition Provisional Authority should be considered a claim against the United States Government.

SUBMITTED RESOLUTIONS

SENATE RESOLUTION 559—CALLING ON THE PRESIDENT TO TAKE IMMEDIATE STEPS TO HELP STOP THE VIOLENCE IN DARFUR

Mr. BIDEN. (for himself, Mr. DEWINE, Mr. LUGAR, Mr. KERRY, Mrs. CLINTON, Ms. CANTWELL, Mr. DODD, Mr. NELSON of Florida, Mr. LEVIN, Mr. FEINGOLD, Mr. DURBIN, Mrs. BOXER, Mr. VOINOVICH, Mr. SPECTER, Mr. CHAFEE,

Mr. SUNUNU, Mr. MCCAIN, Mr. BROWNBACK, Mr. COLEMAN, Mr. LIEBERMAN, Mr. SALAZAR, Mr. SCHUMER, Mr. LEAHY, Mrs. MURRAY, Mr. INOUYE, Mr. HAGEL, Mr. FRIST, and Mr. SMITH) submitted the following resolution; which was referred to the Committee on Foreign Relations.

Whereas the Darfur Peace Agreement, signed on May 5, 2006, between the Government of Sudan and rebels in Darfur has not resulted in a cessation of hostilities in Darfur;

Whereas, although the United Nations Security Council approved Security Council Resolution 1706 (2006), which provides for a United Nations peacekeeping presence in Darfur to replace the African Union Mission in Sudan (AMIS), the Government of Sudan has rejected the deployment of United Nations peacekeepers;

Whereas the Government of Sudan is engaged in a major offensive in Darfur, in direct violation of the Darfur Peace Agreement;

Whereas violence in the Darfur region has increased since the signing of the Darfur Peace Agreement;

Whereas Jan Egeland, the United Nations Under-Secretary General for Humanitarian Affairs, has stated that the coming weeks may result in a ''man-made catastrophe of an unprecedented scale'' in Darfur;

Whereas the African Union has decided to terminate the African Union Mission in Sudan (AMIS) at the end of September 2006;

Whereas it is unlikely that the United Nations will have the logistical means or capability to deploy peacekeepers to Sudan until the end of 2006;

Whereas the people of Darfur cannot wait that long for security to be re-established; and

Whereas the international community must renew its efforts to stop genocide, war crimes, and crimes against humanity in Darfur:

Now, therefore, be it

Resolved, That the Senate—

(1) strongly condemns—

(A) the current military offensive of the Government of Sudan in Darfur in violation of the terms of the May 5, 2006, Darfur Peace Agreement and the April 8, 2004, N'Djamena cease-fire accord; and

(B) the rejection by the Government of Sudan of United Nations Security Council Resolution 1706 (2006);

(2) commends the African Union Mission in Sudan (AMIS) for its actions to date in monitoring the April 8, 2004, N'Djamena cease-fire agreement in Darfur and encourages the African Union to leave the AMIS force in place until a United Nations peacekeeping mission is deployed to Darfur;

(3) calls upon the Government of Sudan to immediately—

(A) cease its military offensive in Darfur; and

(B) comply with the deployment of United Nations peacekeepers to Darfurt called for by the United Nations Security Council;

(4) calls upon the United Nations—

(A) to deploy as quickly as practicable peacekeeping troops as authorized by United Nations Security Council Resolution 1706 (2006) that are well trained and equipped; and

(B) to begin considerations of sanctions as called for by paragraphs 6 and 7 of United Nations Security Council Resolution 1556 (2004) and paragraph 14 of United Nations Security Council Resolution 1564 (2004);

(5) urges the President to take urgent steps to help improve the security situation in Darfur, including by—

(A) pursuing the imposition of a ''no-fly zone'' in Darfur in cooperation with the United Nations, NATO, or NATO allies;

(B) garnering support for NATO assistance with the handover by the African Union of the AMIS mission to the United Nations;

(C) working through diplomatic channels to obtain the support of China, Russia, and United States allies in the Arab League in securing the compliance of the Government of Sudan with the deployment of United Nations peacekeepers as provided by United Nations Security Council Resolution 1706 (2006);

(D) supporting full funding for the United Nations Peacekeeping Mission in Sudan;

(E) securing the necessary support from United Nations member states to schedule a special session on Sudan in the United Nations Human Rights Council; and

(F) appointing a Special Envoy to Sudan to head the Office of the Presidential Special Envoy established pursuant to chapter 6 of title I of the Emergency Supplemental Appropriations Act for Defense, the Global War on Terror, and Hurricane Recovery, 2006 (Public Law 109–234; 120 Stat. 439); and

(6) urges the international community—

(A) to support the deployment of United Nations peacekeepers to Darfur financially, with logistical and equipment support, or through troop contributions;

(B) to fulfill financial obligations to United Nations and international humanitarian aid agencies for responding to thepiis in Darfur or addressing humanitarian needs throughout Sudan;

(C) to impose targeted sanctions against members of the National Congress Party determined to be responsible for human rights violations, war crimes, and crimes against humanity; and

(D) to impose sanctions consistent with paragraphs 6 and 7 of United Nations Security Council Resolution 1556 (2004) and paragraph 14 of United Nations Security Council Resolution 1564 (2004)

Mr. BIDEN. Mr. President, today I am introducing a resolution along with my colleague Senator DEWINE urging the President to take immediate action to avert a looming tragedy in Darfur, Sudan. The government of Sudan has launched an all-out military offensive in Darfur that could result in hundreds of thousands of additional deaths. The United States must lead the international community to save those lives. It is urgent that we act.

How did we arrive at such a situation? And what must we do to stop it?

Over the past two years the situation in Sudan has remained dire. As many as 400,000 people may be dead. Two million people have been displaced from their homes, over 200,000 are refugees in Chad, and three million rely on international aid. Those numbers haven't diminished over time, they have gotten worse. And now, they may be on the brink of becoming even more catastrophic.

In May of this year, the government of Sudan and rebels in Darfur—specifically the Minni Minnawi faction of the Sudan Liberation Army, SLA,—signed a peace agreement. Rather than improving the security situation, the Darfur Peace Agreement has made things worse. The agreement never had the support of the entire SLA, or the other major rebel movement in Darfur, the Justice and Equality Movement. Nor did it have the support of people living in displaced camps in Darfur. In the days and weeks after news of the agreement spread, violence in camps increased either because people misunderstood what was in the agreement, or they felt the agreement was flawed. And violence on the ground became worse, as the rebel factions split and fighting erupted between those who had signed the Darfur Peace Agreement and those who had not.

Tens of thousands of people have been displaced in fighting since May—fifty thousand in the last two months alone. Many of them have taken refuge in camps for the internally displaced. Attacks on humanitarian aid convoys have increased by a factor of more than ten compared to this time last year. Twelve humanitarian workers have been killed in the past four months—more than during the previous year. Two hundred internally displaced women have been raped and another two hundred violently assaulted in over the course of the past five weeks.

The United Nations, after months of delay, finally extended the mandate of the U.N. Mission in Sudan (UNMIS) to Darfur at the end of August. U.N. Security Council Resolution 1706 authorizes the deployment of over 17,000 peace keepers and 3000 civilian police to Darfur. Regrettably, however, the government of Sudan has rejected the deployment of the U.N. force, instead launching a military offensive in Darfur. African Union officials have stated that they will not extend the mission in Sudan past the end of this month. And even if the aforementioned impediments did not exist, it would be months before a U.N. mission could fully deploy.

Just to make absolutely sure a peacekeeping force is never deployed, the government of Khartoum has gone on the offensive. If it scorches enough earth—and people—there will be no need for the peacekeeping force because there will be no one left to protect and no peace to keep.

We are at a pivotal moment. Hundreds of thousands of Sudanese are in camps, vulnerable to aerial and ground attacks from government forces. We cannot stand by and do nothing.

This resolution is straightforward. It calls on the President to undertake three key actions, some of which the Senate has asked him to do before: First, it once again calls on him to pursue the imposition of a no-fly zone through the U.N., NATO or NATO allies. The Senate asked the President to propose that NATO consider how to implement and enforce such a no-fly zone in March of this year. If anything, the need to enforce a no-fly zone has increased.

Second, it asks that the President secure the necessary support from United Nations member states to schedule a special session on Sudan in the United Nations Human Rights Council. The international community must speak out on the atrocities which continue to unfold in Sudan—and it must act.

Third, it asks the President to appoint a Special Envoy to Sudan to head the office that Senator DEWINE and I

established at the State Department through a provision in the supplemental appropriations bill that was signed into law in June. The administration has avoided doing so for years, and our diplomatic efforts have suffered as a result.

I'm under no illusion that these actions alone will stop the Sudanese government. The international community must put a credible force on the ground as soon as possible. NATO should be prepared to help the AMIS hand-off to the United Nations. It is imperative that the President pick up the phone and talk to our NATO allies about how to do that. He should also call the president of the African Union and the U.N. Secretary General about going to Khartoum to talk to President Bashir about his government's rejection of the U.N. Security Council resolution. And the Secretary of State must get involved in diplomatic efforts to convince the Sudanese to cooperate with the implementation of Security Council resolution. I understand that Assistant Secretary of State Frazer was sent to Khartoum over the Labor Day weekend. She met with President Bashir, but according to all reports, the meeting did not result in any change in Khartoum's posture towards the deployment of U.N. troops. I applaud the administration for sending Dr. Frazer. But with all due respect I think we need to be engaged at higher levels.

It has been 12 years since the international community watched nearly a million people get killed in Rwanda, and 11 years since the world stood by as the massacres in Srebrenica occurred. Since then, President Clinton took decisive action to stop ethnic cleansing act in Bosnia, and then in Kosovo. Both missions were controversial—even unpopular. But the cost of inaction was too high. The cost of inaction in Darfur is too high as well.

SENATE RESOLUTION 560—SUPPORTING EFFORTS TO INCREASE CHILDHOOD CANCER AWARENESS, TREATMENT, AND RESEARCH

Mr. COLEMAN (for himself, Mr. ALLEN, Mr. BAYH, Mr. BROWNBACK, Mr. CARPER, Mr. CHAFEE, Mr. COCHRAN, Ms. COLLINS, Mr. CORNYN, Mrs. FEINSTEIN, Mr. GRAHAM, Mr. HATCH, Mr. ISAKSON, Mr. JOHNSON, Mr. KERRY, Mr. LIEBERMAN, Mrs. LINCOLN, Mr. MENENDEZ, Ms. MIKULSKI, Ms. MURKOWSKI, Mrs. MURRAY, Mr. REED, Mr. SALAZAR, Mr. SANTORUM, Mr. SARBANES, Mr. SCHUMER, Ms. STABENOW, Mr. TALENT, and Mr. VOINOVICH) submitted the following resolution; which was considered and agreed to:

S. RES. 560

Whereas an estimated 12,400 children will be diagnosed with cancer in the year 2005;

Whereas cancer is the leading cause of death by disease in children under age 15;

Whereas an estimated 2,300 children will die from cancer in the year 2005;

Whereas the incidence of cancer among children in the United States is rising by about one percent each year;

Whereas 1 in every 330 Americans develops cancer before age 20;

Whereas approximately 8 percent of deaths of those between 1 and 19 years of age are caused by cancer;

Whereas while some progress has been made, a number of funding opportunities for childhood cancer research still remain;

Whereas increasing the focus on childhood cancer research requires the recruitment of additional investigators and physicians to pediatric oncology;

Whereas peer-reviewed clinical trials are the standard of care for pediatrics and have improved cancer survival rates among children;

Whereas the number of survivors of childhood cancer continues to grow, with about 1 in 640 adults between the ages of 20 and 39 having a history of cancer;

Whereas up to ⅔ of childhood cancer survivors are likely to experience at least one late effect from treatment, many of which may be life-threatening;

Whereas some late effects of cancer treatment are identified early in follow-up and are easily resolved, while others may become chronic problems in adulthood and may have serious consequences; and

Whereas 89 percent of children with cancer experience substantial suffering in the last month of life: Now, therefore, be it

Resolved, That it is the sense of the Senate that Congress should support—

(1) public and private sector efforts to promote awareness about the incidence of cancer among children, the signs and symptoms of cancer in children, treatment options, and long-term follow-up;

(2) public and private investment in childhood cancer research to improve prevention, diagnosis, treatment, rehabilitation, post-treatment monitoring, and long-term survival;

(3) medical trainees and investigators in the field of pediatric oncology;

(4) policies that provide incentives to encourage the development of drugs and biologics designed to treat pediatric cancers;

(5) policies that encourage participation in clinical trials;

(6) medical education curricula designed to improve pain management for cancer patients; and

(7) policies that enhance education, services, and other resources related to late effects from treatment.

SENATE RESOLUTION 561—DESIGNATING THE MONTH OF SEPTEMBER 2006, AS ''RURAL AMERICA MONTH''

Mr. REID (for himself, Mrs. LINCOLN, Mr. FRIST, Mr. BURNS, Mr. BYRD, Mr. SALAZAR, Mr. SCHUMER, Mrs. CLINTON, Mr. PRYOR, Mr. BAUCUS, Mr. LIEBERMAN, Mrs. BOXER, Mr. BINGAMAN, Mr. DORGAN, Mr. NELSON of Florida, Mr. DAYTON, and Mr. DURBIN) submitted the following resolution; which was considered and agreed to:

S. RES. 561

Whereas more than 55 million people live in rural areas of the country;

Whereas rural areas make up eighty percent of the United States landscape;

Whereas our rural communities are diverse, dynamic engines for growth in America;

Whereas the contribution of rural Americans to the national economy is invaluable;

Whereas rural America's natural renewable resources can help our nation break its dangerous reliance on foreign oil;

Whereas rural America's farmers and ranchers feed families across the country and around the globe while being stewards of our land and natural resources;

Whereas rural Americans look to their local police officers, firefighters, EMTs and National Guard to keep them safe in times of national emergencies;

Whereas the highest concentrations of veterans are found in rural counties;

Whereas rural Americans deserve access to affordable health care;

Whereas rural Americans deserve the finest education we can offer;

Whereas rural America is a key part of our growing information highway;

Whereas Americans in rural areas reflect values that make America great—community, service, hard work, family, and responsibility—their contributions should be recognized and commended: Now, therefore, be it

Resolved, That the Senate—

(1) designates the month of September 2006, as 'Rural America Month' and

(2) encourages the people of the United States to observe 'Rural America Month' with appropriate ceremonies and activities during the month of September.

AMENDMENTS SUBMITTED AND PROPOSED

SA 4907. Mr. CONRAD (for himself, Mr. DORGAN, Mr. SALAZAR, Mr. MENENDEZ, Mrs. LINCOLN, Mr. KERRY, Mr. OBAMA, Mr. PRYOR, Mr. BINGAMAN, Mr. DAYTON, Mr. KENNEDY, and Mr. LEAHY) proposed an amendment to the bill H.R. 5631, making appropriations for the Department of Defense for the fiscal year ending September 30, 2007, and for other purposes.

SA 4908. Mr. SCHUMER (for himself and Mrs. CLINTON) submitted an amendment intended to be proposed by him to the bill H.R. 5631, supra; which was ordered to lie on the table.

SA 4909. Mr. MENENDEZ proposed an amendment to the bill H.R. 5631, supra.

SA 4910. Mr. REID (for himself and Mr. OBAMA) submitted an amendment intended to be proposed by him to the bill H.R. 5631, supra; which was ordered to lie on the table.

SA 4911. Mr. REED (for himself, Mr. BAYH, and Mr. DORGAN) proposed an amendment to the bill H.R. 5631, supra.

SA 4912. Mr. REID (for himself, Mr. OBAMA, Mrs. CLINTON, and Mr. DURBIN) submitted an amendment intended to be proposed by him to the bill H.R. 5631, supra.

SA 4913. Mrs. BOXER submitted an amendment intended to be proposed by her to the bill H.R. 5631, supra.

SA 4914. Mr. BINGAMAN (for himself, Mr. DOMENICI, Mr. BURNS, Mr. DORGAN, and Mr. WYDEN) submitted an amendment intended to be proposed by him to the bill H.R. 5631, supra; which was ordered to lie on the table.

SA 4915. Mr. BINGAMAN (for himself, Mr. DOMENICI, Mr. BURNS, Mr. DORGAN, Ms. CANTWELL, Mr. REID, and Mr. SALAZAR) proposed an amendment to the bill H.R. 5631, supra.

SA 4916. Mr. STEVENS (for Mr. COCHRAN) proposed an amendment to the bill H.R. 5631, supra.

SA 4917. Mr. STEVENS proposed an amendment to the bill H.R. 5631, supra.

SA 4918. Mr. STEVENS proposed an amendment to the bill H.R. 5631, supra.

SA 4919. Mr. FRIST (for himself, Mr. REID, Ms. COLLINS, Mr. STEVENS, Mr. GRASSLEY, Mrs. MURRAY, Mr. INOUYE, Mr. BAUCUS, Mr. LIEBERMAN, Mr. COLEMAN, and Mr. ALLEN) proposed an amendment to the bill H.R. 4954, to improve maritime and cargo security

through enhanced layered defenses, and for other purposes.

SA 4920. Mr. BURNS submitted an amendment intended to be proposed by him to the bill H.R. 5385, making appropriations for the military quality of life functions of the Department of Defense, military construction, the Department of Veterans Affairs, and related agencies for the fiscal year ending September 30, 2007, and for other purposes; which was ordered to lie on the table.

SA 4921. Mr. DEMINT submitted an amendment intended to be proposed by him to the bill H.R. 4954, to improve maritime and cargo security through enhanced layered defenses, and for other purposes; which was ordered to lie on the table.

TEXT OF AMENDMENTS

SA 4907. Mr. CONRAD (for himself, Mr. DORGAN, Mr. SALAZAR, Mr. MENENDEZ, Mrs. LINCOLN, Mr. KERRY, Mr. OBAMA, Mr. PRYOR, Mr. BINGAMAN, Mr. DAYTON, Mr. KENNEDY, and Mr. LEAHY) proposed an amendment to the bill H.R. 5631, making appropriations for the Department of Defense for the fiscal year ending September 30, 2007, and for other purposes; as follows:

On page 230, beginning on line 15, strike ''$19,265,000'' and all that follows through line 16 and insert the following: ''$219,265,000, to remain available until September 30, 2008: *Provided*, That $200,000,000 of such funds is available only for a unit dedicated to bringing to justice Osama bin Laden and other key leaders of al Qaeda: *Provided further*, That the Secretary of Defense shall, not later than 60 days after the date of the enactment of this Act, and every 90 days thereafter, submit to the congressional defense committees, the Committee on International Relations of the House of Representatives, and the Committee on Foreign Relations of the Senate a classified report on progress made by the operations in the global war on terrorism for which funding is provided in this Act, including an assessment of the likely current location of terrorist leaders, including Osama bin Laden and other key leaders of al Qaeda, a description of ongoing efforts to bring to justice such terrorists, a description of the cooperation provided by the governments of any countries assessed as likely locations of top leaders of al Qaeda and by other relevant countries, a description of diplomatic efforts currently being made to improve the cooperation of any such governments, and a description of the status of, and strategy for bringing to justice, perpetrators of terrorism including the top leadership of al Qaeda: *Provided further*, That the Secretary of Defense shall prepare such reports in consultation with other appropriate officials with regard to funds appropriated under this chapter: *Provided further*, That the amount provided under this heading is designated as making appropriations for contingency operations directly related to the global war on terrorism, and other unanticipated defense-related operations, pursuant to section 402 of H. Con. Res. 376 (109th Congress), as made applicable to the House of Representatives by H. Res. 818 (109th Congress) and is designated as an emergency requirement pursuant to section 402 of S. Con. Res. 83 (109th Congress), the concurrent resolution on the budget for fiscal year 2007, as made applicable in the Senate by section 7035 of Public Law 109–234.''

SA 4908. Mr. SCHUMER (for himself and Mrs. CLINTON) submitted an amendment intended to be proposed by him to the bill H.R. 5631, making appropriations for the Department of Defense for the fiscal year ending September 30, 2007, and for other purposes; which was ordered to lie on the table; as follows:

At the end of title VIII, add the following:

SEC. 8109. Of the amount appropriated or otherwise made available by title IV under the heading ''Research, Development, Test and Evaluation, Air Force'', up to $1,000,000 may be available for the Environment Systems, Management, Analysis, and Reporting Network (E–SMART) threat analysis program.

SA 4909. Mr. MENENDEZ proposed an amendment to the bill H.R. 5631, making appropriations for the Department of Defense for the fiscal year ending September 30, 2007, and for other purposes; as follows:

At the end of title VIII, add the following:

SEC. 8019. (a) PROHIBITION ON USE OF FUNDS FOR CERTAIN PUBLIC RELATIONS ACTIVITIES.—None of the amounts appropriated or otherwise made available by this Act may be obligated or expended for a public relations program designed to monitor news media in the United States and the Middle East and create a database of news stories to promote positive coverage of the war in Iraq.

(b) SCOPE.—The prohibition in subsection (a) shall not apply to programs and activities of the Department of Defense directed at collecting or analyzing information in the news media.

SA 4910. Mr. REID (for himself and Mr. OBAMA) submitted an amendment intended to be proposed by him to the bill H.R. 5631, making appropriations for the Department of Defense for the fiscal year ending September 30, 2007, and for other purposes; which was ordered to lie on the table; as follows:

At the end of title IX, add the following:

SEC. 9012. (a) Congress makes the following findings:

(1) Despite the signing of the Darfur Peace Agreement on May 5, 2006, the violence in Darfur, Sudan, continues to escalate and threatens to spread to other areas of Sudan and throughout the region.

(2) The African Union Mission in Sudan (AMIS) currently serves as the primary security force in Sudan, but is undermanned and under-equipped.

(3) Although the United Nations has approved sending a peacekeeping force to Darfur, the African Union Mission in Sudan (AMIS) will need to expand its manpower and capability in order to assist or serve as a bridge force until the United Nations peacekeeping force can be deployed.

(b) The amount appropriated or otherwise made available by chapter 2 of this title under the heading ''OPERATION AND MAINTENANCE, DEFENSE-WIDE'' is hereby increased by $20,000,000.

(c) Of the amount appropriated or otherwise made available by chapter 2 of this title under the heading ''OPERATION AND MAINTENANCE, DEFENSE-WIDE'', as increased by subsection (b), $20,000,000 may be available—

(1) to assist in the training, support, and equipping of the African Union Mission in Sudan (AMIS) to bolster its efforts to protect the civilian population in Darfur;

(2) to facilitate the air-lifting of AMIS forces into the Darfur region as quickly as possible; and

(3) to assist and expand the logistics capability of the African Union Mission in Sudan (AMIS).

(d) The Secretary of Defense may transfer funds made available under subsection (b) to other appropriations to accomplish the purposes of this section. This transfer authority is in addition to any other transfer authority available to the Department of Defense. The Secretary shall, not fewer than five days prior to making transfers from this appropriation account, notify the congressional defense committees in writing of the details of any such transfer.

SA 4911. Mr. REED (for himself, Mr. BAYH, and Mr. DORGAN) proposed an amendment to the bill H.R. 5631, making appropriations for the Department of Defense for the fiscal year ending September 30, 2007, and for other purposes; as follows:

At the end of title IX, add the following:

SEC. 9012. (a) ADDITIONAL AMOUNT FOR AIRCRAFT PROCUREMENT, AIR FORCE.—The amount appropriated by chapter 3 of this title under the heading ''Aircraft Procurement, Air Force'' is hereby increased by $65,400,000, with the amount of the increase designated as appropriations for contingency operations directly related to the Global War on Terrorism, and other unanticipated defense-related operations, pursuant to section 402 of H. Con. Res. 376 (109th Congress), as made applicable to the House of Representatives by H. Con. Res. 818 (109th Congress) and designated as an emergency requirement pursuant to section 402 of S. Con. Res. 83 (109th Congress), the concurrent resolution on the budget for fiscal year 2007, as made applicable in the Senate by Section 7035 of Public Law 109–234.

(b) AVAILABILITY FOR PROCUREMENT OF PREDATORS.—Of the amount appropriated by chapter 3 of this title under the heading ''Aircraft Procurement, Air Force'' as increased by subsection (a), up to $65,400,000 may be available for procurement of Predators for Special Operations forces.

(c) SUPPLEMENT NOT SUPPLANT.—The amount available under subsection (b) for the purpose specified in that subsection is in addition to any other amounts available in this Act for that purpose.

SA 4912. Mr. REID (for himself, Mr. OBAMA, Mrs. CLINTON, and Mr. DURBIN) submitted an amendment intended to be proposed by him to the bill H.R. 5631, making appropriations for the Department of Defense for the fiscal year ending September 30, 2007, and for other purposes; as follows:

At the end of title IX, add the following:

SEC. 9012. (a) Congress makes the following findings:

(1) Despite the signing of the Darfur Peace Agreement on May 5, 2006, the violence in Darfur, Sudan, continues to escalate and threatens to spread to other areas of Sudan and throughout the region.

SA 4913. Mrs. BOXER submitted an amendment intended to be proposed by her to the bill H.R. 5631, making appropriations for the Department of Defense for the fiscal year ending September 30, 2007, and for other purposes; as follows:

At the end of title IX, add the following:

SEC. 9012. (a) REPORT ON CONTINGENCY PLANNING IN THE EVENT OF CIVIL WAR IN IRAQ.—Not later than 30 days after the date of the enactment of this Act, the Secretary of Defense shall submit to the appropriate committees of Congress a report setting forth the contingency plans of the Department of Defense to protect United States

military and civilian personnel in the event of a civil war in Iraq.

(b) FORM.—The report required by subsection (a) may be submitted in classified form.

(c) APPROPRIATE COMMITTEES OF CONGRESS DEFINED.—IN THIS SECTION, THE TERM ''APPROPRIATE COMMITTEES OF CONGRESS'' MEANS—

(1) the Committee on Armed Services, the Committee on Foreign Relations, the Select Committee on Intelligence, and the Committee on Appropriations of the Senate; and

(2) the Committee on Armed Services, the Committee on International Relations, the Permanent Select Committee on Intelligence, and the Committee on Appropriations of the House of Representatives.

SA 4914. Mr. BINGAMAN (for himself, Mr. DOMENICI, Mr. BURNS, Mr. DORGAN, and Mr. WYDEN) submitted an amendment intended to be proposed by him to the bill H.R. 5631, making appropriations for the Department of Defense for the fiscal year ending September 30, 2007, and for other purposes; which was ordered to lie on the table; as follows:

On page 230, between lines 16 and 17, insert the following:

DEPARTMENT OF THE INTERIOR

For an additional amount for ''WILDLAND FIRE MANAGEMENT'' under the heading ''DEPARTMENT OF THE INTERIOR'' of title I of the Department of the Interior, Environment, and Related Agencies Appropriations Act, 2006 (Public Law 109–54), $100,000,000 for the conduct of emergency wildfire suppression activities of the Secretary of the Interior, to be made available beginning on the date of enactment of this Act and to remain available until expended: *Provided*, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of S. Con. Res. 83 (109th Congress), the concurrent resolution on the budget for fiscal year 2007, as made applicable in the Senate by section 7035 of Public Law 109–234.

DEPARTMENT OF AGRICULTURE

For an additional amount for ''WILDLAND FIRE MANAGEMENT'' under the heading ''DEPARTMENT OF AGRICULTURE'' of title III of the Department of the Interior, Environment, and Related Agencies Appropriations Act, 2006 (Public Law 109–54), $175,000,000 for the conduct of emergency wildfire suppression activities of the Secretary of Agriculture, acting through the Chief of the Forest Service, to be made available beginning on the date of enactment of this Act and to remain available until expended: *Provided*, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of S. Con. Res. 83 (109th Congress), the concurrent resolution on the budget for fiscal year 2007, as made applicable in the Senate by section 7035 of Public Law 109–234.

SA 4915. Mr. BINGAMAN (for himself, Mr. DOMENICI, Mr. BURNS, Mr. DORGAN, Ms. CANTWELL, Mr. REID, and Mr. SALAZAR) proposed an amendment to the bill H.R. 5631, making appropriations for the Department of Defense for the fiscal year ending September 30, 2007, and for other purposes; as follows:

On page 230, between lines 16 and 17, insert the following:

DEPARTMENT OF THE INTERIOR

For an additional amount for ''WILDLAND FIRE MANAGEMENT'' under the heading ''DEPARTMENT OF THE INTERIOR'' of title I of the Department of the Interior, Environment, and Related Agencies Appropriations Act, 2006 (Public Law 109–54), $100,000,000 for the conduct of emergency wildfire suppression activities of the Secretary of the Interior. *Provided*, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of S. Con. Res. 83 (109th Congress), the concurrent resolution on the budget for fiscal year 2007, as made applicable in the Senate by section 7035 of Public Law 109–234.

DEPARTMENT OF AGRICULTURE

For an additional amount for ''WILDLAND FIRE MANAGEMENT'' under the heading ''DEPARTMENT OF AGRICULTURE'' of title III of the Department of the Interior, Environment, and Related Agencies Appropriations Act, 2006 (Public Law 109–54), $175,000,000 for the conduct of emergency wildfire suppression activities of the Secretary of Agriculture, acting through the Chief of the Forest Service: *Provided*, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of S. Con. Res. 83 (109th Congress), the concurrent resolution on the budget for fiscal year 2007, as made applicable in the Senate by section 7035 of Public Law 109–234.

SA 4916. Mr. STEVENS (for Mr. COCHRAN) proposed an amendment to the bill H.R. 5631, making appropriations for the Department of Defense for the fiscal year ending September 30, 2007, and for other purposes; as follows:

At the end of title VIII, add the following:

SEC. 8109. Of the amount appropriated or otherwise made available by title IV under the heading ''RESEARCH, DEVELOPMENT, TEST AND EVALUATION, NAVY'', up to $300,000 may be available for independent testing of the Joint Improvised Explosive Device Neutralizer III, with such test to be designed and conducted by the Marine Corps Warfighting Laboratory.

(2) The African Union Mission in Sudan (AMIS) currently serves as the primary security force in Sudan, but is undermanned and underequipped.

(3) Although the United Nations has approved sending a peacekeeping force to Darfur, the African Union Mission in Sudan (AMIS) will need to expand its manpower and capability in order to assist or serve as a bridge force until the United Nations peacekeeping force can be deployed.

(b) The amount appropriated or otherwise made available by chapter 2 of this title under the heading ''OPERATION AND MAINTENANCE, DEFENSE-WIDE'' is hereby increased by $20,000,000.

(c) Of the amount appropriated or otherwise made available by chapter 2 of this title under the heading ''OPERATION AND MAINTENANCE, DEFENSE-WIDE'', AS INCREASED BY SUBSECTION (B), $20,000,000 MAY BE AVAILABLE—

(1) to assist in the training, support, and equipping of the African Union Mission in Sudan (AMIS) to bolster its efforts to protect the civilian population in Darfur;

(2) to facilitate the air-lifting of AMIS forces into the Darfur region as quickly as possible; and

(3) to assist and expand the logistics capability of the African Union Mission in Sudan (AMIS).

(d) The amount made available by subsection (b) is designated as appropriations for contingency operations directly related to the global war on terrorism, and other unanticipated defense-related operations, pursuant to section 402 of H. Con. Res. 376 (109th Congress), as made applicable to the House of Representatives by H. Res. 818 (109th Congress) and is designated as an emergency requirement pursuant to section 402 of S. Con. Res. 83 (109th Congress), the concurrent resolution on the budget for fiscal year 2007, as made applicable in the Senate by section 7035 of Public Law 109–234.

(e) The Secretary of Defense may transfer funds made available by subsection (b) to other appropriations to accomplish the purposes of this section. This transfer authority is in addition to any other transfer authority available to the Department of Defense. The Secretary shall, not fewer than five days prior to making transfers from this appropriation account, notify the congressional defense committees in writing of the details of any such transfer.

SA 4917. Mr. STEVENS proposed an amendment to the bill H.R. 5631, making appropriations for the Department of Defense for the fiscal year ending September 30, 2007, and for other purposes; as follows:

At the end of title VIII, add the following:

SEC. 8109. Notwithstanding any other provision of law, the Secretary of the Army may reimburse a member for expenses incurred by the member or family member when such expenses are otherwise not reimbursable under law:

Provided, That such expenses must have been incurred in good faith as a direct consequence of reasonable preparation for, or execution of, military orders:

Provided further, That reimbursement under this section shall be allowed only in situations wherein other authorities are insufficient to remedy a hardship determined by the Secretary, and only when the Secretary determines that reimbursement of the expense is in the best interest of the member and the United States:

Provided further, That this provision shall only apply to soldiers assigned to the 172nd Stryker Brigade Combat Team.

SA 4918. Mr. STEVENS proposed an amendment to the bill H.R. 5631, making appropriations for the Department of Defense for the fiscal year ending September 30, 2007, and for other purposes; as follows:

At the end of title VIII, add the following:

SEC. 8109. Of the amount appropriated or otherwise made available by title IV under the heading ''RESEARCH, DEVELOPMENT, TEST AND EVALUATION, DEFENSE-WIDE'' for DARPA Management Headquarters, up to $1,000,000 may be available for the Heavy Fuel Diesel Engine (PE #0603286E).

SA 4919. Mr. FRIST (for himself, Mr. REID, Ms. COLLINS, Mr. STEVENS, Mr. GRASSLEY, Mrs. MURRAY, Mr. INOUYE, Mr. BAUCUS, Mr. LIEBERMAN, Mr. COLEMAN, and Mr. ALLEN) proposed an amendment to the bill H.R. 4954, to improve maritime and cargo security through enhanced layered defenses, and for other purposes; as follows:

Strike all after the enacting clause and insert the following:

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the ''Port Security Improvement Act of 2006''.

(b) TABLE OF CONTENTS.—The table of contents for this Act is as follows:

Sec. 1. Short title; table of contents.
Sec. 2. Definitions.

TITLE I—SECURITY OF UNITED STATES SEAPORTS

Subtitle A—General Provisions

Sec. 101. Area Maritime Transportation Security Plan to include salvage response plan.
Sec. 102. Requirements relating to maritime facility security plans.
Sec. 103. Unannounced inspections of maritime facilities.
Sec. 104. Transportation security card.
Sec. 105. Long-range vessel tracking.
Sec. 106. Establishment of interagency operational centers for port security.

Subtitle B—Port Security Grants; Training and Exercise Programs

Sec. 111. Port security grants.
Sec. 112. Port Security Training Program.
Sec. 113. Port Security Exercise Program.

Subtitle C—Port Operations

Sec. 121. Domestic radiation detection and imaging.
Sec. 122. Port security user fee study.
Sec. 123. Inspection of car ferries entering from Canada.
Sec. 124. Random searches of containers.
Sec. 125. Work stoppages and employee-employer disputes.

TITLE II—SECURITY OF THE INTERNATIONAL SUPPLY CHAIN

Subtitle A—General Provisions

Sec. 201. Strategic plan to enhance the security of the international supply chain.
Sec. 202. Post incident resumption of trade.
Sec. 203. Automated Targeting System.
Sec. 204. Container security standards and procedures.
Sec. 205. Container Security Initiative.

Subtitle B—Customs-Trade Partnership Against Terrorism

Sec. 211. Establishment.
Sec. 212. Eligible entities.
Sec. 213. Minimum requirements.
Sec. 214. Tier 1 participants in C–TPAT.
Sec. 215. Tier 2 participants in C–TPAT.
Sec. 216. Tier 3 participants in C–TPAT.
Sec. 217. Consequences for lack of compliance.
Sec. 218. Revalidation.
Sec. 219. Noncontainerized cargo.
Sec. 220. C–TPAT Program management.
Sec. 221. Resource management staffing plan.
Sec. 222. Additional personnel.
Sec. 223. Authorization of appropriations.
Sec. 224. Report to Congress.

Subtitle C—Miscellaneous Provisions

Sec. 231. Pilot integrated scanning system.
Sec. 232. International cooperation and coordination.

TITLE III—ADMINISTRATION

Sec. 301. Office of Cargo Security Policy.
Sec. 302. Reauthorization of Homeland Security Science and Technology Advisory Committee.
Sec. 303. Research, development, test, and evaluation efforts in furtherance of maritime and cargo security.

TITLE IV—AGENCY RESOURCES AND OVERSIGHT

Sec. 401. Office of International Trade.
Sec. 402. Resources.
Sec. 403. Negotiations.
Sec. 404. International Trade Data System.
Sec. 405. In-bond cargo.
Sec. 406. Sense of the Senate.

SEC. 2. DEFINITIONS.

In this Act:

(1) APPROPRIATE CONGRESSIONAL COMMITTEES.—Except as otherwise defined, the term ''appropriate congressional committees'' means—

(A) the Committee on Appropriations of the Senate;

(B) the Committee on Commerce, Science, and Transportation of the Senate;

(C) the Committee on Finance of the Senate;

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

(E) the Committee on Appropriations of the House of Representatives;

(F) the Committee on Homeland Security of the House of Representatives;

(G) the Committee on Transportation and Infrastructure of the House of Representatives; and

(H) the Committee on Ways and Means of the House of Representatives.

(2) COMMERCIAL SEAPORT PERSONNEL.—The term ''commercial seaport personnel'' means any person engaged in an activity relating to the loading or unloading of cargo, the movement or tracking of cargo, the maintenance and repair of intermodal equipment, the operation of cargo-related equipment (whether or not integral to the vessel), and the handling of mooring lines on the dock when a vessel is made fast or let go, in the United States or the coastal waters of the United States.

(3) COMMISSIONER.—The term ''Commissioner'' means the Commissioner responsible for the United States Customs and Border Protection in the Department of Homeland Security.

(4) CONTAINER.—The term ''container'' has the meaning given the term in the International Convention for Safe Containers, with annexes, done at Geneva, December 2, 1972 (29 UST 3707).

(5) CONTAINER SECURITY DEVICE.—The term ''container security device'' means a device or system designed, at a minimum, to detect the unauthorized intrusion of a container and secure containers against tampering or compromise throughout the international supply chain.

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

(7) EXAMINATION.—The term ''examination'' means an inspection of cargo to detect the presence of misdeclared, restricted, or prohibited items that utilizes nonintrusive imaging and detection technology.

(8) INSPECTION.—The term ''inspection'' means the comprehensive process used by the United States Customs and Border Protection to assess goods entering the United States to appraise them for duty purposes, to detect the presence of restricted or prohibited items, and to ensure compliance with all applicable laws. The process may include screening, conducting an examination, or conducting a search.

(9) INTERNATIONAL SUPPLY CHAIN.—The term ''international supply chain'' means the end-to-end process for shipping goods to or from the United States from a point of origin (including manufacturer, supplier, or vendor) through a point of distribution.

(10) RADIATION DETECTION EQUIPMENT.—The term ''radiation detection equipment'' means any technology that is capable of detecting or identifying nuclear and radiological material or nuclear and radiological explosive devices.

(11) SCAN.—The term ''scan'' means utilizing nonintrusive imaging equipment, radiation detection equipment, or both, to capture data, including images of a container.

(12) SCREENING.—The term ''screening'' means a visual or automated review of information about goods, including manifest or entry documentation accompanying a shipment being imported into the United States, to determine the presence of misdeclared, restricted, or prohibited items and assess the level of threat posed by such cargo.

(13) SEARCH.—The term ''search'' means an intrusive examination in which a container is opened and its contents are devanned and visually inspected for the presence of misdeclared, restricted, or prohibited items.

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

(15) TRANSPORTATION DISRUPTION.—The term ''transportation disruption'' means any significant delay, interruption, or stoppage in the flow of trade caused by a natural disaster, labor dispute, heightened threat level, an act of terrorism, or any transportation security incident defined in section 70101(6) of title 46, United States Code.

(16) TRANSPORTATION SECURITY INCIDENT.—The term ''transportation security incident'' has the meaning given the term in section 70101(6) of title 46, United States Code.

TITLE I—SECURITY OF UNITED STATES SEAPORTS

Subtitle A—General Provisions

SEC. 101. AREA MARITIME TRANSPORTATION SECURITY PLAN TO INCLUDE SALVAGE RESPONSE PLAN.

Section 70103(b)(2) of title 46, United States Code, is amended—

(1) in subparagraph (E), by striking ''and'' after the semicolon;

(2) by redesignating subparagraph (F) as subparagraph (G); and

(3) by inserting after subparagraph (E) the following:

''(F) include a salvage response plan—

''(i) to identify salvage equipment capable of restoring operational trade capacity; and

''(ii) to ensure that the waterways are cleared and the flow of commerce through United States ports is reestablished as efficiently and quickly as possible after a maritime transportation security incident.''.

SEC. 102. REQUIREMENTS RELATING TO MARITIME FACILITY SECURITY PLANS.

Section 70103(c) of title 46, United States Code, is amended—

(1) in paragraph (3)—

(A) in subparagraph (C)(ii), by striking ''facility'' and inserting ''facility, including access by individuals engaged in the surface transportation of intermodal containers in or out of a port facility'';

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

(C) in subparagraph (G), by striking the period at the end and inserting ''; and''; and

(D) by adding at the end the following:

''(H) in the case of a security plan for a facility, be resubmitted for approval of each change in the ownership or operator of the facility that may substantially affect the security of the facility.''; and

(2) by adding at the end the following:

''(8)(A) The Secretary shall require that the qualified individual having full authority to implement security actions for a facility described in paragraph (2) shall be a citizen of the United States.

''(B) The Secretary may waive the requirement of subparagraph (A) with respect to an individual if the Secretary determines that it is appropriate to do so based on a complete background check of the individual and a review of all terrorist watch lists to ensure that the individual is not identified on any such terrorist watch list.''.

SEC. 103. UNANNOUNCED INSPECTIONS OF MARITIME FACILITIES.

Section 70103(c)(4)(D) of title 46, United States Code, is amended to read as follows:

''(D) subject to the availability of appropriations, verify the effectiveness of each such facility security plan periodically, but not less than twice annually, at least 1 of which shall be an inspection of the facility that is conducted without notice to the facility.''.

SEC. 104. TRANSPORTATION SECURITY CARD.

(a) IN GENERAL.—Section 70105 of title 46, United States, Code is amended by adding at the end the following:

''(g) APPLICATIONS FOR MERCHANT MARINER'S DOCUMENTS.—The Assistant Secretary of Homeland Security for the Transportation Security Administration and the Commandant of the Coast Guard shall concurrently process an application from an individual for merchant mariner's documents under chapter 73 of title 46, United States Code, and an application from that individual for a transportation security card under this section.

''(h) FEES.—The Secretary shall ensure that the fees charged each individual obtaining a transportation security card under this section who has passed a background check under section 5103a of title 49, United States Code, and who has a current and valid hazardous materials endorsement in accordance with section 1572 of title 49, Code of Federal Regulations, and each individual with a current and valid Merchant Mariner Document—

''(1) are for costs associated with the issuance, production, and management of the transportation security card, as determined by the Secretary; and

''(2) do not include costs associated with performing a background check for that individual, unless the scope of said background checks diverge.

''(i) IMPLEMENTATION SCHEDULE.—In implementing the transportation security card program under this section, the Secretary shall—

''(1) conduct a strategic risk analysis and establish a priority for each United States port based on risk; and

''(2) implement the program, based upon risk and other factors as determined by the Secretary, at all facilities regulated under this chapter at—

''(A) the 10 United States ports that are deemed top priority by the Secretary not later than July 1, 2007;

''(B) the 40 United States ports that are next in order of priority to the ports described in subparagraph (A) not later than January 1, 2008; and

''(C) all other United States ports not later than January 1, 2009.

''(j) TRANSPORTATION SECURITY CARD PROCESSING DEADLINE.—Not later than January 1, 2009, the Secretary shall process and issue or deny each application for a transportation security card under this section for individuals with current and valid merchant mariner's documents on the date of enactment of the Port Security Improvement Act of 2006.

''(k) VESSEL AND FACILITY CARD READER ASSESSMENTS.—

''(1) PILOT PROGRAMS.—

''(A) VESSEL PILOT PROGRAM.—The Secretary shall conduct a pilot program in 3 distinct geographic locations to assess the feasibility of implementing card readers at secure areas of a vessel in accordance with the Notice of Proposed Rulemaking released on May 22, 2006, (TSA–2006–24191; USCG–2006–24196).

''(B) FACILITIES PILOT PROGRAM.—In addition to the pilot program described in subparagraph (A), the Secretary shall conduct a pilot program in 3 distinct geographic locations to assess the feasibility of implementing card readers at secure areas of facilities in a variety of environmental settings.

''(C) COORDINATION WITH TRANSPORTATION SECURITY CARDS.—The pilot programs described in subparagraphs (A) and (B) shall be conducted concurrently with the issuance of the transportation security cards as described in subsection (b), of this section to ensure card and card reader interoperability.

''(2) DURATION.—The pilot program described in paragraph (1) shall commence not later than 180 days after the date of the enactment of the Port Security Improvement Act of 2006 and shall terminate 1 year after commencement.

''(3) REPORT.—Not later than 90 days after the termination of the pilot program described under subparagraph (1), the Secretary shall submit a comprehensive report to the appropriate congressional committees (as defined in section 2(2) of the Homeland Security Act of 2002 (6 U.S.C. 101(2)) that includes—

''(A) the actions that may be necessary to ensure that all vessels and facilities to which this section applies are able to comply with the regulations promulgated under subsection (a);

''(B) recommendations concerning fees and a statement of policy considerations for alternative security plans; and

''(C) an analysis of the viability of equipment under the extreme weather conditions of the marine environment.

''(l) PROGRESS REPORTS.—Not later than 6 months after the date of the enactment of the Port Security Improvement Act 2006 and every 6 months thereafter until the requirements under this section are fully implemented, the Secretary shall submit a report on progress being made in implementing such requirements to the appropriate congressional committees (as defined in section 2(2) of the Homeland Security Act of 2002 (6 U.S.C. 101(2)).''.

(b) CLARIFICATION OF ELIGIBILITY FOR TRANSPORTATION SECURITY CARDS.—Section 70105(b)(2) of title 46, United States Code, is amended—

(1) by striking ''and'' after the semicolon in subparagraph (E);

(2) by striking ''Secretary.'' in subparagraph (F) and inserting ''Secretary; and''; and

(3) by adding at the end the following:

''(G) other individuals as determined appropriate by the Secretary including individuals employed at a port not otherwise covered by this subsection.''.

(c) DEADLINE FOR SECTION 70105 REGULATIONS.—The Secretary shall promulgate final regulations implementing section 70105 of title 46, United States Code, no later than January 1, 2007.

SEC. 105. LONG-RANGE VESSEL TRACKING.

(a) REGULATIONS.—Section 70115 of title 46, United States Code, is amended in the first sentence by striking ''The Secretary'' and inserting ''Not later than April 1, 2007, the Secretary''.

(b) VOLUNTARY PROGRAM.—The Secretary may issue regulations to establish a voluntary long-range automated vessel tracking system for vessels described in section 70115 of title 46, United States Code, during the period before regulations are issued under such section.

SEC. 106. ESTABLISHMENT OF INTERAGENCY OPERATIONAL CENTERS FOR PORT SECURITY.

(a) IN GENERAL.—Chapter 701 of title 46, United States Code, is amended by inserting after section 70107 the following:

''§ 70107A. Interagency operational centers for port security

''(a) IN GENERAL.—The Secretary shall establish interagency operational centers for port security at all high-priority ports not later than 3 years after the date of the enactment of the Port Security Improvement Act of 2006.

''(b) CHARACTERISTICS.—The interagency operational centers established under this section shall—

''(1) utilize, as appropriate, the compositional and operational characteristics of centers, including—

''(A) the pilot project interagency operational centers for port security in Miami, Florida; Norfolk/Hampton Roads, Virginia; Charleston, South Carolina; San Diego, California; and

''(B) the virtual operation center of the Port of New York and New Jersey;

''(2) be organized to fit the security needs, requirements, and resources of the individual port area at which each is operating;

''(3) provide, as the Secretary determines appropriate, for participation by representatives of the United States Customs and Border Protection, the Transportation Security Administration, the Department of Justice, the Department of Defense, and other Federal agencies, and State and local law enforcement or port security personnel, members of the Area Maritime Security Committee, and other public and private sector stakeholders; and

''(4) be incorporated in the implementation and administration of—

''(A) maritime transportation security plans developed under section 70103;

''(B) maritime intelligence activities under section 70113 and information sharing activities consistent with section 1016 of the National Security Intelligence Reform Act of 2004 (6 U.S.C. 485) and the Homeland Security Information Sharing Act (6 U.S.C. 481 et seq.);

''(C) short and long range vessel tracking under sections 70114 and 70115;

''(D) protocols under section 201(b)(10) of the Port Security Improvement Act of 2006;

''(E) the transportation security incident response plans required by section 70104; and

''(F) other activities, as determined by the Secretary.

''(c) SECURITY CLEARANCES.—The Secretary shall sponsor and expedite individuals participating in interagency operational centers in gaining or maintaining their security clearances. Through the Captain of the Port, the Secretary may identify key individuals who should participate. The port or other entities may appeal to the Captain of the Port for sponsorship.''.

(b) 2005 ACT REPORT REQUIREMENT.—Nothing in this section or the amendments made by this section relieves the Commandant of the Coast Guard from complying with the requirements of section 807 of the Coast Guard and Maritime Transportation Act of 2004 (118 Stat. 1082). The Commandant shall utilize the information developed in making the report required by that section in carrying out the requirements of this section.

(c) BUDGET AND COST-SHARING ANALYSIS.—Not later than 180 days after the date of the enactment of this Act, the Secretary shall submit to the appropriate congressional committees a proposed budget analysis for implementing section 70107A of title 46, United States Code, as added by subsection (a), including cost-sharing arrangements with other Federal departments and agencies involved in the interagency operation of the centers to be established under such section.

(d) CLERICAL AMENDMENT.—The chapter analysis for chapter 701 of title 46, United States Code, is amended by inserting after the item relating to section 70107 the following:

''70107A. Interagency operational centers for port security.''.

Subtitle B—Port Security Grants; Training and Exercise Programs

SEC. 111. PORT SECURITY GRANTS.

(a) BASIS FOR GRANTS.—Section 70107(a) of title 46, United States Code, is amended by striking ''for making a fair and equitable allocation of funds'' and inserting ''for the allocation of funds based on risk''.

(b) MULTIPLE-YEAR PROJECTS, ETC.—Section 70107 of title 46, United States Code, is

amended by redesignating subsections (e), (f), (g), (h), and (i) as subsections (i), (j), (k), (l), and (m), respectively, and by inserting after subsection (d) the following:

''(e) MULTIPLE-YEAR PROJECTS.—

''(1) LETTERS OF INTENT.—The Secretary may execute letters of intent to commit funding to such authorities, operators, and agencies.

''(2) LIMITATION.—Not more than 20 percent of the grant funds awarded under this subsection in any fiscal year may be awarded for projects that span multiple years.

''(f) CONSISTENCY WITH PLANS.—The Secretary shall ensure that each grant awarded under subsection (e)—

''(1) is used to supplement and support, in a consistent and coordinated manner, the applicable Area Maritime Transportation Security Plan; and

''(2) is coordinated with any applicable State or Urban Area Homeland Security Plan.

''(g) APPLICATIONS.—Any entity subject to an Area Maritime Transportation Security Plan may submit an application for a grant under this subsection, at such time, in such form, and containing such information and assurances as the Secretary, working through the Directorate for Preparedness, may require.''.

(c) AUTHORIZATION OF APPROPRIATIONS.—Subsection (l) of section 70107 of title 46, United States Code, as redesignated by subsection (b) is amended to read as follows:

''(l) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated $400,000,000 for each of the fiscal years 2007 through 2011 to carry out this section.''.

SEC. 112. PORT SECURITY TRAINING PROGRAM.

(a) IN GENERAL.—The Secretary, acting through the Under Secretary for Preparedness and in coordination with the Commandant of the Coast Guard, may establish a Port Security Training Program (referred to in this section as the ''Program'') for the purpose of enhancing the capabilities of each of the Nation's commercial seaports to prevent, prepare for, respond to, mitigate against, and recover from threatened or actual acts of terrorism, natural disasters, and other emergencies.

(b) REQUIREMENTS.—The Program shall provide validated training that—

(1) reaches multiple disciplines, including Federal, State, and local government officials, commercial seaport personnel and management, and governmental and nongovernmental emergency response providers;

(2) provides training at the awareness, performance, and management and planning levels;

(3) utilizes multiple training mediums and methods;

(4) addresses port security topics, including—

(A) seaport security plans and procedures, including how security plans and procedures are adjusted when threat levels increase;

(B) seaport security force operations and management;

(C) physical security and access control at seaports;

(D) methods of security for preventing and countering cargo theft;

(E) container security;

(F) recognition and detection of weapons, dangerous substances, and devices;

(G) operation and maintenance of security equipment and systems;

(H) security threats and patterns;

(I) security incident procedures, including procedures for communicating with governmental and nongovernmental emergency response providers; and

(J) evacuation procedures;

(5) is consistent with, and supports implementation of, the National Incident Management System, the National Response Plan, the National Infrastructure Protection Plan, the National Preparedness Guidance, the National Preparedness Goal, the National Maritime Transportation Security Plan, and other such national initiatives;

(6) is evaluated against clear and consistent performance measures;

(7) addresses security requirements under facility security plans; and

(8) educates, trains, and involves populations of at-risk neighborhoods around ports, including training on an annual basis for neighborhoods to learn what to be watchful for in order to be a ''citizen corps'', if necessary.

SEC. 113. PORT SECURITY EXERCISE PROGRAM.

(a) IN GENERAL.—The Secretary, acting through the Under Secretary for Preparedness and in coordination with the Commandant of the Coast Guard, may establish a Port Security Exercise Program (referred to in this section as the ''Program'') for the purpose of testing and evaluating the capabilities of Federal, State, local, and foreign governments, commercial seaport personnel and management, governmental and nongovernmental emergency response providers, the private sector, or any other organization or entity, as the Secretary determines to be appropriate, to prevent, prepare for, mitigate against, respond to, and recover from acts of terrorism, natural disasters, and other emergencies at commercial seaports.

(b) REQUIREMENTS.—The Secretary shall ensure that the Program—

(1) conducts, on a periodic basis, port security exercises at commercial seaports that are—

(A) scaled and tailored to the needs of each port;

(B) live, in the case of the most at-risk ports;

(C) as realistic as practicable and based on current risk assessments, including credible threats, vulnerabilities, and consequences;

(D) consistent with the National Incident Management System, the National Response Plan, the National Infrastructure Protection Plan, the National Preparedness Guidance, the National Preparedness Goal, the National Maritime Transportation Security Plan, and other such national initiatives;

(E) evaluated against clear and consistent performance measures;

(F) assessed to learn best practices, which shall be shared with appropriate Federal, State, and local officials, seaport personnel and management; governmental and nongovernmental emergency response providers, and the private sector; and

(G) followed by remedial action in response to lessons learned; and

(2) assists State and local governments and commercial seaports in designing, implementing, and evaluating exercises that—

(A) conform to the requirements of paragraph (2); and

(B) are consistent with any applicable Area Maritime Transportation Security Plan and State or Urban Area Homeland Security Plan.

(c) IMPROVEMENT PLAN.—The Secretary shall establish a port security improvement plan process to—

(1) identify and analyze each port security exercise for lessons learned and best practices;

(2) disseminate lessons learned and best practices to participants in the Program;

(3) monitor the implementation of lessons learned and best practices by participants in the Program; and

(4) conduct remedial action tracking and long-term trend analysis.

Subtitle C—Port Operations

SEC. 121. DOMESTIC RADIATION DETECTION AND IMAGING.

(a) EXAMINING CONTAINERS.—Not later than December 31, 2007, all containers entering the United States through the busiest 22 seaports of entry shall be examined for radiation.

(b) STRATEGY.—The Secretary shall develop a strategy for the deployment of radiation detection capabilities that includes—

(1) a risk-based prioritization of ports of entry at which radiation detection equipment will be deployed;

(2) a proposed timeline of when radiation detection equipment will be deployed at each port of entry identified under paragraph (1);

(3) the type of equipment to be used at each port of entry identified under paragraph (1), including the joint deployment and utilization of radiation detection equipment and nonintrusive imaging equipment;

(4) standard operating procedures for examining containers with such equipment, including sensor alarming, networking, and communications and response protocols;

(5) operator training plans;

(6) an evaluation of the environmental health and safety impacts of nonintrusive imaging technology;

(7) the policy of the Department for using nonintrusive imagining equipment in tandem with radiation detection equipment; and

(8) a classified annex that—

(A) details plans for covert testing; and

(B) outlines the risk-based prioritization of ports of entry identified under paragraph (1).

(c) REPORT.—Not later than 90 days after the date of the enactment of this Act, the Secretary shall submit the strategy developed under subsection (b) to the appropriate congressional committees.

(d) UPDATE.—Not later than 180 days after the date of the enactment of this Act, the Secretary may update the strategy submitted under subsection (c) to provide a more complete evaluation under subsection (b)(6).

(e) OTHER WEAPONS OF MASS DESTRUCTION THREATS.—Not later than 180 days after the date of the enactment of this Act, the Secretary shall submit a strategy for the development of equipment to detect chemical, biological, and other weapons of mass destruction at all ports of entry into the United States to the appropriate congressional committees.

(f) STANDARDS.—The Secretary, in conjunction with the National Institute of Standards and Technology, shall publish technical capability standards and recommended standard operating procedures for the use of nonintrusive imaging and radiation detection equipment in the United States. Such standards and procedures—

(1) should take into account relevant standards and procedures utilized by other Federal departments or agencies as well as those developed by international bodies; and

(2) shall not be designed so as to endorse specific companies or create sovereignty conflicts with participating countries.

(g) IMPLEMENTATION.—Not later than 3 years after the date of the enactment of this Act, the Secretary shall fully implement the strategy developed under subsection (b).

SEC. 122. PORT SECURITY USER FEE STUDY.

The Secretary shall conduct a study of the need for, and feasibility of, establishing a system of ocean-borne and port-related transportation user fees that may be imposed and collected as a dedicated revenue source, on a temporary or continuing basis, to provide necessary funding for legitimate improvements to, and maintenance of, port security. Not later than 1 year after the date of the enactment of this Act, the Secretary

shall submit a report to the appropriate congressional committees that contains—

(1) the results of the study;

(2) an assessment of the annual amount of customs fees and duties collected through ocean-borne and port-related transportation and the amount and percentage of such fees and duties that are dedicated to improve and maintain security;

(3)(A) an assessment of the fees, charges, and standards imposed on United States ports, port terminal operators, shippers, and persons who use United States ports, compared with the fees and charges imposed on ports and port terminal operators in Canada and Mexico and persons who use those foreign ports; and

(B) an assessment of the impact on the competitiveness of United States ports, port terminal operators, and shippers; and

(4) the Secretary's recommendations based upon the study, and an assessment of the consistency of such recommendations with the international obligations and commitments of the United States.

SEC. 123. INSPECTION OF CAR FERRIES ENTERING FROM ABROAD.

Not later than 120 days after the date of the enactment of this Act, the Secretary, acting through the Commissioner, and in coordination with the Secretary of State, and in cooperation with appropriate foreign government officials, shall seek to develop a plan for the inspection of passengers and vehicles before such passengers board, or such vehicles are loaded onto, a ferry bound for a United States seaport.

SEC. 124. RANDOM SEARCHES OF CONTAINERS.

Not later than 1 year after the date of the enactment of this Act, the Secretary, acting through the Commissioner, shall develop and implement a plan, utilizing best practices for empirical scientific research design and random sampling, to conduct random searches of containers in addition to any targeted or preshipment inspection of such containers required by law or regulation or conducted under any other program conducted by the Secretary. Nothing in this section shall be construed to mean that implementation of the random sampling plan precludes additional searches of containers not inspected pursuant to the plan.

SEC. 125. WORK STOPPAGES AND EMPLOYEE-EMPLOYER DISPUTES.

Section 70101(6) of title 46, United States Code, is amended by adding at the end the following: ''In this paragraph, the term 'economic disruption' does not include a work stoppage or other nonviolent employee-related action not related to terrorism and resulting from an employee-employer dispute.''.

TITLE II—SECURITY OF THE INTERNATIONAL SUPPLY CHAIN

Subtitle A—General Provisions

SEC. 201. STRATEGIC PLAN TO ENHANCE THE SECURITY OF THE INTERNATIONAL SUPPLY CHAIN.

(a) STRATEGIC PLAN.—The Secretary, in consultation with appropriate Federal, State, local, and tribal government agencies and private-sector stakeholders responsible for security matters that affect or relate to the movement of containers through the international supply chain, shall develop, implement, and update, as appropriate, a strategic plan to enhance the security of the international supply chain.

(b) REQUIREMENTS.—The strategic plan required under subsection (a) shall—

(1) describe the roles, responsibilities, and authorities of Federal, State, local, and tribal government agencies and private-sector stakeholders that relate to the security of the movement of containers through the international supply chain;

(2) identify and address gaps and unnecessary overlaps in the roles, responsibilities, or authorities described in paragraph (1);

(3) identify and make recommendations regarding legislative, regulatory, and organizational changes necessary to improve coordination among the entities or to enhance the security of the international supply chain;

(4) provide measurable goals, including objectives, mechanisms, and a schedule, for furthering the security of commercial operations from point of origin to point of destination;

(5) build on available resources and consider costs and benefits;

(6) provide incentives for additional voluntary measures to enhance cargo security, as determined by the Commissioner;

(7) consider the impact of supply chain security requirements on small and medium size companies;

(8) include a process for sharing intelligence and information with private-sector stakeholders to assist in their security efforts;

(9) identify a framework for prudent and measured response in the event of a transportation security incident involving the international supply chain;

(10) provide protocols for the expeditious resumption of the flow of trade in accordance with section 202, including—

(A) the identification of the appropriate initial incident commander, if the Commandant of the Coast Guard is not the appropriate initial incident commander, and lead departments, agencies, or offices to execute such protocols;

(B) a plan to redeploy resources and personnel, as necessary, to reestablish the flow of trade in the event of a transportation disruption; and

(C) a plan to provide training for the periodic instruction of personnel of the United States Customs and Border Protection in trade resumption functions and responsibilities following a transportation disruption;

(11) consider the linkages between supply chain security and security programs within other systems of movement, including travel security and terrorism finance programs; and

(12) expand upon and relate to existing strategies and plans, including the National Response Plan, National Maritime Transportation Security Plan, and the 8 supporting plans of the Strategy, as required by Homeland Security Presidential Directive 13.

(c) CONSULTATION.—In developing protocols under subsection (b)(10), the Secretary shall consult with Federal, State, local, and private sector stakeholders, including the National Maritime Security Advisory Committee and the Commercial Operations Advisory Committee.

(d) COMMUNICATION.—To the extent practicable, the strategic plan developed under subsection (a) shall provide for coordination with, and lines of communication among, appropriate Federal, State, local, and private-sector stakeholders on law enforcement actions, intermodal rerouting plans, and other strategic infrastructure issues.

(e) UTILIZATION OF ADVISORY COMMITTEES.—As part of the consultations described in subsection (a), the Secretary shall, to the extent practicable, utilize the Homeland Security Advisory Committee, the National Maritime Security Advisory Committee, and the Commercial Operations Advisory Committee to review, as necessary, the draft strategic plan and any subsequent updates to the strategic plan.

(f) INTERNATIONAL STANDARDS AND PRACTICES.—In furtherance of the strategic plan required under subsection (a), the Secretary is encouraged to consider proposed or established standards and practices of foreign governments and international organizations, including the International Maritime Organization, the World Customs Organization, and the International Organization for Standardization, as appropriate, to establish standards and best practices for the security of containers moving through the international supply chain.

(g) REPORT.—

(1) INITIAL REPORT.—Not later than 180 days after the date of the enactment of this Act, the Secretary shall submit to the appropriate congressional committees a report that contains the strategic plan required by subsection (a).

(2) FINAL REPORT.—Not later than 3 years after the date on which the strategic plan is submitted under paragraph (1), the Secretary shall submit a report to the appropriate congressional committees that contains an update of the strategic plan.

SEC. 202. POST INCIDENT RESUMPTION OF TRADE.

(a) IN GENERAL.—Except as otherwise determined by the Secretary, in the event of a maritime transportation disruption or a maritime transportation security incident, the initial incident commander and the lead department, agency, or office for carrying out the strategic plan required under section 201 shall be determined by the protocols required under section 201(b)(10).

(b) VESSELS.—The Commandant of the Coast Guard shall, to the extent practicable and consistent with the protocols and plans required under paragraphs (10) and (12) of section 201(b), ensure the safe and secure transit of vessels to ports in the United States after a maritime transportation security incident, with priority given to vessels carrying cargo determined by the President to be critical for response and recovery from such a disruption or incident, and to vessels that—

(1) have either a vessel security plan approved under section 70103(c) of title 46, United States Code, or a valid international ship security certificate, as provided under part 104 of title 33, Code of Federal Regulations;

(2) are manned by individuals who are described in section 70105(b)(2)(B) of title 46, United States Code, and who—

(A) have undergone a background records check under section 70105(d) of title 46, United States Code; or

(B) hold a transportation security card issued under section 70105 of title 46, United States Code; and

(3) are operated by validated participants in the Customs-Trade Partnership Against Terrorism program.

(c) CARGO.—Consistent with the protocols and plans required under paragraphs (10) and (12) of section 201(b), the Commissioner shall give preference to cargo—

(1) entering a port of entry directly from a foreign seaport designated under Container Security Initiative;

(2) determined by the President to be critical for response and recovery;

(3) that has been handled by a validated C–TPAT participant; or

(4) that has undergone (A) a nuclear or radiological detection scan, (B) an x-ray, density or other imaging scan, and (C) an optical recognition scan, at the last port of departure prior to arrival in the United States, which data has been evaluated and analyzed by United States Customs and Border Protection personnel.

(d) COORDINATION.—The Secretary shall ensure that there is appropriate coordination among the Commandant of the Coast Guard, the Commissioner, and other Federal officials following a maritime disruption or maritime transportation security incident in order to provide for the resumption of trade.

(e) COMMUNICATION.—Consistent with section 201 of this Act, the Commandant of the Coast Guard, Commissioner, and other appropriate Federal officials, shall promptly communicate any revised procedures or instructions intended for the private sector following a maritime disruption or maritime transportation security incident.

SEC. 203. AUTOMATED TARGETING SYSTEM.

(a) IN GENERAL.—The Secretary, acting through the Commissioner, shall—

(1) identify and seek the submission of data related to the movement of a shipment of cargo through the international supply chain; and

(2) analyze the data described in paragraph (1) to identify high-risk cargo for inspection.

(b) CONSIDERATION.—The Secretary, acting through the Commissioner, shall—

(1) consider the cost, benefit, and feasibility of—

(A) requiring additional nonmanifest documentation;

(B) reducing the time period allowed by law for revisions to a container cargo manifest;

(C) reducing the time period allowed by law for submission of certain elements of entry data, for vessel or cargo; and

(D) such other actions the Secretary considers beneficial for improving the information relied upon for the Automated Targeting System and any successor targeting system in furthering the security and integrity of the international supply chain; and

(2) consult with stakeholders, including the Commercial Operations Advisory Committee, and identify to them the need for such information, and the appropriate timing of its submission.

(c) DETERMINATION.—Upon the completion of the process under subsection (b), the Secretary, acting through the Commissioner, may require importers to submit certain elements of non-manifest or other data about a shipment bound for the United States not later than 24 hours before loading a container on a vessel at a foreign port bound for the United States.

(d) SYSTEM IMPROVEMENTS.—The Secretary, acting through the Commissioner, shall—

(1) conduct, through an independent panel, a review of the effectiveness and capabilities of the Automated Targeting System;

(2) consider future iterations of the Automated Targeting System;

(3) ensure that the Automated Targeting System has the capability to electronically compare manifest and other available data for cargo entered into or bound for the United States to detect any significant anomalies between such data and facilitate the resolution of such anomalies; and

(4) ensure that the Automated Targeting System has the capability to electronically identify, compile, and compare select data elements for cargo entered into or bound for the United States following a maritime transportation security incident, in order to efficiently identify cargo for increased inspection or expeditious release.

(e) AUTHORIZATION OF APPROPRIATIONS.—

(1) IN GENERAL.—There are authorized to be appropriated to the United States Customs and Border Protection in the Department of Homeland Security to carry out the Automated Targeting System for identifying high-risk ocean-borne container cargo for inspection—

(A) $33,200,000 for fiscal year 2008;

(B) $35,700,000 for fiscal year 2009; and

(C) $37,485,000 for fiscal year 2010.

(2) SUPPLEMENT FOR OTHER FUNDS.—The amounts authorized by this subsection shall be in addition to any other amount authorized to be appropriated to carry out the Automated Targeting System.

SEC. 204. CONTAINER SECURITY STANDARDS AND PROCEDURES.

(a) ESTABLISHMENT.—

(1) IN GENERAL.—Not later than 60 days after the date of the enactment of this Act, the Secretary shall initiate a rulemaking proceeding to establish minimum standards and procedures for securing containers in transit to an importer in the United States.

(2) INTERIM RULE.—Not later than 180 days after the date of the enactment of this Act, the Secretary shall issue an interim final rule pursuant to the proceeding described in paragraph (1).

(3) MISSED DEADLINE.—If the Secretary is unable to meet the deadline established pursuant to paragraph (2), the Secretary shall transmit a letter to the appropriate congressional committees explaining why the Secretary is unable to meet that deadline and describing what must be done before such minimum standards and procedures can be established.

(b) REVIEW AND ENHANCEMENT.—The Secretary shall regularly review and enhance the standards and procedures established pursuant to subsection (a).

(c) INTERNATIONAL CARGO SECURITY STANDARDS.—The Secretary, in consultation with the Secretary of State, the Secretary of Energy, and other government officials, as appropriate, and with the Commercial Operations Advisory Committee, the Homeland Security Advisory Committee, and the National Maritime Security Advisory Committee, is encouraged to promote and establish international standards for the security of containers moving through the international supply chain with foreign governments and international organizations, including the International Maritime Organization and the World Customs Organization.

SEC. 205. CONTAINER SECURITY INITIATIVE.

(a) ESTABLISHMENT.—The Secretary, acting through the Commissioner, shall establish and implement a program (referred to in this section as the ''Container Security Initiative'') to identify and examine or search maritime containers that pose a security risk before loading such containers in a foreign port for shipment to the United States, either directly or through a foreign port.

(b) ASSESSMENT.—The Secretary, acting through the Commissioner, may designate foreign seaports to participate in the Container Security Initiative after the Secretary has assessed the costs, benefits, and other factors associated with such designation, including—

(1) the level of risk for the potential compromise of containers by terrorists, or other threats as determined by the Secretary;

(2) the volume and value of cargo being imported to the United States directly from, or being transshipped through, the foreign seaport;

(3) the results of the Coast Guard assessments conducted pursuant to section 70108 of title 46, United States Code;

(4) the commitment of the government of the country in which the foreign seaport is located to cooperate with the Department to carry out the Container Security Initiative; and

(5) the potential for validation of security practices at the foreign seaport by the Department.

(c) NOTIFICATION.—The Secretary shall notify the appropriate congressional committees of the designation of a foreign port under the Container Security Initiative or the revocation of such a designation before notifying the public of such designation or revocation.

(d) NEGOTIATIONS.—The Secretary, in cooperation with the Secretary of State and in consultation with the United States Trade Representative, may enter into negotiations with the government of each foreign nation in which a seaport is designated under the Container Security Initiative to ensure full compliance with the requirements under the Container Security Initiative.

(e) OVERSEAS INSPECTIONS.—The Secretary shall establish minimum technical capability criteria and standard operating procedures for the use of nonintrusive imaging and radiation detection equipment in conjunction with the Container Security Initiative and shall monitor operations at foreign seaports designated under the Container Security Initiative to ensure the use of such criteria and procedures. Such criteria and procedures—

(1) shall be consistent with relevant standards and procedures utilized by other Federal departments or agencies, or developed by international bodies if the United States consents to such standards and procedures;

(2) shall not apply to activities conducted under the Megaports Initiative of the Department of Energy;

(3) shall not be designed to endorse the product or technology of any specific company or to conflict with the sovereignty of a country in which a foreign seaport designated under the Container Security Initiative is located; and

(4) shall be applied to the equipment operated at each foreign seaport designated under the Container Security Initiative, except as provided under paragraph (2).

(f) SAVINGS PROVISION.—The authority of the Secretary under this section shall not affect any authority or duplicate any efforts or responsibilities of the Federal Government with respect to the deployment of radiation detection equipment outside of the United States under any program administered by the Department.

(g) COORDINATION.—The Secretary shall coordinate with the Secretary of Energy to—

(1) provide radiation detection equipment required to support the Container Security Initiative through the Department of Energy's Second Line of Defense and Megaports programs; or

(2) work with the private sector to obtain radiation detection equipment that meets the Department's technical specifications for such equipment.

(h) STAFFING.—The Secretary shall develop a human capital management plan to determine adequate staffing levels in the United States and in foreign seaports including, as appropriate, the remote location of personnel in countries in which foreign seaports are designated under the Container Security Initiative.

(i) ANNUAL DISCUSSIONS.—The Secretary, in coordination with the appropriate Federal officials, shall hold annual discussions with foreign governments of countries in which foreign seaports designated under the Container Security Initiative are located regarding best practices, technical assistance, training needs, and technological developments that will assist in ensuring the efficient and secure movement of international cargo.

(j) LESSER RISK PORT.—The Secretary, acting through the Commissioner, may treat cargo loaded in a foreign seaport designated under the Container Security Initiative as presenting a lesser risk than similar cargo loaded in a foreign seaport that is not designated under the Container Security Initiative, for the purpose of clearing such cargo into the United States.

(k) REPORT.—

(1) IN GENERAL.—Not later than September 30, 2007, the Secretary, acting through the Commissioner, shall, in consultation with other appropriate government officials and the Commercial Operations Advisory Committee, submit a report to the appropriate

congressional committee on the effectiveness of, and the need for any improvements to, the Container Security Initiative. The report shall include—

(A) a description of the technical assistance delivered to, as well as needed at, each designated seaport;

(B) a description of the human capital management plan at each designated seaport;

(C) a summary of the requests made by the United States to foreign governments to conduct physical or nonintrusive inspections of cargo at designated seaports, and whether each such request was granted or denied by the foreign government;

(D) an assessment of the effectiveness of screening, scanning, and inspection protocols and technologies utilized at designated seaports and the effect on the flow of commerce at such seaports, as well as any recommendations for improving the effectiveness of screening, scanning, and inspection protocols and technologies utilized at designated seaports;

(E) a description and assessment of the outcome of any security incident involving a foreign seaport designated under the Container Security Initiative; and

(F) a summary and assessment of the aggregate number and extent of trade compliance lapses at each seaport designated under the Container Security Initiative.

(2) UPDATED REPORT.—Not later than September 30, 2010, the Secretary, acting through the Commissioner, shall, in consultation with other appropriate government officials and the Commercial Operations Advisory Committee, submit an updated report to the appropriate congressional committees on the effectiveness of, and the need for any improvements to, the Container Security Initiative. The updated report shall address each of the elements required to be included in the report provided for under paragraph (1).

(l) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the United States Customs and Border Protection in the Department of Homeland Security to carry out the provisions of this section—

(1) $144,000,000 for fiscal year 2008;

(2) $146,000,000 for fiscal year 2009; and

(3) $153,300,000 for fiscal year 2010.

Subtitle B—Customs-Trade Partnership Against Terrorism

SEC. 211. ESTABLISHMENT.

(a) ESTABLISHMENT.—The Secretary, acting through the Commissioner is authorized to establish a voluntary government-private sector program (to be known as the ''Customs-Trade Partnership Against Terrorism'' or ''C–TPAT'') to strengthen and improve the overall security of the international supply chain and United States border security, and to facilitate the movement of secure cargo through the international supply chain, by providing benefits to participants meeting or exceeding the program requirements. Participants in C–TPAT shall include tier 1 participants, tier 2 participants, and tier 3 participants.

(b) MINIMUM SECURITY REQUIREMENTS.—The Secretary, acting through the Commissioner, shall review the minimum security requirements of C–TPAT at least once every year and update such requirements as necessary.

SEC. 212. ELIGIBLE ENTITIES.

Importers, customs brokers, forwarders, air, sea, land carriers, contract logistics providers, and other entities in the international supply chain and intermodal transportation system are eligible to apply to voluntarily enter into partnerships with the Department under C–TPAT.

SEC. 213. MINIMUM REQUIREMENTS.

An applicant seeking to participate in C–TPAT shall—

(1) demonstrate a history of moving cargo in the international supply chain;

(2) conduct an assessment of its supply chain based upon security criteria established by the Secretary, acting through the Commissioner, including—

(A) business partner requirements;

(B) container security;

(C) physical security and access controls;

(D) personnel security;

(E) procedural security;

(F) security training and threat awareness; and

(G) information technology security;

(3) implement and maintain security measures and supply chain security practices meeting security criteria established by the Commissioner; and

(4) meet all other requirements established by the Commissioner in consultation with the Commercial Operations Advisory Committee.

SEC. 214. TIER 1 PARTICIPANTS IN C–TPAT.

(a) BENEFITS.—The Secretary, acting through the Commissioner, shall offer limited benefits to a tier 1 participant who has been certified in accordance with the guidelines referred to in subsection (b). Such benefits may include a reduction in the score assigned pursuant to the Automated Targeting System of not greater than 20 percent of the high risk threshold established by the Secretary.

(b) GUIDELINES.—Not later than 180 days after the date of the enactment of this Act, the Secretary, acting through the Commissioner, shall update the guidelines for certifying a C–TPAT participant's security measures and supply chain security practices under this section. Such guidelines shall include a background investigation and extensive documentation review.

(c) TIME FRAME.—To the extent practicable, the Secretary, acting through the Commissioner, shall complete the tier 1 certification process within 90 days of receipt of an application for participation in C–TPAT.

SEC. 215. TIER 2 PARTICIPANTS IN C–TPAT.

(a) VALIDATION.—The Secretary, acting through the Commissioner, shall validate the security measures and supply chain security practices of a tier 1 participant in accordance with the guidelines referred to in subsection (c). Such validation shall include on-site assessments at appropriate foreign locations utilized by the tier 1 participant in its supply chain and shall, to the extent practicable, be completed not later than 1 year after certification as a tier 1 participant.

(b) BENEFITS.—The Secretary, acting through the Commissioner, shall extend benefits to each C–TPAT participant that has been validated as a tier 2 participant under this section, which may include—

(1) reduced scores in the Automated Targeting System;

(2) reduced examinations of cargo; and

(3) priority searches of cargo.

(c) GUIDELINES.—Not later than 180 days after the date of the enactment of this Act, the Secretary, acting through the Commissioner, shall develop a schedule and update the guidelines for validating a participant's security measures and supply chain security practices under this section.

SEC. 216. TIER 3 PARTICIPANTS IN C–TPAT.

(a) IN GENERAL.—The Secretary, acting through the Commissioner, shall establish a third tier of C–TPAT participation that offers additional benefits to participants who demonstrate a sustained commitment to maintaining security measures and supply chain security practices that exceed the guidelines established for validation as a tier 2 participant in C–TPAT under section 215 of this Act.

(b) CRITERIA.—The Secretary, acting through the Commissioner, shall designate criteria for validating a C–TPAT participant as a tier 3 participant under this section. Such criteria may include—

(1) compliance with any additional guidelines established by the Secretary that exceed the guidelines established pursuant to section 215 of this Act for validating a C–TPAT participant as a tier 2 participant, particularly with respect to controls over access to cargo throughout the supply chain;

(2) voluntary submission of additional information regarding cargo prior to loading, as determined by the Secretary;

(3) utilization of container security devices and technologies that meet standards and criteria established by the Secretary; and

(4) compliance with any other cargo requirements established by the Secretary.

(c) BENEFITS.—The Secretary, acting through the Commissioner, in consultation with the Commercial Operations Advisory Committee and the National Maritime Security Advisory Committee, shall extend benefits to each C–TPAT participant that has been validated as a tier 3 participant under this section, which may include—

(1) the expedited release of a tier 3 participant's cargo in destination ports within the United States during all threat levels designated by the Secretary;

(2) in addition to the benefits available to tier 2 participants—

(A) further reduction in examinations of cargo;

(B) priority for examinations of cargo; and

(C) further reduction in the risk score assigned pursuant to the Automated Targeting System;

(3) notification of specific alerts and post-incident procedures to the extent such notification does not compromise the security interests of the United States; and

(4) inclusion in joint incident management exercises, as appropriate.

(d) DEADLINE.—Not later than 2 years after the date of the enactment of this Act, the Secretary, acting through the Commissioner, shall designate appropriate criteria pursuant to subsection (b) and provide benefits to validated tier 3 participants pursuant to subsection (c).

SEC. 217. CONSEQUENCES FOR LACK OF COMPLIANCE.

(a) IN GENERAL.—If at any time a C–TPAT participant's security measures and supply chain security practices fail to meet any of the requirements under this subtitle, the Commissioner may deny the participant benefits otherwise available under this subtitle, in whole or in part.

(b) FALSE OR MISLEADING INFORMATION.—If a C–TPAT participant knowingly provides false or misleading information to the Commissioner during the validation process provided for under this subtitle, the Commissioner shall suspend or expel the participant from C–TPAT for an appropriate period of time. The Commissioner may publish in the Federal Register a list of participants who have been suspended or expelled from C–TPAT pursuant to this subsection, and may make such list available to C–TPAT participants.

(c) RIGHT OF APPEAL.—

(1) IN GENERAL.—A C–TPAT participant may appeal a decision of the Commissioner pursuant to subsection (a). Such appeal shall be filed with the Secretary not later than 90 days after the date of the decision, and the Secretary shall issue a determination not later than 180 days after the appeal is filed.

(2) APPEALS OF OTHER DECISIONS.—A C–TPAT participant may appeal a decision of

the Commissioner pursuant to subsection (b). Such appeal shall be filed with the Secretary not later than 30 days after the date of the decision, and the Secretary shall issue a determination not later than 180 days after the appeal is filed.

SEC. 218. REVALIDATION.

The Secretary, acting through the Commissioner, shall develop and implement—

(1) a revalidation process for tier 2 and tier 3 participants;

(2) a framework based upon objective criteria for identifying participants for periodic revalidation not less frequently than once during each 5-year period following the initial validation; and

(3) an annual plan for revalidation that includes—

(A) performance measures;

(B) an assessment of the personnel needed to perform the revalidations; and

(C) the number of participants that will be revalidated during the following year.

SEC. 219. NONCONTAINERIZED CARGO.

The Secretary, acting through the Commissioner, shall consider the potential for participation in C–TPAT by importers of noncontainerized cargoes that otherwise meet the requirements under this subtitle.

SEC. 220. C–TPAT PROGRAM MANAGEMENT.

(a) IN GENERAL.—The Secretary, acting through the Commissioner, shall establish sufficient internal quality controls and record management to support the management systems of C–TPAT. In managing the program, the Secretary shall ensure that the program includes:

(1) STRATEGIC PLAN.—A 5-year plan to identify outcome-based goals and performance measures of the program.

(2) ANNUAL PLAN.—An annual plan for each fiscal year designed to match available resources to the projected workload.

(3) STANDARDIZED WORK PROGRAM.—A standardized work program to be used by agency personnel to carry out the certifications, validations, and revalidations of participants. The Secretary shall keep records and monitor staff hours associated with the completion of each such review.

(b) DOCUMENTATION OF REVIEWS.—The Secretary, acting through the Commissioner, shall maintain a record management system to document determinations on the reviews of each C–TPAT participant, including certifications, validations, and revalidations.

(c) CONFIDENTIAL INFORMATION SAFEGUARDS.—In consultation with the Commercial Operations Advisory Committee, the Secretary, acting through the Commissioner, shall develop and implement procedures to ensure the protection of confidential data collected, stored, or shared with government agencies or as part of the application, certification, validation, and revalidation processes.

SEC. 221. RESOURCE MANAGEMENT STAFFING PLAN.

The Secretary, acting through the Commissioner, shall—

(1) develop a staffing plan to recruit and train staff (including a formalized training program) to meet the objectives identified in the strategic plan of the C–TPAT program; and

(2) provide cross-training in post-incident trade resumption for personnel who administer the C–TPAT program.

SEC. 222. ADDITIONAL PERSONNEL.

In each of the fiscal years 2007 through 2009, the Commissioner shall increase by not less than 50 the number of full-time personnel engaged in the validation and revalidation of C–TPAT participants (over the number of such personnel on the last day of the previous fiscal year), and shall provide appropriate training and support to such additional personnel.

SEC. 223. AUTHORIZATION OF APPROPRIATIONS.

(a) C–TPAT.—There are authorized to be appropriated to the United States Customs and Border Protection in the Department of Homeland Security to carry out the provisions of sections 211 through 221 to remain available until expended—

(1) $65,000,000 for fiscal year 2008;

(2) $72,000,000 for fiscal year 2009; and

(3) $75,600,000 for fiscal year 2010.

(b) ADDITIONAL PERSONNEL.—In addition to any monies hereafter appropriated to the United States Customs and Border Protection in the Department of Homeland Security, there are authorized to be appropriated for the purpose of meeting the staffing requirement provided for in section 222, to remain available until expended—

(1) $8,500,000 for fiscal year 2007;

(2) $17,600,000 for fiscal year 2008;

(3) $27,300,000 for fiscal year 2009;

(4) $28,300,000 for fiscal year 2010; and

(5) $29,200,000 for fiscal year 2011.

SEC. 224. REPORT TO CONGRESS.

In connection with the President's annual budget submission for the Department of Homeland Security, the Secretary shall report to the appropriate congressional committees on the progress made by the Commissioner to certify, validate, and revalidate C–TPAT participants. Such report shall be due on the same date that the President's budget is submitted to the Congress.

Subtitle C—Miscellaneous Provisions

SEC. 231. PILOT INTEGRATED SCANNING SYSTEM.

(a) DESIGNATIONS.—Not later than 90 days after the date of the enactment of this Act, the Secretary shall designate 3 foreign seaports through which containers pass or are transshipped to the United States for the establishment of pilot integrated scanning systems that couple nonintrusive imaging equipment and radiation detection equipment. The equipment may be provided by the Megaports Initiative of the Department of Energy. In making the designations under this paragraph, the Secretary shall consider 3 distinct ports with unique features and differing levels of trade volume.

(b) COLLABORATION AND COOPERATION.—The Secretary shall collaborate with the Secretary of Energy and cooperate with the private sector and the foreign government of each country in which a foreign seaport is designated pursuant to subsection (a) to implement the pilot systems.

(c) IMPLEMENTATION.—Not later than 1 year after the date of the enactment of this Act, the Secretary shall achieve a full-scale implementation of the pilot integrated screening system, which shall—

(1) scan all containers destined for the United States that transit through the port;

(2) electronically transmit the images and information to the container security initiative personnel in the host country and customs personnel in the United States for evaluation and analysis;

(3) resolve every radiation alarm according to established Department procedures;

(4) utilize the information collected to enhance the Automated Targeting System or other relevant programs; and

(5) store the information for later retrieval and analysis.

(d) REPORT.—Not later than 120 days after achieving full-scale implementation under subsection (c), the Secretary, in consultation with the Secretary of Energy and the Secretary of State, shall submit a report to the appropriate congressional committees, that includes—

(1) an evaluation of the lessons derived from the pilot system implemented under this subsection;

(2) an analysis of the efficacy of the Automated Targeting System or other relevant programs in utilizing the images captured to examine high-risk containers;

(3) an evaluation of software that is capable of automatically identifying potential anomalies in scanned containers;

(4) an analysis of the need and feasibility of expanding the integrated scanning system to other container security initiative ports, including—

(A) an analysis of the infrastructure requirements;

(B) a projection of the effect on current average processing speed of containerized cargo;

(C) an evaluation of the scalability of the system to meet both current and future forecasted trade flows;

(D) the ability of the system to automatically maintain and catalog appropriate data for reference and analysis in the event of a transportation disruption;

(E) an analysis of requirements to install and maintain an integrated scanning system;

(F) the ability of administering personnel to efficiently manage and utilize the data produced by a non-intrusive scanning system;

(G) the ability to safeguard commercial data generated by, or submitted to, a non-intrusive scanning system; and

(H) an assessment of the reliability of currently available technology to implement an integrated scanning system.

(e) IMPLEMENTATION.—As soon as practicable and possible after the date of enactment of this Act, an integrated scanning system shall be implemented to scan all containers entering the United States prior to arrival in the United States.

SEC. 232. INTERNATIONAL COOPERATION AND COORDINATION.

(a) INSPECTION TECHNOLOGY AND TRAINING.—

(1) IN GENERAL.—The Secretary, in coordination with the Secretary of State, the Secretary of Energy, and appropriate representatives of other Federal agencies, may provide technical assistance, equipment, and training to facilitate the implementation of supply chain security measures at ports designated under the Container Security Initiative and at other foreign ports, as appropriate.

(2) ACQUISITION AND TRAINING.—Unless otherwise prohibited by law, the Secretary may—

(A) lease, loan, provide, or otherwise assist in the deployment of nonintrusive inspection and handheld radiation detection equipment at foreign land and sea ports under such terms and conditions as the Secretary prescribes, including nonreimbursable loans or the transfer of ownership of equipment; and

(B) provide training and technical assistance for domestic or foreign personnel responsible for operating or maintaining such equipment.

(b) ACTIONS AND ASSISTANCE FOR FOREIGN PORTS.—Section 70110 of title 46, United States Code, is amended—

(1) by striking the section header and inserting the following:

"§ 70110. Actions and assistance for foreign ports"

; and

(2) by adding at the end the following:

"(e) ASSISTANCE FOR FOREIGN PORTS.—

"(1) IN GENERAL.—The Secretary, in consultation with the Secretary of Transportation, the Secretary of State, and the Secretary of Energy, shall identify foreign assistance programs that could facilitate implementation of port security antiterrorism measures in foreign countries. The Secretary shall establish a program to utilize the programs that are capable of implementing port security antiterrorism measures at ports in

foreign countries that the Secretary finds, under section 70108, to lack effective antiterrorism measures.

''(2) CARIBBEAN BASIN.—The Secretary, in coordination with the Secretary of State and in consultation with the Organization of American States and the Commandant of the Coast Guard, shall place particular emphasis on utilizing programs to facilitate the implementation of port security antiterrorism measures at the ports located in the Caribbean Basin, as such ports pose unique security and safety threats to the United States due to—

''(A) the strategic location of such ports between South America and the United States;

''(B) the relative openness of such ports; and

''(C) the significant number of shipments of narcotics to the United States that are moved through such ports.''.

(c) REPORT ON SECURITY AT PORTS IN THE CARIBBEAN BASIN.—

(1) IN GENERAL.—Not later than 180 days after the date of the enactment of this Act, the Comptroller General of the United States shall submit a report to the appropriate congressional committees on the security of ports in the Caribbean Basin.

(2) CONTENTS.—The report submitted under paragraph (1)—

(A) shall include—

(i) an assessment of the effectiveness of the measures employed to improve security at ports in the Caribbean Basin and recommendations for any additional measures to improve such security;

(ii) an estimate of the number of ports in the Caribbean Basin that will not be secured by January 1, 2007;

(iii) an estimate of the financial impact in the United States of any action taken pursuant to section 70110 of title 46, United States Code, that affects trade between such ports and the United States; and

(iv) an assessment of the additional resources and program changes that are necessary to maximize security at ports in the Caribbean Basin; and

(B) may be submitted in both classified and redacted formats.

(d) CLERICAL AMENDMENT.—The chapter analysis for chapter 701 of title 46, United States Code, is amended by striking the item relating to section 70110 and inserting the following:

''70110. Actions and assistance for foreign ports.''.

TITLE III—ADMINISTRATION

SEC. 301. OFFICE OF CARGO SECURITY POLICY.

(a) ESTABLISHMENT.—Subtitle C of title IV of the Homeland Security Act of 2002 (6 U.S.C. 231 et seq.) is amended by adding at the end the following:

''SEC. 431. OFFICE OF CARGO SECURITY POLICY.

''(a) ESTABLISHMENT.—There is established within the Department an Office of Cargo Security Policy (referred to in this section as the 'Office').

''(b) PURPOSE.—The Office shall—

''(1) coordinate all Department policies relating to cargo security; and

''(2) consult with stakeholders and coordinate with other Federal agencies in the establishment of standards and regulations and to promote best practices.

''(c) DIRECTOR.—

''(1) APPOINTMENT.—The Office shall be headed by a Director, who shall—

''(A) be appointed by the Secretary; and

''(B) report to the Assistant Secretary for Policy.

''(2) RESPONSIBILITIES.—The Director shall—

''(A) advise the Assistant Secretary for Policy in the development of Department-wide policies regarding cargo security;

''(B) coordinate all policies relating to cargo security among the agencies and offices within the Department relating to cargo security; and

''(C) coordinate the cargo security policies of the Department with the policies of other executive agencies.''.

(b) DESIGNATION OF LIAISON OFFICE OF DEPARTMENT OF STATE.—The Secretary of State shall designate a liaison office within the Department of State to assist the Secretary, as appropriate, in negotiating cargo security related international agreements.

(c) CLERICAL AMENDMENT.—The table of contents of the Homeland Security Act of 2002 (6 U.S.C. 101 et seq.) is amended by inserting after the item relating to section 430 the following:

''Sec. 431. Office of cargo security policy.''.

SEC. 302. REAUTHORIZATION OF HOMELAND SECURITY SCIENCE AND TECHNOLOGY ADVISORY COMMITTEE.

(a) IN GENERAL.—Section 311(j) of the Homeland Security Act of 2002 (6 U.S.C. 191(j)) is amended by striking ''3 years after the effective date of this Act'' and inserting ''on December 31, 2008''.

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall be effective as if enacted on the date of the enactment of the Homeland Security Act of 2002 (6 U.S.C. 101 et seq.).

(c) ADVISORY COMMITTEE.—The Assistant Secretary for Science and Technology shall utilize the Homeland Security Science and Technology Advisory Committee, as appropriate, to provide outside expertise in advancing cargo security technology.

SEC. 303. RESEARCH, DEVELOPMENT, TEST, AND EVALUATION EFFORTS IN FURTHERANCE OF MARITIME AND CARGO SECURITY.

(a) IN GENERAL.—The Secretary shall—

(1) direct research, development, test, and evaluation efforts in furtherance of maritime and cargo security;

(2) coordinate with public and private sector entities to develop and test technologies and process innovations in furtherance of these objectives; and

(3) evaluate such technologies.

(b) COORDINATION.—The Secretary, in coordination with the Undersecretary for Science and Technology, the Assistant Secretary for Policy, the Chief Financial Officer, and the heads of other appropriate offices or entities of the Department, shall ensure that—

(1) research, development, test, and evaluation efforts funded by the Department in furtherance of maritime and cargo security are coordinated within the Department and with other appropriate Federal agencies to avoid duplication of efforts; and

(2) the results of such efforts are shared throughout the Department and with other Federal, State, and local agencies, as appropriate.

TITLE IV—AGENCY RESOURCES AND OVERSIGHT

SEC. 401. OFFICE OF INTERNATIONAL TRADE.

Section 2 of the Act of March 3, 1927 (44 Stat. 1381, chapter 348; 19 U.S.C. 2072), is amended by adding at the end the following:

''(d) OFFICE OF INTERNATIONAL TRADE.—

''(1) ESTABLISHMENT.—There is established within the United States Customs and Border Protection an Office of International Trade that shall be headed by an Assistant Commissioner.

''(2) TRANSFER OF ASSETS, FUNCTIONS, AND PERSONNEL; ELIMINATION OF OFFICES.—

''(A) OFFICE OF STRATEGIC TRADE.—Not later than 90 days after the date of the enactment of the Port Security Improvement Act of 2006, the Commissioner shall transfer the assets, functions, and personnel of the Office of Strategic Trade to the Office of International Trade established pursuant to paragraph (1) and the Office of Strategic Trade shall be abolished.

''(B) OFFICE OF REGULATIONS AND RULINGS.—Not later than 90 days after the date of the enactment of the Port Security Improvement Act of 2006, the Commissioner shall transfer the assets, functions, and personnel of the Office of Regulations and Rulings to the Office of International Trade established pursuant to paragraph (1) and the Office of Regulations and Rulings shall be abolished.

''(C) OTHER TRANSFERS.—The Commissioner is authorized to transfer any other assets, functions, or personnel within the United States Customs and Border Protection to the Office of International Trade established pursuant to paragraph (1). Not later than 30 days after each such transfer, the Commissioner shall notify the Committee on Appropriations, the Committee on Finance, and the Committee on Homeland Security and Governmental Affairs of the Senate and the Committee on Appropriations, the Committee on Homeland Security, and the Committee on Ways and Means of the House of Representatives of the specific assets, functions, or personnel, that were transferred, and the reason for such transfer.

''(e) INTERNATIONAL TRADE POLICY COMMITTEE.—

''(1) ESTABLISHMENT.—The Commissioner shall establish an International Trade Policy Committee, to be chaired by the Commissioner, and to include the Deputy Commissioner, the Assistant Commissioner in the Office of Field Operations, the Assistant Commissioner in the Office of International Affairs, the Assistant Commissioner in the Office of International Trade, and the Director of the Office of Trade Relations.

''(2) RESPONSIBILITIES.—The International Trade Policy Committee shall—

''(A) be responsible for advising the Commissioner with respect to the commercial customs and trade facilitation functions of the United States Customs and Border Protection; and

''(B) assist the Commissioner in coordinating with the Assistant Secretary for Policy regarding commercial customs and trade facilitation functions.

''(3) ANNUAL REPORT.—Not later than 30 days after the end of each fiscal year, the International Trade Policy Committee shall submit a report to the Committee on Finance of the Senate and the Committee on Ways and Means of the House of Representatives. The report shall—

''(A) detail the activities of the International Trade Policy Committee during the preceding fiscal year; and

''(B) identify the priorities of the International Trade Policy Committee for the current fiscal year.

''(f) INTERNATIONAL TRADE FINANCE COMMITTEE.—

''(1) ESTABLISHMENT.—The Commissioner shall establish an International Trade Finance Committee, to be chaired by the Commissioner, and to include the Deputy Commissioner, the Assistant Commissioner in the Office of Finance, the Assistant Commissioner in the Office of International Trade, and the Director of the Office of Trade Relations.

''(2) RESPONSIBILITIES.—The Trade Finance Committee shall be responsible for overseeing the operation of all programs and systems that are involved in the assessment and collection of duties, bonds, and other charges or penalties associated with the entry of cargo into the United States, or the export of cargo from the United States, including the administration of duty drawback and the

collection of antidumping and countervailing duties.

''(3) ANNUAL REPORT.—Not later than 30 days after the end of each fiscal year, the Trade Finance Committee shall submit a report to the Committee on Finance of the Senate and the Committee on Ways and Means of the House of Representatives. The report shall—

''(A) detail the activities and findings of the Trade Finance Committee during the preceding fiscal year; and

''(B) identify the priorities of the Trade Finance Committee for the current fiscal year.

''(g) DEFINITION.—In this section, the term 'Commissioner' means the Commissioner responsible for the United States Customs and Border Protection in the Department of Homeland Security.''.

SEC. 402. RESOURCES.

Section 301 of the Customs Procedural Reform and Simplification Act of 1978 (19 U.S.C. 2075) is amended by adding at the end the following:

''(h) RESOURCE ALLOCATION MODEL.—

''(1) RESOURCE ALLOCATION MODEL.—Not later than June 30, 2007, and every 2 years thereafter, the Commissioner shall prepare and submit to the Committee on Finance of the Senate and the Committee on Ways and Means of the House of Representatives a Resource Allocation Model to determine the optimal staffing levels required to carry out the commercial operations of United States Customs and Border Protection, including commercial inspection and release of cargo and the revenue functions described in section 412(b)(2) of the Homeland Security Act of 2002 (6 U.S.C. 212(b)(2)). The model shall comply with the requirements of section 412(b)(1) of such Act and shall take into account previous staffing models and historic and projected trade volumes and trends. The Resource Allocation Model shall apply both risk-based and random sampling approaches for determining adequate staffing needs for priority trade functions, including—

''(A) performing revenue functions;

''(B) enforcing antidumping and countervailing laws;

''(C) protecting intellectual property rights;

''(D) enforcing provisions of law relating to trade in textiles and apparel;

''(E) conducting agricultural inspections;

''(F) enforcing fines, penalties and forfeitures; and

''(G) facilitating trade.

''(2) PERSONNEL.—

''(A) IN GENERAL.—Not later than September 30, 2007, the Commissioner shall ensure that the requirements of section 412(b) of the Homeland Security Act of 2002 (6 U.S.C. 212(b)) are fully satisfied and shall report to the Committee on Finance of the Senate and the Committee on Ways and Means of the House of Representatives regarding the implementation of this subparagraph.

''(B) CUSTOMS AND BORDER PROTECTION OFFICERS.—The initial Resource Allocation Model required pursuant to paragraph (1) shall provide for the hiring of a minimum of 725 additional Customs and Border Protection Officers. The Commissioner shall hire such additional officers, subject to the appropriation of funds to pay for the salaries and expenses of such officers, of which the Commissioner shall assign—

''(i) 1 additional officer at each port of entry in the United States; and

''(ii) the balance of the additional officers authorized by this subsection among ports of entry in the United States.

''(C) ASSIGNMENT.—In assigning such officers pursuant to subparagraph (B), the Commissioner shall consider the volume of trade and the incidence of nonvoluntarily disclosed customs and trade law violations in addition to security priorities among such ports of entry.

''(D) REDISTRIBUTION.—Not later than September 30, 2008, the Director of Field Operations in each Field Office may, at the request of the Director of a Service Port reporting to such Field Office, direct the redistribution of the additional personnel provided for pursuant to subparagraph (B) among the ports of entry reporting to such Field Office. The Commissioner shall promptly report any redistribution of personnel pursuant to subparagraph (B) to the Committee on Homeland Security and Governmental Affairs and Committee on Finance of the Senate, and the Committee on Homeland Security and Committee on Ways and Means of the House of Representatives.

''(3) AUTHORIZATION OF APPROPRIATIONS.—In addition to any monies hereafter appropriated to United States Customs and Border Protection in the Department of Homeland Security, there are authorized to be appropriated for the purpose of meeting the requirements of paragraph (2)(B), to remain available until expended—

''(A) $85,000,000 for fiscal year 2008.

''(B) $132,000,000 for fiscal year 2009.

''(C) $137,000,000 for fiscal year 2010.

''(D) $142,000,000 for fiscal year 2011.

''(E) $147,000,000 for fiscal year 2012.

''(4) REPORT.—Not later than 30 days after the end of each fiscal year, the Commissioner shall report to the Committee on Finance of the Senate and the Committee on Ways and Means of the House of Representatives on the resources directed to commercial and trade facilitation functions within the Office of Field Operations for the preceding fiscal year. Such information shall be reported for each category of personnel within the Office of Field Operations.

''(5) REGULATIONS TO IMPLEMENT TRADE AGREEMENTS.—Not later than 30 days after the date of the enactment of the Port Security Improvement Act of 2006, the Commissioner shall designate and maintain not less than 5 attorneys within the Office of International Trade established pursuant to section 2 of the Act of March 3, 1927 (44 Stat. 1381, chapter 348; 19 U.S.C. 2072) with primary responsibility for the prompt development and promulgation of regulations necessary to implement any trade agreement entered into by the United States.

''(6) DEFINITION.—As used in this subsection, the term 'Commissioner' means the Commissioner responsible for United States Customs and Border Protection in the Department of Homeland Security.''.

SEC. 403. NEGOTIATIONS.

Section 629 of the Tariff Act of 1930 (19 U.S.C. 1629) is amended by adding at the end the following:

''(h) CUSTOMS PROCEDURES AND COMMITMENTS.—

''(1) IN GENERAL.—The Secretary of Homeland Security, the United States Trade Representative, and other appropriate Federal officials, shall work through appropriate international organizations including the World Customs Organization (WCO), the World Trade Organization (WTO), the International Maritime Organization, and the Asia-Pacific Economic Cooperation, to align, to the extent practicable, customs procedures, standards, requirements, and commitments in order to facilitate the efficient flow of international trade.

''(2) UNITED STATES TRADE REPRESENTATIVE.—

''(A) IN GENERAL.—The United States Trade Representative shall seek commitments in negotiations in the WTO regarding the articles of GATT 1994 that are described in subparagraph (B) that make progress in achieving—

''(i) harmonization of import and export data collected by WTO members for customs purposes, to the extent practicable;

''(ii) enhanced procedural fairness and transparency with respect to the regulation of imports and exports by WTO members;

''(iii) transparent standards for the efficient release of cargo by WTO members, to the extent practicable; and

''(iv) the protection of confidential commercial data.

''(B) ARTICLES DESCRIBED.—The articles of the GATT 1994 described in this subparagraph are the following:

''(i) Article V (relating to transit).

''(ii) Article VIII (relating to fees and formalities associated with importation and exportation).

''(iii) Article X (relating to publication and administration of trade regulations).

''(C) GATT 1994.—The term 'GATT 1994' means the General Agreement on Tariff and Trade annexed to the WTO Agreement.

''(3) CUSTOMS.—The Secretary of Homeland Security, acting through the Commissioner and in consultation with the United States Trade Representative, shall work with the WCO to facilitate the efficient flow of international trade, taking into account existing international agreements and the negotiating objectives of the WTO. The Commissioner shall work to—

''(A) harmonize, to the extent practicable, import data collected by WCO members for customs purposes;

''(B) automate and harmonize, to the extent practicable, the collection and storage of commercial data by WCO members;

''(C) develop, to the extent practicable, transparent standards for the release of cargo by WCO members;

''(D) develop and harmonize, to the extent practicable, standards, technologies, and protocols for physical or nonintrusive examinations that will facilitate the efficient flow of international trade; and

''(E) ensure the protection of confidential commercial data.

''(4) DEFINITION.—In this subsection, the term 'Commissioner' means the Commissioner responsible for the United States Customs and Border Protection in the Department of Homeland Security.''.

SEC. 404. INTERNATIONAL TRADE DATA SYSTEM.

Section 411 of the Tariff Act of 1930 (19 U.S.C. 1411) is amended by adding at the end the following:

''(d) INTERNATIONAL TRADE DATA SYSTEM.—

''(1) ESTABLISHMENT.—

''(A) IN GENERAL.—The Secretary of the Treasury (in this section, referred to as the 'Secretary') shall oversee the establishment of an electronic trade data interchange system to be known as the 'International Trade Data System' (ITDS). The ITDS shall be implemented not later than the date that the Automated Commercial Environment (commonly referred to as 'ACE') is implemented.

''(B) PURPOSE.—The purpose of the ITDS is to eliminate redundant information requirements, to efficiently regulate the flow of commerce, and to effectively enforce laws and regulations relating to international trade, by establishing a single portal system, operated by the United States Customs and Border Protection, for the collection and distribution of standard electronic import and export data required by all participating Federal agencies.

''(C) PARTICIPATION.—

''(i) IN GENERAL.—All Federal agencies that require documentation for clearing or licensing the importation and exportation of cargo shall participate in the ITDS.

''(ii) WAIVER.—The Director of the Office of Management and Budget may waive, in

whole or in part, the requirement for participation for any Federal agency based on the national security interests of the United States.

''(D) CONSULTATION.—The Secretary shall consult with and assist agencies in the transition from paper to electronic format for the submission, issuance, and storage of documents relating to data required to enter cargo into the United States.

''(2) DATA ELEMENTS.—

''(A) IN GENERAL.—The Interagency Steering Committee (established under paragraph (3)) shall, in consultation with the agencies participating in the ITDS, define the standard set of data elements to be collected, stored, and shared in the ITDS. The Interagency Steering Committee shall periodically review the data elements in order to update the standard set of data elements, as necessary.

''(B) COMMITMENTS AND OBLIGATIONS.—The Interagency Steering Committee shall ensure that the ITDS data requirements are compatible with the commitments and obligations of the United States as a member of the World Customs Organization (WCO) and the World Trade Organization (WTO) for the entry and movement of cargo.

''(C) COORDINATION.—The Secretary shall be responsible for coordinating operation of the ITDS among the participating agencies and the office within the United States Customs and Border Protection that is responsible for maintaining the ITDS.

''(3) INTERAGENCY STEERING COMMITTEE.—There is established an Interagency Steering Committee (in this section, referred to as the 'Committee'). The members of the Committee shall include the Secretary (who shall serve as the chairperson of the Committee), the Director of the Office of Management and Budget, and the head of each agency participating in the ITDS. The Committee shall assist the Secretary in overseeing the implementation of, and participation in, the ITDS.

''(4) REPORT.—The Committee shall submit a report before the end of each fiscal year to the Committee on Finance of the Senate and the Committee on Ways and Means of the House of Representatives. Each report shall include information on—

''(A) the status of the ITDS implementation;

''(B) the extent of participation in the ITDS by Federal agencies;

''(C) the remaining barriers to any agency's participation;

''(D) the consistency of the ITDS with applicable standards established by the World Customs Organization and the World Trade Organization;

''(E) recommendations for technological and other improvements to the ITDS; and

''(F) the status of the development, implementation, and management of the Automated Commercial Environment within the United States Customs and Border Protection..''.

SEC. 405. IN-BOND CARGO.

Title IV of the Tariff Act of 1930 is amended by inserting after section 553 the following:

''SEC. 553A. REPORT ON IN-BOND CARGO.

''(a) REPORT.—Not later than June 30, 2007, the Commissioner shall submit a report to the Committees on Commerce, Science, and Transportation, Finance, and Homeland Security and Governmental Affairs of the Senate and the Committees on Homeland Security, Transportation and Infrastructure, and Ways and Means of the House of Representatives that includes—

''(1) a plan for closing in-bond entries at the port of arrival;

''(2) an assessment of the personnel required to ensure 100 percent reconciliation of in-bond entries between the port of arrival and the port of destination or exportation;

''(3) an assessment of the status of investigations of overdue in-bond shipments and an evaluation of the resources required to ensure adequate investigation of overdue in-bond shipments;

''(4) a plan for tracking in-bond cargo within the Automated Commercial Environment (ACE);

''(5) an assessment of whether any particular technologies should be required in the transport of in-bond cargo;

''(6) an assessment of whether ports of arrival should require any additional information regarding shipments of in-bond cargo;

''(7) an evaluation of the criteria for targeting and examining in-bond cargo; and

''(8) an assessment of the feasibility of reducing the transit time for in-bond shipments, including an assessment of the impact of such a change on domestic and international trade.

''(b) DEFINITION.—The term 'Commissioner' means the Commissioner responsible for the United States Customs and Border Protection in the Department of Homeland Security.''.

SEC. 406. SENSE OF THE SENATE.

It is the sense of the Senate that nothing in sections 2, 106, 111 through 113, and 201 through 232 of this Act shall be construed to affect the jurisdiction of any Standing Committee of the Senate.

SA 4920. Mr. BURNS submitted an amendment intended to be proposed by him to the bill H.R. 5385, making appropriations for the military quality of life functions of the Department of Defense, military construction, the Department of Veterans Affairs, and related agencies for the fiscal year ending September 30, 2007, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

DEPARTMENT OF THE INTERIOR

For an additional amount for ''WILDLAND FIRE MANAGEMENT'' under the heading ''DEPARTMENT OF THE INTERIOR'' of title I of the Department of the Interior, Environment, and Related Agencies Appropriations Act, 2006 (Public Law 109–54), $125,000,000 for the conduct of emergency wildfire suppression activities of the Secretary of the Interior, to be made available beginning on the date of enactment of this Act and to remain available until expended: *Provided*, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of S. Con. Res. 83 (109th Congress), the concurrent resolution on the budget for fiscal year 2007, as made applicable in the Senate by section 7035 of Public Law 109–234.

DEPARTMENT OF AGRICULTURE

For an additional amount for ''WILDLAND FIRE MANAGEMENT'' under the heading ''DEPARTMENT OF AGRICULTURE'' of title III of the Department of the Interior, Environment, and Related Agencies Appropriations Act, 2006 (Public Law 109–54), $175,000,000 for the conduct of emergency wildfire suppression activities of the Secretary of Agriculture, acting through the Chief of the Forest Service, to be made available beginning on the date of enactment of this Act and to remain available until expended: *Provided*, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of S. Con. Res. 83 (109th Congress), the concurrent resolution on the budget for fiscal year 2007, as made applicable in the Senate by section 7035 of Public Law 109–234.

SA 4921. Mr. DEMINT submitted an amendment intended to be proposed by him to the bill H.R. 4954, to improve maritime and cargo security through enhanced layered defenses, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

TITLE —NATIONAL ALERT SYSTEM

SECTION —100. TABLE OF CONTENTS.

The table of contents for this title is as follows:

Sec. —100. Table of contents.

TITLE —NATIONAL ALERT SYSTEM

Sec. —101. Short title.
Sec. —102. National Alert System.
Sec. —103. Implementation and use.
Sec. —104. Coordination with existing public alert systems and authority.
Sec. —105. National Alert Office.
Sec. —106. National Alert System Working Group.
Sec. —107. Research and development.
Sec. —108. Grant program for remote community alert systems.
Sec. —109. Public familiarization, outreach, and response instructions.
Sec. —110. Essential services disaster assistance.
Sec. —111. Definitions.
Sec. —112. Existing interagency activities.
Sec. —113. Funding.

SEC. —101. SHORT TITLE.

This title may be cited as the ''Warning, Alert, and Response Network Act''.

SEC. —102. NATIONAL ALERT SYSTEM.

(a) ESTABLISHMENT.—There is established a National Alert System to provide a public communications system capable of alerting the public on a national, regional, or local basis to emergency situations requiring a public response.

(b) FUNCTIONS.—The National Alert System—

(1) will enable any Federal, State, tribal, or local government official with credentials issued by the National Alert Office under section —103 to alert the public to any imminent threat that presents a significant risk of injury or death to the public;

(2) will be coordinated with and supplement existing Federal, State, tribal, and local emergency warning and alert systems;

(3) will be flexible enough in its application to permit narrowly targeted alerts in circumstances in which only a small geographic area is exposed or potentially exposed to the threat; and

(4) will transmit alerts across the greatest possible variety of communications technologies, including digital and analog broadcasts, cable and satellite television, satellite and terrestrial radio, wireless communications, wireline communications, and the Internet to reach the largest portion of the affected population.

(c) CAPABILITIES.—The National Alert System—

(1) shall incorporate multiple communications technologies and be designed to adapt to, and incorporate, future technologies for communicating directly with the public;

(2) shall include mechanisms and technologies to ensure that members of the public with disabilities and older individuals (as defined in section 102(35) of the Older Americans Act of 1965 (42 U.S.C. 3002(35))) are able to receive alerts and information provided through the National Alert System;

(3) may not interfere with existing alert, warning, priority access, or emergency communications systems employed by Federal,

State, tribal, or local emergency response personnel and shall incorporate existing emergency alert technologies, including the NOAA All-Hazards Radio System, digital and analog broadcast, cable, and satellite television and satellite and terrestrial radio;

(4) shall not be based upon any single technology or platform, but shall be designed to provide alerts to the largest portion of the affected population feasible and improve the ability of remote areas to receive alerts;

(5) shall incorporate technologies to alert effectively underserved communities (as determined by the Commission under section —108(a) of this title);

(6) when technologically feasible shall be capable of providing information in languages other than, and in addition to, English where necessary or appropriate; and

(7) shall be designed to promote local and regional public and private partnerships to enhance community preparedness and response.

(d) RECEPTION OF ALERTS.—The National Alert System shall—

(1) utilize multiple technologies for providing alerts to the public, including technologies that do not require members of the public to activate a particular device or use a particular technology to receive an alert provided via the National Alert System; and

(2) provide redundant alert mechanisms where practicable so as to reach the greatest number of people regardless of whether they have access to, or utilize, any specific medium of communication or any particular device.

(e) EMERGENCY ALERT SYSTEM.—Within 1 year after the date of enactment of this Act, the Federal Communications Commission shall—

(1) ensure the President, Secretary of Homeland Security, and State Governors have access to the emergency alert system; and

(2) ensure that the Emergency Alert System can transmit in languages other than English.

SEC. —103. IMPLEMENTATION AND USE.

(a) AUTHORITY TO ACCESS SYSTEM.—

(1) IN GENERAL.—Within 180 days after the date of enactment of this Act, the National Alert Office shall establish a process for issuing credentials to Federal, State, tribal, or local government officials with responsibility for issuing safety warnings to the public that will enable them to access the National Alert System. The Office shall approve or disapprove a request for credentials within 60 days of request by the Federal department or agency, the governor of the State or the elected leader of a federally recognized Indian tribe.

(2) REQUESTS FOR CREDENTIALS.—Requests for credentials from Federal, State, tribal, and local government agencies shall be submitted to the Office by the head of the Federal department or agency, or the governor of the State or the elected leader of a Federally recognized Indian tribe, concerned, for review and approval.

(3) SCOPE AND LIMITATIONS OF CREDENTIALS.—The Office shall—

(A) establish eligibility criteria for issuing, renewing, and revoking access credentials;

(B) limit credentials to appropriate geographic areas or political jurisdictions; and

(C) ensure that the credentials permit use of the National Alert System only for alerts that are consistent with the jurisdiction, authority, and basis for eligibility of the individual to whom the credentials are issued to use the National Alert System.

(4) PERIODIC TRAINING.—The Office shall—

(A) establish a periodic training program for Federal, State, tribal, or local government officials with credentials to use the National Alert System; and

(B) require such officials to undergo periodic training under the program as a prerequisite for retaining their credentials to use the system.

(b) ALLOWABLE ALERTS.—

(1) IN GENERAL.—Any alert transmitted via the National Alert System, other than an alert described in paragraph (3), shall meet 1 or more of the following requirements:

(A) An alert shall notify the public of a hazardous situation that poses an imminent threat to the public health or safety.

(B) An alert shall provide appropriate instructions for actions to be taken by individuals affected or potentially affected by such a situation.

(C) An alert shall advise individuals of public addresses by Federal, State, tribal, or local officials when related to a significant threat to public safety and transmit such addresses when practicable and technically feasible.

(D) An alert shall notify the public of when the hazardous situation has ended or has been brought under control.

(2) EVENT ELIGIBILITY REGULATIONS.—The director of the National Alert Office, in consultation with the Working Group, shall by regulation specify—

(A) the classes of events or situations for which the National Alert System may be used to alert the public; and

(B) the content of the types of alerts that may be transmitted by or through use of the National Alert System, which may include—

(i) notifications to the public of a hazardous situation that poses an imminent threat to the public health or safety accompanied by appropriate instructions for actions to be taken by individuals affected or potentially affected by such a situation; and

(ii) when technologically feasible public addresses by Federal, State, tribal, or local officials related to a significant threat to public safety.

(3) OPT-IN PROCEDURES FOR OPTIONAL ALERTS.—The director of the Office may establish a procedure under which licensees who elect to participate in the National Alert System as described in paragraph (d), may transmit localized traffic, weather, community, or other non-emergency alerts via the National Alert System in a manner that enables them to be received only by individuals who take appropriate action to receive such alerts.

(c) ACCESS POINTS.—The National Alert System shall provide—

(1) secure, widely dispersed multiple access points to Federal, State, or local government officials with credentials that will enable them to initiate alerts for transmission to the public via the National Alert System; and

(2) system redundancies to ensure functionality in the event of partial system failures, power failures, or other interruptive events.

(d) ELECTION TO CARRY SERVICE.—

(1) AMENDMENT OF LICENSE.—Within 60 days after the date on which the National Alert Office adopts relevant technical standards based on recommendations of the Working Group, the Federal Communications Commission shall initiate a proceeding and subsequently issue an order—

(A) to allow any licensee providing commercial mobile service (as defined in section 332(d)(1) of the Communications Act of 1934 (47 U.S.C. 332(d)(1))) to transmit National Alert System alerts to all subscribers to, or users of, such service; and

(B) to require any such licensee who elects under paragraph (2) not to participate in the transmission of National Alert System alerts, to provide clear and conspicuous notice at the point of sale of any devices with which its service is included, that it will not transmit National Alert System alerts via its service.

(2) ELECTION TO CARRY SERVICE.—

(A) IN GENERAL.—Within 30 days after the Commission issues its order under paragraph (1), each such licensee shall file an election with the Commission with respect to whether or not it intends to participate in the transmission of National Alert System alerts.

(B) PARTICIPATION.—If a licensee elects to participate in the transmission of National Alert System alerts, the licensee shall certify to the Commission that it will participate in a manner consistent with the standards and protocols implemented by the National Alert Office.

(C) ADVERTISING.—Nothing in this title shall be construed to prevent a licensee from advertising that it participates in the transmission of National Alert System alerts.

(D) WITHDRAWAL FROM OR LATER ENTRY INTO SYSTEM.—The Commission shall establish a procedure—

(i) for a participating licensee to withdraw from the National Alert System upon notification of its withdrawal to its existing subscribers;

(ii) for a licensee to enter the National Alert System at a date later than provided in subparagraph (A); and

(iii) under which a subscriber may terminate a subscription to service provided by a licensee that withdraws from the National Alert System without penalty or early termination fee.

(E) CONSUMER CHOICE TECHNOLOGY.—Any licensee electing to participate in the transmission of National Alert System alerts may offer subscribers the capability of preventing the subscriber's device from receiving alerts broadcast by the system other than an alert issued by the President.

(3) EXPANSION OF CLASS OF LICENSEES PARTICIPATING.—The Commission, in consultation with the National Alert Office, may expand the class of licensees allowed to participate in the transmission of National Alert System alerts subject to such requirements as the Commission, in consultation with the National Alert Office, determines to be necessary or appropriate—

(A) to ensure the broadest feasible propagation of alerts transmitted by the National Alert System to the public; and

(B) to ensure that the functionality, integrity, and security of the National Alert System is not compromised.

(e) DIGITAL TELEVISION TRANSMISSION TOWERS.—

(1) RETRANSMISSION CAPABILITY.—Within 30 days after the date on which the National Alert Office adopts relevant technical standards based on recommendations of the Working Group, the Federal Communications Commission shall initiate a proceeding to require public broadcast television licensees and permittees to install necessary equipment and technologies on, or as part of, any broadcast television digital signal transmitter to enable the transmitter to serve as a backbone for the reception, relay, and retransmission of National Alert System alerts.

(2) COMPENSATION.—The National Alert Office established by section —105 shall compensate any such licensee or permittee for costs incurred in complying with the requirements imposed pursuant to paragraph (1).

(f) FCC REGULATION OF COMPLIANCE.—Except as provided in subsections (d) and (e), the Federal Communications Commission shall have no regulatory authority under this title except to regulate compliance with this title by licensees and permittees regulated by the Commission under the Communications Act of 1934 (47 U.S.C. 151 et seq.).

(g) LIMITATION OF LIABILITY.—Any person that participates in the transmission of National Alert System alerts and that meets its obligations under this title shall not be liable to any subscriber to, or user of, such person's service or equipment for—

(1) any act or omission related to or any harm resulting from the transmission of, or failure to transmit, a National Alert System alert to such subscriber or user;

(2) for the release to a government agency or entity, public safety, fire service, law enforcement official, or emergency facility of subscriber information used in connection with delivering an alert; or

(3) the licensee's or provider's withdrawal from or election not to participate in the National Alert System.

(h) TESTING.—The director shall establish testing criteria and guidelines for licensees that elect to participate in the transmission of National Alert System alerts.

SEC. —104. COORDINATION WITH EXISTING PUBLIC ALERT SYSTEMS AND AUTHORITY.

(a) EXISTING FEDERAL WARNING SYSTEM COORDINATION.—The director shall work with the Federal Communications Commission and other relevant Federal agencies to ensure that the National Alert System—

(1) complements, rather than duplicates, existing Federal alert systems; and

(2) obtains the maximum benefit possible from the utilization of existing research and development, technologies, and processes developed for or utilized by existing Federal alert systems.

(b) EXISTING ALERT AUTHORITY.—Nothing in this title shall be construed—

(1) to interfere with the authority of a Federal, State, or local government official under any other provision of law to transmit public alerts via the NOAA All-Hazards Radio System, digital and analog broadcast, cable, and satellite television and satellite and terrestrial radio, or any other emergency alert system in existence on the date of enactment of this Act;

(2) to require alerts transmitted under the authority described in paragraph (1) to comply with any standard established pursuant to section —103; or

(3) to require any Federal, State, or local government official to obtain credentials or undergo training under this title before transmitting alerts under the authority described in paragraph (1).

SEC. —105. NATIONAL ALERT OFFICE.

(a) ESTABLISHMENT.—

(1) IN GENERAL.—The National Alert Office is established within the Department of Homeland Security.

(2) DIRECTOR.—The office shall be headed by a director with at least 5 years' operational experience in the management and issuance of warnings and alerts, hazardous event management, or disaster planning. The Director shall serve under and report to the Secretary of Homeland Security or his designee.

(3) STAFF.—The office shall have a staff with significant technical expertise in the communications industry and emergency public communications. The director may request the detailing, with or without reimbursement, of staff from any appropriate Federal department or agency in order to ensure that the concerns of all such departments and agencies are incorporated into the daily operation of the National Alert System.

(b) FUNCTIONS AND RESPONSIBILITIES.—

(1) IN GENERAL.—The Office shall administer, operate, and manage the National Alert System.

(2) IMPLEMENTATION OF WORKING GROUP RECOMMENDATIONS.—The Office shall be responsible for implementing the recommendations of the Working Group established by section —106 regarding—

(A) the technical transmission of alerts;

(B) the incorporation of new technologies into the National Alert System;

(C) the technical capabilities of the National Alert System; and

(D) any other matters that fall within the duties of the Working Group.

(3) TRANSMISSION OF ALERTS.—In administering the National Alert System, the director of the National Alert Office shall ensure that—

(A) the National Alert System is available to, and enables, only Federal, State, tribal, or local government officials with credentials issued by the National Alert Office under section —103 to access and utilize the National Alert System;

(B) the National Alert System is capable of providing geographically targeted alerts where such alerts are appropriate;

(C) the legitimacy and authenticity of any proffered alert is verified before it is transmitted;

(D) each proffered alert complies with formats, protocols, and other requirements established by the Office to ensure the efficacy and usefulness of alerts transmitted via the National Alert System;

(E) the security and integrity of a National Alert System alert from the point of origination to delivery is maintained; and

(F) the security and integrity of the National Alert System is maintained and protected.

(c) REPORTS.—

(1) ANNUAL REPORTS.—The director shall submit an annual report to the Senate Committee on Commerce, Science, and Transportation, the Senate Committee on Homeland Security and Governmental Affairs, the House of Representatives Committee on Homeland Security, the House of Representatives Committee on Energy and Commerce, the House of Representatives Committee on Science, and the House of Representatives Committee on Transportation and Infrastructure on the status of, and plans for, the National Alert System. In the first annual report, the director shall report on—

(A) the progress made toward operational activation of the alerting capabilities of the National Alert System; and

(B) the anticipated date on which the National Alert System will be available for utilization by Federal, State, and local officials.

(2) 5-YEAR PLAN.—Within 1 year after the date of enactment of this Act and every 5 years thereafter, the director shall publish a 5-year plan that outlines future capabilities and communications platforms for the National Alert System. The plan shall serve as the long-term planning document for the Office.

(d) GAO AUDITS.—

(1) IN GENERAL.—The Comptroller General shall audit the National Alert Office every 3 years after the date of enactment of this Act and periodically thereafter and transmit the findings thereof to the Senate Committee on Commerce, Science, and Transportation, the Senate Committee on Homeland Security and Governmental Affairs, the House of Representatives Committee on Homeland Security, the House of Representatives Committee on Energy and Commerce, the House of Representatives Committee on Science, and the House of Representatives Committee on Transportation and Infrastructure.

(2) RESPONSE REPORT.—If, as a result of the audit, the Comptroller General expresses concern about any matter addressed by the audit, the director of the National Alert Office shall transmit a report to the Senate Committee on Commerce, Science, and Transportation, the Senate Committee on Homeland Security and Governmental Affairs, the House of Representatives Committee on Homeland Security, the House of Representatives Committee on Energy and Commerce, the House of Representatives Committee on Science, and the House of Representatives Committee on Transportation and Infrastructure describing what action, if any, the director is taking to respond to any such concern.

SEC. —106. NATIONAL ALERT SYSTEM WORKING GROUP.

(a) ESTABLISHMENT.—Not later than 60 days after the date of enactment of this Act, the director of the National Alert Office shall establish a working group, to be known as the National Alert System Working Group.

(b) MEMBERSHIP.—

(1) APPOINTMENT; CHAIR.—The director shall appoint the members of the Working Group as soon as practicable after the date of enactment of this Act and shall serve as its chair. In appointing members of the Working Group, the director shall ensure that the number of members appointed under paragraph (5) provides appropriate and adequate representation for all stakeholders and interested and affected parties.

(2) FEDERAL AGENCY REPRESENTATIVES.—Appropriate personnel from the National Institute of Standards and Technology, the National Oceanic and Atmospheric Administration, the Federal Communications Commission, the Federal Emergency Management Agency, the Nuclear Regulatory Commission, the Department of Justice, the National Communications System, the Department of Homeland Security's Preparedness Directorate, the United States Postal Service, and other appropriate Federal agencies shall serve as members of the Working Group.

(3) STATE AND LOCAL GOVERNMENT REPRESENTATIVES.—The director shall appoint representatives of State and local governments and representatives of emergency services personnel, selected from among individuals nominated by national organizations representing such governments and personnel, to serve as members of the Working Group.

(4) TRIBAL GOVERNMENTS.—The director shall appoint representatives from Federally recognized Indian tribes and National Indian organizations.

(5) SUBJECT MATTER EXPERTS..—The director shall appoint individuals who have the requisite technical knowledge and expertise to serve on the Working Group in the fulfillment of its duties, including representatives of—

(A) communications service providers;

(B) vendors, developers, and manufacturers of systems, facilities; equipment, and capabilities for the provision of communications services;

(C) third-party service bureaus;

(D) technical experts from the broadcasting industry;

(E) the national organization representing the licensees and permittees of noncommercial broadcast television stations;

(F) national organizations representing individuals with special needs; and

(G) other individuals with technical expertise that would enhance the National Alert System.

(c) DUTIES OF THE WORKING GROUP.—

(1) DEVELOPMENT OF SYSTEM-CRITICAL RECOMMENDATIONS.—Within 1 year after the date of enactment of this Act, the Working Group shall develop and transmit to the National Alert Office recommendations for—

(A) protocols, including formats, source or originator identification, threat severity, hazard description, and response requirements or recommendations, for alerts to be

transmitted via the National Alert System that ensures that alerts are capable of being utilized across the broadest variety of communication technologies, at National, State, and local levels;

(B) procedures for verifying, initiating, modifying, and canceling alerts transmitted via the National Alert System;

(C) guidelines for the technical capabilities of the National Alert System;

(D) guidelines for technical capability that provides for the priority transmission of National Alert System alerts;

(E) guidelines for other capabilities of the National Alert System as specified in this title;

(F) standards for equipment and technologies used by the National Alert System;

(G) guidelines for the transmission of National System Alerts in languages in addition to English, to the extent practicable; and

(H) guidelines for incorporating the National Alert System into comprehensive emergency planning standards for public alert and notification and emergency public communications.

(2) INTEGRATION OF EMERGENCY AND NATIONAL ALERT SYSTEMS.—The Working Group shall work with the operators of nuclear power plants and other critical infrastructure facilities to integrate emergency alert systems for those facilities with the National Alert System.

(d) MEETINGS.—

(1) INITIAL MEETING.—The initial meeting of the Working Group shall take place not later than 60 days after the date of the enactment of this Act.

(2) OTHER MEETINGS.—After the initial meeting, the Working Group shall meet at the call of the chair.

(3) NOTICE; OPEN MEETINGS.—Any meetings held by the Working Group shall be duly noticed at least 14 days in advance and shall be open to the public.

(e) RESOURCES.—

(1) FEDERAL AGENCIES.—The Working Group shall have reasonable access to—

(A) materials, resources, data, and other information from the National Institute of Standards and Technology, the Department of Commerce and its agencies, the Department of Homeland Security and its bureaus, and the Federal Communications Commission; and

(B) the facilities of any such agency for purposes of conducting meetings.

(2) GIFTS AND GRANTS.—The Working Group may accept, use, and dispose of gifts or grants of services or property, both real and personal, for purposes of aiding or facilitating the work of the Working Group. Gifts or grants not used at the expiration of the Working Group shall be returned to the donor or grantor.

(f) RULES.—

(1) QUORUM.—One-third of the members of the Working Group shall constitute a quorum for conducting business of the Working Group.

(2) SUBCOMMITTEES.—To assist the Working Group in carrying out its functions, the chair may establish appropriate subcommittees composed of members of the Working Group and other subject matter experts as deemed necessary.

(3) ADDITIONAL RULES.—The Working Group may adopt other rules as needed.

(g) FEDERAL ADVISORY COMMITTEE ACT.—Neither the Federal Advisory Committee Act (5 U.S.C. App.) nor any rule, order, or regulation promulgated under that Act shall apply to the Working Group.

SEC. —107. RESEARCH AND DEVELOPMENT.

(a) IN GENERAL.—The Undersecretary of Homeland Security for Science and Technology and the director jointly shall establish an extramural research and development program based on the recommendations of the Working Group to support the development of technology that will enable all existing and future providers of communications services and all existing and future communications devices to be utilized effectively with the National Alert System.

(b) FUNCTIONS.—In carrying out subsection (a) the Undersecretary for Science and Technology and the director shall—

(1) fund research and development which may include academia, the private sector, and government laboratories; and

(2) ensure that the program addresses, at a minimum—

(A) developing innovative technologies that will transmit geographically targeted emergency messages to the public;

(B) enhancing participation in the national alert system;

(C) understanding and improving public response to warnings; and

(D) enhancing the ability of local communities to integrate the National Alert System into their overall operations management.

(c) USE OF EXISTING PROGRAMS AND RESOURCES.—In developing the program, the Undersecretary for Science and Technology shall utilize existing expertise of the Department of Commerce, including the National Institute of Standards and Technology.

SEC. —108. GRANT PROGRAM FOR REMOTE COMMUNITY ALERT SYSTEMS.

(a) GRANT PROGRAM.—The Undersecretary of Commerce for Oceans and Atmosphere shall establish a program under which grants may be made to provide for the installation of technologies in remote communities effectively unserved by commercial mobile radio service (as determined by the Federal Communications Commission within 180 days after the date of enactment of this Act) for the purpose of enabling residents of those communities to receive National Alert System alerts.

(b) APPLICATIONS AND CONDITIONS.—In conducting the program, the Undersecretary—

(1) shall establish a notification and application procedure; and

(2) may establish such conditions, and require such assurances, as may be appropriate to ensure the efficiency and integrity of the grant program.

(c) SUNSET.—The Undersecretary may not make grants under subsection (a) more than 5 years after the date of enactment of this Act.

SEC. —109. PUBLIC FAMILIARIZATION, OUTREACH, AND RESPONSE INSTRUCTIONS.

The director of the National Office, in consultation with the Working Group, shall conduct a program of public outreach to ensure that the public is aware of the National Alert System and understands its capabilities and uses for emergency preparedness and response. The program shall incorporate multiple communications technologies and methods, including inserts in packaging for wireless devices, Internet websites, and the use of broadcast radio and television Non-Commercial Sustaining Announcement Programs.

SEC. —110. ESSENTIAL SERVICES DISASTER ASSISTANCE.

Title IV of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5170 et seq.) is amended by adding at the end the following:

"SEC. 425. ESSENTIAL SERVICE PROVIDERS.

''(a) DEFINITION.—In this section, the term 'essential service provider' means an entity that—

''(1) provides—

''(A) telecommunications service;

''(B) electrical power;

''(C) natural gas;

''(D) water and sewer services; or

''(E) any other essential service, as determined by the President;

''(2) is—

''(A) a municipal entity;

''(B) a nonprofit entity; or

''(C) a private, for-profit entity; and

''(3) is contributing to efforts to respond to an emergency or major disaster.

''(b) AUTHORIZATION.—In an emergency or major disaster, the President may use Federal equipment, supplies, facilities, personnel, and other non-monetary resources to assist an essential service provider, in exchange for reasonable compensation.

''(c) COMPENSATION.—

''(1) IN GENERAL.—The President shall, by regulation, establish a mechanism to set reasonable compensation to the Federal Government for the provision of assistance under subsection (b).

''(2) CRITERIA.—The mechanism established under paragraph (1)—

''(A) shall reflect the cost to the government (or if this is not readily obtainable, the full market value under the applicable circumstances) for assistance provided under subsection (b) in setting compensation;

''(B) shall have, to the maximum degree feasible, streamlined procedures for determining compensation; and

''(C) may, at the President's discretion, be based on a good faith estimate of cost to the government rather than an actual accounting of costs.

''(3) PERIODIC REVIEW.—The President shall periodically review, and if necessary revise, the regulations established pursuant to paragraphs (1) and (2) to ensure that these regulations result in full compensation to the government for transferred resources. Such reviews shall occur no less frequently than once every 2 years, and the results of such reviews shall be reported to the House Transportation and Infrastructure Committee and the Senate Homeland Security and Governmental Affairs Committee.''.

SEC. —111. DEFINITIONS.

In this title:

(1) DIRECTOR.—The term ''director'' means the director of the National Alert Office.

(2) OFFICE.—The term ''Office'' means the National Alert Office established by section —105.

(3) NATIONAL ALERT SYSTEM.—The term ''National Alert System'' means the National Alert System established by section —102.

(4) NOAA.—The term ''NOAA'' means the National Oceanic and Atmospheric Administration.

(5) NON-COMMERCIAL SUSTAINING ANNOUNCEMENT PROGRAM.—The term ''Non-Commercial Sustaining Announcement Program'' means a radio and television campaign conducted for the benefit of a nonprofit organization or government agency using unsold commercial air time donated by participating broadcast stations for use in such campaigns, and for which the campaign's sponsoring organization or agency funds the cost of underwriting programs that serve the public convenience, interest, and necessity, as described in section 307 of the Communications Act of 1934 (47 U.S.C. 307).

(6) WORKING GROUP.—The term ''Working Group'' means the National Alert System Working Group on the established under section —106.

SEC. —112. EXISTING INTERAGENCY ACTIVITIES.

Nothing in this title shall be construed to require the termination of existing interagency programs or activities, or cooperative or consultative arrangements, related to

the provision of notice or information to the public about emergency situations that may require a public response.

SEC. —113. FUNDING.

Funding for this title shall be provided from the Digital Transition and Public Safety Fund in accordance with section 3010 of the Digital Television Transition and Public Safety Act of 2005 (47 U.S.C. 309 note).

NOTICE OF HEARING

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. DOMENICI. Mr. President, I would like to announce for the information of the Senate and the public that a hearing has been scheduled before the Committee on Energy and Natural Resources.

The hearing will take place on Thursday, September 14, 2006 at 10 a.m., in room SD–628 of the Dirksen Senate Office Building in Washington, DC.

The purpose of this hearing is to consider the nomination of: C. Stephen Allred, of Idaho, to be an Assistant Secretary of the Interior, vice Rebecca W. Watson, resigned; Robert W. Johnson, of Nevada, to be Commissioner of Reclamation, vice John W. Keys, III, resigned.

For further information, please contact Judy Pensabene of the Committee staff at (202) 224–1327.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON FOREIGN RELATIONS

Mr. STEVENS. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the Senate on Thursday, September 7, 2006, at 9:30 a.m. to hold a business meeting.

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

COMMITTEE ON VETERANS' AFFAIRS

Mr. STEVENS. Mr. President, I ask unanimous consent that the Committee on Veterans' Affairs be authorized to meet during the session of the Senate on Thursday, September 7, 2006, to hold a hearing titled ''Wounded Warrior' Insurance: A First Look at a New Benefit for Traumatically Injured Servicemembers''.

The hearing will take place in room 418 of the Russell Senate Office Building at 10 a.m.

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

SELECT COMMITTEE ON INTELLIGENCE

Mr. STEVENS. Mr. President, I ask unanimous consent that the Select Committee on Intelligence be authorized to meet during the session of the Senate on September 7, 2006, at 2:30 p.m. to hold a closed business meeting.

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

SPECIAL COMMITTEE ON AGING

Mr. STEVENS. Mr. President, I ask unanimous consent that the Special Committee on Aging be authorized to meet Thursday, September 7, 2006 from 10 a.m. to 12 p.m. in Dirksen 562 for the purpose of conducting a hearing.

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

SUBCOMMITTEE ON FEDERAL FINANCIAL MANAGEMENT, GOVERNMENT INFORMATION, AND INTERNATIONAL SECURITY

Mr. STEVENS. Mr. President, I ask unanimous consent that the Subcommittee on Federal Financial Management, Government Information, and International Security be authorized to meet on Thursday, September 7, 2006, at 9:30 a.m. for a hearing regarding ''IT Projects at Risk: Is it Too Late to Save $12 Billion?''

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

SUBCOMMITTEE ON TERRORISM, TECHNOLOGY, AND HOMELAND SECURITY

Mr. STEVENS. Mr. President, I ask unanimous consent that the Subcommittee on Terrorism, Technology and Homeland Security be authorized to meet to conduct a hearing on ''Keeping Terrorists Off the Plane'' on Thursday, September 7, 2006, at 2 p.m. in Dirksen 226.

Witness List

Paul Rosenzweig, Counselor to the Assistant Secretary for Policy, Planning and International Affairs, United States Department of Homeland Security, Washington, DC; Jayson P. Ahern, Assistant Commissioner, Office of Field Operations, United States Customs of Border Protection, Washington, DC; Jess Ford, Director of International Affairs and Trade, Government Accountability Office, Washington, DC; and Leon J. Laylagian, Executive Vice President, Passenger-Cargo Security Group, Concord, NH.

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

GENERAL SERVICES ADMINISTRATION MODERNIZATION ACT

On Wednesday, September 6, 2006, the Senate passed H.R. 2066, as follows:

H.R. 2066

Resolved, That the bill from the House of Representatives (H.R. 2066) entitled ''An Act to amend title 40, United States Code, to establish a Federal Acquisition Service, to replace the General Supply Fund and the Information Technology Fund with an Acquisition Services Fund, and for other purposes.'', do pass with the following amendments:

(1) Page 2, line 25, strike out **[**up to five**]**

(2) Page 10, line 7, strike out **[**or**]** and all that follows through the end of line 9, and insert:

''(B) the exceptional difficulty in recruiting or retaining a qualified employee, or

''(C) a temporary emergency hiring need,

(3) Page 10, line 20, strike out **[**December 31, 2011.**]** and insert: *December 31, 2011.''*.

(4) Page 10, strike out line 21 and all that follows through page 13, line 8, and insert the following new section and renumber subsequent section:

SEC. 5. DISPOSAL OF FEDERAL SURPLUS PROPERTY TO HISTORIC LIGHT STATIONS.

Section 549(c)(3)(B) of title 40, United States Code, is amended—

(1) in clause (vii), by striking ''or'' after the semicolon;

(2) in clause (viii), by striking the period and inserting ''; or''; and

(3) by adding at the end the following:

''(ix) a historic light station as defined under section 308(e)(2) of the National Historic Preservation Act (16 U.S.C. 470w–7(e)(2)), including a historic light station conveyed under subsection (b) of that section, notwithstanding the number of hours that the historic light station is open to the public.''.

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

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

FEDERAL FUNDING ACCOUNTABILITY AND TRANSPARENCY ACT OF 2006

Mr. FRIST. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of Calendar No. 576, S. 2590.

The PRESIDING OFFICER. The clerk will report the bill by title.

The assistant legislative clerk read as follows:

A bill (S. 2590) to require full disclosure of all entities and organizations receiving Federal funds.

There being no objection, the Senate proceeded to consider the bill which had been reported by the Homeland Security and Governmental Affairs Committee with an amendment to strike out all after the enacting clause and insert the part printed in italic.

S. 2590

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

[SECTION 1. SHORT TITLE.

[This Act may be cited as the ''Federal Funding Accountability and Transparency Act of 2006''.

[SEC. 2. FULL DISCLOSURE OF ENTITIES RECEIVING FEDERAL FUNDING.

[(a) IN GENERAL.—

[(1) WEBSITE.—Effective beginning January 1, 2007 and subject to paragraphs (2) and (3), the Office of Management and Budget shall ensure the existence and operation of a single updated searchable database website accessible by the public at no cost that includes for each entity receiving Federal funding—

[(A) the name of the entity;

[(B) the amount of any Federal funds that the entity has received in each of the last 10 fiscal years;

[(C) an itemized breakdown of each transaction, including funding agency, program source, and a description of the purpose of each funding action;

[(D) the location of the entity and primary location of performance, including the city, State, congressional district, and country;

[(E) a unique identifier for each such entity and parent entity, should the entity be owned by another entity; and

[(F) any other relevant information.

[(2) INITIAL DATA.—Effective January 1, 2007, the website shall include data for fiscal years 2006 and 2007.

[(3) PREVIOUS FISCAL YEARS.—Not later than January 1, 2009, information required by this section shall be posted on the website for fiscal years 1999 through 2005.

[(b) DEFINITIONS.—In this section:

[(1) ENTITY.—The term ''entity''—

[(A) includes—

[(i) a corporation;

[(ii) an association;

[(iii) a partnership;

[(iv) a limited liability company;

[(v) a limited liability partnership;

[(vi) any other legal business entity;

[(vii) grantees, contractors, and, on and after October 1, 2007, subgrantees and subcontractors; and

[(viii) any State or locality; and

[(B) does not include—

[(i) an individual recipient of Federal assistance;

[(ii) a Federal employee; or

[(iii) a grant or contract of a nature that could be reasonably expected to cause damage to national security.

[(2) FEDERAL FUNDING.—The term ''federal funding''—

[(A) means Federal financial assistance and expenditures that include grants, contracts, subgrants, subcontracts, loans, awards and other forms of financial assistance; and

[(B) does not include credit card transactions or minor purchases.

[(3) SEARCHABLE DATABASE WEBSITE.—The term ''searchable database website'' means a website that allows the public to—

[(A) search Federal funding by name of entity, parent entity, or type of industry, geography, including location of the entity and the primary location of the performance, amounts and types of federal funding, program sources, type of activity being performed, time factors such as fiscal years or multiple fiscal years, and other relevant information; and

[(B) download data included in subparagraph (A) including outcomes from searches.

[(c) WEBSITE.—The database website established by this section—

[(1) shall not be considered in compliance if it links to FPDS, Grants.gov or other existing websites and databases, unless each of those sites has information from all agencies and each category of information required to be itemized can be searched electronically by field in a single search;

[(2) shall provide an opportunity for the public to provide input about the utility of the site and recommendations for improvements; and

[(3) shall be updated not later than 30 days after the award of any assistance requiring a posting.

[(d) AGENCY RESPONSIBILITIES.—The Director of OMB shall provide guidance to agency heads to ensure compliance with this section.

[(e) REPORT.—The Director of OMB shall annually report to the Senate Committee on Homeland Security and Government Affairs and the House Committee on Government Reform on implementation of the website that shall include data about the usage and public feedback on the utility of the site, including recommendations for improvements. The annual report shall be made publicly available on the website.]

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Federal Funding Accountability and Transparency Act of 2006''.

SEC. 2. FULL DISCLOSURE OF ENTITIES RECEIVING FEDERAL FUNDING.

(a) DEFINITIONS.—In this section:

(1) ENTITY.—The term ''entity''—

(A) includes, whether for profit or nonprofit—

(i) a corporation;

(ii) an association;

(iii) a partnership;

(iv) a limited liability company;

(v) a limited liability partnership;

(vi) a sole proprietorship;

(vii) any other legal business entity;

(viii) any other grantee or contractor that is not excluded by subparagraph (B) or (C); and

(ix) any State or locality;

(B) on and after January 1, 2009, includes any subcontractor or subgrantee; and

(C) does not include—

(i) an individual recipient of Federal assistance; or

(ii) a Federal employee.

(2) FEDERAL AWARD.—The term ''Federal award''—

(A) means Federal financial assistance and expenditures that include grants, contracts, subgrants, subcontracts, loans, awards, cooperative agreements, purchase orders, task orders, delivery orders, and other forms of financial assistance;

(B) does not include individual transactions below $25,000; and

(C) before October 1, 2008, does not include credit card transactions.

(3) SEARCHABLE WEBSITE.—The term ''searchable website'' means a website that allows the public to—

(A) search Federal funding by any element required by subsection (b)(1);

(B) ascertain through a single search the total amount of Federal funding awarded to an entity, by fiscal year; and

(C) download data included in subparagraph (A) included in the outcome from searches.

(b) IN GENERAL.—

(1) WEBSITE.—Not later than January 1, 2008, the Office of Management and Budget shall, in accordance with this section and section 204 of the E-Government Act of 2002 (Public Law 107–347; 44 U.S.C. 3501 note), ensure the existence and operation of a single searchable website, accessible by the public at no cost to access, that includes for each Federal award—

(A) the name of the entity receiving the award;

(B) the amount of the award;

(C) information on the award including transaction type, funding agency, the North American Industry Classification System code or Catalog of Federal Domestic Assistance number (where applicable), program source, and an award title descriptive of the purpose of each funding action;

(D) the location of the entity receiving the award and the primary location of performance under the award, including the city, State, congressional district, and country;

(E) a unique identifier of the entity receiving the award and of the parent entity of the recipient, should the entity be owned by another entity; and

(F) any other relevant information specified by the Office of Management and Budget.

(2) SCOPE OF DATA.—The website shall include data for fiscal year 2007, and each fiscal year thereafter.

(3) DESIGNATION OF AGENCIES.—The Director of the Office of Management and Budget is authorized to designate one or more Federal agencies to participate in the development, establishment, operation, and support of the single website. In the initial designation, or in subsequent instructions and guidance, the Director may specify the scope of the responsibilities of each such agency.

(4) AGENCY RESPONSIBILITIES.—Federal agencies shall comply with the instructions and guidance issued by the Director of the Office of Management and Budget under paragraph (3), and shall provide appropriate assistance to the Director upon request, so as to assist the Director in ensuring the existence and operation of the single website.

(c) WEBSITE.—The website established under this section—

(1) may use as the source of its data the Federal Procurement Data System, Federal Assistance Award Data System, and Grants.gov, if all of these data sources are searchable through the website and can be accessed in a single search;

(2) shall not be considered in compliance if it hyperlinks to the Federal Procurement Data System website, Federal Assistance Award Data System website, Grants.gov website, or other existing websites, so that the information elements required in subsection (b)(1) cannot be searched electronically by field in a single search;

(3) shall provide an opportunity for the public to provide input about the utility of the site and recommendations for improvements; and

(4) shall be updated not later than 30 days after the award of any Federal award requiring a posting.

(d) SUBAWARD DATA.—

(1) PILOT PROGRAM.—

(A) IN GENERAL.—Not later than July 1, 2007, the Director of the Office of Management and Budget shall commence a pilot program to—

(i) test the collection and accession of data about subgrants and subcontracts; and

(ii) determine how to implement a subaward reporting program across the Federal Government, including—

(I) a reporting system under which the entity issuing a subgrant or subcontract is responsible for fulfilling the subaward reporting requirement; and

(II) a mechanism for collecting and incorporating agency and public feedback on the design and utility of the website.

(B) TERMINATION.—The pilot program under subparagraph (A) shall terminate not later than January 1, 2009.

(2) REPORTING OF SUBAWARDS.—

(A) IN GENERAL.—Based on the pilot program conducted under paragraph (1), and, except as provided in subparagraph (B), not later than January 1, 2009, the Director of the Office of Management and Budget—

(i) shall ensure that data regarding subawards are disclosed in the same manner as data regarding other Federal awards, as required by this Act; and

(ii) shall ensure that the method for collecting and distributing data about subawards under clause (i)—

(I) minimizes burdens imposed on Federal award recipients and subaward recipients;

(II) allows Federal award recipients and subaward recipients to allocate reasonable costs for the collection and reporting of subaward data as indirect costs; and

(III) establishes cost-effective requirements for collecting subaward data under block grants, formula grants, and other types of assistance to State and local governments.

(B) EXTENSION OF DEADLINE.—For subaward recipients that receive Federal funds through State, local, or tribal governments, the Director of the Office of Management and Budget may extend the deadline for ensuring that data regarding such subawards are disclosed in the same manner as data regarding other Federal awards for a period not to exceed 18 months, if the Director determines that compliance would impose an undue burden on the subaward recipient.

(e) EXCEPTION.—Any entity that demonstrates to the Director of the Office of Management and Budget that the gross income, from all sources, for such entity did not exceed $300,000 in the previous tax year of such entity shall be exempt from the requirement to report subawards under subsection (d), until the Director determines that the imposition of such reporting requirements will not cause an undue burden on such entities.

(f) CONSTRUCTION.—Nothing in this Act shall prohibit the Office of Management and Budget from including through the website established under this section access to data that is publicly available in any other Federal database.

(g) REPORT.—

(1) IN GENERAL.—The Director of the Office of Management and Budget shall submit to the Committee on Homeland Security and Governmental Affairs of the Senate and the Committee on Government Reform of the House of Representatives an annual report regarding the implementation of the website established under this section.

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

(A) data regarding the usage and public feedback on the utility of the site (including recommendations for improving data quality and collection);

(B) an assessment of the reporting burden placed on Federal award and subaward recipients; and

(C) an explanation of any extension of the subaward reporting deadline under subsection (d)(2)(B), if applicable.

(3) PUBLICATION.—The Director of the Office of Management and Budget shall make each report submitted under paragraph (1) publicly available on the website established under this section.

SEC. 3. CLASSIFIED INFORMATION.

Nothing in this Act shall require the disclosure of classified information.

Mr. FRIST. Mr. President, I am proud to be an original cosponsor of the Federal Funding Accountability and Transparency Act, S. 2590, that I have brought before the Senate this evening. This is a simple bill, yet a profound bill, designed to simply shine more sunlight, shine that light that we all know is so necessary, on Federal spending. I am absolutely convinced that this bill will go a long way in ultimately reflecting greater fiscal discipline and greater accountability.

This is a simple bill but profound, profound in the sense of what it requires. One way to think of the bill is that it will create, for the very first time in the Executive Office of the President, the Office of Management and Budget, the equivalent of a Google search engine for all Americans to see how their Federal tax dollars are being expended. That is the simplicity of it all.

I congratulate my colleagues, Senators COBURN and OBAMA—I just talked to Senator COBURN on the phone—who are the original sponsors of this very important, commonsense piece of legislation. I do congratulate the chairman and ranking member of the Homeland Security and Governmental Affairs Committee, Senators COLLINS and LIEBERMAN, for their expeditious consideration and reporting of this legislation.

Once this bill is enacted, taxpayers will have the ability to know exactly how their money is being spent and, with that greater transparency, will come greater accountability.

The bill expands upon E-Government management tools that were enacted in 2002 by making all Federal funding awards, grants, contracts and loans, easily searchable on a public Web site. Only transactions under $25,000 would be exempt from this reporting requirement, as well as awards that are classified for national security purposes.

This new tool will be a valuable asset in the continuing effort to spend the taxpayers' dollars wisely, without waste and without misuse.

Again, congratulations to Senators COBURN and OBAMA for their untiring work on this bill. It is my honor to join them as an original cosponsor of this simple, commonsense but important piece of legislation.

Mr. LAUTENBERG. Mr. President, I am proud to support S. 2590, the Federal Funding Accountability and Transparency Act. This important legislation requires the Office of Management and Budget to create an online searchable Web site to allow Americans to understand who is getting Federal money.

This legislation has broad support from across the political spectrum. Whether we believe we spend too much or we should be doing more to help people in need, we can all agree that we ought to get value from the dollars we spend. Transparency is the first step in that process.

I believe that S. 2590 is only the first step. I am excited that Senators COBURN and OBAMA have endorsed the concept of creating a similar database for targeted tax benefits that go to companies or industries who are adept enough at Washington politics to get them enacted.

Like the spending to be disclosed in S. 2590, many targeted tax breaks are good policy. But the American people deserve to know who is paying less in taxes and causing them to pay more. They have a right to know who is getting benefits from Congress.

I look forward to working with my colleagues to have a bill, hold hearings, bring the bill to the floor, and make information on tax benefits public and easily accessible.

Mr. COBURN. Mr. President, Senators BARACK OBAMA, TOM CARPER, JOHN MCCAIN, and I earlier this year introduced S. 2590, the Federal Funding Accountability and Transparency Act of 2006, to bring increased transparency to the way the Federal Government spends taxpayer money. Transparency means allowing citizens to access accurate information on Federal spending decisions in a timely fashion for the purpose of keeping their elected officials accountable. Outside of protecting national security and individual privacy, there is no reason why the operations of all Federal agencies should not be widely known by as many as would like to know. It is because this belief is widely shared by the American people as well as many in this body that S. 2590 has gained the cosponsorship of dozens of Senators.

I believe, though, that transparency in Government decisionmaking should not be limited simply to spending, but should also be extended to the decisions Congress makes about the Tax Code. The Tax Code is currently tens of thousands of pages in length and far too confusing for even IRS customer service agents to understand, let alone the average citizen with far less expertise. Because I believe that transparency is one of the best tools we have to curb wasteful behavior, I look forward working with Senator FRANK LAUTENBERG to develop bipartisan legislation like S. 2590 that will bring increased transparency to the Tax Code by allowing the American public to understand the real world effects of the Tax Code. Tax Code matters are extremely complex and the American public has a right to know how the Tax Code affects them. American taxpayers also deserve to know if they are paying higher taxes in order to offset the loss of revenue due to special treatment for special interest groups. This is a complex issue that will require careful study. It is my intention to address this issue in a future hearing of the Subcommittee on Federal Financial Management, Government Information, and International Security. I believe that a hearing addressing this issue will help us all to better understand the ultimate effects of targeted tax expenditures. Further study will also help to inform us on how to fully address the issue of greater transparency.

I thank Senator LAUTENBERG for his attention to this issue and I look forward to working with him and Senator OBAMA to promote increased Government transparency. As Thomas Jefferson wrote back in 1802, ''We might hope to see the finances of the Union as clear and intelligible as a merchant's books, so that every member of Congress and every man of any mind in the Union should be able to comprehend them, to investigate abuses, and consequently to control them.''

Mr. OBAMA. Mr. President, I thank my distinguished colleagues from New Jersey and Oklahoma. It has been a pleasure to work with them on important legislation to improve Federal financial transparency and accountability. The American people have a right to know how Federal resources are being used. Congress and the President should make it as easy as possible for taxpayers to see how well we are doing our jobs as stewards of Federal revenues and administrators of Federal spending. All of us should have adequate tools to monitor and evaluate how departments and agencies are performing their important functions. The Web site our legislation calls for will be an important tool in reducing wasteful earmarks and unjustified pork barrel spending. Transparency of spending is an important step in improving accountability and performance.

I agree with Senators LAUTENBERG and COBURN that we also need transparency in Federal tax policy. The same way taxpayers should be able to see which companies and organizations receive Federal grants or contracts or other forms of financial assistance, Americans should be able to see which companies and organizations are receiving narrowly targeted tax credits and deductions. A tax break for one taxpayer often means higher taxes for everybody else. It is our duty to make sure that tax breaks that only benefit a few taxpayers at the expense of everybody else are legitimate and appropriate. I have no doubt that greater transparency of targeted tax benefits can help us simplify and improve the fairness of the Federal Tax Code.

I look forward to the opportunity to develop bipartisan legislation to address this issue, and I thank my colleagues for their wonderful leadership.

Mr. FRIST. Mr. President, I ask unanimous consent that the committee-reported amendment be agreed to, the bill, as amended, be read a third time and passed, the motion to reconsider be laid on the table, and that any statements relating to the bill be printed in the RECORD.

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

The committee amendment in the nature of a substitute was agreed to.

The bill (S. 2590), as amended, was ordered to be engrossed for a third reading, was read the third time, and passed.

SUPPORTING EFFORTS TO INCREASE CHILDHOOD CANCER AWARENESS, TREATMENT AND RESEARCH

Mr. FRIST. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of S. Res. 560 which was submitted earlier today.

The PRESIDING OFFICER. The clerk will report the resolution by title.

The assistant legislative clerk read as follows:

A resolution (S. Res. 560) supporting efforts to increase childhood cancer awareness, treatment and research.

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

Mr. FRIST. Mr. President, I ask unanimous consent that the resolution be agreed to, the preamble be agreed to, and the motion to reconsider be laid upon the table.

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

The resolution (S. Res. 560) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 560

Whereas an estimated 12,400 children will be diagnosed with cancer in the year 2005;

Whereas cancer is the leading cause of death by disease in children under age 15;

Whereas an estimated 2,300 children will die from cancer in the year 2005;

Whereas the incidence of cancer among children in the United States is rising by about one percent each year;

Whereas 1 in every 330 Americans develops cancer before age 20;

Whereas approximately 8 percent of deaths of those between 1 and 19 years of age are caused by cancer;

Whereas while some progress has been made, a number of funding opportunities for childhood cancer research still remain;

Whereas increasing the focus on childhood cancer research requires the recruitment of additional investigators and physicians to pediatric oncology;

Whereas peer-reviewed clinical trials are the standard of care for pediatrics and have improved cancer survival rates among children;

Whereas the number of survivors of childhood cancer continues to grow, with about 1 in 640 adults between the ages of 20 and 39 having a history of cancer;

Whereas up to ⅔ of childhood cancer survivors are likely to experience at least one late effect from treatment, many of which may be life-threatening;

Whereas some late effects of cancer treatment are identified early in follow-up and are easily resolved, while others may become chronic problems in adulthood and may have serious consequences; and

Whereas 89 percent of children with cancer experience substantial suffering in the last month of life: Now, therefore, be it

Resolved, That it is the sense of the Senate that Congress should support—

(1) public and private sector efforts to promote awareness about the incidence of cancer among children, the signs and symptoms of cancer in children, treatment options, and long-term follow-up;

(2) public and private investment in childhood cancer research to improve prevention, diagnosis, treatment, rehabilitation, post-treatment monitoring, and long-term survival;

(3) medical trainees and investigators in the field of pediatric oncology;

(4) policies that provide incentives to encourage the development of drugs and biologics designed to treat pediatric cancers;

(5) policies that encourage participation in clinical trials;

(6) medical education curricula designed to improve pain management for cancer patients; and

(7) policies that enhance education, services, and other resources related to late effects from treatment.

RURAL AMERICA MONTH

Mr. FRIST. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of S. Res. 561 submitted earlier today.

The PRESIDING OFFICER. The clerk will report the resolution by title.

The assistant legislative clerk read as follows:

A resolution (S. Res. 561) to designate the month of September 2006 as ''Rural America Month.''

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

Mr. FRIST. Mr. President, I ask unanimous consent that the resolution be agreed to, the preamble be agreed to, the motion to reconsider be laid upon the table, and that any statements relating thereto be printed in the RECORD.

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

The resolution (S. Res. 561) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 561

Whereas more than 55 million people live in rural areas of the country;

Whereas rural areas make up eighty percent of the United States landscape;

Whereas our rural communities are diverse, dynamic engines for growth in America;

Whereas the contribution of rural Americans to the national economy is invaluable;

Whereas rural America's natural renewable resources can help our nation break its dangerous reliance on foreign oil;

Whereas rural America's farmers and ranchers feed families across the country and around the globe while being stewards of our land and natural resources;

Whereas rural Americans look to their local police officers, firefighters, EMTs and National Guard to keep them safe in times of national emergencies;

Whereas the highest concentrations of veterans are found in rural counties;

Whereas rural Americans deserve access to affordable health care;

Whereas rural Americans deserve the finest education we can offer;

Whereas rural America is a key part of our growing information highway;

Whereas Americans in rural areas reflect values that make America great—community, service, hard work, family, and responsibility—their contributions should be recognized and commended: Now, therefore, be it

Resolved, That the Senate—

(1) designates the month of September 2006, as 'Rural America Month' and

(2) encourages the people of the United States to observe 'Rural America Month' with appropriate ceremonies and activities during the month of September.

HONORING THE LIVES AND MEMORY OF THE VICTIMS OF THE CRASH OF COMAIR FLIGHT 5191

Mr. FRIST. Mr. President, I ask unanimous consent that the Judiciary Committee be discharged from further consideration of S. Res. 558 and that the Senate proceed to its immediate consideration.

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

The clerk will report the resolution by title.

A resolution (S. Res. 558) honoring the lives and memory of the victims of the crash of Comair Flight 5191, and extending the most sincere condolences of the citizens of the United States to the families and friends of those individuals.

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

Mr. FRIST. Mr. President, I ask unanimous consent that the resolution be agreed to, the preamble be agreed to, and the motion to reconsider be laid upon the table.

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

The resolution (S. Res. 558) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 558

Whereas, on August 27, 2006, the Commonwealth of Kentucky suffered a tragic loss when Comair Flight 5191 crashed shortly after takeoff at Blue Grass Airport in Lexington, Kentucky;

Whereas 49 individuals perished in that tragic accident;

Whereas that event brought grief not only into the communities of Kentucky, such as Lexington, Georgetown, Somerset, London, Harrodsburg, and Richmond, but also to homes throughout the United States, Canada, and Japan; and

Whereas local volunteers and government officials responded quickly to rescue a survivor, James Polehinke, investigate the accident, and provide relief and recovery to the families and friends of the victims: Now, therefore, be it

Resolved, That the Senate—

(1) recognizes and honors the victims of the crash of Comair Flight 5191, including—

Rebecca Adams;

Christina Anderson;

Lyle Anderson;

Arnold Andrews;
Anne Marie Bailey;
Bobbie Benton;
Jesse Clark Benton;
Carole Bizzack;
George Brunacini;
Brian Byrd;
Jeffrey Clay;
Diane Combs;
Homer Combs;
Fenton Dawson;
Thomas Fahey;
Mike Finley;
Clarence Wayne (''C.W.'') Fortney II;
Wade Bartley (''Bart'') Frederick;
Hollie Gilbert;
Erik Harris;
Kelly Heyer;
Jonathan Walton Hooker;
Scarlett Parsley Hooker;
Priscilla Johnson;
Nahoko Kono;
Tetsuya Kono;
Charles Lykins;
Dan Mallory;
Steve McElravy;
Lynda McKee;
Bobby Meaux;
Kaye Craig Morris;
Leslie Morris II;
Cecile Moscoe;
Judy Ann Rains;
Michael N. Ryan;
Mary Jane Silas;
Pat Smith;
Timothy K. Snoddy;
Marcie Thomason;
Greg Threet;
Randy Towles;
Larry Turner;
Victoria Washington;
Jeff Williams;
Paige Winters;
Bryan Woodward;
JoAnn Wright; and
Betty Young;

(2) conveys the most sincere condolences of the citizens of the United States to the families, friends, and communities of the victims;

(3) recognizes the rescue and safety workers, medical personnel, and Federal, State, and local officials who—

(A) responded to the tragedy; and

(B) are working—

(i) to uncover the causes of that tragedy; and

(ii) to prevent future accidents; and

(4) commends the volunteers, counselors, and clergy who provided support to families during the difficult days that followed August 27, 2006.

UNITED STATES-POLAND PARLIAMENTARY YOUTH EXCHANGE PROGRAM ACT OF 2006

Mr. FRIST. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of Calendar No. 455, S. 2200.

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

The clerk will report the bill by title.

The assistant legislative clerk read as follows:

A bill (S. 2200) to establish a United States-Poland Parliamentary Youth Exchange Program, and for other purposes.

There being no objection, the Senate proceeded to consider the bill which had been reported from the Committee on Foreign Relations, with amendments, as follows:

(The parts of the bill intended to be stricken are shown in boldface brackets and the parts of the bill intended to be inserted are shown in italic.)

S. 2200

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 ''United States-Poland Parliamentary Youth Exchange Program Act of 2006''.

SEC. 2. FINDINGS.

Congress makes the following findings:

(1) The United States established diplomatic relations with the newly-formed Polish Republic in April 1919.

(2) The United States and Poland have enjoyed close bilateral relations since 1989.

(3) Poland became a member of the North Atlantic Treaty Organization (NATO) in March 1999.

(4) Poland became a member of the European Union (EU) in May 2004.

(5) Poland has been a strong supporter, both diplomatically and militarily, of efforts led by the United States to combat global terrorism and has contributed troops to the United States-led coalitions in both Afghanistan and Iraq.

(6) Poland cooperates closely with the United States on such issues as democratization, nuclear proliferation, human rights, regional cooperation in Eastern Europe, and reform of the United Nations.

(7) The United States and Poland seek to ensure enduring ties between both governments and societies.

(8) It is important to invest in the youth of the United States and Poland in order to help ensure long-lasting ties between both societies.

(9) It is in the interest of the United States to preserve a United States presence in Europe and to continue to contribute to the development of transatlantic relationships.

(10) Poland for many years received international and United States financial assistance and is now determined to invest its own resources toward attaining its shared desire with the United States to develop international cooperation.

SEC. 3. UNITED STATES-POLAND PARLIAMENTARY YOUTH EXCHANGE PROGRAM.

(a) AUTHORITY.—The **[**President, acting through the Secretary of State and**]** *Secretary of State,* in cooperation with the Government of Poland, may establish and carry out a parliamentary exchange program for youth of the United States and Poland.

(b) DESIGNATION.—The youth exchange program carried out under this subsection shall be known as the ''United States-Poland Parliamentary Youth Exchange Program''.

(c) PURPOSE.—The purpose of the youth exchange program is to demonstrate to the youth of the United States and Poland the benefits of friendly cooperation between the United States and Poland based on common political and cultural values.

(d) ELIGIBLE PARTICIPANTS.—An individual is eligible for participation in the youth exchange program if the individual—

(1) is a citizen or national of the United States or of Poland;

(2) is under the age of 19 years;

(3) is a student who is enrolled and in good standing at a secondary school in the United States or Poland;

(4) has been accepted for up to one academic year of study in a program of study abroad approved for credit at such school; and

(5) meets any other qualifications that the **[**President**]** *Secretary of State* may establish for purposes of the program.

(e) PROGRAM ELEMENTS.—Under the youth exchange program, eligible participants selected for participation in the program shall—

(1) live in and attend a public secondary school in the host country for a period of one academic year;

(2) while attending public school in the host country, undertake academic studies in the host country, with particular emphasis on the history, constitution, and political development of the host country;

(3) be eligible, either during or after the completion of such academic studies, for an internship in an appropriate position in the host country; and

(4) engage in such other activities as the President considers appropriate to achieve the purpose of the program.

[(f) RELATIONSHIP TO OTHER AUTHORITIES.—The President may utilize the authorities and procedures set out in title VIII of the United States Information and Educational Exchange Act of 1948 (22 U.S.C. 1471 et seq.) to establish and carry out the youth exchange program.**]**

SEC. 4. ANNUAL REPORT TO CONGRESS.

The Secretary of State shall submit to **[**Congress**]** *the Committee on Foreign Relations of the Senate and the Committee on International Relations of the House of Representatives* an annual report on the United States-Poland Parliamentary Youth Exchange Program established under this Act. Each annual report shall include—

(1) information on the implementation of the Program during the preceding year:

(2) the number of participants in the Program during such year;

(3) the names and locations of the secondary schools in the United States and Poland attended by such participants;

(4) a description of the areas of study of such participants during their participation in the Program;

(5) a description of any internships taken by such participants during their participation in the Program; and

(6) a description of any other activities such participants carried out during their participation in the Program.

SEC. 5. AUTHORIZATION OF APPROPRIATIONS.

(a) IN GENERAL.—There is authorized to be appropriated for the Department of State for fiscal year 2007 such sums as may be necessary to carry out the youth exchange program authorized by this Act.

(b) AVAILABILITY.—Amounts authorized to be appropriated by subsection (a) shall remain available until expended.

Mr. FRIST. Mr. President, I ask unanimous consent that the committee-reported amendments be agreed to, the bill, as amended, be read the third time and passed, the motion to reconsider be laid upon the table, and any statements related to the bill be printed in the RECORD.

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

The committee amendments were agreed to.

The bill (S. 2200), as amended, was ordered to be engrossed for a third reading, was read the third time, and passed, as follows:

S. 2200

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 ''United States-Poland Parliamentary Youth Exchange Program Act of 2006''.

SEC. 2. FINDINGS.

Congress makes the following findings:

(1) The United States established diplomatic relations with the newly-formed Polish Republic in April 1919.

(2) The United States and Poland have enjoyed close bilateral relations since 1989.

(3) Poland became a member of the North Atlantic Treaty Organization (NATO) in March 1999.

(4) Poland became a member of the European Union (EU) in May 2004.

(5) Poland has been a strong supporter, both diplomatically and militarily, of efforts led by the United States to combat global terrorism and has contributed troops to the United States-led coalitions in both Afghanistan and Iraq.

(6) Poland cooperates closely with the United States on such issues as democratization, nuclear proliferation, human rights, regional cooperation in Eastern Europe, and reform of the United Nations.

(7) The United States and Poland seek to ensure enduring ties between both governments and societies.

(8) It is important to invest in the youth of the United States and Poland in order to help ensure long-lasting ties between both societies.

(9) It is in the interest of the United States to preserve a United States presence in Europe and to continue to contribute to the development of transatlantic relationships.

(10) Poland for many years received international and United States financial assistance and is now determined to invest its own resources toward attaining its shared desire with the United States to develop international cooperation.

SEC. 3. UNITED STATES-POLAND PARLIAMENTARY YOUTH EXCHANGE PROGRAM.

(a) AUTHORITY.—The Secretary of State, in cooperation with the Government of Poland, may establish and carry out a parliamentary exchange program for youth of the United States and Poland.

(b) DESIGNATION.—The youth exchange program carried out under this subsection shall be known as the ''United States-Poland Parliamentary Youth Exchange Program''.

(c) PURPOSE.—The purpose of the youth exchange program is to demonstrate to the youth of the United States and Poland the benefits of friendly cooperation between the United States and Poland based on common political and cultural values.

(d) ELIGIBLE PARTICIPANTS.—An individual is eligible for participation in the youth exchange program if the individual—

(1) is a citizen or national of the United States or of Poland;

(2) is under the age of 19 years;

(3) is a student who is enrolled and in good standing at a secondary school in the United States or Poland;

(4) has been accepted for up to one academic year of study in a program of study abroad approved for credit at such school; and

(5) meets any other qualifications that the Secretary of State may establish for purposes of the program.

(e) PROGRAM ELEMENTS.—Under the youth exchange program, eligible participants selected for participation in the program shall—

(1) live in and attend a public secondary school in the host country for a period of one academic year;

(2) while attending public school in the host country, undertake academic studies in the host country, with particular emphasis on the history, constitution, and political development of the host country;

(3) be eligible, either during or after the completion of such academic studies, for an internship in an appropriate position in the host country; and

(4) engage in such other activities as the President considers appropriate to achieve the purpose of the program.

SEC. 4. ANNUAL REPORT TO CONGRESS.

The Secretary of State shall submit to the Committee on Foreign Relations of the Senate and the Committee on International Relations of the House of Representatives an annual report on the United States-Poland Parliamentary Youth Exchange Program established under this Act. Each annual report shall include—

(1) information on the implementation of the Program during the preceding year:

(2) the number of participants in the Program during such year;

(3) the names and locations of the secondary schools in the United States and Poland attended by such participants;

(4) a description of the areas of study of such participants during their participation in the Program;

(5) a description of any internships taken by such participants during their participation in the Program; and

(6) a description of any other activities such participants carried out during their participation in the Program.

SEC. 5. AUTHORIZATION OF APPROPRIATIONS.

(a) IN GENERAL.—There is authorized to be appropriated for the Department of State for fiscal year 2007 such sums as may be necessary to carry out the youth exchange program authorized by this Act.

(b) AVAILABILITY.—Amounts authorized to be appropriated by subsection (a) shall remain available until expended.

UNITED STATES AMBASSADOR FOR ASEAN AFFAIRS

Mr. FRIST. Mr. President, I ask unanimous consent that the Senate proceed to immediate consideration of S. 2697.

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

The clerk will report the bill by title.

The assistant legislative clerk read as follows:

A bill (S. 2697) to establish the position of the United States Ambassador for ASEAN.

There being no objection, the Senate proceeded to consider the bill which had been reported from the Committee on Foreign Relations, with amendments, as follows:

(The parts of the bill intended to be inserted are shown in italic.)

S. 2697

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 ''United States Ambassador for ASEAN *Affairs* Act''.

SEC. 2. FINDINGS.

Congress makes the following findings:

(1) The Association of Southeast Asian Nations (referred to in this Act as ''ASEAN'') was established in 1967, with an initial membership of Indonesia, Malaysia, the Philippines, Singapore, and Thailand.

(2) ASEAN is committed to accelerating economic growth, social progress, cultural development and regional peace and stability.

(3) The membership of ASEAN has expanded to 10 countries since its establishment in 1967.

(4) The United States seeks to maintain and further develop a constructive and cordial relationship with ASEAN.

(5) The countries comprising ASEAN—

(A) constitute the 3rd largest export market for United States products;

(B) have received nearly $90,000,000,000 in direct investment from United States sources; and

(C) are developing an integrated free trade area.

(6) Trade between the United States and the countries comprising ASEAN totals approximately $130,000,000,000.

(7) ASEAN continues to contribute to regional stability in East Asia and has partnered with the United States to combat global terror.

(8) In 2006, approximately 38,000 students from the countries comprising ASEAN were studying in the United States.

(9) The countries comprising ASEAN share a common concern with the United States regarding—

(A) the spread of avian influenza and other diseases; and

(B) environmental issues, such as the preservation of biodiversity and the prevention of illegal logging.

(10) It is in the long-term interest of the United States to maintain and expand a relationship with ASEAN.

(11) The United States does not have an Ambassador to ASEAN, which limits the ability of the United States and ASEAN to respond quickly and appropriately to events of mutual interest.

SEC. 3. UNITED STATES AMBASSADOR FOR ASEAN.

(a) APPOINTMENT.—There is established in the Department of State the position of United States Ambassador for ASEAN *Affairs*, who shall be appointed by the President, subject to the advice and consent of the Senate.

(b) SENSE OF CONGRESS.—It is the sense of Congress that a Deputy Assistant Secretary of State for East Asia and the Pacific should be designated as the Ambassador for ASEAN *Affairs*.

Amend the title so as to read: ''To establish the position of the United States Ambassador for ASEAN Affairs.''.

Mr. FRIST. Mr. President, I ask unanimous consent that the committee-reported amendments be agreed to, the bill, as amended, be read the third time and passed, the title amendment be agreed to, the motion to reconsider be laid upon the table, and any statements be printed in the RECORD.

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

The committee amendments were agreed to.

The bill (S. 2697), as amended, was ordered to be engrossed for a third reading, was read the third time, and passed.

S. 2697

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 ''United States Ambassador for ASEAN Affairs Act''.

SEC. 2. FINDINGS.

Congress makes the following findings:

(1) The Association of Southeast Asian Nations (referred to in this Act as ''ASEAN'') was established in 1967, with an initial membership of Indonesia, Malaysia, the Philippines, Singapore, and Thailand.

(2) ASEAN is committed to accelerating economic growth, social progress, cultural development and regional peace and stability.

(3) The membership of ASEAN has expanded to 10 countries since its establishment in 1967.

(4) The United States seeks to maintain and further develop a constructive and cordial relationship with ASEAN.

(5) The countries comprising ASEAN—

(A) constitute the 3rd largest export market for United States products;

(B) have received nearly $90,000,000,000 in direct investment from United States sources; and

(C) are developing an integrated free trade area.

(6) Trade between the United States and the countries comprising ASEAN totals approximately $130,000,000,000.

(7) ASEAN continues to contribute to regional stability in East Asia and has partnered with the United States to combat global terror.

(8) In 2006, approximately 38,000 students from the countries comprising ASEAN were studying in the United States.

(9) The countries comprising ASEAN share a common concern with the United States regarding—

(A) the spread of avian influenza and other diseases; and

(B) environmental issues, such as the preservation of biodiversity and the prevention of illegal logging.

(10) It is in the long-term interest of the United States to maintain and expand a relationship with ASEAN.

(11) The United States does not have an Ambassador to ASEAN, which limits the ability of the United States and ASEAN to respond quickly and appropriately to events of mutual interest.

SEC. 3. UNITED STATES AMBASSADOR FOR ASEAN.

(a) APPOINTMENT.—There is established in the Department of State the position of United States Ambassador for ASEAN Affairs, who shall be appointed by the President, subject to the advice and consent of the Senate.

(b) SENSE OF CONGRESS.—It is the sense of Congress that a Deputy Assistant Secretary of State for East Asia and the Pacific should be designated as the Ambassador for ASEAN Affairs.

NAVAL VESSELS TRANSFER ACT OF 2006

Mr. FRIST. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of Calendar No. 564, S. 3722.

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

The clerk will report the bill by title.

The assistant legislative clerk read as follows:

A bill (S. 3722) to authorize the transfer of naval vessels to certain foreign recipients.

There being no objection, the Senate proceeded to consider the bill.

Mr. FRIST. Mr. President, I ask unanimous consent that the bill be read the third time and passed, the motion to reconsider be laid upon the table, and any statements be printed in the RECORD.

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

The bill (S. 3722) was ordered to be engrossed for a third reading, was read the third time, and passed, as follows:

S. 3722

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 ''Naval Vessels Transfer Act of 2006''.

SEC. 2. TRANSFERS BY GRANT.

The President is authorized to transfer vessels to foreign recipients on a grant basis under section 516 of the Foreign Assistance Act of 1961 (22 U.S.C. 2321j), as follows:

(1) LITHUANIA.—To the Government of Lithuania, the OSPREY class minehunter coastal ships KINGFISHER (MHC–56) and CORMORANT (MHC–57).

(2) PORTUGAL.—To the Government of Portugal, the OLIVER HAZARD PERRY class guided missile frigates GEORGE PHILIP (FFG–12) and SIDES (FFG–14).

(3) TURKEY.—To the Government of Turkey, the OSPREY class minehunter coastal ship BLACK HAWK (MHC–58).

SEC. 3. TRANSFERS BY SALE.

The President is authorized to transfer vessels to foreign recipients on a sale basis under section 21 of the Arms Export Control Act (22 U.S.C. 2761), as follows:

(1) TAIWAN.—To the authorities in Taiwan, the OSPREY class minehunter coastal ships ORIOLE (MHC–55) and FALCON (MHC–59).

(2) TURKEY.—To the Government of Turkey, the OSPREY class minehunter coastal ship SHRIKE (MHC–62).

(3) MEXICO.—To the Government of Mexico, the AUSTIN class amphibious transport dock ships OGDEN (LPD–5) and CLEVELAND (LPD–7).

SEC. 4. GRANTS NOT COUNTED IN ANNUAL TOTAL OF TRANSFERRED EXCESS DEFENSE ARTICLES.

The value of a vessel transferred to another country on a grant basis pursuant to authority provided by section 2 shall not be counted against the aggregate value of excess defense articles transferred to countries in any fiscal year under section 516 of the Foreign Assistance Act of 1961.

SEC. 5. COSTS OF CERTAIN TRANSFERS.

Notwithstanding section 516(e)(1) of the Foreign Assistance Act of 1961 (22 U.S.C. 2321j(e)(1)), any expense incurred by the United States in connection with a transfer authorized under section 2 shall be charged to the recipient.

SEC. 6. REPAIR AND REFURBISHMENT IN UNITED STATES SHIPYARDS.

To the maximum extent practicable, the President shall require, as a condition of the transfer of a vessel under this section, that the country to which the vessel is transferred have such repair or refurbishment of the vessel as is needed before the vessel joins the naval forces of that country performed at a shipyard located in the United States, including a United States Navy shipyard.

SEC. 7. APPROVAL OF TRANSFER OF NAVAL VESSELS TO FOREIGN NATIONS BY VESSEL CLASS.

Section 7307(a) of title 10, United States Code, is amended by inserting ''or vessels of that class'' after ''that vessel''.

SEC. 8. EXPIRATION OF AUTHORITY.

The authority to transfer a vessel under this Act shall expire at the end of the 2-year period beginning on the date of the enactment of this Act.

STOLEN VALOR ACT OF 2005

Mr. FRIST. Mr. President, I ask unanimous consent that the Judiciary Committee be discharged from further consideration of S. 1998 and that the Senate then proceed to its immediate consideration.

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

The assistant legislative clerk read as follows:

A bill (S. 1998) to amend title 18, United States Code, to enhance protections relating to the reputation and meaning of the Medal of Honor and other military decorations and awards, and for other purposes.

There being no objection, the Senate proceeded to consider the bill.

Mr. FRIST. Mr. President, I ask unanimous consent that the bill be read a third time, passed, and the motion to reconsider be laid upon the table; that any statements relating thereto be printed in the RECORD, without intervening action or debate.

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

The bill (S. 1998) was ordered to be engrossed for a third reading, was read the third time, and passed, as follows:

S. 1998

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 ''Stolen Valor Act of 2005''.

SEC. 2. FINDINGS.

Congress makes the following findings:

(1) Fraudulent claims surrounding the receipt of the Medal of Honor, the distinguished-service cross, the Navy cross, the Air Force cross, the Purple Heart, and other decorations and medals awarded by the President or the Armed Forces of the United States damage the reputation and meaning of such decorations and medals.

(2) Federal law enforcement officers have limited ability to prosecute fraudulent claims of receipt of military decorations and medals.

(3) Legislative action is necessary to permit law enforcement officers to protect the reputation and meaning of military decorations and medals.

SEC. 3. ENHANCED PROTECTION OF MEANING OF MILITARY DECORATIONS AND MEDALS.

(a) EXPANSION OF GENERAL CRIMINAL OFFENSE.—Subsection (a) of section 704 of title 18, United States Code, is amended by striking ''manufactures, or sells'' and inserting ''purchases, attempts to purchase, solicits for purchase, mails, ships, imports, exports, produces blank certificates of receipt for, manufactures, sells, attempts to sell, advertises for sale, trades, barters, or exchanges for anything of value''.

(b) ESTABLISHMENT OF CRIMINAL OFFENSE RELATING TO FALSE CLAIMS ABOUT RECEIPT OF DECORATIONS AND MEDALS.—Such section 704 is further amended—

(1) by redesignating subsection (b) as subsection (c);

(2) by inserting after subsection (a) the following:

''(b) FALSE CLAIMS ABOUT RECEIPT OF MILITARY DECORATIONS OR MEDALS.—Whoever falsely represents himself or herself, verbally or in writing, to have been awarded any decoration or medal authorized by Congress for the Armed Forces of the United States, any of the service medals or badges awarded to the members of such forces, the ribbon, button, or rosette of any such badge, decoration, or medal, or any colorable imitation of such item shall be fined under this title, imprisoned not more than six months, or both.''; and

(3) in paragraph (1) of subsection (c), as redesignated by paragraph (1) of this subsection, by inserting ''or (b)'' after ''subsection (a)''.

(c) ENHANCED PENALTY FOR OFFENSES INVOLVING CERTAIN OTHER MEDALS.—Such section 704 is further amended by adding at the end the following:

''(d) ENHANCED PENALTY FOR OFFENSES INVOLVING CERTAIN OTHER MEDALS.—If a decoration or medal involved in an offense described in subsection (a) or (b) is a distinguished-service cross awarded under section 3742 of title 10, a Navy cross awarded under section 6242 of title 10, an Air Force cross awarded under section 8742 of section 10, a silver star awarded under section 3746, 6244, or 8746 of title 10, a Purple Heart awarded under section 1129 of title 10, or any replacement or duplicate medal for such medal as authorized by law, in lieu of the punishment provided in the applicable subsection, the offender shall be fined under this title, imprisoned not more than 1 year, or both.''.

(d) CONFORMING AMENDMENTS.—Subsection (c) of such section 704, as so redesignated, is further amended—

(1) by inserting ''ENHANCED PENALTY FOR OFFENSES INVOLVING'' before ''CONGRESSIONAL MEDAL OF HONOR''; and

(2) by striking paragraph (2) and inserting the following:

''(2) CONGRESSIONAL MEDAL OF HONOR DEFINED.—In this subsection, the term 'Congressional Medal of Honor' means—

''(A) a medal of honor awarded under section 3741, 6241, or 8741 of title 10 or section 491 of title 14;

''(B) a duplicate medal of honor issued under section 3754, 6256, or 8754 of title 10 or section 504 of title 14; or

''(C) a replacement of a medal of honor provided under section 3747, 6253, or 8747 of title 10 or section 501 of title 14.''.

MEASURES READ THE FIRST TIME—S. 3873, S. 3874, S. 3875, S. 3876, S. 3877

Mr. FRIST. Mr. President, I understand there are five bills at the desk, and I ask for their first reading en bloc.

The PRESIDING OFFICER. The clerk will please report the titles of the bills en bloc.

The legislative clerk read as follows:

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

A bill (S. 3874) to provide in statute for the conduct of electronic surveillance of suspected terrorists for the purposes of protecting the American people, the Nation, and its interests from terrorist attack while ensuring that the civil liberties of United States citizens are safeguarded, and for other purposes.

A bill (S. 3875) to provide real national security, restore United States leadership, and implement tough and smart policies to win the war on terror, and for other purposes.

A bill (S. 3876) entitled the ''National Security Surveillance Act.''

A bill (S. 3877) entitled the ''Foreign Intelligence Surveillance Improvement and Enhancement Act of 2006.''

Mr. FRIST. Mr. President, I now ask for a second reading, and in order to place the bills on the calendar under the provisions of rule XIV, I object to my own request, all en bloc.

The PRESIDING OFFICER. Objection is heard. The bills will be read for the second time on the next legislative day.

ORDERS FOR FRIDAY, SEPTEMBER 8, 2006

Mr. FRIST. Mr. President, I ask unanimous consent that when the Senate completes its business today, it stand in adjournment until 9:30 a.m. on Friday, September 8. I further ask consent that following the prayer and pledge, the morning hour be deemed expired, the Journal of proceedings be approved to date, the time for the two leaders be reserved, and the Senate resume consideration of H.R. 4954, the port security bill.

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

PROGRAM

Mr. FRIST. Mr. President, tomorrow we will continue to work on the port security bill, which we began tonight. As I announced earlier in the evening, there will not be any rollcall votes tomorrow or on Monday. That being said, the managers will be here and we do hope to move forward with this bill and have amendments offered. Opening statements on the port security bill have begun tonight and will continue in the morning and over the course of the morning and maybe afternoon. I do encourage Senators with amendments to this bill to begin working with the managers in order to get these amendments in the queue.

Today, a very important bill was passed 98 to 0, the Department of Defense appropriations bill. As we have done on the floor previously, I thank the chairman and ranking member, Senator STEVENS and Senator INOUYE, for their perseverance in passing this critical spending bill, a bill we completed today but we began prior to the August recess.

We, earlier today, recognized Senator DOMENICI for passing a very significant milestone with 13,000 votes. As we reviewed the records, there have been only seven other Senators who have met that milestone. He is No. 8. As we said, there are four other Senators currently serving who have met that milestone, so we have a lot of competition here in the U.S. Senate.

As I said earlier, and as was spoken in the tributes to him, he has been a steadfast leader, a bold leader here in the U.S. Senate, somebody who—I did not say earlier today—has offered me counsel from day one over the last 12 years since I have been in the U.S. Senate, counsel that I respect. And I have tremendous admiration for him.

Several of my colleagues did mention Nancy, his wife. She has been right at his side throughout each of his endeavors and, as he has told me so many times, does provide the anchor for everything he accomplishes. They are a great couple, a great pair, and are great friends to Karyn and myself.

ADJOURNMENT UNTIL 9:30 A.M. TOMORROW

Mr. FRIST. Mr. President, if there is no further business to come before the Senate, I ask unanimous consent that the Senate stand in adjournment under the previous order.

There being no objection, the Senate, at 7:59 p.m., adjourned until Friday, September 8, 2006, at 9:30 a.m.

NOMINATIONS

Executive nominations received by the Senate, September 7, 2006:

DEPARTMENT OF TRANSPORTATION

MARY E. PETERS, OF ARIZONA, TO BE SECRETARY OF TRANSPORTATION, VICE NORMAN Y. MINETA, RESIGNED.

UNITED STATES INTERNATIONAL TRADE COMMISSION

DEAN A. PINKERT, OF VIRGINIA, TO BE A MEMBER OF THE UNITED STATES INTERNATIONAL TRADE COMMISSION FOR THE TERM EXPIRING DECEMBER 16, 2015, VICE JENNIFER ANNE HILLMAN, TERM EXPIRING.

IRVING A. WILLIAMSON, OF NEW YORK, TO BE A MEMBER OF THE UNITED STATES INTERNATIONAL TRADE COMMISSION FOR THE TERM EXPIRING JUNE 16, 2014, VICE STEPHEN KOPLAN, TERM EXPIRED.

DEPARTMENT OF STATE

DONALD Y. YAMAMOTO, OF NEW YORK, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF MINISTER-COUNSELOR, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE FEDERAL DEMOCRATIC REPUBLIC OF ETHIOPIA.

FEDERAL MINE SAFETY AND HEALTH REVIEW COMMISSION

MICHAEL F. DUFFY, OF THE DISTRICT OF COLUMBIA, TO BE A MEMBER OF THE FEDERAL MINE SAFETY AND HEALTH REVIEW COMMISSION FOR A TERM OF SIX YEARS EXPIRING AUGUST 30, 2012 (REAPPOINTMENT), TO WHICH POSITION HE WAS APPOINTED DURING THE LAST RECESS OF THE SENATE.

DEPARTMENT OF EDUCATION

LAUREN M. MADDOX, OF VIRGINIA, TO BE ASSISTANT SECRETARY FOR COMMUNICATIONS AND OUTREACH, DEPARTMENT OF EDUCATION, VICE KEVIN F. SULLIVAN, RESIGNED.

DEPARTMENT OF HEALTH AND HUMAN SERVICES

DANIEL MERON, OF MARYLAND, TO BE GENERAL COUNSEL OF THE DEPARTMENT OF HEALTH AND HUMAN SERVICES, VICE ALEX AZAR, II, TO WHICH POSITION HE WAS APPOINTED DURING THE LAST RECESS OF THE SENATE.

DEPARTMENT OF LABOR

PAUL DECAMP, OF VIRGINIA, TO BE ADMINISTRATOR OF THE WAGE AND HOUR DIVISION, DEPARTMENT OF LABOR, VICE TAMMY DEE MCCUTCHEN, RESIGNED, TO WHICH POSITION HE WAS APPOINTED DURING THE LAST RECESS OF THE SENATE.

SMALL BUSINESS ADMINISTRATION

JOVITA CARRANZA, OF ILLINOIS, TO BE DEPUTY ADMINISTRATOR OF THE SMALL BUSINESS ADMINISTRATION, VICE MELANIE SABELHAUS, RESIGNED.

IN THE COAST GUARD

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT IN THE UNITED STATES COAST GUARD TO THE GRADE INDICATED UNDER TITLE 14, U.S.C., SECTION 271:

To be rear admiral

CAPT. THOMAS F. ATKIN, 0000
CAPT. CHRISTOPHER C. COLVIN, 0000
CAPT. CYNTHIA A. COOGAN, 0000
CAPT. DAVID T. GLENN, 0000
CAPT. MARY E. LANDRY, 0000
CAPT. RONALD J. RABAGO, 0000
CAPT. PAUL F. ZUKUNFT, 0000

THE FOLLOWING NAMED INDIVIDUAL FOR APPOINTMENT AS A PERMANENT COMMISSIONED REGULAR OFFICER IN THE UNITED STATES COAST GUARD IN THE GRADE INDICATED UNDER TITLE 14, U.S.C., SECTION 211:

To be lieutenant

TINA J. URBAN, 0000

IN THE AIR FORCE

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES AIR FORCE TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

To be lieutenant general

MAJ. GEN. LOYD S. UTTERBACK, 0000

IN THE ARMY

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES ARMY TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

To be lieutenant general

LT. GEN. ROBERT WILSON, 0000

THE FOLLOWING ARMY NATIONAL GUARD OF THE UNITED STATES OFFICER FOR APPOINTMENT IN THE RESERVE OF THE ARMY TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 12203:

To be brigadier general

COL. STEPHEN J. HINES, 0000

IN THE MARINE CORPS

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES MARINE CORPS TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

To be lieutenant general

MAJ. GEN. RONALD S. COLEMAN, 0000

IN THE NAVY

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES NAVY TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

To be vice admiral

VICE ADM. MARK P. FITZGERALD, 0000

IN THE AIR FORCE

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES AIR FORCE UNDER TITLE 10, U.S.C., SECTION 624:

To be colonel

JAMES J. GALLAGHER, 0000

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES AIR FORCE UNDER TITLE 10, U.S.C., SECTION 624:

To be lieutenant colonel

NORMAN S. WEST, 0000

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES AIR FORCE UNDER TITLE 10, U.S.C., SECTION 624:

To be major

DAVID P. COLLETTE, 0000

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES AIR FORCE UNDER TITLE 10, U.S.C., SECTION 624:

To be major

PAUL M. ROBERTS, 0000

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES AIR FORCE UNDER TITLE 10, U.S.C., SECTION 624:

To be major

LISA D. MIHORA, 0000

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES AIR FORCE UNDER TITLE 10, U.S.C., SECTION 624:

To be colonel

DAVID E. EDWARDS, 0000

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES AIR FORCE UNDER TITLE 10, U.S.C., SECTION 624:

To be lieutenant colonel

MICHAEL D. BACKMAN, 0000
STAN G. COLE, 0000

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES AIR FORCE UNDER TITLE 10, U.S.C., SECTION 624:

To be major

KEVIN BRACKIN, 0000

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES AIR FORCE UNDER TITLE 10, U.S.C., SECTION 624:

To be colonel

AMY K. BACHELOR, 0000
DEBRA L. DOTY, 0000
DOROTHY A. HOGG, 0000
ROBERT G. HONTZ, 0000
DOUGLAS C. HOWARD, JR., 0000
DAWN G. JACKSON, 0000
LORI A. MACIAS, 0000
ROBERT J. MARKS, 0000
AMY K. MCDANIELS, 0000
MARGARET M. MCNEILL, 0000
NIMA D. REAVIS, 0000
THOMAS F. ROSHETKO, 0000
JANET T. TAYLOR, 0000
JANICE D. WALLACE, 0000
ANITA R. WOLFE, 0000

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES AIR FORCE UNDER TITLE 10, U.S.C., SECTION 624:

To be colonel

JOHN G. BULICK, JR., 0000
RICKY L. CAMPISE, 0000
JANET M. DELTUVA, 0000
THOMAS L. DUQUETTE, 0000
JAMES V. FAVRET, 0000
JAMES F. FORREST, 0000
JOHN A. KILDEW, 0000
EVERETT B. MCALLISTER, 0000
PATRICK H. MURRAY, 0000
HOWARD A. REID, 0000
LINDA STEELGOODWIN, 0000
JAMES W. WEISSMANN, 0000
TIMOTHY S. WELLS, 0000
DONALD J. WHITE, 0000

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES AIR FORCE UNDER TITLE 10, U.S.C., SECTION 624:

To be colonel

TIMOTHY A. ADAM, 0000
MARCELLA F. ADAMS, 0000
EDWARD J. ADELMAN, 0000
CHERYL D. ALLEN, 0000
MICHAEL J. ALLSHOUSE, 0000
JUAN ALVAREZ, 0000
KENNETH E. ANDERSEN, 0000
RICHARD D. ANDERSON, 0000
MELISSA J. APPLEGATE, 0000
STUART K. ARCHER, 0000
MARK R. ARLINGHAUS, 0000
NINA M. ARMAGNO, 0000
CHARLES P. ARMENTROUT, 0000
DENNIS M. ARMSTRONG, 0000
JANET C. AUGUSTINE, 0000
LONNY P. BAKER, 0000
RONALD L. BANKS, 0000
DONALD J. BARNES, 0000
SHAWN J. BARNES, 0000
SAM C. BARRETT, 0000
MATTHEW R. BARTLETT, 0000
STEVEN L. BASHAM, 0000
JEFFERY S. BATEMAN, 0000
ERIC J. BATWAY, 0000
CHARLES R. BAUMGARDNER, 0000
DEBRA F. BEAN, 0000
DAVID B. BEEN, 0000
ARTHUR T. BEISNER II, 0000
BRIAN C. BELLACICCO, 0000
ERNESTO V. BENAVIDES, 0000
ROBERT P. BENDER, JR., 0000
RODNEY K. BERK, 0000
CRAIG A. BERLETTE, 0000
MICHAEL B. BLACK, 0000
BRENDA J. BLACKMAN, 0000
JODY L. BLANCHFIELD, 0000
CLIFTON D. BLANKS, 0000
STEPHEN M. BLIZZARD, 0000
MARK A. BLUME, 0000
TODD A. BOYD, 0000
SETH P. BRETSCHER, 0000
ROBERT B. BROWN, 0000
THOMAS J. BROWNING, 0000
HERALDO B. BRUAL, 0000
RONALD D. BUCKLEY, 0000
EMILY A. BUCKMAN, 0000
WILLIAM J. BUECHEL, 0000
BRIAN D. BUELL, 0000
JOHN M. BUKOWINSKI, 0000
HEIDI H. BULLOCK, 0000
ROBYN M. BURK, 0000
KELLY D. BURNS, 0000
LESLIE C. BURNS, 0000
MITCHEL H. BUTIKOFER, 0000
ANTHONY M. BUTTERS, 0000
BRADLEY G. BUTZ, 0000
THOMAS A. BYRGE, JR., 0000
GORDON S. CAMPBELL, 0000
JAMES L. CARDOSO, 0000
KENNETH D. CARLSON, 0000
JEFFREY A. CARROTHERS, 0000
PAUL L. CARTER III, 0000
TED E. CARTER, JR., 0000
LYLE W. CARY, 0000
CHARLES E. CATOE, 0000
DAVID B. CHANDLER, 0000
MICHAEL J. CHANDLER, 0000
STEVEN R. CHARBONNEAU, 0000
JOHN A. CHERREY, 0000
GARY D. CHESLEY, 0000
ROBERT D. CLAMPITT, 0000
MURRAY R. CLARK, 0000
CHEVALIER P. CLEAVES, 0000
MARK E. CLINE, 0000
KEVIN J. COLE, 0000
JAMES L. COMFORT, 0000
KIMERLEE L. CONNER, 0000
MICHAEL P. CONNOLLY, 0000
KATHLEEN A. COOK, 0000
WILLIAM T. COOLEY, 0000
CHRISTOPHER M. COOMBS, 0000
DAVID B. COOMER, 0000
MARK A. COOTER, 0000
RICKY J. CORNELIO, 0000
JOHN A. COTE, 0000
CHRISTOPHER D. COTTS, 0000
ROBERT J. CRAVEN, 0000
JAMES W. CROWHURST, 0000
ROBERT J. CULHANE, 0000
HAROLD J. CUNNINGHAM, JR., 0000
THOMAS F. CURRAN, JR., 0000
TOM P. CURRIE, JR., 0000
ANDRE K. CURRY, 0000
MARGARET J. CZAPIEWSKI, 0000
DARREN R. DANIELS, 0000
WILLIAM B. DANSKINE, 0000
ALAN D. DAVIS, 0000
HOWARD C. DAVIS, 0000
ANTHONY K. DECKARD, 0000
CORDELL A. DELAPENA, JR., 0000
WILLIAM C. DEMASO, 0000
MICHAEL R. DEMBROSKI, 0000
STEPHEN R. DEMERS, 0000
DONALD T. R. DERRY, 0000
BRUCE T. DESAUTELS, 0000
JOSEPH E. DIANA, 0000
STEPHEN A. DIFONZO, 0000
LAURENCE A. DOBROT, 0000
JOHN L. DOLAN, 0000
RAMONA L. DOLSON, 0000
EDWIN F. DONALDSON III, 0000
ROBERT C. DOOLEY, 0000
RODERICK E. DORSEY, JR., 0000
CLIFTON DOUGLAS, JR., 0000
SUZANNE L. DUBOSE, 0000
VALENTINE J. DUGIE, 0000
CHARLES A. DUNN II, 0000
CHARLES W. EASTMAN, 0000
STEPHEN M. ELLIOTT, 0000
DAVID F. ELLIS, 0000
CHRISTOPHER T. EMMERT, 0000
SCOTT J. ERICKSON, 0000
ROYCE E. EVES, 0000
JAMES E. FAIRCHILD, 0000
MICHAEL A. FANTINI, 0000
PAUL E. FEATHER, 0000
GLENN A. FERGUSON, 0000
SUZANNE FILION, 0000
EDWARD M. FINCKE, 0000
SCOTT A. FISCHER, 0000
THOMAS A. FITCH, 0000
JAY S. FITZGERALD, 0000
JAMES M. FOLEY, 0000
SCOTT A. FOREST, 0000
LESLIE A. FORMOLO, 0000
KEVIN L. FOX, 0000
BRIAN E. FREDRIKSSON, 0000
THOMAS A. F. FREESE, 0000
DAVID B. FRYE, 0000
JAMES M. GALLAGHER, 0000
MICHAEL E. GANTT, 0000
JOHN W. GARDNER, 0000
STEVEN D. GARLAND, 0000
THOMAS L. GIBSON, 0000
JOHN E. GILMOUR, 0000
KEITH M. GIVENS, 0000
CARL C. GOODISON, 0000
REID M. GOODWYN, 0000
JOHN R. GORDY II, 0000
CARL S. GRAMLICK, 0000
LAWRENCE C. GRAY II, 0000
GARRY M. GREEN, 0000
SCOTT B. GREENE, 0000
KENNETH G. GRIFFIN, 0000
DARRYLE J. GRIMES, 0000
PAUL H. GUEMMER, 0000
ERIC G. GUNZELMAN, 0000
JEFFREY H. GUSTAFSON, 0000
GREGORY M. GUTTERMAN, 0000
ROBERT D. HACKETT III, 0000
LANCE C. HAFELI, 0000
CRAIG W. HALL, 0000
JAMES R. HALL, 0000
KURT D. HALL, 0000
JAMES D. HAMILTON, 0000
WILLIAM S. HANDY, 0000
PAUL R. HARDY, 0000
DARREN E. HARTFORD, 0000
QUINTIN H. HARTT, JR., 0000
JOSEPH M. HASTINGS, 0000
JEFFREY A. HAUSMANN, 0000
JEFFREY E. HAYMOND, 0000
MARK S. HAYS, 0000
MICHAEL T. HEALY, 0000
RICHARD L. HEDGPETH, 0000
FRANK R. HEINSOHN, 0000
JEFFREY A. HERD, 0000
GREGORY A. HERMSMEYER, 0000
MARK E. HESS, 0000
KENNETH P. HESSION, 0000
DANIEL K. HICKS, 0000
SCOTT W. HILL, 0000
LAWRENCE W. HINKIN, 0000
ELLWOOD P. HINMAN IV, 0000
MARK A. HOBSON, 0000
WILLIAM R. HODGKISS, 0000
SUSAN M. HOGG, 0000
BLAINE D. HOLT, 0000
MARK D. HORN, 0000
MICHAEL J. HORNITSCHEK, 0000
PAUL R. HORST, JR., 0000
SCOTT A. HOWELL, 0000
JOHN T. HRUBY, 0000
ROBERT B. HUBER, 0000
PAUL E. HUFFMAN, 0000
ARLEY J. HUGGHINS, 0000
ERIC N. HUMMER, 0000
RONALD L. HUNTLEY, 0000
JEFFREY L. HUPY, 0000
TIMOTHY D. HUTCHISON, 0000
JEFFREY A. JACKSON, 0000
RICHARD S. JARVIS, 0000
VINCENT B. JEFFERSON, 0000
CHARLES D. JOHNSON, 0000
DAVID C. JOHNSON, 0000
LEWIS E. JORDAN, JR., 0000
MICHAEL J. JORDAN, 0000
VINCENT T. JOVENE, JR., 0000
WARD F. JUEDEMAN, 0000
THOMAS Z. JUNYSZEK, 0000
JOHN H. KAFER, 0000
HANS R. KASPAR, 0000
RICKY L. KEELING, 0000
STANFORD K. KEKAUOHA, 0000
BRIAN T. KELLY, 0000
PATRICK M. KELLY, 0000
RANDALL T. KERSEY, 0000
MOHAMMED A. KHAN, JR., 0000
HARRY R. KIMBERLY III, 0000
DONALD F. KIMMINAU, 0000
DONALD E. KIRKLAND, 0000
SCOTT A. KISER, 0000

STEVEN V. KNUTSON, 0000
LAURA J. KOCH, 0000
DONALD J. KOCHANSKI, 0000
STEPHEN W. KORNS, 0000
EDWARD A. KOSTELNIK, JR., 0000
MARILYN H. KOTT, 0000
MICHAEL V. KRUEGER, 0000
JAMES D. LABOMBARD, 0000
ALAN T. LAKE, 0000
STEVEN K. LAMBERT, 0000
STEPHEN A. LANGFORD, 0000
SCOTT C. LARRIMORE, 0000
WAYNE A. LARSEN, 0000
JAMES R. LASCHE, 0000
EUGENE K. LEE II, 0000
KEVIN L. LEEK, 0000
RONALD F. LEWANDOWSKI, 0000
JAMES A. LEWIS III, 0000
WALTER J. LINDSLEY, 0000
STEPHEN T. LING, 0000
ANTHONY S. LOMBARDO, 0000
JOHN W. LONG, 0000
STEVEN R. LOOTENS, 0000
ERIC C. LORRAINE, 0000
PHILIP E. LOUDEN, JR., 0000
MICHAEL T. LUFT, 0000
JAMES P. LUKE, 0000
RUSSELL L. MACK, 0000
PATRICK C. MALACKOWSKI, 0000
SCOTT E. MANNING, 0000
RICHARD S. MARKS, 0000
RONALD L. MARSELLE, 0000
JOSEPH D. MARTIN, 0000
MARK D. MATTISON, 0000
MARY E. MATUSIEWICZ, 0000
GARY A. MAUSOLF, 0000
JEFFREY W. MAXWELL, 0000
PATRICK A. MCCLELLAND, 0000
PATRICK J. MCCREA, 0000
KEVIN J. MCELROY, 0000
PATRICIA I. MCGINNIS, 0000
JAMES J. MCGOVERN, 0000
MICHAEL J. MCINERNEY, 0000
PAUL S. MCINTYRE, 0000
EDWARD L. MCKINZIE, 0000
MARK A. MCLEAN, 0000
DARREN D. MEDLIN, 0000
MARCIA R. MEEKSEURE, 0000
JAMES J. MEERSMAN, 0000
JEFFREY T. MIKESELL, 0000
DAVID A. MILLER, 0000
EVAN M. MILLER, 0000
PATRICK J. S. MILLER, 0000
STEVEN L. MILLER, 0000
MICHAEL A. MINIHAN, 0000
JEFFREY G. MINTZLAFF, 0000
MARK H. MOL, 0000
CHRISTOPHER P. MONAHAN, 0000
WAYNE R. MONTEITH, 0000
KEVIN R. MOORE, 0000
PATRICK X. MORDENTE, 0000
JAMES A. MORGAN, 0000
MARYDARLENE MORGAN, 0000
MICHAEL B. MORGAN, 0000
JOHN C. MORLEY, 0000
MARSHALL T. MORRISON, 0000
WILLIAM J. MORROW, JR., 0000
STEPHEN K. MOULTON, 0000
KEVIN M. MULVIHILL, 0000
MONTE J. MURPHY, 0000
PAUL R. MURPHY, 0000
JAMES E. MURRAY, 0000
MARK K. NAKANISHI, 0000
JUAN C. NARVID, 0000
SCOTT A. NEUMANN, 0000
WILLIAM K. NUGENT, JR., 0000
PERRY R. OAKS, 0000
JAMES W. OBRIEN, 0000
MARY F. OBRIEN, 0000
MICHAEL G. OBRIEN, 0000
TIMOTHY J. OBRIEN, 0000
LISA A. H. ONAGA, 0000
BRIAN P. OREAR, 0000
STEPHEN E. OREAR, 0000
JONATHAN M. OWENS, 0000
SCOTT A. OWENS, 0000
LAMAR D. PARKER, 0000
TERRY W. PARROTT, 0000
GREGORY D. PARSONS, 0000
TERRY A. PARSONS, 0000
ANDREW H. PEARS, 0000
CHRISTOPHER J. PEHRSON, 0000
MICHAEL E. PELLETIER, 0000
THOMAS PEPPARD, 0000
CARMEN F. PERONE, JR., 0000
CATHERINE M. PERRO, 0000
GREGORY J. PETREQUIN, 0000
HERBERT PHILLIPS, JR., 0000
JAMES A. PICKLE, 0000
MICHAEL A. PIPAN, 0000
PHILIP A. PLATT, 0000
PRESTON M. PLOUS, 0000
HENRY W. POLCZER, 0000
TONY POUNDS, 0000
JEFFREY W. PRICHARD, 0000
JOHN W. PROBST, 0000
RAFAEL D. L. QUEZADA, 0000
RUSSELL J. QUINN, 0000
ROSE A. RAMIREZ, 0000
JOHN T. RAUCH, JR., 0000
JAMES C. REAVIS, 0000
JEFFREY S. RENNER, 0000
STELLA R. RENNER, 0000
DAVID A. RETH, 0000
ROBERT B. RICARTE, 0000
GEORGE E. RIEBLING, 0000
JAMES G. RIEMENSVANLAARE, 0000
DARRELL L. RIGGS, 0000
GEORGE A. RISSE, 0000
JOSE A. RIVERAGAUD, 0000
JAMES C. RIX, 0000
MICHAEL G. ROBBINS, 0000
RICHARD F. ROBEL, JR., 0000
PETER C. ROBICHAUX, 0000
EVAN G. ROELOFS, 0000
JOSEPH L. ROMANO III, 0000
GEORGE H. ROSS III, 0000
FRANK J. ROSSI, 0000
GLENN G. ROUSSEAU, 0000
RONALD C. ROUX, 0000
DAVID B. ROYAL, 0000
JOHN A. RUTKOWSKI, 0000
RAYMOND A. SABLE, 0000
RONALD J. SANDERS, 0000
MICHAEL D. SARCHET, 0000
VINCENT SAVINO, 0000
GEORGE P. SCHAUB, 0000
JOSEPH V. SCHMIDT, 0000
ERIC W. SCHNAIBLE, 0000
KEVIN B. SCHNEIDER, 0000
THOMAS A. SCHNEIDER, 0000
RICHARD L. SCHOONMAKER, 0000
PATRICIA K. F. SEARCY, 0000
DANIEL J. SETTERGREN, 0000
THOMAS J. SEXTON, 0000
DONALD L. SHAFFER, 0000
JOHN S. SHAPLAND, 0000
ANDRE G. SHAPPELL, 0000
STUART J. SHAW, 0000
STEVEN C. SHEPARD, 0000
BRIAN D. SHIMEL, 0000
HENRY H. SHIN, 0000
EDWARD F. SHOCK, 0000
JAMES K. SIKES, 0000
DOROTHY A. SILVANIC, 0000
DENNIS J. SIMPSON, 0000
ROBERT W. SINGLETON, 0000
TRACEY S. SKELTON, 0000
TRACY A. SMIEDENDORF, 0000
MICHAEL S. SMITH, 0000
PAUL L. SMITH, 0000
STEVEN A. SMITH, 0000
FRANK T. SMOLINSKY, 0000
JAMES A. SPAULDING, 0000
MICHAEL W. SPENCER, 0000
WILLIAM J. SPENDLEY, JR., 0000
MARK S. SPILLMAN, 0000
MICHAEL P. STAPLETON, 0000
MARCY A. STEINKEFIKE, 0000
MICHAEL H. STICKNEY, 0000
FERDINAND B. STOSS, 0000
JEFFREY N. STOUT, 0000
TYRONE A. STRACHAN, 0000
JOHN J. SULLIVAN, 0000
DAVID B. SUMRELL, 0000
JON M. SUTTERFIELD, 0000
KEITH A. SWENSEN, 0000
JEFFREY B. TALIAFERRO, 0000
WILLIAM L. THOMAS, JR., 0000
BRADLEY P. THOMPSON, 0000
CHARLES F. THOMPSON, 0000
JULIAN H. TOLBERT, 0000
HARRY A. TRUHN, 0000
CAREY F. TUCKER, 0000
STEPHEN G. UYEHATA, 0000
CHRISTOPHER R. VALLE, 0000
ROLAND K. VANDEVENTER, 0000
ROBIN P. VANDERBERRY, 0000
DAVID G. VANDERVEER, JR., 0000
PETER L. VANDEUSEN, 0000
DEBORAH L. VANDEVEN, 0000
GLEN D. VANHERCK, 0000
JOSEPH A. VENEZIANO, 0000
TERRY W. VIRTS, 0000
JEAN N. VITE, 0000
ROBERT M. WALKER, 0000
CHRISTOPHER A. WARACK, 0000
WARREN G. WARD, 0000
BARBARA K. WATKINS, 0000
TERRY WATKINS, 0000
ALISON M. WEIR, 0000
REBECCA E. WEIRICK, 0000
BARTHOLOMEW W. WEISS, 0000
JERRY K. WELDON II, 0000
JOSEPH D. WERCINSKI, 0000
PHILIP V. WESTERFIELD, 0000
SCOTT G. WIERSCHKE, 0000
CALVIN WILLIAMS, 0000
RICHARD K. WILLIAMS, 0000
STEVEN P. WINKLMANN, 0000
MICHAEL F. WINTERS, 0000
JOHN M. WOOD, 0000
CHRISTOPHER F. WRENN, 0000
RICHARD N. WRIGHT, 0000
MICHAEL V. YUILL, 0000
SARAH E. ZABEL, 0000
TODD M. ZACHARY, 0000
JOSEPH A. ZAHN, 0000
NOEL ZAMOT, 0000
DANIEL C. ZOOK, 0000
DAVID R. ZORZI, 0000
LOUIS V. ZUCCARELLO, 0000

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES AIR FORCE UNDER TITLE 10, U.S.C., SECTION 624:

To be major

WADE B. ADAIR, 0000
TRACY L. ALLEN, 0000
DALE F. ALWARD, 0000
DELORES A. ANDERSON, 0000
SUSAN G. ANGUS, 0000
CHRISTOPHER J. ARRICALE, 0000
WILLIAM B. BARKLEY, 0000
JOYCE C. BEATY, 0000
PAMELA BELLGARVIN, 0000
KENNETH BOND, 0000
JACQUELINE L. BOWERS, 0000
WILLIAM C. BREEDLOVE, 0000
DAVID B. BROWN, 0000
TERA Y. CARTER, 0000
ANADIS COLLADOVALENTIN, 0000
JEFFREY N. COOK, 0000
SARAH A. COORSDAVIDSON, 0000
MANUEL DOMINGUEZ, 0000
ALBERT E. DUFFIELD, JR., 0000
STEPHANIE K. DUSZA, 0000
DEREK S. ECKLEY, 0000
GREGORY S. FELTENBERGER, 0000
SEAN P. FRANCIS, 0000
TOMMY D. FRANKLIN, JR., 0000
TERRELL G. FREEMAN, 0000
SHUREE J. GILLESPIE, 0000
RONALD J. GREENAWAY, 0000
RODNEY A. GUMBISH, 0000
EUGENE HARRIS II, 0000
JOHN J. ISTVAN, 0000
RANDALL G. IVALL, 0000
MILTON O. JOHNSON, JR., 0000
BRIAN K. JONES, 0000
CHRISTOPHER R. JOSEPH, 0000
VICKY M. KRAMER, 0000
MATTHEW S. KRAUCHUNAS, 0000
STANTON A. LESIEUR, 0000
TED C. LEMON, 0000
JAY T. LUDESCHER, 0000
SABRINA R. J. LUTTRELL, 0000
ROGER E. LYNCH, 0000
JOSEPH G. LYONS, 0000
WENDY L. MACK, 0000
KATHLEEN M. MACKEY, 0000
MARYANN I. MARQUEZ, 0000
ANN M. MCCAIN, 0000
NORA MERRITT, 0000
PATRICK R. MISNICK, 0000
ROYCE F. MOORE, 0000
JAMES F. MULLEN, 0000
GEORGE I. ONYENYEONWU, 0000
ROBERT D. PELTZER, 0000
KENNETH C. PERRY, 0000
KEVIN J. PINETTE, 0000
LYDIA A. RADFORD, 0000
JOSE C. RAZO, JR., 0000
GREGORY J. READY, 0000
EDWARD E. RHODES III, 0000
JONATHAN E. RICHARDS, 0000
JENNIFER E. RIGGINS, 0000
KIMBERLY J. ROBERTS, 0000
MARK W. ROGERS, 0000
AMY E. RUSSO, 0000
ANDREA N. RYAN, 0000
ALVIN SCOTT, JR., 0000
ALTAN A. SHAFFER, 0000
BRYAN K. SIMPSON, SR., 0000
KRISTEN M. SORRELLS, 0000
JOSE A. SORTO, 0000
BETH A. SPOON, 0000
KEVIN D. STAPLES, 0000
MARK E. STEPHENS, 0000
LISAMARIE C. TAPIA, 0000
MARIA D. VASSAR, 0000
JAY W. VEEDER, 0000
ELIJIO J. VENEGAS, JR., 0000
RAUL P. VIRAY, 0000
RANDALL WEBB, 0000

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES AIR FORCE UNDER TITLE 10, U.S.C., SECTION 624:

To be lieutenant colonel

JAMES W. BARBER, 0000
DANNY L. BLAKE, 0000
DUANE M. BRAGG, 0000
JOHN R. BROOKS, 0000
JOHN H. DANIELS, 0000
JAMES D. DARDEN, 0000
GREGORY B. DEWOLF, 0000
BRENT A. EPLING, 0000
MATTHEW B. ESCHER, 0000
LOUIS A. FERRUCCI, JR., 0000
KEVIN M. FRANKE, 0000
DAVID V. GILL, 0000
MATTHEW A. GRINSTAFF, 0000
SEAN A. HOLLOWAY, 0000
KARL D. HUTH, 0000
RONALD L. JOHNSON, 0000
DANIEL E. LEE, 0000
CHRISTOPHER P. MARCUS, 0000
ERICH P. MURRELL, 0000
CHRISTOPHER A. PHILLIPS, 0000
MICHAEL J. REUSS, 0000
MICHAEL C. SUMNER, 0000
STEVEN P. VANDEWALLE, 0000

IN THE ARMY

THE FOLLOWING NAMED OFFICERS FOR REGULAR APPOINTMENT IN THE GRADE INDICATED IN THE UNITED STATES ARMY NURSE CORPS UNDER TITLE 10, U.S.C., SECTIONS 531 AND 3064:

To be major

PAGE S. ALBRO, 0000
PATRICK MCANDREW, 0000
JANET L. PROSSER, 0000

THE FOLLOWING NAMED OFFICERS FOR REGULAR APPOINTMENT IN THE GRADES INDICATED IN THE UNITED STATES ARMY MEDICAL SERVICE CORPS UNDER TITLE 10, U.S.C., SECTIONS 531 AND 3064:

To be colonel

MICHAEL C. DOHERTY, 0000
JAY M. WEBB, 0000

To be lieutenant colonel

MICHAEL L. ADAMS, 0000
MARILYN GEORGES, 0000
JOSEPH F. MILLER, 0000
GARY L. WILKERSON, 0000

To be major

HRISTOPHER W. DAVIS C, 0000
EDWIN A. DEAGLE, 0000
INGRID LIM, 0000
JEFFREY T. NEWHARD, 0000
NESTOR SOTO, 0000

THE FOLLOWING NAMED OFFICERS FOR REGULAR APPOINTMENT IN THE GRADES INDICATED IN THE UNITED STATES ARMY MEDICAL CORPS UNDER TITLE 10, U.S.C., SECTIONS 531 AND 3064:

To be colonel

HEIDI P. TERRIO, 0000

To be major

ERIC M. BLUMAN, 0000
SUSAN M. DAY, 0000
JOHN W. ERVIN, 0000
DEAN R. FOCHT, 0000
NELSON A. FRANCO, 0000
DION L. FRANGA, 0000
LINDA G. JACKSON, 0000
JASON M. JOHNSON, 0000
ERIC J. LESCAULT, 0000
RICHARD S. LUCIDI, 0000
MICHAEL F. MACDONALD, 0000
DONNY M. MELTON, 0000
CHANG W. MOON, 0000
DZUNG Y. NGUYEN, 0000
THOMAS P. POEPPING, 0000
BRUCE A. RIVERS, 0000
BRETT A. SCHLIFKA, 0000
ROSS D. SEGAN, 0000
BENJAMIN SOLOMON, 0000
JOHN H. WU, 0000

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES ARMY UNDER TITLE 10, U.S.C., SECTION 624:

To be major

MICHAEL T. ABATE, 0000
COURTNEY L. ABRAHAM, 0000
FREDDY L. ADAMS II, 0000
JEFFREY W. ADAMS, 0000
ROBERT S. ADCOCK, 0000
ANDREW J. AIELLO III, 0000
VORNHOLT A. AKERS, 0000
ERIC M. ALA, 0000
EVERARDO ALANIS, 0000
MARCOS U. ALANIZ, 0000
JOSE O. ALATORRE, JR., 0000
JOSEPH H. ALBRECHT, 0000
DAVID A. ALBRIGHT, 0000
JOSEPH M. ALBRIGHT, 0000
JAMES G. ALDEN, 0000
CHRISTOPHER G. ALESHIRE, 0000
JORDAN A. ALEXANDER, 0000
PAMELA S. ALEXANDER, 0000
TROY V. ALEXANDER, 0000
YUSHA A. ALI, 0000
ERIC E. ALLEYNE, 0000
MATTHEW S. ALLISON, 0000
CHRISTOPHER T. ALTAVILLA, 0000
LUIS G. ALVARADOCOLON, 0000
EDGAR J. ALVAREZ, 0000
LUIS M. ALVAREZ, 0000
JASON M. ALVIS, 0000
RICHARD F. AMADON, 0000
STEPHEN C. AMATO, 0000
MATTHEW K. ANASTASI, 0000
MICHAEL T. ANDERS, 0000
CHRISTIAN O. ANDERSON, 0000
ERIC A. ANDERSON, 0000
MICHAEL C. ANDERSON, 0000
MITCHELL E. ANDERSON, 0000
MARK C. ANDRES, 0000
BRANDY M. ANDREWS, 0000
AARON ANGELL, 0000
GREG W. ANK, 0000
LORI E. ANKABRANDT, 0000
DAVID A. ANTHONY, 0000
DERRICK G. ANTHONY, 0000
JUDY C. ANTHONY, 0000
VALERO R. AQUINO, 0000
MATTHEW T. ARCHAMBAULT, 0000
AUGUST A. ARDUSSI, 0000
STEVEN N. ARNE, 0000
ALEXANDER D. ARNOLD, 0000
DAVID M. ARNOLD, 0000
JASON E. ARNOLD, 0000
JOHNPAUL H. ARNOLD, 0000
WILLIAM C. ARNOLD, 0000
CHE T. AROSEMENA, 0000
LUIS R. ARZUAGAMALAVE, 0000
JAMES M. ASHBURN, 0000
DAVID C. ASHCRAFT II, 0000
CARLA N. ASHLEY, 0000
CHARLES L. ASSADOURIAN, 0000
ROBERT L. ATIENZA, 0000
CARLA J. AUGUSTINE, 0000
ARIEYEH J. AUSTIN, 0000
THOMAS E. AUSTIN, 0000
CARMEN M. AVILESECHEVARRIA, 0000
MICHELLE R. BABAUTA, 0000
BRYAN L. BABICH, 0000
CHRISTOPHER A. BACHL, 0000
DAVID J. BAER, 0000
STEPHANIE A. BAGLEY, 0000
DEWAYNE K. BAILEY, 0000
MICHAEL T. BAILEY, 0000
TAMIKA B. BAILEY, 0000
YOLANDA M. BAILEY, 0000
TERRIE L. BAISLEY, 0000
ELLIS R. BAKER, 0000
JAMES W. BAKER, 0000
MICHAEL A. BAKER, 0000
PATRICIA G. BAKER, 0000
ROBERT E. BAKER, 0000
RODNEY S. BAKER, 0000
IRA S. BALDWIN, 0000
MATTHEW S. BALINT, 0000
CLYDE S. BALL, 0000
CHRISTOPHER L. BALLARD, 0000
JULIE A. BALTEN, 0000
BRAD A. BANE, 0000
RAYMOND T. BANKS, 0000
ERIK S. BARKEI, 0000
ELLIS H. BARNES IV, 0000
DALE E. BARNETT, JR., 0000
LUIS E. BARRAZA, 0000
CARL F. BARTLE, 0000
STEPHANIE A. BARTON, 0000
MARCUS L. BATES, 0000
SAMUEL L. BATTAGLIA, 0000
LISA A. BATTLE, 0000
ROBERT T. BAUGHMAN, 0000
JASON D. BAVLNKA, 0000
DELBERT B. BAYASEN, 0000
KEITH O. BAYLOR, 0000
LOYD BEAL III, 0000
DAVID C. BEAMAN, 0000
TIMOTHY S. BEAN, 0000
GARY W. BEARD, JR., 0000
JEFFREY W. BEAUCHAMP, 0000
MARC P. BECKAGE, 0000
CALMER R. BEESON, 0000
BRIAN D. BEINER, 0000
KURT W. BELAWSKE, 0000
MARK D. BELINSKY, 0000
SUNSET R. BELINSKY, 0000
HONRE L. BELL, 0000
JEREMY D. BELL, 0000
LAWSON F. BELL, 0000
RAMONA L. BELLARD, 0000
ANDREW T. BELLOCCHIO, 0000
DEREK J. BELLOWS, 0000
AMOS R. BENNETT, 0000
BENJAMIN A. BENNETT, 0000
CHICO D. BENNETT, 0000
MATTHEW J. BERBERIAN, 0000
MICHAEL A. BERDY, 0000
JONATHAN A. BERGERON, 0000
LARRY J. BERGERON, JR., 0000
AUGUSTO J. BERNARDO, 0000
STEPHEN M. BESINAIZ, 0000
LUKE BESS, 0000
TEERAPHAN BEVILL, 0000
MEKOLA BIDANEC, 0000
CLAYTON R. BIDDLE, 0000
DAVID F. BIGELOW, 0000
MARK J. BIGELOW, 0000
BRIAN J. BIGHAM, 0000
DEREK A. BIRD, 0000
JAMES B. BIRD, 0000
ALEX W. BISHOP, 0000
JAMES K. BJERKAAS, 0000
ERIC R. BJORKLUND, 0000
CATHERINE M. BLACK, 0000
JEREMY N. BLACK, 0000
DANIEL D. BLACKMON, 0000
JAMES N. BLAIN, JR., 0000
REX L. BLAIR, JR., 0000
SETH T. BLAKEMAN, 0000
CRAIG M. BLANDO, 0000
JOSEPH R. BLANTON, 0000
WILLIAM A. BLISS, 0000
MATTHEW L. BLOME, 0000
MATTHEW R. BOCKHOLT, 0000
RYAN K. BOCOCK, 0000
JUSTIN H. BOGUE, 0000
LEE E. BOKMA, 0000
ROY L. BOLAR, 0000
JENNIFER B. BOLLINGER, 0000
DOUGLAS S. BOND, 0000
JAMES E. BONO, 0000
MICHAEL A. BONURA, 0000
ALICIA M. BOOKER, 0000
KENYA M. BOOKER, 0000
MARIA C. BORBON, 0000
PATRICK E. BOSS, 0000
RANDY BOUCHER, 0000
KEVIN D. BOUREN, 0000
KENRIC F. BOURNE, 0000
DAVID D. BOWLING, 0000
SILAS R. BOWMAN, 0000
LINDA M. BOZADA, 0000
JEFFREY A. BRACCO, 0000
DANIEL A. BRACE, 0000
TERRANCE L. BRADFORD, 0000
JAMES A. BRADY, 0000
DENA M. BRAEGER, 0000
KENNETH J. BRAEGER, 0000
JEFFERY J. BRAGG, 0000
KARST K. BRANDSMA, 0000
TERRY D. BRANNAN, 0000
ALEXANDER BRASZKO, JR., 0000
SEAN M. BRATTON, 0000
BRUCE A. BREDLOW, 0000
MATTHEW S. BRESKO, 0000
DAVID O. BRETNEY, 0000
MATTHEW P. BREWSTER, 0000
CHRISTOPHER T. BRIDGES, 0000
CHRISTOPHER D. BRINGER, 0000
LEE A. BRINKER, 0000
WENDY E. BRINSON, 0000
BRIAN D. BROBECK, 0000
JOHN A. BROCK, 0000
KASE H. BROCK, 0000
MICHELLE B. BRONELL, 0000
DERYCK J. BROOKHOUSE, 0000
CARL R. BROOKS, 0000
COLIN N. BROOKS, 0000
GEORGE L. BROOKS III, 0000
MERVIN G. BROTT, 0000
ALAN S. BROWN, 0000
CLARENCE T. BROWN IV, 0000
EDWARD A. BROWN II, 0000
JAMES D. BROWN, JR., 0000
JEFFERY D. BROWN, 0000
MATTHEW W. BROWN, 0000
SLADE C. BROWN, 0000
WADE D. BROWN, 0000
ELDRIDGE D. BROWNE, 0000
STEPHEN C. BROWNE, 0000
COREY A. BRUNKOW, 0000
LAHAVIE J. BRUNSON, 0000
JOHN T. BRYAN, 0000
JON M. BRYAN, 0000
LAMONT F. BRYANT, 0000
MATTHEW W. BRYANT, 0000
PAUL J. BRYSON, JR., 0000
FRANK M. BUCHHEIT, 0000
THOMAS A. BUCHHOLZ, 0000
TERRENCE H. BUCKEYE, 0000
CHRIS A. BUCKNER, 0000
ZACHARY J. BUETTNER, 0000
LINWOOD BUFORD, JR., 0000
MICHAEL E. BUGAJ, 0000
ALEXANDER L. BULLOCK, 0000
MATHEW F. BUNCH, 0000
WILLIAM D. BUNDY, 0000
MICHELLE M. BUNKERS, 0000
JAMES M. BUNYAK, JR., 0000
JASON T. BURGESS, 0000
JEFFREY T. BURGOYNE, 0000
MICHAEL C. BURGOYNE, 0000
PETER Q. BURKE, 0000
JONATHAN D. BURNETT, 0000
CURTIS R. BURNS, 0000
KIMBERLYN BURNSBROWN, 0000
AMY L. BURROWS, 0000
SHAWN R. BURTON, 0000
JOHN M. BUSHMAN, 0000
DARREN W. BUSS, 0000
DAVID M. BUTLER, 0000
ERIC D. BUTLER, 0000
JEFFREY S. BUTLER, 0000
KAREL A. BUTLER, 0000
PETER C. BYLONE, JR., 0000
CHRISTOPHER J. BYRD, 0000
WILLIAM T. BYRNS, 0000
TODD S. BZDAFKA, 0000
KEVIN G. CAHILL, 0000
WOODWARD H. CALDWELL, 0000
LAWRENCE F. CAMACHO, 0000
CANDY A. CAMPBELL, 0000
CONNI C. CAMPBELL, 0000
OBERT G. CANTAVE, 0000
TYLER G. CANTER, 0000
DAVID A. CARLILE, 0000
BRIAN F. CARLIN, 0000
BRIAN J. CARLSON, 0000
CHAD M. CARLSON, 0000
MELANIE I. CARLSON, 0000
MICHAEL J. CARNEY, 0000
JASON A. CARR, 0000
NAOMI CARRINGTON, 0000
BRYAN E. CARROLL, 0000
LORA M. CARROLL, 0000
ROGER D. CARROLL, JR., 0000
ADISA O. CARTER, 0000
BRUCE J. CARTER, 0000
CARL T. CARTER, JR., 0000
JON D. CASEY, 0000
MATTHEW P. CASHDOLLAR, 0000
JOSE J. CASILLASGONZALEZ, 0000
ANTHONY J. CASSINO, 0000
BRIAN D. CASTELLANI, 0000
FERNANDO CASTILLO, 0000
DANIEL A. CASTRO, 0000
GLOVER H. CASTRO, 0000
KEVIN J. CASTRO, 0000
GARY R. CATLIN, JR., 0000
WILLIAM C. CAVIN, 0000
JOHN D. CAZIER, 0000
DOUGLAS R. CHADWICK, 0000
ADAM M. CHALMERS, 0000
CHRISTOPHER B. CHAMBLISS, 0000
JOHN F. CHAMPY, JR., 0000
SEAN A. CHANDLER, 0000
VERNON A. CHANDLER, 0000
DAVID J. CHANG, 0000
DON M. CHANG, 0000
STEVEN J. CHANG, 0000
CHRISTOPHER N. CHAPMAN, 0000
DOUGLAS L. CHAPMAN, 0000
REGINA F. CHARLES, 0000
CARL A. CHASTEEN, 0000
ANIL CHAUDHRY, 0000
SANDRA L. CHAVEZ, 0000
FRITZ CHERILUS, 0000
DANIEL V. CHERRY, 0000
JOSEPH B. CHESTNUT II, 0000
CRAIG S. CHILDS, 0000
EDWIN L. CHILTON II, 0000
JOHN A. CHISOLM, 0000
LYCHELLE L. CHISOLM, 0000

KYUNGHO CHO, 0000
LEIF E. CHRISTENSEN, 0000
MICHAEL J. CHRISTIANSEN, 0000
JOHN G. CHUNG, 0000
JONATHAN M. CHUNG, 0000
ERIC B. CHURCH, 0000
DOMINIC J. CIARAMITARO, 0000
MARCO M. CILIBERTI, 0000
ARI A. CLAIBORNE, 0000
JAMES J. CLANCY, JR., 0000
DAVID P. CLAPHAM, 0000
CARL E. CLARK, 0000
JASON P. CLARK, 0000
STEVEN M. CLARK, 0000
WILLIAM C. CLARK, JR., 0000
TOMMY J. CLEMENT, 0000
BRENT A. CLEMMER, 0000
NILE L. CLIFTON, JR., 0000
KEVIN R. CLINE, 0000
DARRIN W. CLINTON, 0000
SEAN M. CLOUGHERTY, 0000
SCOTT T. CLUTTER, 0000
MICHAEL W. COBB, 0000
PATRICK L. COBB, 0000
RONALD H. COHEN, 0000
AQUILLER E. COLE, 0000
KACI H. COLE, 0000
MICHAEL K. COLE, 0000
PAUL B. COLE IV, 0000
BRIAN B. COLEMAN, 0000
JOEL L. COLEMAN, 0000
OCTAVIA T. COLEMAN, 0000
JULIE R. COLLIE, 0000
ASHLEY D. COMBS, 0000
JASON R. CONDE, 0000
MICHAEL R. CONDE, 0000
JASON W. CONDREY, 0000
RICHARD D. CONKLE, 0000
SCOTT E. CONLEY, 0000
TRENTON J. CONNER, 0000
LEVIE J. CONWAY, 0000
BRENNAN F. COOK, 0000
JAY R. COOK, 0000
KURT J. COOK, 0000
STEPHEN D. COOK, 0000
WILLIAM E. COOK, 0000
AARON K. COOMBS, 0000
EDWARD C. COONEY, 0000
DOUGLAS W. COPELAND, 0000
KENNETH COPELAND, 0000
BRIAN A. CORAM, 0000
GEORGE I. CORBARI, 0000
ALEXANDER D. CORBIN, 0000
ELVIS CORONADO, 0000
RENE CORONADO, 0000
JACULYN R. COSEY, 0000
WILLIAM A. COSTICE, 0000
JEFFREY A. COULON, 0000
SEAN D. COULTER, 0000
ERIC E. COUNSIL, 0000
JUSTIN Z. COVEY, 0000
DAVID F. COY, 0000
WILLIAM N. CRAIG III, 0000
JAMES R. CRANE, 0000
MICHAEL P. CRANE, 0000
TIMOTHY A. CRANE, 0000
JOSEPH R. CRANFIELD II, 0000
JESSICA L. CRANFORD, 0000
CHRISTOPHER W. CRARY, 0000
KENNETH T. CRAWFORD, 0000
KEVIN A. CRAWFORD, 0000
ALLEN CRENSHAW, JR., 0000
MYRTA I. CRESPO, 0000
ERIC D. CRISPINO, 0000
HUGH E. CRONIN IV, 0000
LARRY J. CROUCHER, 0000
FRANKIE J. CRUZ, 0000
HERMINIO N. CRUZ, 0000
JEFFREY L. CSOKA, 0000
SHANE R. CUELLAR, 0000
BRADLEY T. CULLIGAN, 0000
MICHAEL P. CULLINANE, 0000
BRIAN H. CUNNINGHAM, 0000
JOEL J. CUNNINGHAM II, 0000
WILLIAM M. CUNNINGHAM, 0000
HOBY F. CUPP, 0000
NICOLE H. CURTIS, 0000
JOHN R. CUVA, 0000
ANDREW J. CYCKOWSKI, 0000
LAN T. DALAT, 0000
MATTHEW W. DALTON, 0000
WILLIAM R. DANIEL II, 0000
MARC D. DANIELS, 0000
BRANDON J. DARBY, 0000
CLEVELAND J. DARGAN, 0000
MATTHEW N. DAVENPORT, 0000
MICHAEL J. DAVIDSON, 0000
ANNA M. DAVIS, 0000
BRIAN M. DAVIS, 0000
GELONZO DAVIS, 0000
JASON W. DAVIS, 0000
KENNY L. DAVIS, 0000
MICHAEL E. DAVIS, 0000
SHELTON T. DAVIS, 0000
BENJAMIN A. DAWSON, 0000
WAYNE T. DAWSON, 0000
ARLEIGH DEAN, 0000
ANDREW J. DEATON, 0000
BRIAN E. DECKER, 0000
TONY L. DEDMOND, JR., 0000
ROBERT L. DEGAND, JR., 0000
KEITH W. DEGREGORY, 0000
JOHN S. DEJESUS, 0000
ROBERT G. DELANEY, 0000
LUIS E. DELGADO, 0000
CHONG H. DELISI, 0000
SCOTT M. DELLINGER, 0000
MATTHEW A. DELOIA, 0000
BENJAMIN K. DENNARD, 0000
EDWARD J. DENNIS, 0000
JOHN G. DEPEW, 0000
MARK J. DEROCCHI, 0000
MICHAEL F. DEROSIER, 0000
LINN K. DESAULNIERS, 0000
THOMAS M. DEVEANS, 0000
GARRETT S. DEWITT, 0000
JERRY W. DIAMOND, JR., 0000
FRANK J. DIAS, 0000
JASON W. DICKERMAN, 0000
RYAN C. DICKERSON, 0000
HANNON A. DIDIER, 0000
JOHN D. DIDIO, 0000
TIMOTHY J. DILEY, 0000
PATRICK J. DILLINGER, 0000
JOEL L. DILLON, 0000
JOEL M. DINGLE, 0000
PATRICK A. DISNEY, 0000
NATHAN T. DIVELBESS, 0000
KEVIN S. DIXON, 0000
ROBERT T. DIXON, 0000
CARLOS T. DO, 0000
JEREMY R. DOBOS, 0000
JAMES L. DOBRINSKA II, 0000
JAMES B. DOBSON, 0000
JAYSON B. DODGE, 0000
ERIC L. DOLAN, 0000
LUKE R. DONOHUE, 0000
DANIEL K. DORADO, 0000
JARRET L. DORENBUSH, 0000
NICHOLAS R. DOTTI, 0000
STEVEN M. DOWGIELEWICZ, JR., 0000
ALYSSA G. DREW, 0000
ROBERT J. DUCHAINE, 0000
JONATHAN L. DUE, 0000
ROBERT F. DUFFY, JR., 0000
CORI J. DUFORD, 0000
BRIAN E. DUGAN, 0000
AARON K. DUNCAN, 0000
TODD S. DUNCAN, 0000
MARGARITA DUNLAP, 0000
ANTWAN L. DUNMYER, 0000
JONATHAN S. DUNN, 0000
JAMES R. DUNWOODY, 0000
RAFAEL A. DURANMARIOT, 0000
JAMES S. DURHAM, 0000
REGINAL K. DYKES, 0000
FELICIA R. EADDY, 0000
RYAN A. EBEL, 0000
JEFFREY J. EBERHART, 0000
ERIC J. EBERLINE, 0000
MICHAEL D. EBY, 0000
JASON A. EDDY, 0000
PHILLIP F. EDENFIELD, 0000
BRENDAN G. EDERLE, 0000
LEE J. EDMONDS, 0000
GARY P. EDWARDS, 0000
JAMES S. EDWARDS, 0000
REBECCA L. EGGERS, 0000
THOMAS P. EHRHART, 0000
RYAN R. EHRLER, 0000
JAMES T. ELDRIDGE, 0000
ROBERT C. ELDRIDGE, 0000
WILLIAM E. ELDRIDGE, 0000
DANIELLE L. ELEY, 0000
KIMBERLY A. ELNIFF, 0000
ADIL B. ELNOUR, 0000
JAMES R. EMBRY, 0000
JIBRAUN A. EMERSON, 0000
LUKE E. EMERSON, 0000
DAVID N. EMMONS, 0000
CHRISTOPHER ENDERTON, 0000
MICHAEL A. ENGLISH, 0000
JASON S. ENYART, 0000
SCOTT K. EPLER, 0000
FRAZIER L. EPPERSON, 0000
LEONARD J. ERAZOSLOAT, 0000
BRYAN R. ERICKSON, 0000
BRIT K. ERSLEV, 0000
ALETA ESCOTO, 0000
MELISSA R. ESLINGER, 0000
JOSHUA A. ETZEL, 0000
JAIME M. EVANS, 0000
AARON G. EVEN, 0000
GEORGE S. EYSTER, 0000
BENTON J. FABER, 0000
STEPHEN A. FABIANO, 0000
JEANPAUL FABRIS, 0000
DONALD A. FAGNAN, 0000
CHRISTOPHER T. FAHRENBACH, 0000
JEFFREY J. FAIR, 0000
STEPHEN A. FAIRLESS, 0000
MICHAEL D. FARJELLAH, 0000
SHAWN E. FAST, 0000
TYLER K. FAULK, 0000
BRIAN K. FEDDELER, 0000
MARK D. FEDEROVICH, 0000
MICHAEL E. FELLURE, 0000
RICHARD T. FELTZER, 0000
JOHN F. FENNELL, JR., 0000
LEE S. FENNEMA, 0000
ROGER G. FENSTERMACHER, 0000
MATTHEW M. FERGUSON, 0000
CARLOS K. FERNANDEZ, 0000
EFRAIN FERNANDEZANAYA, 0000
MARCUS M. FERRARA, 0000
LAWRENCE G. FIELDS, JR., 0000
GUY L. FILIPPELLI, 0000
RICHARD M. FINFERA, 0000
DEREK S. FINISON, 0000
CHARLES A. FISHER, JR., 0000
MICHAEL P. FITZGERALD, 0000
CLYDE L. FLEMING, 0000
ERIC D. FLEMING, 0000
MICHAEL J. FLENTIE, 0000
DOUGLAS M. FLETCHER, 0000
JOSEPH T. FLOOD, 0000
TEVINA M. FLOOD, 0000
THOMAS A. FORTUNATO, 0000
CHAD R. FOSTER, 0000
RUSSELL J. FOSTER, 0000
LAWRENCE E. FOULKS II, 0000
PAUL A. FOWLER, 0000
RYAN R. FOXWORTH, 0000
MICHAEL F. FRAIZER, 0000
EVELYN D. FRALEY, 0000
MARC J. FRANCISZKOWICZ, 0000
ERNEST M. FRANKS, 0000
MICHAEL D. FRAZIER, 0000
ADAM B. FREDERICK, 0000
STEVEN C. FREDERICKS II, 0000
WILL B. FREDS, 0000
JACOB H. FREEMAN, 0000
ROELENE E. FREEMAN, 0000
SEAN P. FRENCH, 0000
DANIEL P. FRESH, 0000
JACOB R. FROEHLE, 0000
LUIS G. FUCHU, 0000
ALEXANDER S. FUERST, 0000
ADAM J. FULLER, 0000
JOHN A. GAGAN, 0000
JOSEPH R. GALLAHER, 0000
CHRISTOPHER T. GALLOWAY, 0000
ROBERT M. GAMBRELL, JR., 0000
JAMES E. GANNON, 0000
CHRISTOPHER P. GARBARINO, 0000
JAMIE GARCIA, 0000
MANUEL R. GARCIA, 0000
SARAH R. GARCIA, 0000
SHAWN M. GARCIA, 0000
ARTHUR J. GARFFER, JR., 0000
WILLIE R. GARFIELD, 0000
RICHARD E. GARNER, JR., 0000
RICHARD C. GARRISON, 0000
ALEXIS J. GARTNER, 0000
KIRSTEN M. GAW, 0000
SAFIYYA GAYTON, 0000
JOEL A. GEGATO, JR., 0000
JOSEPH C. GELINEAU II, 0000
THOMAS M. GENTER, 0000
ANDY B. GENTRY, 0000
MICHAEL E. GEPHART, 0000
JOSEPH C. GERACI III, 0000
MARK T. GERMANO, 0000
ANTHONY R. GIBBS, 0000
ANTHONY C. GIBSON, 0000
DOUGLAS F. GIBSON, 0000
ELIZABETH A. GIERTZ, 0000
STEPHANIE S. GILBERT, 0000
MARC W. GILBERTSON, 0000
JEREMY A. GILKES, 0000
MICHELLE E. GILL, 0000
RANDY J. GILLESPIE, 0000
JUDSON B. GILLETT, 0000
RYAN R. GILLOGLY, 0000
KELVIN L. GLASS, 0000
PETER C. GLASS, 0000
JEREMY T. GLAUBER, 0000
JAMES V. GLOVER, 0000
PETER F. GODFRIN, JR., 0000
TIMOTHY A. GODWIN, 0000
THOMAS E. GOERLING, 0000
BRIAN C. GOINGS, 0000
STANTON K. GOINGS, 0000
JESSE N. GOLDMAN, 0000
TIMOTHY E. GOLOVERSIC, 0000
JAIME GONZALEZCUEVAS, 0000
JASON D. GOOD, 0000
MICHAEL J. GOOD, 0000
ALLAN K. GOODE, 0000
JOHN F. GOVAN III, 0000
ANDREW R. GRAHAM, 0000
ERIC GRAHAM, 0000
MATTHEW L. GRAHAM, 0000
GENO L. GRANDINETTE, 0000
BEVERLY R. GRANDISON, 0000
SONJA GRANGER, 0000
CHARLES B. GRAY, 0000
JEREMY J. GRAY, 0000
JOSEPH E. GRAY, 0000
ROBERT E. GRAY, 0000
DEMETRIUS A. GREEN, 0000
MATTHEW A. GREEN, JR., 0000
RONNARD GREEN, 0000
MARK A. GREENE, 0000
JOSEPH W. GREENLEE, 0000
STUART C. GREER, 0000
ROBERT J. GREGOR III, 0000
GYLES E. GREGORY III, 0000
JASON P. GRESH, 0000
STEVEN J. GRIBSCHAW, 0000
DAVID E. GRIFFIN, 0000
JOSHUA J. GRIFFIN, 0000
WILLIAM J. GRIFFIN, 0000
JEREL R. GRIMES, 0000
MARCUS W. GRIMES, 0000
MICHAEL E. GRISWOLD, 0000
JEANMICHEL T. GUERIN, 0000
EDDIE J. GUERRERO, 0000
MICHAEL A. GUICE, 0000
JACQUELINE A. GUILLORY, 0000
STEVEN D. GUNTER, 0000
CHRISTINE M. GUPTON, 0000
RAED D. GYEKIS, 0000
TRAVIS M. HABHAB, 0000
CHRISTIAN A. HAFFEY, 0000
CHRISTINE A. HAFFEY, 0000
MICHAEL L. HALL, 0000
PHILLIP E. HALL, 0000
MICHAEL J. HALLEY, 0000
JERRY D. HALLMAN, 0000
LACHIANA A. HAMILTON, 0000

ROBERT E. HAMILTON, 0000
STEPHEN S. HAMILTON, 0000
JEFFERY C. HAMMOND, 0000
KURT A. HAMMOND, 0000
SHEPHERD N. HAN, 0000
TODD W. HANDY, 0000
ERIC R. HANES, 0000
JASON J. HANIFIN, 0000
WILLIAM C. HANNAN, JR., 0000
JOSEPH D. HANSEN, 0000
MICHAEL A. HARDING, 0000
MATTHEW J. HARDMAN, 0000
DAVID E. HARGITT, 0000
MATTHEW F. HARMON, 0000
CURTIS N. HARPER, 0000
REGINALD R. HARPER, 0000
ALFRED L. HARRIS, JR., 0000
DAMON K. HARRIS, 0000
FREDERICKA R. HARRIS, 0000
JOSEPH A. HARRIS, JR., 0000
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DANIEL C. HART, 0000
THOMAS M. HART, 0000
CHRISTOPHER W. HARTLINE, 0000
HEATH D. HARTSOCK, 0000
MATTHEW B. HASH, 0000
DAVID J. HASKELL, 0000
JON C. HAVERON, 0000
IRVIN R. HAWKINS, 0000
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PRESTON J. HAYWARD, 0000
JASON H. HEARN, 0000
BRADLEY A. HEATH, 0000
CHRISTOPHER J. HEATHERLY, 0000
SHAWN M. HEBERT, 0000
ROBERT M. HEFFINGTON, 0000
ROY E. HEFFNER, 0000
RAPHAEL S. HEFLIN, 0000
RALPH R. HEIDEL, JR., 0000
SHAWN C. HEINGARTEN, 0000
TODD W. HEINTZELMAN, 0000
RYAN C. HELLERSTEDT, 0000
ROBERT J. HELLNER III, 0000
AUGUSTA Z. HEMANN, 0000
BRIAN J. HENDERSON, 0000
COURTNEY L. HENDERSON, 0000
MARK P. HENDERSON, 0000
OTIS HENDERSON, JR., 0000
GLENN A. HENKE, 0000
CARL L. HENNEMANN, 0000
HEATHER A. HENNESSY, 0000
CECIL M. HENRY, 0000
CORA D. HENRY, 0000
JUSTIN S. HERBERMANN, 0000
STEVEN J. HERMAN, 0000
ERNESTO J. HERNANDEZ, 0000
MARK E. HEROLD, 0000
BRIAN L. HERZIK, 0000
WAYNE F. HIATT, 0000
RANDAL E. HICKMAN, 0000
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HARRY HILL, JR., 0000
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TREVOR W. HILL, 0000
RALPH G. HILLMER III, 0000
JEFFREY J. HILT, 0000
MARK R. HIMES, 0000
CHRISTOPH P. HIMMELSBACH, 0000
AUBREY S. HINDS, 0000
GREGORY J. HIRSCHEY, 0000
JOSEPH E. HISSIM, 0000
KAREN E. HOBART, 0000
RUSSELL V. HOFF, 0000
WILLIAM H. HOGE III, 0000
CARSON S. HOKE, 0000
SCOTT E. HOLDEN, 0000
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JOEL R. HOLMSTROM, 0000
STEPHEN G. HOLT, 0000
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BARRY L. HORSEY, 0000
DONALD L. HOUGHTON III, 0000
ROBERT R. HOUSTON, 0000
BRIAN C. HOWARD, 0000
JAMES C. HOWARD, SR., 0000
OSCAR L. HOWARD, JR., 0000
MATTHEW R. HOWELL, 0000
RYAN A. HOWELL, 0000
JAMES D. HOYMAN, 0000
BLUE HUBER, 0000
ANTHONY W. HUDSON, 0000
FRANK M. HUFFMAN, 0000
JOSEPH A. HUGH III, 0000
JONATHAN W. HUGHES, 0000
IAN W. HUMPHREY, 0000
HARRY D. HUNG, 0000
CAROLYN E. HUNT, 0000
DAVINA L. HUNT, 0000
EARL J. HUNTER, 0000
JARRETT A. HUNTER, 0000
TERENCE M. HUNTER, 0000
GUY C. HUNTSINGER, 0000
WAYNE S. HYMAN, 0000
AMANDA L. IDEN, 0000
GEORGE H. IMORDE III, 0000
JASON B. IRWIN, 0000
DANIEL L. ISABELL, 0000
PAUL A. ISLAND, 0000
BRIAN E. JACKSON, 0000
JAMES D. JACKSON, 0000
JOEL S. JACKSON, 0000
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LAURENCE H. JACKSON, 0000
MARY M. JACKSON, 0000
RATASHA L. JACKSON, 0000
TODD P. JACKSON, 0000
TODD D. JAKUSZ, 0000
PETER W. JENKINS, 0000
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SHELIA D. JENKINS, 0000
REGINA M. JENKS, 0000
MICHAEL C. JENSIK, 0000
KEE Y. JEONG, 0000
ALTON J. JOHNSON, 0000
CURTIS L. JOHNSON, 0000
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LEE M. JOHNSON, 0000
LUTHER R. JOHNSON, 0000
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JOHN J. JONES II, 0000
MARSHA L. JONES, 0000
MELISSA A. JONES, 0000
RAYMOND L. JONES, 0000
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TONJA A. JONES, 0000
TROY W. JONES, 0000
DEITRICH M. JORDAN, 0000
LARRY R. JORDAN, JR., 0000
LATONYA N. JORDAN, 0000
MELVIN D. JUAN, 0000
PAUL C. JUDGE, 0000
MACPIN J. JULATON, 0000
DEBRA L. JUNGERS, 0000
MATTHEW R. JUNKO, 0000
JACKIE K. KAINA, 0000
THEODORE J. KAISER, 0000
CHERNOR S. KAKAY, 0000
ROBERT M. KAM, 0000
LOUIS J. KARNES, 0000
JENNIFER J. KASKER, 0000
SUNG K. KATO, 0000
CARLOS J. KAVETSKY, 0000
DARREN F. KEAHTIGH, 0000
CHARLES W. KEAN, 0000
JOSEPH M. KEARNEY, JR., 0000
WILLIAM R. KEATING, 0000
JACK L. KEEN, 0000
CHRISTOPHER E. KEESHAN, 0000
RICHARD E. KEFFER, 0000
GLEN P. KEITH, 0000
DEXTER J. KELLY, 0000
JAMES D. KEMTER, 0000
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WALTER E. KENT III, 0000
GARY A. KERR, 0000
TOMMY G. KERR, 0000
ROSS C. KESTER, 0000
DANIEL W. KIDD, 0000
GREGORY A. KIENZLE, 0000
ANTHONY D. KILLA, 0000
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YON C. KIMBLE, 0000
ADAM J. KIMMICH, 0000
SCOTT B. KINDBERG, 0000
KERRY K. KING, 0000
MARVIN L. KING III, 0000
RYAN R. KING, 0000
SHAUN B. KING, 0000
CHAD D. KINNEAR, 0000
TROY T. KIRBY, 0000
BRYAN G. KIRK, 0000
SPRING A. KIVETT, 0000
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THUY T. KLEA, 0000
JAMES S. KLEAGER, 0000
THEODORE W. KLEISNER, 0000
JOSEPH A. KLING, 0000
MICHAEL F. KLOEPPER, 0000
VANCE J. KLOSINSKI, 0000
ROBERT C. KNAPP, 0000
JASON M. KNIFFEN, 0000
TIMOTHY G. KNOTH, 0000
SIDNEY A. KNOX, 0000
ERIK K. KOBER, 0000
EDWIN F. KOBESKI, JR., 0000
STEPHEN J. KOLOUCH, 0000
HOMPENG KOMTHIRATH, 0000
CAROL A. KOTLOWSKI, 0000
MARK P. KOVALCIK, 0000
NED A. KRAFCHICK, 0000
JACOB M. KRAMER, 0000
KEITH A. KRAMER, 0000
PETER S. KRANENBURG III, 0000
BENJAMIN W. KRATZ, 0000
JOHN W. KREDO, 0000
KELVIN K. KREITMAN, 0000
PETER N. KREMZAR, 0000
ADAM M. KUHN, 0000
BRIAN D. KUHN, 0000
MICHAEL R. KUHN, 0000
MARK G. KUROWSKI, 0000
GEORGE D. KURPE II, 0000
RYAN KUYPERS, 0000
TIMOTHY D. LABAHN, 0000
WAYNE R. LACEY, 0000
ROBERT B. LACKEY, 0000
DONALD J. LAGRANGE, 0000
RICHARD E. LAKE, JR., 0000
MARTIN T. LALLY, 0000
DAVID C. LAMBERT, JR., 0000
LOUIS D. LANCON, 0000
GORDON LANDALE, 0000
GARRETT L. LANDERS, 0000
CHRISTOPHER V. LANE, 0000
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DAVID M. LANGE, 0000
JASON D. LANGE, 0000
KEIRYA R. LANGKAMP, 0000
JACOB J. LARKOWICH, 0000
DEVIN R. LARSON, 0000
KEVIN D. LASATER, 0000
MARK A. LASTORIA, 0000
DAVID LAW, 0000
GERALD S. LAW, 0000
AYODELE O. LAWSON, 0000
CLINTON L. LEE, JR., 0000
JUNG J. LEE, 0000
MICHAEL E. LEE, 0000
RANCE A. LEE, 0000
SANG B. LEE, 0000
SHANE E. LEE, 0000
STACEY L. LEE, 0000
KURTIS A. LEFFLER, 0000
DOUGLAS M. LEGAN, 0000
DANIEL L. LEGEREIT, 0000
BRENT L. LEGREID, 0000
ROBERT L. LEIATO, 0000
JAMES A. LEISE, 0000
JOHN C. LEMAY, 0000
RICHARD D. LENCZ, 0000
DENNIS S. LENE, 0000
DENE R. LEONARD III, 0000
JAIMIE E. LEONARD, 0000
RYAN G. LEONARD, 0000
MITCHELL J. LESTER, 0000
BARRETT L. LEVEL, 0000
RYAN S. LEVIER, 0000
HEATHER A. LEVY, 0000
JT LEWIS, JR., 0000
KIRK M. LIDDLE, 0000
MATTHEW P. LILLIBRIDGE, 0000
RAFAEL E. LINERARIVERA, 0000
JORIN C. LINTZENICH, 0000
CHRISTOPHER A. LINZ, 0000
BENJAMIN M. LIPARI, 0000
TODD R. LITTLE, 0000
STEVEN S. LITVIN, 0000
STEVEN B. LIVELY, 0000
GARY L. LLOYD, 0000
CLEMENT D. LOCHNER, 0000
JUNIUS S. LOFTON, 0000
BRYAN L. LOGAN, 0000
ELIZABETH H. LOMAN, 0000
JEFFREY S. LONG, 0000
JONATHAN E. LONG, 0000
JOSEPH E. LONG, 0000
THOMAS C. LONG, 0000
MICHAEL S. LONGACRE, 0000
CHRISTOPHER J. LONGO, 0000
ERIC D. LOPEZ, 0000
GERALDO E. LOPEZ, 0000
JEFFREY T. LOPEZ, 0000
VILMARIE LOPEZ, 0000
DIANA C. LOUCKS, 0000
GARY A. LOUCKS, 0000
BRIAN F. LOVE, 0000
CRAIG R. LOVE, 0000
GARY A. LOVE, 0000
CHRISTOPHER T. LOWMAN, 0000
JOHN W. LUBAS, 0000
SETH T. LUCENTE, 0000
RYAN P. LUEDERS, 0000
LUIS M. LUGO, 0000
KAREN LUGODEAN, 0000
FERNANDO M. LUJAN, 0000
HOLAND P. LUJAN, 0000
KURT W. LUMBERT, 0000
RODOLFO U. LUNASIN, 0000
CARL E. LUNDELL, 0000
MATTHEW W. LUZZATTO, 0000
JOHN D. LYBARGER, 0000
GARY M. LYKE, 0000
LARRY J. LYLE, JR., 0000
DOUGLAS LYNCH, 0000
JEFFREY B. LYONS, 0000
JUDAH LYONS, 0000
JASON J. MACDONALD, 0000
KIRK E. MACDONALD, 0000
KATINA L. MADDOX, 0000
SCOTT A. MADDRY, 0000
SCOTT J. MADORE, 0000
CHRISTOPHER S. MAHAFFEY, 0000
JOHN J. MAHER, 0000
HEATHER L. MAKI, 0000
RICHARD A. MALAGA, 0000
RICHARD W. MALTBIE, JR., 0000
SUSAN E. MANION, 0000
DANIEL E. MANLEY, 0000
BRIGHAM J. MANN, 0000
MARK A. MANNO, 0000
DANIEL R. MANRIQUE, 0000
WINSTON M. MARBELLA, 0000
JOSEPH M. MARGOLIES, 0000
KEVIN P. MARKS, 0000
PHILIP J. MARQUEZ, 0000
JASON L. MARQUISS, 0000
JOHN P. MARSHALL, 0000
CRAIG A. MARTIN, 0000
JOHN S. MARTIN, 0000
MICHAEL W. MARTIN, 0000

PHILLIP W. MARTIN, 0000
RODOLFO MARTINEZ, JR., 0000
ANGEL M. MARTINEZRODRIGUEZ, 0000
TRAHON T. MASHACK, 0000
WARREN E. MASSEY, 0000
FRANK D. MATSUZAKI, 0000
KIRK A. MAYFIELD, 0000
JONATHAN B. MAYHEW, 0000
VINCENT J. MAYKOVICH, 0000
DAVID N. MAYO, JR., 0000
PHILLIP W. MAZINGO, 0000
PETER P. MAZZELLA III, 0000
AMBROSE U. MBONU, 0000
AARON R. MCADOW, 0000
RYAN D. MCAFEE, 0000
CHRISTINA E. MCATEER, 0000
MICHAEL D. MCBRIDE, 0000
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THOMAS J. MCCARTHY, 0000
JEFFREY A. MCCARTNEY, 0000
RANDALL D. MCCAULEY, 0000
DEREK I. MCCLAIN, 0000
MICHAEL P. MCCLEISH, 0000
PATRICK J. MCCLELLAND, 0000
BRIAN D. MCCLUSKIE, 0000
WADE M. MCCOLLIN, 0000
RYAN E. MCCORMACK, 0000
HEATH L. MCCORMICK, 0000
ERIC A. MCCOY, 0000
MICHAEL D. MCCOY, 0000
CHRISTOPHER M. MCCREERY, 0000
JAMES S. MCCULLAR, 0000
JAMES T. MCDONALD, 0000
RAY D. MCDONALD III, 0000
RICHARD M. MCDONALD, 0000
TIMOTHY D. MCDONALD, 0000
BEN P. MCFALL III, 0000
KYLE A. MCFARLAND, 0000
KERNAA D. MCFARLIN III, 0000
MATTHEW A. MCGREW, 0000
PATRICK H. MCGUIRE III, 0000
KEVIN E. MCHUGH, 0000
WILLIAM B. MCKANNAY, 0000
KEVIN M. MCKIERNAN, 0000
SHAWANA J. MCKNIGHTBRAZZLE, 0000
JOSEPH P. MCLAINE, 0000
MARY J. MCLAINE, 0000
BRIAN K. MCLAUGHLIN, 0000
JOHN A. MCLAUGHLIN, 0000
DEXTER Y. MCLENDON, SR., 0000
SHAWN A. MCMANAMY, 0000
MATTHEW L. MCMILLEN, 0000
WILLIAM S. MCNICOL, 0000
CHARLES W. MCPHAIL, 0000
IVAN K. MCPHERSON, 0000
PATRICIA E. MCPHILLIPS, 0000
THOMAS J. MECCIA, 0000
DONALD R. MEEKS, JR., 0000
ROBB A. MEERT, 0000
TROY A. MEISSEL, 0000
JUSTIN T. MEISSNER, 0000
GEORGE J. MEKIS III, 0000
ADAM MELNITSKY, 0000
ALEXANDER S. MENTIS, 0000
MATTHEW P. MERCADANTE, 0000
BILLY MEREDITH, JR., 0000
SHAWN E. MERGES, 0000
BRIAN M. MESCALL, 0000
MICHAEL K. MESSER, 0000
MATTHEW S. METCALF, 0000
LUKE J. MEYERS, 0000
LINO MIANI, 0000
THOMAS R. MIERS, 0000
LANNY R. MIHELICH, 0000
JOHN D. MILLAY, 0000
BRYAN M. MILLER, 0000
BURR H. MILLER, 0000
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YVONNE C. MILLER, 0000
ZACHARY L. MILLER, 0000
BRADLEY W. MILLS II, 0000
TAMI R. MILLS, 0000
MICHAEL F. MINAUDO, 0000
ROGER MIRANDA, 0000
KENNETH D. MITCHELL, 0000
JARRETT S. MOFFITT, 0000
ERIC J. MOLFINO, 0000
MAYRA G. MOLINARY, 0000
JACOB A. MONG, 0000
JAMES F. MONTGOMERY, 0000
JASON G. MONTGOMERY, 0000
ROBIN W. MONTGOMERY, 0000
GORDON R. MOON, 0000
ALLEN T. MOORE, JR., 0000
DANIEL C. MOORE, 0000
JENNIFER A. MOORE, 0000
SHON R. MOORE, 0000
LYNNE A. MOREHOUSE, 0000
JARROD P. MORELAND, 0000
JAMES C. MORENO, 0000
CLAY A. MORGAN, 0000
CORNELIUS L. MORGAN, 0000
JAMES J. MORGAN, 0000
MATTHEW T. MORGAN, 0000
RODNEY L. MORGAN, 0000
RYAN J. MORGAN, 0000
JOHN C. MORNING, 0000
GREGORY MORRIS, 0000
STEVEN D. MOSELEY, 0000
COLETTE M. MOSES, 0000
JAMERSON W. MOSES, 0000
JARRETT R. MOSES, 0000
SHANE A. MOYER, 0000
JAMES A. MOYES, 0000
JEFFREY A. MUIR, 0000
DAVID J. MULACK, 0000
MATTHEW W. MULARONI, 0000
CHRISTOPHER J. MULLIGAN, 0000
JOSEPH D. MUNGER, 0000
TIMOTHY R. MUNGIE, 0000
ROBYN L. MUNSON, 0000
AARON J. MUNZ, 0000
STEPHEN F. MURPHY, 0000
ALEXANDER C. MURRAY, 0000
CHAD T. MURRAY, 0000
JEREMY S. MUSHTARE, 0000
DARREN E. MUSICO, 0000
JOHN J. MYERS, 0000
JON P. MYERS, 0000
NEIL D. MYERS, 0000
EUGENE MYLES, 0000
THOMAS J. NAGLE, JR., 0000
JOSHUA R. NAGTZAAM, 0000
JOHN B. NALLS, 0000
CHAD M. NANGLE, 0000
TODD A. NAPIER, 0000
GEORGE G. NASIF, 0000
NICHOLAS NAZARKO II, 0000
ERIC P. NEBEKER, 0000
ANTHONY W. NELSON, 0000
DAVID L. NELSON, JR., 0000
WILLIAM B. NELSON, 0000
JEFFERY J. NERONE, 0000
ROBERT P. NESBIT, 0000
KEVIN M. NEUMANN, 0000
GERALD A. NEW, 0000
TERRANCE R. NEWMAN, 0000
JONATHAN A. NEWSOM, 0000
ANTHONY J. NEWTSON, 0000
CHI K. NGUYEN, 0000
THO D. NGUYEN, 0000
DARNELL M. NICHOLAS, 0000
JASON B. NICHOLSON, 0000
MICHAEL C. NICHOLSON, 0000
PATRICK NIESTZCHE, 0000
FRANK L. NIETO, 0000
ALTHERIA M. NILES, JR., 0000
CHRISTOPHER E. NIX, 0000
KEVIN R. NIX, 0000
DAVID W. NOBLE, 0000
JOSHUA P. NORBURY, 0000
SEAN C. NOWLAN, 0000
DONNIE NOWLIN, 0000
MICHAEL T. NUCKOWSKI, 0000
CHRISTOPHER G. NUELS, 0000
DARIN M. NUNN, 0000
DENNIS E. NUTT, 0000
DOMINICK E. NUTTER, 0000
HANS W. NYHUS, 0000
CHRISTY L. NYLAND, 0000
SEAN D. OBERRY, 0000
CANDICE E. OBRIEN, 0000
WILLIAM J. OBRIEN, 0000
RYAN P. OCONNOR, 0000
CHRISTOPHER T. ODACHOWSKI, 0000
CHRISTOPHER J. ODONNELL, 0000
JEREMY J. ODONNELL, 0000
PAUL S. OH, 0000
RICHARD N. OJEDA II, 0000
SHERIFF A. OLALEKAN, 0000
JONATHAN L. OLSON, 0000
RICHARD B. ONDERKO, 0000
KELLY M. ONEAL, 0000
RYAN P. OQUINN, 0000
ALAN J. ORAM, 0000
NATHANIEL J. ORLOWSKI, 0000
GREGORY G. ORRELL, 0000
DENNIS J. ORTIZ, 0000
LESLEY G. ORTIZ, 0000
SCOTT M. OSTERLING, 0000
TIMOTHY R. OSULLIVAN, 0000
CHRISTOPHER D. OTERO, 0000
DARRELL J. OTTO, 0000
JONATHAN A. OTTO, 0000
ROBERT M. OVERGAARD, JR., 0000
CHRISTOPHER T. OWEN, 0000
DAVID P. OWEN, 0000
SETH A. OWEN, 0000
STEPHEN W. OWEN, 0000
JACK W. OWENS, 0000
MICHAEL D. OWENS, 0000
ADALBERTO PAGANFIGUEROA, 0000
THOMAS B. PAGEL, 0000
IVAN A. PALACIOS, 0000
ALI W. PALMER, 0000
DANIEL L. PALMER, 0000
IAN C. PALMER, 0000
JAMES S. PALMER, 0000
JEFFREY M. PAPALEO, 0000
BENJAMIN J. PARDIECK, 0000
MICHAEL N. PARENT, 0000
LUIS A. PARILLI, 0000
RONNIE PARK, 0000
JOSEPH H. PARKER, 0000
MICHAEL D. PARKER, 0000
CATINA S. PARKS, 0000
NEIL T. PARKS, 0000
STEPHEN M. PARRISH, SR., 0000
GITTIPONG PARUCHABUTR, 0000
SEBASTIAN A. PASTOR, 0000
RYAN W. PATNODE, 0000
TORAIN J. PATRICK, 0000
STACEY D. PATTERSON, 0000
TAMIKA D. PATTILO, 0000
ROBERT J. PAWLAK, 0000
CHRISTOPHER D. PAYANT, 0000
CHRISTOPHER A. PAYEUR, 0000
BRANDON Y. PAYNE, 0000
LIVIA A. PAYNE, 0000
MIKE L. PEARCE, 0000
ARNYM Y. PEDRAZAGONZALEZ, 0000
JEREMY L. PEIFER, 0000
ANDREW F. PEKALA, 0000
JASON D. PEREZ, 0000
LUIS G. PEREZ, 0000
LETSY A. PEREZFOLCH, 0000
JASON B. PERIATT, 0000
ROBERT L. PERRY, 0000
ROBERT S. PERRY, 0000
STEPHEN J. PETERS, 0000
BRIAN E. PETERSON, 0000
STEPHEN T. PETERSON, 0000
MATHIEU N. PETRAITIS, 0000
RICHARD H. PFEIFFER, JR., 0000
MICHAEL T. PHILIPAK, 0000
DOUGLAS S. PHILIPPONE, 0000
DARRELL O. PHILLIPS, 0000
DWIGHT E. PHILLIPS, JR., 0000
REX L. PHILLIPS, 0000
SANTOS G. PICACIO, JR., 0000
SHAW S. PICK, 0000
SAMUEL R. PICKANDS, 0000
WAYNE N. PICKETT, 0000
JASON D. PIKE, 0000
GARY L. PINA, 0000
MARIO L. PIPKIN, 0000
VICTOR A. PIRAK, 0000
JOHN S. PIRES, 0000
REGINA PISTONE, 0000
RANDALL S. PITCHER, 0000
WILLIAM L. PLATTE, 0000
DANIEL J. PLOURD, 0000
CAASIA A. PLUMMER, 0000
JAMES J. POCHOPIEN, 0000
MICHAEL G. POIRIER, 0000
SARA E. POLLAK, 0000
ANTHONY F. POLLIO, JR., 0000
GOERGE POLOVCHIK III, 0000
MICHAEL J. PONCHAK, 0000
WILLIAM J. PONTES, 0000
JOHN M. POOLE, 0000
WILLIAM H. POOLE IV, 0000
KENNETH J. POPLICK, 0000
CRAIG A. PORTER, 0000
MICHAEL P. POST, 0000
DALLAS A. POWELL, JR., 0000
SANTEL H. POWELL II, 0000
BRIAN J. PRATT, 0000
JOHN W. PRATT, 0000
WILLIAM R. PRAYNER, JR., 0000
LEONARD J. PRESCOTT, 0000
CHRISTOPHER D. PRESNELL, 0000
JEFFREY M. PREVETT, 0000
CHARLES E. PRICE, 0000
JOHN E. PRICE, 0000
SEAN P. PRICE, 0000
CLYDELLIA S. PRICHARDALLEN, 0000
CLYDEA M. PRICHARDBROWN, 0000
JOSEPH F. PRIDGEN, 0000
MATTHEW K. PROHM, 0000
GARY J. PRUIETT, JR., 0000
THOMAS S. PUGSLEY, 0000
JOSEPH L. PULLEN, 0000
DOUGLAS M. PULLEY, 0000
JORN A. PUNG, 0000
JAYSON H. PUTNAM, 0000
STEVEN E. PUTTHOFF, 0000
JAE S. PYON, 0000
CHAD B. QUAYLE, 0000
MANJO C. QUINTANILLA, 0000
RALPH W. RADKA, 0000
MICHAEL S. RAINEY, 0000
CASEY M. RANDALL, 0000
DYLAN T. RANDAZZO, 0000
FRANCISCO J. RANEROGUZMAN, 0000
CHRISTOPHER C. RANKIN, 0000
BRIAN R. RAUEN, 0000
LYNN W. RAY, 0000
WILLIAM A. RAY, 0000
RYAN L. RAYMOND, 0000
MARK D. REA II, 0000
JAMES V. RECTOR, 0000
KENNETH T. REDMAN, 0000
KENNETH J. REED, 0000
SCOTT M. REED, 0000
STANLEY M. REED, SR., 0000
ERIN D. REEDER, 0000
ADAM T. REESE, 0000
JAMES C. REESE, 0000
JUSTIN Y. REESE, 0000
GREG C. REESON, 0000
MICHAEL A. REEVE, 0000
BRIAN J. REGAN, 0000
CHRISTOPHER G. REID, 0000
JARED A. REID, 0000
MONICA M. REID, 0000
RYAN L. REID, 0000
DARIN S. REILING, 0000
NICOLE U. REINHARDT, 0000
JACQUELINE M. REINI, 0000
ANDREW W. REITER, 0000
CHRISTOPHER L. REITSMA, 0000
DANIEL T. REMPFER, 0000
TODD P. RETCHLESS, 0000
MARIO A. REYNA, 0000
SANDRA REYNA, 0000
JOANNA L. REYNOLDS, 0000
PHILIP W. REYNOLDS, 0000
VERONIKA REYNOLDS, 0000

CHRIS A. RICE, 0000
CHRISTINE H. RICE, 0000
KIMANI J. RICE, 0000
TRINA RICE, 0000
MARK J. RICHARDS, 0000
ROBERT E. RICKS III, 0000
JASON R. RIDGEWAY, 0000
BRIAN G. RIDLEY, 0000
BRADLEY A. RILEY, 0000
DIRK D. RINGGENBERG, 0000
MICHAEL L. RITTER, 0000
KURT D. RITTERPUSCH, 0000
BENJAMIN RIVERAOTERO, 0000
VINCENT E. RIVERS, 0000
SHANE M. ROBB, 0000
JOANNA G. ROBERTSON, 0000
BILLY A. ROBINSON, JR., 0000
DANNY L. ROBINSON, 0000
ELIZABETH M. ROBINSON, 0000
PERNELL A. ROBINSON, 0000
ROBERT A. ROBINSON II, 0000
CHRISTOPHER J. ROCHELEAU, 0000
ROBERT B. ROCHON, 0000
RANDALL L. ROCKROHR, 0000
WILLIAM A. RODGERS, 0000
RAFAEL A. RODRIGUEZ, 0000
RIDER RODRIGUEZ, JR., 0000
MICHAEL A. ROE, 0000
CHAD M. ROEHRMAN, 0000
ELLIOTT L. ROGERS, 0000
JAMES J. ROGERS, JR., 0000
MATTHEW B. ROGERS, 0000
HECTOR ROMAN, 0000
RAUL ROMERO, 0000
CHRISTINE D. RONEY, 0000
AARON K. ROOF, 0000
ROBERT C. ROOT, 0000
SARA M. ROOT, 0000
CHARLES C. ROSE, 0000
MICHAEL D. ROSE, 0000
EVANGELINE G. ROSEL, 0000
SIDNEY D. ROSENQUIST, 0000
MATTHEW A. ROSS, 0000
ROBERT K. ROSS, 0000
DANIEL T. ROSSI, 0000
ROBERT L. ROSSI, 0000
JOHN C. ROTANTE, 0000
PHILIP G. ROTTENBORN, 0000
JOHN P. ROUB, 0000
TYNICE L. ROUNDTREE, 0000
DAVIDMICHAEL P. ROUX, 0000
CURTIS L. ROWLAND, JR., 0000
ADAM A. RUDY, 0000
DANIEL W. RUECKING, 0000
BRADFORD A. RUFF, 0000
CHRISTOPHER J. RUGA, 0000
ERIC L. RUNNINGEN, 0000
MICHAEL S. RUPPERT, 0000
BRANDON L. RUSSELL, 0000
CHADDRICK L. RUSSELL, 0000
ROY C. SABALBORO, JR., 0000
KATRINA R. SABAN, 0000
JASON M. SABAT, 0000
SCOTT M. SAFER, 0000
DARCY R. SAINTAMANT, 0000
MARILYN SAINTELIN, 0000
ROBIN F. SAIZ, 0000
NATHAN T. SAMMON, 0000
CHRISTOPHER A. SAMPLES, 0000
SCOTT M. SANFORD, 0000
JOHN W. SANNES, 0000
KAREN R. SARAVIA, 0000
ANDREW O. SASLAV, 0000
REGINALD H. SATTERWHITE, 0000
JAY C. SAWYER, 0000
JOHN C. SAWYER II, 0000
DEAN S. SCALETTA, 0000
JAMES N. SCHAFER, 0000
TANYA L. SCHILLING, 0000
BRIAN J. SCHMANSKI, 0000
GLEN E. SCHMELING, 0000
JEFFREY S. SCHMIDT, 0000
RODNEY P. SCHMUCKER, 0000
STEPHEN G. SCHNELL, 0000
BRYAN D. SCHOTT, 0000
JOE M. SCHOTZKO, 0000
CHRISTOPHER L. SCHREINER, 0000
KEVIN J. SCHROCK, 0000
BRADD A. SCHULTZ, 0000
BRYANT L. SCHUMACHER, 0000
ELIZABETH A. SCIOLETTI, 0000
MICHAEL S. SCIOLETTI, 0000
DAVID J. SCOOLER, 0000
DUAYNE M. SCOTT, 0000
JOHN E. SCOTT, 0000
SEAN A. SCOTT, 0000
THOMAS A. SCOTT, 0000
JAMES D. SCROGIN, 0000
RYAN D. SEAGREAVES, 0000
ROBERT C. SEAL, 0000
JOHN R. SEGO, 0000
JOSHUA P. SEGRAVES, 0000
SCOTT B. SEIDEL, 0000
JOHNNY D. SELLERS, JR., 0000
MICHAEL L. SELLERS, JR., 0000
LANCE I. SELLS, 0000
AUBREY D. SEMIEN II, 0000
KEVIN A. SERFASS, 0000
SILAS J. SESSION, 0000
JESSE T. SESSOMS, 0000
DARON L. SETTLES, 0000
MICHAEL G. SHANDS, 0000
MICHAEL S. SHANNON, 0000
BOYD S. SHARP, 0000
MARGARET J. SHARPNACK, 0000
CECILIA P. SHAW, 0000
MICHAEL T. SHAW, 0000
COREY N. SHEA, 0000
BENJAMIN M. SHEEHAN, 0000
JEFFREY A. SHEEHAN, 0000
MICHAEL P. SHEEHAN, 0000
MATTHEW J. SHEIFFER, 0000
WILLIAM C. SHEPHERD, JR., 0000
CHADWICK W. SHIELDS, 0000
JONATHAN A. SHINE, 0000
RICHARD K. SHOWALTER, 0000
BENJAMIN F. SIEBOLD, 0000
THOMAS J. SIEBOLD, 0000
GUZMAN R. SIERRA, 0000
JEFFREY M. SIINO, 0000
BRIAN T. SIMMS, 0000
MICHAEL S. SIMS, 0000
MICHAEL R. SINGLETON, 0000
PETER M. SITTENAUER, 0000
MATTHEW J. SKAGGS, 0000
ROBERT L. SKETCH, 0000
WILLIAM L. SKIMMYHORN, 0000
BRENT O. SKINNER, 0000
RICHARD F. SKULTETY, 0000
ROBERT W. SLEASMAN, 0000
JONATHAN P. SLOAN, 0000
WILLIAM J. SLOCUM, 0000
JOSEPH J. SMAIL, 0000
ACETRION L. SMALLWOOD, 0000
BRIAN L. SMITH, 0000
BRIAN S. SMITH, 0000
CHARLES D. SMITH, 0000
CHRISTOPHER D. SMITH, 0000
CHRISTOPHER M. SMITH, 0000
DALE M. SMITH, JR., 0000
DENNIS A. SMITH, 0000
DONALD P. SMITH, 0000
EDGAR I. SMITH III, 0000
JACQUELINE A. SMITH, 0000
JAY B. SMITH, 0000
JEREMY R. SMITH, 0000
JOHN S. SMITH, 0000
KENNETH E. SMITH, 0000
MARK A. SMITH, 0000
MELVIN K. SMITH, 0000
MICHAEL J. SMITH, 0000
MICHAEL L. SMITH, 0000
NIEL A. SMITH, 0000
RANDALL M. SMITH, 0000
SHAWN D. SMITH, 0000
STEVEN R. SMITH, 0000
THOMAS B. SMITH, 0000
TRACEY E. SMITH, 0000
TRAVIS A. SMITH, 0000
WALLACE N. SMITH, 0000
WILLIAM T. SMITH, 0000
JENNIFER J. SMITHHEYS, 0000
CHRISTOPHER W. SNIPES, 0000
RICHARD D. SNOWDALL, 0000
NEIL N. SNYDER IV, 0000
PAUL H. SNYDER, 0000
BRIAN N. SORENSEN, 0000
BRIAN E. SOUHAN, 0000
GREGORY S. SOULE, 0000
TRAVIS C. SOUTHWICK, 0000
NIKETTE S. SOWELL, 0000
THOMAS W. SPAHR, 0000
PATRICK J. SPAULDING, 0000
BRIAN L. SPEARS, 0000
LYNNA M. SPEIER, 0000
GREGORY D. SPENCER, 0000
GARY J. SPIVEY, 0000
CHRISTOPHER J. SPRINGER, 0000
MARK D. SPUNGIN, 0000
JONATHAN W. SPURLOCK, 0000
MICHAEL T. SQUIRES, 0000
PAUL W. STAEHELI, 0000
JAMES J. STANTON, 0000
BRIAN P. STEELE, 0000
KELLY K. STEELE, 0000
DANIEL J. STEIGER, 0000
SANDRA J. STEINKE, 0000
AVERY E. STEMMONS, 0000
KURT N. STEPHAN, 0000
HUBERT L. STEPHENS, 0000
SHARON STEPHENS, 0000
TONEY R. STEPHENSON, 0000
CECIL A. STEWART, 0000
DAVID J. STEWART, 0000
DONALD E. STEWART, 0000
JAYSON L. STEWART, 0000
RUSSELL C. STEWART, 0000
TYLER J. STEWART, 0000
KEVIN C. STEYER, 0000
SEAN F. STINCHON, 0000
KIM A. STONE, 0000
ROBERT D. STORY, 0000
ALLEN C. STOTTS, 0000
BRADY L. STOUT, 0000
CHAD A. STOVER, 0000
CHERYL L. STRANGE, 0000
JOSHUA U. STRINGER, 0000
SALAMASINALEILANI T. STROKIN, 0000
ERIC N. STROM, 0000
BRIAN K. STUJENSKE, 0000
JOHN D. SUGGS, JR., 0000
STEPHEN A. SUHR, 0000
BRIAN T. SULLIVAN, 0000
JOSEPH A. SULLIVAN, 0000
DARREN A. SUNDYS, 0000
MARK W. SUSNIS, 0000
ANTHONY A. SUZZI, 0000
ROBERT SVOBODA, 0000
JAMES M. SWARTZ, 0000
ERIC R. SWENSON, 0000
MICHAEL J. SWIENTON, 0000
LARRY A. SWINTON, 0000
CHRISTOPHER R. SYBERT, 0000
PATRICK D. SYLVESTRE, 0000
WINSTON A. SYMMES, 0000
ANDREW S. TACKABERRY, 0000
FRED W. TANNER, 0000
JEAN P. TARMAN, 0000
SHANE L. TARRANT, 0000
MATTHEW D. TATMAN, 0000
STEPHEN R. TAUTKUS, 0000
MOMOEVI S. TAWAKE, 0000
JASON L. TAYLOR, 0000
JONATHAN C. TAYLOR, 0000
MARK R. TAYLOR, 0000
RHETT A. TAYLOR, 0000
BRANDON S. TEAGUE, 0000
MATTHEW A. TEMPLEMAN, 0000
SHAWN J. TENACE, 0000
CHERYL A. TENNANT, 0000
TIMOTHY A. TERESE, 0000
CHRISTIAN G. TEUTSCH, 0000
CHERRY S. THAPITH, 0000
JOHN M. THARPE, 0000
CHESLEY D. THIGPEN, 0000
GINA A. THOMAS, 0000
PHILLIP W. THOMAS, 0000
CHARLES R. THOMPSON, 0000
CLETUS R. THOMPSON, 0000
DOUGLAS C. THOMPSON, 0000
HERB L. THOMPSON, 0000
RHETT D. THOMPSON, 0000
SAMUEL C. THOMPSON II, 0000
TODD G. THORNBURG, 0000
JUSTIN L. TICKNOR, 0000
BRIAN P. TIERNEY, 0000
JEFFREY A. TIERNEY, 0000
AARON M. TITKO, 0000
FRANCIS P. TOBIN, 0000
ANTONIO O. TOLBERT, 0000
JAHAN TOLLIVER, 0000
KEVIN R. TONER, 0000
BOBBY R. TOON, 0000
MICHELLE G. TOPE, 0000
ERNEST TORNABELL IV, 0000
STEVEN J. TOTH, 0000
CYNTHIA A. TOVAR, 0000
MAGNO D. TRANSFIGURACION, JR., 0000
JOHN S. TRANSUE, JR., 0000
MICHAEL J. TRIPLETT, 0000
ANNA C. TRUESDALE, 0000
JOHN J. TRYLCH, 0000
JASON A. TUCKER, 0000
RONALD E. TURNAGE, 0000
ANDREW L. TURNER, 0000
DUANE A. TURNER, JR., 0000
STEVEN A. TURNER, 0000
KEVIN L. TURPIN, 0000
EDWARD S. TWADDELL III, 0000
ANTHONY E. TYLER, 0000
MICHAEL K. TYLER, 0000
ANSEL M. TYNDALL II, 0000
JERROLD J. TYQUIENGCO, 0000
THEODORE O. UNBEHAGEN, 0000
SHAWN P. UNDERWOOD, 0000
LAURA C. UPDEGRAFF, 0000
RYAN J. USSERY, 0000
JUAN E. VALLESCARABALLO, 0000
JEFFREY A. VANANTWERP, 0000
ERIC J. VANDEHEY, 0000
ERIC D. VANDEWEG, 0000
JENNIFER R. VANDEWEG, 0000
ERIC A. VANEK, 0000
MARK D. VANGEMERT, 0000
JOHANNAS C. VANLIEROP III, 0000
ZACHARY A. VANN, 0000
JOSE M. VASQUEZ, 0000
JONATHAN M. VELISHKA, 0000
STEPHEN F. VENSOR, 0000
BENEFSHEH D. VERELL, 0000
TONY K. VERENNA, 0000
BRETT J. VERNETTI, 0000
JAMES T. VIBBERT, 0000
ANDREW A. VINCENT, 0000
GREGORY S. VINCIGUERRA, 0000
DEREK M. VINSON, 0000
SCOTT M. VIRGIL, 0000
JOHN F. VOLKMAR, 0000
WAYNE A. VORNHOLT, 0000
JOSH L. WADDY, 0000
TRACY L. WADLE, 0000
IRA A. WAGNER, 0000
MICHAEL P. WAGNER, 0000
MARK P. WAGONER, 0000
JOSEPH C. WALCHKO, 0000
RONALD D. WALCK, 0000
FOY S. WALDEN, 0000
EUGENE M. WALDENFELS, 0000
LELAND W. WALDRUP II, 0000
ANGELA Y. WALKER, 0000
GREGORY H. WALL, 0000
AMY J. WALLACE, 0000
BRIAN L. WALLACE, 0000
EDWARD J. WALLACE, 0000
THANH V. WALLACE, 0000
KURT E. WALLING, 0000
CHRISTOPHER L. WALLS, 0000
MARILYN WALLS, 0000
LISA K. WALSH, 0000
ANTHONY T. WALTERS, 0000
ERIC M. WALTHALL, 0000
EDWARD S. WALTON, 0000
JASON B. WAMSLEY, 0000
BRIAN K. WARD, 0000
SHANNON P. WARD, 0000
SHAWN P. WARD, 0000
WILLIAM J. WARD, 0000
MATTHEW S. WARNER, 0000
BRIAN P. WARNOCK, 0000
CHRISTOPHER A. WASHINGTON, 0000
CHRISTOPHER D. WASHINGTON, 0000

DAVID G. WATSON, 0000
WILLIAM J. WATSON, 0000
LEO J. WAUGH, 0000
MATTHEW W. WEBER, 0000
GARY M. WEHRLE, 0000
JASON WEHRMAN, 0000
JANE J. WEI, 0000
RICHARD E. WEIXELBAUM, 0000
AARON S. WELCH, 0000
BRIAN K. WELCH, 0000
RYAN K. WELCH, 0000
STEVEN B. WELIVER, 0000
RICHARD D. WELLMAN, JR., 0000
GABRIEL D. WELLS, 0000
RANDALL D. WENNER, 0000
EDWIN B. WERKHEISER II, 0000
CHRISTIAN L. WERNER, 0000
MICHAEL R. WEST, 0000
THEODORE S. WEST IV, 0000
JOHN T. WETTACK, 0000
BRIAN L. WEYENBERG, 0000
CHRISTINE G. WHIPKEY, 0000
GARY J. WHIPPLE II, 0000
JOSHUA D. WHITE, 0000
DELRICK C. WHITEHORN, 0000
MARCUS R. WHITFIELD, 0000
CHRISTINE M. WHITMER, 0000
GEOFFREY A. WHITTENBERG, 0000
SCOTT R. WHITTENBURG, 0000
ROBERT S. WHITTINHAM, 0000
BRIAN A. WICKENS, 0000
ANNE M. WIERSGALLA, 0000
JAMES R. WILEY, 0000
ANDREW G. WILHELM, 0000
DAVID C. WILLETTE, 0000
ALFORD A. WILLIAMS, 0000
ANTHONY D. WILLIAMS, 0000
ARCHIE L. WILLIAMS, JR., 0000
DAVID E. WILLIAMS, 0000
DAVID M. WILLIAMS, JR., 0000
EDWIN A. WILLIAMS IV, 0000
GREGORY B. WILLIAMS, 0000
HURCHEL L. WILLIAMS, 0000
JASON T. WILLIAMS, 0000
JAY J. WILLIAMS, 0000
JOHN D. WILLIAMS, 0000
JOHN M. WILLIAMS, 0000
KAREEM M. WILLIAMS, 0000
MARIUS L. WILLIAMS, 0000
ONEAL A. WILLIAMS, JR., 0000
RONALD D. WILLIAMS, JR., 0000
SCOTT L. WILLIAMS, 0000
SEAN P. WILLIAMS, 0000
STEVEN M. WILLIAMS, 0000
THERIL W. WILLIAMS, 0000
TROY A. WILLIAMS, 0000
DEMITRA L. WILLIAMSON, 0000
LETITIA N. WILLIAMSON, 0000
JAMES WILLS, 0000
JAMES T. WILSON, 0000
JOHN M. WILSON, 0000
KEITH W. WILSON, 0000
KIM C. WILSON, 0000
LORI S. WILSON, 0000
DOUGLAS E. WIMER, 0000
JEFFERY E. WINEGAR, 0000
JAMES E. WINLAND, 0000
NATHAN N. WINN, 0000
MATTHEW H. WINTERS, 0000
CHAD D. WISE, 0000
MARIA R. WISE, 0000
BRIAN N. WITCHER, 0000
JEFFREY L. WITHERS II, 0000
CHAD R. WITT, 0000
ADAM N. WOJACK, 0000
PATRICK J. WOLF, 0000
AARON M. WOLFE, 0000
BRIAN P. WOLFORD, 0000
AUDREY S. WOO, 0000
ADLAI B. WOOD, 0000
MICHAEL L. WOOD, 0000
STEVEN A. WOOD, 0000
THOMAS W. WOOD, JR., 0000
JAMES A. WOODS III, 0000
KENNETH E. WOODS, 0000
PAUL M. WOODS, 0000
PATRICK E. WORKMAN, 0000
EARL D. WRIGHT, JR., 0000
JASON P. WRIGHT, 0000
SAFIYYAH S. WRIGHTSIL, 0000
RYAN B. WYLIE, 0000
LEO J. WYSZYNSKI, 0000
JAY D. YANCEY, 0000
JASON A. YANDA, 0000
JAMES R. YASTRZEMSKY, 0000
MICHAEL J. YEAGER, 0000
MATTHEW J. YOST, 0000
CHRISTOPHER M. YOUNG, 0000
PHILIP A. YOUNG, 0000
JENNIFER YUENGER, 0000
WALTER D. ZACHERL, 0000
MARK M. ZAIS, 0000
TIMOTHY M. ZAMORA, 0000
JUAN C. ZAPATA, 0000
TIMOTHY R. ZETTERWALL, 0000
CHARLES W. ZIEGENFUSS, 0000
MARK C. ZIMMERMAN, 0000
SEAN L. ZINN, 0000
GABRIEL J. ZINNI, JR., 0000
STEPHEN H. ZINSER, 0000
MICHAEL A. ZOPFI, 0000
LORI L. ZUBIETA, 0000
ANTHONY E. ZUPANCIC, 0000
X0000
X0000
X0000
X0000
X0000
X0000

IN THE MARINE CORPS

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES MARINE CORPS UNDER TITLE 10, U.S.C., SECTION 624:

To be major

RAUL RIZZO, 0000

IN THE NAVY

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES NAVY UNDER TITLE 10, U.S.C., SECTION 624:

To be lieutenant commander

DENNIS K. ANDREWS, 0000
MICHAEL A. BIGELOW, 0000
JEFFREY R. BORNEMANN, 0000
MAURICE A. BUFORD, 0000
STEPHEN S. DUESENBERRY, 0000
WAYNE M. HADDAD, 0000
TIMOTHY R. HALL, 0000
DIANA A. LANTZ, 0000
CHARLES L. LUFF, 0000
GREGORY J. MCCRIMMON, 0000
TIMOTHY R. MOORE, 0000
JOSEPH R. PRIMEAUX, JR., 0000
SAMUEL E. RAVELO, 0000
ROBERT A. SPENCER, 0000
THOMAS J. STATLER, 0000
RAYMOND M. SUMMERLIN, 0000

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES NAVY UNDER TITLE 10, U.S.C., SECTION 624:

To be lieutenant commander

JAMES S. BROWN, 0000
ROBERT L. BROWN II, 0000
KAREN R. DALLAS, 0000
DAVID GLOVER, 0000
JIMMY D. HOLLAND, 0000
RAFAELDIONIS MEDINA, 0000
ANTONIO C. TING, 0000
HEATHER J. WALTON, 0000
WINFRED L. WILSON, 0000

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES NAVY UNDER TITLE 10, U.S.C., SECTION 624:

To be lieutenant commander

LILLIAN A. ABUAN, 0000
JASON W. ADAMS, 0000
MONICA AGARWAL, 0000
GERALD G. ALFORD, 0000
JOHN M. ARMSTRONG, 0000
GREGORY BALLENGER, 0000
DEBORAH P. BARNES, 0000
STERLEN D. BARNES, 0000
ROMEO O. BAUTISTA, 0000
GREGORY BENARD, 0000
PAUL R. BENISHEK, 0000
BRYAN J. BOUDREAUX, SR., 0000
STEVEN E. BOYCOURT, 0000
MICHAEL S. CARL, 0000
TRAVIS P. COLLERAN, 0000
DAVID B. COOK, 0000
JAYSON L. CRAMER, 0000
MICHAEL W. DAVIDSON, 0000
JEFFREY P. DAVIS, 0000
PHILLIP L. DEBOE, 0000
ARCANGELO P. DELLANNO, 0000
PAUL W. DEMEYER, 0000
PHILIP A. DIANA, 0000
MARTIN L. EDMONDS, 0000
MATTHEW R. ELLIS, 0000
JASON W. ENDRESS, 0000
DAVID P. FRIEDLER, 0000
ROBERT C. GIBBS, 0000
CARLOS A. GOMEZ, JR., 0000
EUGENE E. GRIFFITH, 0000
MICHAEL S. GUILFORD, 0000
JOHN H. HAMILTON IV, 0000
GEORFFREY D. HOLLY, 0000
BRIAN M. JOHNSON, 0000
FRANK JOHNSON, 0000
SEBRINA C. JOHNSON, 0000
MARY E. KESSLER, 0000
RYAN S. KIGHT, 0000
CHRISTOPHER T. KOVACK, 0000
ANDREW G. KREMER, 0000
MICHAEL D. KRISMAN, 0000
ANDREW J. LEWIS, 0000
RYAN LOOKABILL, 0000
MICHAEL A. MARQUEZ, 0000
BRIAN W. MAXWELL, 0000
JEFFREY S. MILLS, 0000
ERNUEL MIRANDAROSARIO, 0000
GREGORY P. MITCHELL, 0000
JOHN G. MONTINOLA, 0000
WALTER B. MOWERY, 0000
ERIK R. NALEY, 0000
ERNAN S. OBELLOS, 0000
VICTOR D. OLIVER, 0000
JAMES D. OSBORNE, 0000
ROBERT B. OVERTURF, 0000
JEREMY C. POWELL, 0000
ANDRE T. SADOWSKI, 0000
BRETT E. SANDMAN, 0000
GLENN A. SOUTHERN, 0000
JOSEPH B. SYMMES, JR., 0000
MARTIN C. THOMAS, 0000
SHAWN M. TRIGGS, 0000
ROGELIO P. VALENCIA II, 0000
JAMES E. WALTERS, JR., 0000
JASON C. WARNER, 0000
MICHELLE M. WILLIAMS, 0000
KEVIN T. WRIGHT, 0000

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES NAVY UNDER TITLE 10, U.S.C., SECTION 624:

To be lieutenant commander

ANDREAS C. ALFER, 0000
NICOLAS ARRETCHE, 0000
RANDY E. ASHMAN, 0000
VICTOR H. AULD, JR., 0000
LUCELINA L. BADURA, 0000
ARNEL J. BARBA, 0000
ROBERT S. BARRETT, 0000
STACY L. BARTON, 0000
HARRIETT S. BATES, 0000
JESSICA D. BEARD, 0000
SHELLY A. BECK, 0000
KIMBERLY L. BELL, 0000
DENNIS A. BENFIELD, JR., 0000
LAURA A. BENNETT, 0000
RHONDA L. BENNETT, 0000
CHERIE L. BLANK, 0000
SUSANNE E. BLANKENBAKER, 0000
ERNEST S. BOST, 0000
VINCENT BOURGEOIS, 0000
CHRISTOPHER L. BOYD, 0000
DEBORAH L. BOYLAN, 0000
JOHANNA M. BRENNER, 0000
WILLIAM H. BROOKS, 0000
CHAWN T. BROWN, 0000
KATHERINE J. BROWN, 0000
MARK J. BROWNFIELD, 0000
CLARENCE A. BURKETT, JR., 0000
JENNY S. BURKETT, 0000
WILLIAM S. BYERS, 0000
SANTIAGO B. CAMANO, 0000
RAYMOND L. CAMP, 0000
BRIAN R. CARION, 0000
BRIAN E. CARMAN, 0000
MICHELLE N. CARR, 0000
CHARLES L. CATHER, 0000
ANNA M. CHRISTENSEN, 0000
JASEN P. CHRISTENSEN, 0000
DANIEL W. CLARK, 0000
NICHLAS W. COLLINGWOOD, 0000
JULIE A. CONRARDY, 0000
SEAN P. CONVOY, 0000
LORIE A. T. CONZA, 0000
WENDY A. COOK, 0000
PATRICIA L. CRELLER, 0000
CHRISTOPHER R. CRERAR, 0000
DANIEL A. DAURORA, 0000
MARK D. DAY, 0000
BRYAN K. DEHNER, 0000
LUPO V. P. DELACRUZ, 0000
JOSEPH L. DESAMERO, 0000
ANDREA M. DESANTO, 0000
VICTOR M. DIAZ, 0000
BARBARA F. DITTRICH, 0000
MELISSA M. DOOLEY, 0000
AMY L. DRAYTON, 0000
JASON B. ELLIS, 0000
ROZETHA L. ELLIS, 0000
EDESSA V. ELOMINA, 0000
TRACY L. FAHEY, 0000
RONALD A. FANCHER, 0000
MARGARITA D. FARIAS, 0000
EARL D. FILLMORE, 0000
MIKE T. FINCKBONE, 0000
JEFFREY M. FOXX, 0000
LELAND J. FRATACCIA, 0000
MICHELLE A. FRENCH, 0000
MARIA P. FUENTEBELLA, 0000
ELIZABETH W. FURAY, 0000
TONIE E. GASKIN, 0000
JUSTINE GILBERT, 0000
BRADLEE E. GOECKNER, 0000
JOSEPH A. GOMEZ, 0000
MARC S. GOOD, 0000
WALDEMAR M. GOULET, JR., 0000
MATTHEW J. GRASER, 0000
KAREN M. GRAY, 0000
ERIC C. GRYN, 0000
KEVIN J. GUE, 0000
STEPHEN L. GUIDRY, 0000
MARSHA A. HANLY, 0000
MELINDA K. HENDERSON, 0000
PAMELA L. HERBIG, 0000
GERALDINE M. HOLDEN, 0000
KENNETH L. HOPKINS, 0000
SHARON L. HOUSE, 0000
KIMBERLY K. HOWARD, 0000
MICHAEL D. HOWE, 0000
BOBBY J. HURT, 0000
TAMMY K. JANSEN, 0000
MARIA C. JOHNSON, 0000
SARA J. JOHNSON, 0000
LEANNA M. KARG, 0000
SHAWN B. KASE, 0000
MARIE J. KELLEY, 0000
JOHN A. KING, 0000
SHAUNA R. KINGANDERSON, 0000
CAMELLIA G. KOZLOSKI, 0000
ANTHONY E. KUCIA, 0000
CHRISTA L. KUEHLER, 0000
KATHRYN J. LACHER, 0000
SHERRI L. LANEJOHNSON, 0000
MARK R. LANG, 0000
KIM P. LAVELLE, 0000
RICHARD B. LAWRENCE, 0000
JASON D. LAYTON, 0000

RACHEL M. LEWIS, 0000
CHARLOTTE M. LISSL, 0000
ANGELO P. LUCERO, 0000
NOEL B. LYNN, 0000
ABIGAIL E. MARTER, 0000
FRANCES A. MARTIN, 0000
RONALD MATA, 0000
JANE E. MCCOLLUM, 0000
JASON M. MCGUIRE, 0000
JENNIFER K. MCKINNEY, 0000
LAURA L. MCMULLEN, 0000
FREDORA A. MCRAE, 0000
JENNIFER A. MILLS, 0000
MARIA C. MILLSAP, 0000
EDNA E. MOORE, 0000
ESTHER G. MORRIS, 0000
KELLY J. MURRAY, 0000
MICHAEL P. MURRAY, 0000
GINO S. NARTE, 0000
RYAN L. NATIONS, 0000
CHRISTOPHER P. NILES, 0000
DAVID W. NOLAND, 0000
AMY L. NOYES, 0000
SALEE J. P. OBOZA, 0000
PAUL B. OFCHARIK, 0000
RONNIE G. OKIALDA, 0000
LEONARD Q. OLIVER, 0000
THOMAS OLIVERO, 0000
CHRISTINE C. PALARCA, 0000
ERIC H. PALMER, 0000
MARY K. PARKER, 0000
ZOE A. PEEK, 0000
ANTHONY W. PRIDEMORE, 0000
ROBERT B. PROPES, 0000
LARA A. RHODES, 0000
DESIREE RICHARDSON, 0000
JAMES M. ROBERTSON, 0000
LISA M. SAAR, 0000
RICHARD SALSBURY, 0000
LADONNA M. SAMPSON, 0000
ANDREW SANDERS, 0000
SONDRA M. SANTANA, 0000
APRIL SCHEUNEMANN, 0000
ROBERT K. SEIGEL, 0000
SARA E. SHAFFER, 0000
PATRICK S. SHUSTER, 0000
PATTI SKINNER, 0000
LISA M. SNYDER, 0000
MICHELLE SNYDER, 0000
DARRYL B. SOL, 0000
TIMOTHY K. STACKS, 0000
ANGELA Y. STANLEY, 0000
ROBERT A. STROBL, 0000
BROOKIE C. TARTAGLIA, 0000
LAURA A. TAYLOR, 0000
JOANNE B. VANHORN, 0000
CRAIG T. VASS, 0000
LYNN D. VAUGHN, JR., 0000
PAUL S. VILLAIRE, 0000
DANTE J. VILLECCO, 0000
ELIZABETH G. VOGELROGERS, 0000
PHILIP D. VOYER, 0000
MICHELE A. WAARA, 0000
JEANETTE C. WALKER, 0000
PHYLLIS C. WALLS, 0000
WENDY E. WALSH, 0000
TOMMY L. WARD, 0000
GERARD J. WHITE, 0000
KENNETH A. WOFFORD, 0000
FRANCISCO I. WONPAT, 0000
HEATHER G. WYCKOFF, 0000
ZARADHE M. S. YACH, 0000
ALISON E. YERKEY, 0000

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES NAVY UNDER TITLE 10, U.S.C., SECTION 624:

To be lieutenant commander

MICHAEL J. ADAMS, 0000
KELLY J. ARMSTRONG, 0000
AUBREY I. BOBBSEMPLE, JR., 0000
HUGH BURKE, 0000
JAMES H. BURNS, 0000
BOYD A. ELLIS, 0000
NELL O. EVANS, 0000
JOHN E. FRAJMAN II, 0000
KEVIN B. GERRITY, 0000
HEATHER M. GHIRARDI, 0000
VANESSA C. HOPGOOD, 0000
THOMAS J. JONES, 0000
JOSEPH B. JUDKINS, 0000
COLIN A. KISOR, 0000
AMY K. LARSON, 0000
JAMES L. MARSH, 0000
DAVID A. NORKIN, 0000
DAVID L. ODOWD, 0000
JESSICA M. PYBURN, 0000
KRISTINA B. REEVES, 0000
DAVIN E. RIEKE, 0000
MARC S. ROSEN, 0000
KENNETH R. SHOOK, 0000
JONATHAN T. STEPHENS, 0000
JEFFREY A. SUTTON, 0000
PAUL A. WALKER, 0000
HEATHER A. WATTS, 0000

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES NAVY UNDER TITLE 10, U.S.C., SECTION 624:

To be lieutenant commander

EMILY Z. ALLEN, 0000
ROBERTO M. ALVARADO, 0000
JEFFREY L. BENJAMIN, 0000
OSCAR BERNAL, 0000
JAY A. BIESZKE, 0000
THOMAS S. BLANCHARD, 0000
JEFFREY D. BRANCHEAU, 0000
JAMES E. BROWN, 0000
BRIAN L. BROWNING, 0000
JAMES R. CAPPELMANN, 0000
LENN E. CARON, 0000
JAY M. CAVNAR, 0000
PAUL C. CHAN, 0000
JAMES J. H. CHO, 0000
MICHAEL W. CHUCRAN, 0000
MICHAEL A. COMSTOCK, 0000
JAMES T. CORDIA, 0000
JAMES P. CROWE, 0000
KENNETH L. CULBREATH, 0000
SEAN P. DALTON, 0000
ANTHONY J. DAPP, 0000
MIGUEL DIEGUEZ, 0000
GARY W. DOSS, 0000
JAMES D. EKBERG, 0000
RICHARD A. FICARELLI, 0000
LANCE M. FLOOD, 0000
ANA I. FRANCO, 0000
RANDALL E. HARMEYER, 0000
JULIE A. HRDLICKA, 0000
ALEXANDER K. HUTCHISON, 0000
RONALD J. JENKINS, 0000
CHAD C. KOSTER, 0000
JASON G. KRANZ, 0000
PHILLIP M. LAVALLEE, 0000
CHAD O. LORENZANA, 0000
GERALD C. LOWE, 0000
THOMAS J. LYONS III, 0000
THOMAS B. MCLEMORE, 0000
RAFAEL A. MIRANDA, 0000
MICHAEL P. ODONNELL, 0000
JOSEPH C. POPE, 0000
JEFFREY W. SHERWOOD, 0000
FRANCIS J. STAVISH, 0000
KAREN A. STRANGE, 0000
JENNIFER L. TETATZIN, 0000
ROBERT G. TETREAULT, 0000
MARK I. TIPTON, 0000
DUDE L. UNDERWOOD, 0000
JOEL W. VANESSEN, 0000
TIMOTHY A. WALLACE, 0000
NEIL E. WEST, 0000
JOSEPH W. YATES, 0000

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES NAVY UNDER TITLE 10, U.S.C., SECTION 624:

To be lieutenant commander

KAREN L. ALEXANDER, 0000
ALAN J. ALFONSO, 0000
JEFFREY D. ALTON, 0000
MARIA D. ALVAREZ, 0000
ROBERT AMBACH, 0000
DARRYL P. ARFSTEN, 0000
LUIS ASQUERI, 0000
JAMES A. BALCIUS, 0000
ERIC H. BARNES, 0000
MICHAEL R. BENSCH, 0000
AMBER D. BILES, 0000
RANDY K. BILLS, JR., 0000
KATHLEEN M. BLAKEY, 0000
GORDON R. BLIGHTON, 0000
ANDREW J. BOBB, 0000
LISA K. BOGAN, 0000
BRIAN L. BOHRER, 0000
MATTHEW F. BOUMA, 0000
TAYLOR BOWLES, JR., 0000
JONATHAN J. BRADSHAW, 0000
JORI S. BRAJER, 0000
DAVID B. BRENNER, 0000
KENDRICK J. BROWN, 0000
SHAWN J. BRUNELLE, 0000
ROGER L. BUNCH, 0000
THOMAS F. BURKE III, 0000
JAMES P. BURRILL, 0000
STEPHEN A. CHAPMAN, 0000
BONNIE R. CHAVEZ, 0000
SERGIO CHAVEZ, 0000
ALAN B. CHRISTIAN, 0000
ELIZABETH N. COLINA, 0000
JEFFREY H. COOK, 0000
SCOTT D. COON, 0000
JAMES E. COWAN, 0000
JASON B. DARBY, 0000
PHILIP J. DAUERNHEIM, 0000
PHILLIP D. DAVIS, 0000
TODD P. DAVIS, 0000
THOMAS J. DERNBACH, 0000
NICK A. DIMASO, 0000
SCOTT E. DUNN, 0000
DOUGLAS L. FAISON, 0000
ELIZABETH J. FIORINI, 0000
DANIEL R. FLORES, 0000
ROBERT E. FRANKS, 0000
ANDREA FULLER, 0000
BONNIE S. S. GARBUTT, 0000
CLARO V. GARCIA, 0000
SHANNA L. GARCIA, 0000
ELLIS C. GAYLES, JR., 0000
BRIAN E. GODINES, 0000
SARAH B. GOLDMAN, 0000
MARY C. GRAVESHAREWOOD, 0000
SCOTT L. GREENSTEIN, 0000
KIMBERLY K. GULLICKSON, 0000
PETER J. GUNTHER, 0000
DAVID K. HAN, 0000
DAWN M. HARDIN, 0000
AARON J. HARDING, 0000
JEFFREY A. HAYWORTH, 0000
ROBERT P. HIGGINS, 0000
GENAIA T. HILL, 0000
ROBERT J. HINES, 0000
ANDREW C. HOBURG, 0000
KRISTIN R. HODAPP, 0000
PETER O. IM, 0000
JOHN W. INGERSOLL, 0000
CARY J. ISAACSON, 0000
BRIAN D. IVESON, 0000
DAVID M. JACKSON, 0000
COREY R. JENKINS, 0000
LESLIE A. KINDLING, 0000
JEFFREY J. KLINGER, 0000
BRADLEY C. KLUEGEL, 0000
CAINE M. KRAS, 0000
ERIC D. LACROSS, 0000
JOSEPH E. LAMOUREUX, JR., 0000
ALLEN A. LEE, 0000
PERRY J. LEONARD, 0000
JAMES C. LINHOFF, 0000
COREY J. LITTEL, 0000
SHELTON L. LYONS II, 0000
LORENA N. MARSHALL, 0000
ANDREW L. MARTIN, 0000
GREGORY T. MARTY, 0000
ALVIN D. MCCUISTON, 0000
JASON D. MCMILLEN, 0000
AARON R. MOORE, 0000
ROSLYN B. NIEVES, 0000
SCOTT W. NORTON, 0000
PETER J. OBENAUER, 0000
OLAITAN F. OJO, 0000
JOSEPH P. PALUMBO II, 0000
ANTHONY D. PAPP, 0000
MARIE I. PARRY, 0000
DARON K. PATTON, 0000
INGRID L. B. PAULI, 0000
BRIAN L. PETRY, 0000
HENRY L. PHILLIPS IV, 0000
JOSEPH E. PIANSAY, 0000
MATTHEW R. PICERNO, 0000
THOMAS J. PINER, 0000
GINO L. RICE, 0000
ROSE E. RICE, 0000
VERNON R. RICHMOND, 0000
CHERYL C. RINGER, 0000
MICHAEL J. ROTH, 0000
JAMES L. RUEFF III, 0000
ARLENE R. SAITZYK, 0000
PAUL S. SCHIERMEIER, 0000
SPENCER T. SCHOEN, 0000
BENJAMIN J. SCHWARTZ, 0000
GAIL M. SEAMAN, 0000
KATHARINE K. SHOBE, 0000
KARLA M. SLATER, 0000
JEFFREY D. STANCIL, 0000
MICHAEL E. STEVENS, JR., 0000
MICHAEL G. STOCKELMAN, 0000
CRAIG A. STOOPS, 0000
MICHAEL L. SUNMAN, 0000
TODD J. TETREAULT, 0000
TIMOTHY T. THOMPSON, 0000
CAYETANO S. THORNTON, 0000
ROMEO T. TIZON, JR., 0000
SHERRY W. WANGWHITE, 0000
ERIC R. WELSH, 0000
PHILIP K. WESSEL, 0000
FRANCINE M. WORTHINGTON, 0000
MICHAEL A. YONKERS, 0000
SHONEE L. K. YONKERS, 0000
DEBRA R. ZEVALLOS, 0000
JOHN W. ZUMWALT, 0000

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES NAVY UNDER TITLE 10, U.S.C., SECTION 624:

To be lieutenant commander

ALEXANDER T. ABESS, 0000
MARY A. AIKEN, 0000
MAKINI S. AINSWORTH, 0000
ZACHARY M. ALEXANDER, 0000
ABIGAIL H. ALLARD, 0000
GLENN S. ANDREWS, 0000
RAMY F. AYAD, 0000
TIMOTHY F. AYERS, 0000
THOMAS M. BALDWIN, 0000
DAVID A. BARROWS, 0000
MATTHEW C. BAYES, 0000
ADAR T. BERGHOFF, 0000
ALEXANDER S. BERK, 0000
REBECCA G. BERKE, 0000
STEVEN D. BERNAL, 0000
DAVID A. BESACHIO, 0000
JONATHAN BESCHLOSS, 0000
KENNETH O. BONAPARTE, 0000
JASON J. BOSCO, 0000
TARA L. BRANTON, 0000
JASON D. BRAYLEY, 0000
SEAN P. BREEN, 0000
JILL E. BROWN, 0000
KAREN E. BULLOCK, 0000
JENNIFER K. BURKE, 0000
NATALIE J. BURMAN, 0000
JENNIFER F. CAMPENOT, 0000
JOSEPH R. CARNEY, 0000
LEO A. CARNEY, 0000
CASSANDRA L. CARR, 0000
GIOVANNI CATALANO, 0000
CHRISTOPHER D. CHANDLER, 0000
JERRY W. CHANDLER II, 0000
JEFFREY C. CHAO, 0000
KENNY K. CHOI, 0000
PEARL E. CHRISTIE, 0000
ANDREW W. CHUNG, 0000
THOMAS L. CHUNG, 0000
LOUIS C. CIMORELLI, 0000
RICHARD T. CLARK, 0000
HUGH F. COLVIN, JR., 0000
JOHN M. COREY, 0000

CYNTHIA R. CORONA, 0000
CHRISTIAN H. CORWIN, 0000
KAREN R. CRAIG, 0000
MEGHAN J. CREGAN, 0000
KENDALL A. CRUTCHER, 0000
DAVID M. CUNNINGHAM, 0000
JANINE R. DANKO, 0000
WILLIAM J. DAVILA, 0000
TIMOTHY J. DEVINE, 0000
PAUL J. DIBBLE, 0000
BRIAN S. DRUMMOND, 0000
JOHN D. DUERDEN, 0000
ERIN E. DUFFY, 0000
DAVID A. DUNCAN, 0000
JOSEPH J. EHLE, 0000
CHRISTOPHER S. ENNEN, 0000
JULIANNE FALLERONI, 0000
TIMOTHY J. FORTUNA, 0000
JEFFREY L. GAFNER, 0000
THOMAS Q. GALLAGHER, 0000
HAROLD J. GELFAND, 0000
JOSEPHINE S. GENESE, 0000
JON C. GIACOMAN, 0000
CHRISTOPHER E. GIBB, 0000
ELISA M. GIRARD, 0000
JASON L. GLASS, 0000
DAVID J. GOLDSTEIN, 0000
ISAAC GOODING, 0000
GEORGIA A. GRAY, 0000
JOY A. GREER, 0000
JULIA J. GRIGGS, 0000
ERICA S. GROGAN, 0000
MIGUEL A. GUTIERREZ, 0000
ROBERT J. HACKWORTH, 0000
CARRIE A. H. HALL, 0000
TROY J. HANDOJO, 0000
BRENNAN R. HARDING, 0000
RYAN J. HARRIS, 0000
JOSHUA M. HARRISON, 0000
NATHAN C. HAWKES, 0000
BRADLEY W. HEFFNER, 0000
HASAN A. HOBBS, 0000
SCOTT D. HODGE, 0000
ARLENE J. HUDSON, 0000
JESSE J. IRWIN, 0000
DAVID C. JANNOTTA, 0000
CHRISTOPHER S. JOAS, 0000
AHMIK L. JONES, 0000
CHARLENE V. KAKIMOTO, 0000
MICHEL J. KEARNS, 0000
JOANNE P. KEENAN, 0000
ANTHONY W. KELLER, 0000
ROLAND S. KENT, 0000
TONYA T. KOLKOW, 0000
AVERY L. KONG, 0000
ERIK J. KOPPANG, 0000
LEO T. KROONEN, 0000
CORRY J. KUCIK, 0000
ELIZABETH A. KUHLS, 0000
RYAN D. LAMOND, 0000
DANIEL L. LANDRY, 0000
GREGORY W. LAU, 0000
VICKY L. LAZANSKY, 0000
FERNANDO F. LEYVA, 0000
BRENT D. LIBBY, 0000
ROBERT A. LIOTTA, 0000
MOLLY A. LIPKE, 0000
MICHELLE F. LIU, 0000
STEVEN R. MAIER, 0000
SANDEEP S. MANGALMURTI, 0000
DEBRA A. MANNING, 0000
STEPHEN J. MANNINO, 0000
CHAD Y. MAO, 0000
CHRISTOPHER J. MAPLES, 0000
MATTHEW J. MARCUSON, 0000
JEFFREY S. MARTENS, 0000
JOSEPH S. MCMONAGLE, 0000
GREGORY S. MCNABB, 0000
VANESSA W. MCNAIR, 0000
MARK R. MIKOLS, 0000
DOUG R. MILLER, 0000
ALEX R. MINTER, 0000
CHRISTOPHER J. NEAL, 0000
STEVEN A. NEWMAN, 0000
JOSEPH R. NICOLINI, 0000
JAMES T. NORRIS, JR., 0000
BRIAN G. NORWOOD, 0000
PATTY D. B. NULL, 0000
ERIC J. OLSON, 0000
MICHAEL J. ORAS, 0000
TAWAKALITU O. OSENI, 0000
PHILIP D. PARKS II, 0000
JOHN D. PASZEK, 0000
GREGORY A. PATE, 0000
TIMOTHY W. PATTISON, 0000
JOSEPH R. PAYNE, 0000
JOHN A. PAYTON, 0000
WILLIAM S. PETERSON, 0000
JULIO PETILON, 0000
LEONARD E. PHILO, 0000
GERALD W. PLATT, 0000
TRAVIS M. POLK, 0000
ROBERT D. POST, 0000
BRYAN D. PROPES, 0000
GREGORY A. RACZNIAK, 0000
MARK D. RASMUSSEN, 0000
TIMOTHY J. REDDEN, 0000
CAROLYN A. REIMANN, 0000
WILLIAM D. RICHARDSON, 0000
KRISTIE A. ROBSON, 0000
CORBY D. ROPP, 0000
LESLEY S. ROSS, 0000
SHERRI L. RUDINSKY, 0000
VICTOR L. RUTERBUSCH, 0000
STEPHEN G. SALZBRENNER, 0000
DOMENIC SCALAMOGNA, 0000
JOEL M. SCHOFER, 0000
WENDY E. SCHOFER, 0000
JASON W. SCHROEDER, 0000
HEATHER H. SCHULZ, 0000
CHRISTOPHER B. SCUDERI, 0000
BRIAN C. SCULL, 0000
PETER J. SEBENY, 0000
JOHN H. SEOK, 0000
BRADLEY A. SERWER, 0000
DAVID K. SHELLINGTON, 0000
WILLIAM W. SHIELDS, 0000
MARK C. SHOEMAKER, 0000
AMY C. SHORT, 0000
JESSICA M. SHORT, 0000
JEFFREY W. SINGLEY, 0000
HAROLD A. SLOAS, 0000
OLGA M. SMITH, 0000
ROBERT L. SMITS, 0000
CARLA L. SOLER, 0000
LEAH K. SOLEY, 0000
ANNA M. SOLUM, 0000
JESSICA C. SOUTHER, 0000
SCOTT A. SPARKS, 0000
SAMUEL L. STEELE, 0000
STEPHAN L. STEFFENSEN II, 0000
TROY R. STILES, 0000
GERALD R. STROUD, 0000
SEAN P. STROUP, 0000
MICHAEL A. SULLIVAN, 0000
ROZALES A. SWANSON, 0000
WILLIAM T. SWART, 0000
MATTHEW J. SWIBER, 0000
STEPHEN S. TANTAMA, 0000
JAYSON T. TAPPAN, 0000
CHRISTOPHER R. TATRO, 0000
WINSTON D. TAVEE, 0000
JESSICA A. TAYLOR, 0000
ELIZABETH K. THOMAS, 0000
SCOTT S. THOMPSON, 0000
DRAKE H. TILLEY, 0000
STEPHEN A. TSCHINKEL, 0000
MATTHEW R. TULIS, 0000
SAMUEL D. TURNER, 0000
DON N. UDALL, 0000
SARAH L. VANDERPOL, 0000
RAJAT VARMA, 0000
ANTHONY L. VELASQUEZ, 0000
ERIC J. VENN, 0000
JOHN C. VENTURA, 0000
ERIK P. VOOGD, 0000
LEIAH T. WALROD, 0000
RUSTIN C. WALTERS, 0000
NANCY M. WARNER, 0000
DIRK A. WARREN, 0000
MICHAEL J. WATSON, 0000
JOHN B. WEATHERWAX, 0000
BRUCE J. WEBB, 0000
SCOTT J. WENGER, 0000
SHARESE M. WHITE, 0000
MICHAEL E. WILLIAMS, 0000
WENDY S. WONG, 0000
MARK L. WOODBRIDGE, 0000
KAREN L. WU, 0000
KEITH J. YABLONICKY, 0000
WESLEY O. YEACKLE, 0000
LAURETTA A. ZIAJKO, 0000

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES NAVY UNDER TITLE 10, U.S.C., SECTION 624:

To be lieutenant commander

CHAD E. BETZ, 0000
DEBORAH R. BLANCHARD, 0000
ROBERT P. BOLTON, 0000
TROY W. BROOKS, 0000
HARRY R. COLE, JR., 0000
BASSIL S. CUFFY, 0000
ANGELA M. DELLISANTI, 0000
BRIAN L. EVANS, 0000
BRADLEY M. FARROW, 0000
CHRISTOPHER M. HAMLIN, 0000
RASHA HANNA, 0000
JOHN B. HOYOS, 0000
QIZHI HU, 0000
BRIAN K. HUTTO, 0000
RYAN M. JACK, 0000
GERALD F. JOHNSON, 0000
JAMES H. MACDOWELL, 0000
JUDITH A. MCDONNELL, 0000
MATTHEW B. B. MILLER, 0000
ROBERT H. MINER, 0000
JOSEPH E. MORNEAU, 0000
ANGELA J. MUMM, 0000
JORGE PELAEZ, 0000
DEMETRIOS PETROPOULOS, 0000
ALEXANDER ROYZENBLAT, 0000
MICHAEL E. RUDMANN, 0000
NICHOLAS SHUMAKER, 0000
SENNAY M. STEFANOS, 0000
JAMES M. THOMPSON, JR., 0000
NESS H. VAN, 0000
HOI S. WONG, 0000
SABINA S. YUN, 0000
TRACIE M. ZIELINSKI, 0000

EXTENSIONS OF REMARKS

CELEBRATING MRS. ANNA WALLACE'S 100TH BIRTHDAY

HON. BRIAN HIGGINS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 7, 2006

Mr. HIGGINS. Mr. Speaker, today I would like to recognize Mrs. Anna Wallace who will celebrate her 100th birthday on September 12, 2006. Mrs. Wallace is a lifelong resident of South Buffalo and lives in an apartment at 36 Columbus Avenue and her grandson lives upstairs. Anna is the daughter of Cecelia and Daniel Hurley, and was raised in the family home on Woodside Avenue with two siblings, Cecelia Duggan and Daniel Hurley.

On June 9, 1926, Anna was married to Francis Wallace by the revered Reverend John Nash in Holy Family Roman Catholic Church on South Park Avenue. She and Francis were married for 71 years until he passed away in 1997.

The Wallace's were always a very social couple and remained active well into their 80s. To this day, Anna is a member of the Catholic Daughters at Holy Family Church. She and her husband were instrumental in starting the second chapter of the Muscular Dystrophy Society in the nation and they were involved in raising money for the Muscular Dystrophy Society, the disease that afflicted their son, Paul. For many years Anna was a school aide in the City of Buffalo working with handicapped children.

Anna and Francis had four children, Mary Katherine Jordan (deceased), Janet Ann (deceased), Frances Carol Konter, and Paul Francis (deceased). She will be celebrating this momentous occasion with her daughter, 10 grandchildren, 27 great grandchildren and 8 great great grandchildren.

Mr. Speaker, thank you for allowing me to pay tribute to Mrs. Anna Wallace, a strong and inspirational woman. I am pleased to extend my best wishes to Mrs. Wallace upon this very special birthday and further wish her health and happiness in the years to come. I ask my colleagues to join me in wishing Mrs. Wallace a very happy 100th Birthday.

HONORING THE NOVATO YOUTH CENTER

HON. LYNN C. WOOLSEY

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 7, 2006

Ms. WOOLSEY. Mr. Speaker, I rise today to honor the Novato Youth Center, which is commemorating 30 years of community service to the children, youth and families of Novato, California.

In response to the need for a safe and nurturing environment for children, parents and community leaders launched an energetic grassroots effort to establish the Novato Youth Center in 1976. Now, 30 years later, the Youth Center provides a safe and caring home away from home while responding to ever changing community needs. Serving children, infants through 18 years, the Youth Center offers childcare and recreational activities, as well as teen pregnancy prevention programs, tutoring, family counseling, and Parent Project workshops. Youth serve in many positions, and are involved as program volunteers, sports coaches, event planners, and as full voting members on the board of directors.

Through advocacy and outreach, Novato Youth Center's mission is to increase the community's investment in its youth, and to nurture and encourage youth to realize their potential for growth and personal development. The founding parents and Board Members were an ideal match for this mission. Honorary Board Members include: Robert Busher, Tommie Whitener, Steve Rempe, Peter E. Haas, Jr., David Kenyon, Dennis DeSousa, Alan Dunham, Ed Lathrop, Vicki McDill, Dave Milano, and Paul Scheller.

Over the years Novato Youth Center grew steadily, developing successful collaborations with Novato Unified School District, the City of Novato, the County of Marin, Novato Community Hospital, and other local youth service and childcare providers. Providing strong community leadership, the Youth Center played a key role in starting the Novato Youth Wellness Collaborative, also serving as its fiscal agent. As a result, the Novato Wellness Center will open soon, offering health education, teen pregnancy counseling, substance abuse prevention, mental health services, and a health clinic devoted to teens.

Collaborative and inclusive in philosophy, the Youth Center is committed to serving youth across ethnicities, economic levels, age groups, social and educational levels. To that end, the Youth Center champions respect and diversity, recruiting and hiring bicultural and bilingual staff to ensure the full spectrum of needs and interests of all communities are met.

Mr. Speaker, Novato Youth Center provides an invaluable role in preparing our youth for the challenges of the future as well as instilling the values of community involvement and education. I am proud to honor the Novato Youth Center on this memorable occasion.

IN HONOR OF MR. EUTIQUIO CHAPA

HON. SAM FARR

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 7, 2006

Mr. FARR. Mr. Speaker, I rise today to honor Mr. Eutiquio Chapa upon his receipt of the National Hispanic Heritage Youth Award in the category of Education. This prestigious award is given each year to Latino high school graduates who have excelled in academic achievement, community service, and writing. The Hispanic Heritage Foundation, a Washington-based non-profit organization which commemorates ethnic dignity and education, specifically tasks each applicant to express the influence of their heritage on their personal success. Looking at Mr. Chapa's accomplishments and goals, it is evident why he was chosen.

Mr. Chapa was a top student at Palma High School, where he graduated with a 4.4 GPA and was named a National Hispanic Scholar. Furthermore, Mr. Chapa was chosen for a special summer program at M.I.T. in 2005. All of this success was in the face of criticism he endured from his own peer group for changing schools midway through high school. Eutiquio Chapa has been accepted to Stanford University for the fall and will no doubt have much success there.

A second-generation Mexican-American from King City, CA, Eutiquio Chapa is interested in furthering his knowledge of the human brain. He plans to develop manners of instruction in order to improve the education process for low-income elementary grade level students learning English as a second language. He is obviously determined to equip others with educational possibilities.

Mr. Speaker, my heartfelt congratulations go to Eutiquio Chapa. It is a true pleasure to have him as a member of my constituency.

HISPANIC HERITAGE FOUNDATION HONORING DR. JULIET GARCIA

HON. SOLOMON P. ORTIZ

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 7, 2006

Mr. ORTIZ. Mr. Speaker, I rise today to recognize a patriotic American honored this month by the—Hispanic Heritage Foundation—Dr. Juliet Garcia of Brownsville, Texas.

Dr. Garcia has been a groundbreaker for higher education, becoming the first Mexican American woman in the nation to ascend to the presidency of a university, the University of Texas at Brownsville (UTB).

She has provided improved higher education opportunities for the people in the Lower Rio Grande Valley of South Texas.

She has led UTB through a phenomenal period of growth and success. The campus has grown from 49 acres to 382 acres, enrollment has increased by 27 percent, and student performance has improved dramatically.

The Hispanic Heritage Foundation promotes and celebrates Hispanic culture, education, and accomplishment through year-round national and regional inspirational leadership programs by sponsoring a number of educational and cultural programs, including the Hispanic Heritage Awards, Youth Awards, and the LOFT (Latinos on Fast Track) Initiative.

The Hispanic Heritage Awards and Ceremony began as a small White House ceremony in 1987 honoring the creation of Hispanic Heritage Month, September 15 thru October 15. The award is a prestigious honor for

Dr. Garcia and is a culmination of the Foundation's year-round efforts.

In an evening filled with cultural pride and celebration, the Foundation and the audience honor notable Hispanics who have distinguished themselves as role models in the Hispanic community while making a positive impact in our country.

This year marks the 20th anniversary of the Hispanic Heritage Awards and the theme of the 2006 ceremony will be "Looking Back, Moving Forward," representing the Hispanic community as part of the history of this Nation and our presence in the Nation's future.

I ask the House of Representatives to join me today in commending our Texas pioneer, Dr. Garcia, for her recognition as an outstanding educator that inspires our community, increases individual excellence among young Hispanics, and raises the standard of excellence at UTB.

A GREAT POINT-OF-LIGHT FOR ALL AMERICANS: REGINALD WEAVER

HON. MAJOR R. OWENS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 7, 2006

Mr. OWENS. Mr. Speaker, I rise to salute a dynamic trailblazer who continues to set a productive pace for positive change within the ranks of the Nation's education leaders. Reginald Weaver is a magnificent Great Point-of-Light. He is both profound and practical in his pursuit of school improvement across the Nation for all children. In addition to protecting the interests of the largest organization of teachers, he is a tireless spokesman for education policy-making and the need to increase expenditures for the basics which support opportunities to learn: improved and new school facilities; teacher training and compensation; adequate school libraries; science laboratories; computer instruction; and other necessities.

As a strong advocate for public education, Reginald Weaver was elected president of the 2.7 million-member National Education Association. He has traveled across the country as an ambassador for public education, stressing the association's mission to ensure that every child in America can attend a great public school right in his or her own neighborhood. In order to have great public schools, Mr. Weaver has outlined six areas that need to be addressed: parental involvement, high-quality school employees, high-quality classroom instruction, educators who give their best to every child, a high-quality teacher in every classroom, and fixing and funding the No Child Left Behind law. His NEA career started as a local president in Harvey, IL and eventually he became the president of the Illinois Education Association from 1981 to 1987; served on the NEA Executive Committee from 1989 to 1995 and as NEA vice president from 1996 to 2002. In addition, he serves on the executive board of the National Council for the Accreditation of Teacher Education and on the board of governors of the Joint Center for Political and Economic Studies. Among his many accomplishments, he was named to the Ebony 2004 100+ Most Influential Black Americans list and was featured in Who's Who, as well as in Who's Who in Black America.

For his continuing leadership on the frontlines in the crusade for excellence in education, we salute Reginald Weaver as a Great Point-of-Light for all Americans.

HONORING SESQUICENTENNIAL OF ATASCOSA COUNTY

HON. HENRY CUELLAR

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 7, 2006

Mr. CUELLAR. Mr. Speaker, I rise today to honor the sesquicentennial of Atascosa County, which resides within the 28th District of Texas. This year marks the 150th anniversary of the founding of Atascosa County.

Atascosa County had its beginnings after the Texas Revolution, when several land grants were given out to notable Texans such as Jose Antonio Navarro that marked extensive colonization in the area in 1853. The first county seat, Navatasco, was established in 1857 on land donated by Navarro. Many of the new settlers were recent immigrants from Mexico, Germany, and England. The early years of the twentieth century brought many changes to Atascosa County. Several railroads were built that helped connect the towns of Leming, Pleasanton, McCoy, Charlotte, and Hindes. In 1910, the residents of Atascosa County voted to officially make Jourdanton the county seat.

Agriculture is a vital part of Atascosa County with a wide variety of agricultural products ranging from livestock to strawberries. In 2002, there were over 1,539 farms and ranches covering 669,890 acres, 52% of which were devoted to pasture, 33% to crops, and 12% to woodlands. In that year alone, local farmers and ranchers earned $51,808,000, with livestock sales accounting for $34,534,000 of that total. Oil and gas also continue to be a leading industry in the county, with over 1,236,387 barrels of oil produced in 1990. By the end of 2004, over 149,778,538 barrels of oil have been produced in Atascosa County. The largest communities in the county are Jourdanton, Pleasanton, Campbelton, Poteet, Lytle, Charlotte, Christine, Leming, McCoy, and Peggy. Some of the county's wonderful attractions include the famous Poteet Strawberry Festival, the Jourdanton Days Celebration, and the Cowboy Homecoming and Rodeo in Pleasanton. As we look back on the past 150 years with pride, we also look forward to a very promising future for Atascosa County.

Mr. Speaker, I am honored to have had this time to honor Atascosa County on their 150th anniversary, and I thank you for this time.

RECOGNIZING ARMY SPECIALIST GARY PITTS OF INVERNESS, FLORIDA

HON. GINNY BROWN-WAITE

OF FLORIDA.

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 7, 2006

Ms. GINNY BROWN-WAITE of Florida. Mr. Speaker, I Rise today to honor Gary Pitts of Inverness, Florida, an Army Specialist who served in Iraq and is currently based at Fort Carson, Colorado.

Born in Inverness, Florida, Specialist Pitts graduated from Citrus High School in 1993. Following the events of September 11, he felt a strong need to do his part to fight the global war on terror and joined the Army at the age of 26. Completing basic training in May 2002 at Fort Knox, Kentucky, he went on to advanced training at Fort Bliss, Texas.

Deployed to Iraq in February 2003 for a 5-month tour as a Patriot missile operator, Specialist Pitts returned to Fort Bliss following the completion of his duties. Having completed his initial commitment, on April 6, 2004, Specialist Pitts re-enlisted for another 3 years. Once again deployed to Iraq in March 2005, he served for a year in the 3rd Armored Cavalry Regiment as a radar operator and a turret gunner. While serving in Iraq, Specialist Pitts' missions included convoy security and elections security during Iraq's first elections.

Specialist Pitts received the Combat Action Badge for engaging the enemy in action following an IED explosion next to his vehicle. Currently based at Fort Carson, Specialist Pitts has approximately 8 more months to complete his 6 years of enlistment.

In addition to his military service, Specialist Pitts has a natural talent for art and creativity, winning numerous blue ribbons for his pastel artwork. He is now married and living in Colorado Springs and enjoys his visits home to see his parents, Mike and Anne, and brothers, Steven and Mike. He also visits his sister Michele and niece Tiffany who live in Colorado.

Mr. Speaker, it is soldiers like Gary Pitts who volunteer to protect the freedoms that all Americans hold dear to their hearts. He is to be commended for his service to our Nation and for his commitment to his family and loved ones. This Congress will never forget his sacrifices in battle.

JIM WESTFALL—JOHNS FELLOWSHIP AWARDEE

HON. BOB FILNER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 7, 2006

Mr. FILNER. Mr. Speaker, I stand here today to honor James M. Westfall as the Johns Fellowship Award Winner for 2006. After graduating from high school, "Jim" Westfall completed the San Diego Electrical Joint Apprenticeship 4-year program in 1973.

In 1976, he began working for the Bechtel Power Corp., at the San Onofre Nuclear Generating Station and advanced to General Foreman in the Electrical Department. In 1980, Jim was elected Business Representative for I.B.E.W. Local 569 and served for 7 years.

For the past 19 years, Jim has been employed with the San Diego Electrical Training Trust as Administrative Manager/Director of Training. During his tenure, Jim was instrumental in building the Apprenticeship from 300 students with 12 instructors to 13 full-time staff, 1250 students and 75 instructors.

During his 30-year career, Jim has served on the National Electrical Training Directors Association, California Apprenticeship Coordinators Association and the Apprenticeship Coordinators Association of San Diego. He has also been awarded the Electrical Industry Progress Award for Leadership and Exemplary

Service and the Founder's Trophy for Extraordinary Leadership and Service to the Electrical Industry by the National Electrical Contractors Association, San Diego Chapter.

Jim is currently the Director of Training for San Diego Electrical Training and has been inducted into the California apprenticeship Hall of Fame on May 4, 2006.

James M. Westfall is very deserving of this award as he has been a driving force in the organized labor movement for the past 30 years.

CONGRATULATING MAGEE RIETER AUTOMOTIVE SYSTEMS OF BLOOMSBURG, PENNSYLVANIA ON BEING NAMED SUPPLIER OF THE YEAR TO GENERAL MOTORS FOR THE 14TH CONSECUTIVE YEAR

HON. PAUL E. KANJORSKI

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 7, 2006

Mr. KANJORSKI. Mr. Speaker, I rise today to ask you and my esteemed colleagues in the House of Representatives to pay tribute to Magee Rieter Automotive Systems of Bloomsburg, Pennsylvania, on the occasion of their being named worldwide ''Supplier of the Year'' to General Motors for the 14th consecutive year.

Of GM's 30,000 suppliers, Magee Rieter Automotive Systems is the only company in North America to achieve this remarkable record, a fact that should make its nearly 800 employees exceedingly proud.

Magee Rieter is the leading supplier of carpets to General Motors in America. The company has been in business in Bloomsburg since 1889 and has been supplying General Motors for more than 90 years, first with hand draped tapestries for Fisher Body carriages and, today, with fully molded carpet floors and integrated acoustical systems.

For more than a century, the company has endured and overcome numerous challenges including floods, fires and the rapidly changing business environment. After World War II, the company received the Army/Navy ''E'' award for excellence in recognition of its production of high quality materials for the war effort.

Magee Rieter records annual sales in excess of $175 million and has an annual payroll of more than $37 million that provides its employees with family sustaining incomes that average about $39,000 annually. Overall, Magee Rieter is responsible for a $168 million annual impact to the local economy.

The current employees of Magee Rieter are carrying on traditions of pride and success handed down by their parents, grandparents and great grandparents who worked at this remarkable company.

Mr. Speaker, please join me in congratulating Magee Rieter for demonstrating superior performance and for serving as a shining example for other businesses to emulate.

AIDS IN 2006—MOVING TOWARD ONE WORLD, ONE HOPE?

HON. JANICE D. SCHAKOWSKY

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 7, 2006

Ms. SCHAKOWSKY. Mr. Speaker, the International AIDS Society meeting in Toronto last month focused the world's attention on ways to deal with the ongoing AIDS pandemic. Global health experts and advocates came together to discuss effective tactics and comprehensive strategies for improved prevention and therapies and, ultimately, a cure. I am particularly glad that the meeting highlighted the need for microbicides development, treatments that will allow vulnerable women to protect themselves and their families from infection.

As we consider the recommendations made in Toronto, I want to draw my colleagues' attention to a recent article, ''AIDS in 2006—Moving toward One World, One Hope?,'' published in the August 17 edition of The New England Journal of Medicine. Written by Dr. Paul Farmer and Dr. Jim Yong Kim, leading medical experts with years of front-line experience through their work at Partners in Health, they offer us important lessons that will help translate the optimism expressed in Toronto into the reality of improved global health.

As they point out, an effective approach to the global AIDS epidemic (and to the global TB and malaria epidemics as well) will require strategies that address the global epidemic of poverty and the inequitable distribution of health care resources. Affordable drugs, viable public health systems, access to trained health care personnel, and the provision of nutrition and other ''wrap-around'' services that make the difference between life and death are all essential components for success. As Partners in Health has proven in Haiti and Rwanda, this comprehensive approach is not a pie-in-the-sky notion. It is completely achievable given a commitment to make and sustain the necessary investments.

The work of nongovernmental organizations like Partners in Health, the Bill and Melinda Gates Foundation and the Clinton Foundations HIV/AIDS Initiative has allowed us to make incredible strides, but they cannot solve these problems alone. As Dr. Farmer and Dr. Kim caution us, ''Only the public sector, not nongovernmental organizations, can offer health care as a right.'' The U.S. government can and must take the lead in expanding our commitment to defeating the twin dangers of global pandemics and global poverty. By doing so, we will not only make the world healthier, we will make it safer.

[From the New England Journal of Medicine, Aug. 17, 2006]

AIDS IN 2006—MOVING TOWARD ONE WORLD, ONE HOPE?

(By Jim Yong Kim and Paul Farmer)

For the past two decades, AIDS experts—clinicians, epidemiologists, policymakers, activists, and scientists—have gathered every two years to confer about what is now the world's leading infectious cause of death among young adults. This year, the International AIDS Society is hosting the meeting in Toronto from August 13 through 18. The last time the conference was held in Canada, in 1996, its theme was ''One World, One Hope.'' But it was evident to conferees from the poorer reaches of the world that the price tag of the era's great hope—combination antiretroviral therapy—rendered it out of their reach. Indeed, some African participants that year made a banner reading ''One World, No Hope.''

Today, the global picture is quite different. The claims that have been made for the efficacy of antiretroviral therapy have proved to be well founded: in the United States, such therapy has prolonged life by an estimated 13 years—a success rate that would compare favorably with that of almost any treatment for cancer or complications of coronary artery disease. In addition, a number of lessons, with implications for policy and action, have emerged from efforts that are well under way in the developing world. During the past decade, we have gleaned these lessons from our work in setting global AIDS policies at the World Health Organization in Geneva and in implementing integrated programs for AIDS prevention and care in places such as rural Haiti and Rwanda. As vastly different as these places may be, they are part of one world, and we believe that ambitious policy goals, adequate funding, and knowledge about implementation can move us toward the elusive goal of shared hope.

The first lesson is that charging for AIDS prevention and care will pose insurmountable problems for people living in poverty, since there will always be those unable to pay even modest amounts for services or medications, whether generic or branded. Like efforts to battle airborne tuberculosis, such services should be seen as a public good for public health. Policymakers and public health officials, especially in heavily burdened regions, should adopt universal-access plans and waive fees for HIV care. Initially, this approach will require sustained donor contributions, but many African countries have recently set targets for increased national investments in health, a pledge that could render ambitious programs sustainable in the long run.

As local investments increase, the price of AIDS care is decreasing. The development of generic medications means that antiretroviral therapy can now cost less than 50 cents per day, and costs continue to decrease to affordable levels for public health officials in developing countries. All antiretroviral medications—first-line, second-line, and third-line—must be made available at such prices. Manufacturers of generic drugs in China, India, and other developing countries stand ready to provide the full range of drugs. Whether through negotiated agreements or use of the full flexibilities of the Agreement on Trade-Related Aspects of Intellectual Property Rights, full access to all available antiretroviral drugs must quickly become the standard in all countries.

Second, the effective scale-up of pilot projects will require the strengthening and even rebuilding of health care systems, including those charged with delivering primary care. In the past, the lack of a health care infrastructure has been a barrier to antiretroviral therapy; we must now marshal AIDS resources, which are at last considerable, to rebuild public health systems in sub-Saharan Africa and other HIV-burdened regions. These efforts will not weaken efforts to address other problems—malaria and other diseases of poverty, maternal mortality, and insufficient vaccination coverage—if they are planned deliberately with the public sector in mind. Only the public sector, not nongovernmental organizations, can offer health care as a right.

Third, a lack of trained health care personnel, most notably doctors, is invoked as a reason for the failure to treat AIDS in poor

countries. The lack is real, and the brain drain continues. But one reason doctors flee Africa is that they lack the tools of their trade. AIDS funding offers us a chance not only to recruit physicians and nurses to underserved regions, but also to train community health care workers to supervise care, for AIDS and many other diseases, within their home villages and neighborhoods. Such training should be undertaken even in places where physicians are abundant, since community-based, closely supervised care represents the highest standard of care for chronic disease, whether in the First World or the Third. And community health care workers must be compensated for their labor if these programs are to be sustainable.

Fourth, extreme poverty makes it difficult for many patients to comply with antiretroviral therapy. Indeed, poverty is far and away the greatest barrier to the scale-up of treatment and prevention programs. Our experience in Haiti and Rwanda has shown us that it is possible to remove many of the social and economic barriers to adherence but only with what are sometimes termed ''wrap-around services'': food supplements for the hungry, help with transportation to clinics, child care, and housing. In many rural regions of Africa, hunger is the major coexisting condition in patients with AIDS or tuberculosis, and these consumptive diseases cannot be treated effectively without food supplementation. Coordination among initiatives such as the President's Emergency Plan for AIDS Relief, the Global Fund to Fight AIDS, Tuberculosis, and Malaria, and the World Food Program of the United Nations can help in the short term; fair-trade agreements and support of African farmers will help in the long run.

Fifth, investments in efforts to combat the global epidemics of AIDS and tuberculosis are much more generous than they were five years ago, but funding must be increased and sustained if we are to slow these increasingly complex epidemics. One of the most ominous recent developments is the advent of highly drug-resistant strains of both causative pathogens. ''Extensively drug-resistant tuberculosis'' has been reported in the United States, Eastern Europe, Asia, South Africa, and elsewhere; in each of these settings, the copresence of HIV has amplified local epidemics of these almost untreatable strains. Drug-resistant malaria is now common worldwide, extensively drug-resistant HIV disease will surely follow, and massive efforts to diagnose and treat these diseases ethically and effectively will be needed. We have already learned a great deal about how best to expand access to second-line antituberculous drugs while increasing control over their use; these lessons must be applied in the struggles against AIDS, malaria, and other infectious pathogens.

Finally, there is a need for a renewed basic-science commitment to vaccine development, more reliable diagnostics (the 100-year-old tests widely used to diagnose tuberculosis are neither specific nor sensitive), and new classes of therapeutics. The research-based pharmaceutical industry has a critical role to play in drug development, even if the overall goal is a segmented market, with higher prices in developed countries and generic production with affordable prices in developing countries.

There has been a heartening increase in basic-science investments for tuberculosis and malaria; funding for HIV research at the National Institutes of Health remains robust. Yet the fruits of such research will not arrive in time for those now living with, and dying from, AIDS and tuberculosis. New tools to prevent, diagnose, and treat the diseases of poverty will be added to the stockpile of other potentially lifesaving products that do not reach the poorest people, unless we develop an equity plan to provide them. Right now, our focus must be on improving access to the therapies that are available in high-income countries. The past few years have shown us that we can make these services available to millions, even in the poorest reaches of the world.

The unglamorous and difficult process of increasing access to prevention and care needs to be our primary focus if we are to move toward the lofty goal of equitably distributed medical services in a world riven by inequality. Without such goals, the slogan ''One World, One Hope'' will remain nothing more than a dream.

AMERICA'S OLDEST MAIL ORDER CATALOGUE COMPANY CELEBRATES ITS 150TH ANNIVERSARY

HON. BERNARD SANDERS

OF VERMONT

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 7, 2006

Mr. SANDERS. Mr. Speaker, Charles F. Orvis founded the Orvis Company in 1856 to sell high quality fly-fishing equipment.

The Orvis Company has been doing exactly that—selling the best in fishing equipment throughout the entire world—ever since. The reel that Charles Orvis developed, a ventilated fly reel, is still the basis of most modern fly reels. In fact, the Orvis Company is the oldest fishing rod manufacturer in the world, selling rods made in Vermont all over the globe. And its catalogue business is older than that of Sears or L.L. Bean, for it has been in existence for over a 100 years. Currently its 26 annual catalogues—Orvis mails out over 50 million catalogues a year—help generate the company's remarkable sales of over $250 million annually.

Orvis has deep, deep roots in Vermont, but it has shown the flexibility to adapt to a growing international market. It has distributors in 25 countries, and sells widely in both England and Japan. Although Orvis has its headquarters in Manchester, Vermont, where its flagship store of 23,000 square feet is also located, Orvis has 30 retail stores across the United States and in England. Its network of dealers is truly global, with dealers in not only North and South America, but Europe, Asia, Africa, and Australia.

But Orvis is not just about success in retailing. The company has a deep commitment to preserving the natural environment. Each year Orvis puts 5 percent of its pre-tax profits into conservation projects and, works to multiply its commitments—and the commitments of its customers—by matching donations from customers to its forest/wetland and biodiversity projects.

With 150 years of success behind them, we wish the owners and employees at Orvis many more years of success ahead, both in retailing and in working to conserve and preserve our precious natural heritage.

TRIBUTE TO JOHN BASILONE

HON. RODNEY P. FRELINGHUYSEN

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 7, 2006

Mr. FRELINGHUYSEN. Mr. Speaker, I rise today to ask my colleagues to join with me in paying tribute to a man who dedicated his life to the United States Armed Forces. John Basilone, born in 1916, served in the United States Army from 1934 until 1937 and in the United States Marines from 1942 until his death in 1945. Each year, since 1981, the good citizens of the Borough of Raritan, Somerset County, a vibrant community I am proud to represent, sponsor a parade in memory of John Basilone. The 25th Annual John Basilone Parade will take place on Sunday, September 25, 2006.

John Basilone, native of Raritan, New Jersey, served an honorable career in defense of our country. For heroics performed on the invasion of Guadalcanal in August of 1942, Mr. Basilone was awarded The Congressional Medal of Honor. Without fear for his life, he unabashedly commanded his fellow troops and sought to bring the United States to victory.

After returning from duty in Guadalcanal, John went home to Raritan to be honored by his friends and family for his courage and bravery. However, it was not long before Basilone sought another mission on behalf of his country. The Marines granted his wish to be sent back overseas in December of 1943.

On February 19th of 1945 the Marines, including John, landed on the island of Iwo Jima. After giving the Marines a chance to wade ashore, the Japanese opened fire on defenseless United States soldiers. Brave men with leadership ability were needed to rally the troops. John Basilone rose to the occasion. Many survivors of the battle recall that in the midst of fighting there was one Marine out in the open, directing and rallying the men. It was John Basilone.

Mr. Basilone was hit with a mortar shell and died of his wounds shortly thereafter on the island of Iwo Jima. For his actions that day, John Basilone was awarded The Navy Cross. According to his official biography, John Basilone remains the only soldier, non-officer, in United States history to be awarded both The Congressional Medal of honor and The Navy Cross.

Mr. Speaker, I urge you and my colleagues to join me in congratulating the citizens of Raritan and the John Basilone Parade participants for celebrating the life of a fine man and true American hero.

RECOGNIZES CHRISTOPHER MARTELL OF LAKEWOOD, COLORADO

HON. GINNY BROWN-WAITE

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 7, 2006

Ms. GINNY BROWN-WAITE of Florida. Mr. Speaker, I rise today to honor Christopher Martell of Lakewood, Colorado, an Army 2nd Lieutenant currently serving in Iraq.

Lieutenant Martell served in the ROTC while at Gonzaga University, stating that his ROTC service was the most rewarding part of his entire college experience. Following his graduation with a bachelors degree in Communications, Lieutenant Martell reported to the Army's 82nd Airborne Division where he was assigned to military intelligence.

Lieutenant Martell has remarked that he has found a strong sense of patriotism and brotherhood in the Army. The history and camaraderie among his fellow soldiers is truly a sight

to behold and has made his experience a rewarding one.

Coming from a proud family history of military service, Lieutenant Martell's grandmother, Florence McCann, served in the U.S. Navy WAVES, or Women Accepted for Volunteer Emergency Service, during World War II. Mrs. McCann currently resides in Inverness, Florida.

Mr. Speaker, it is soldiers like Christopher Martell who volunteered to protect the freedoms that all Americans hold dear to their hearts. While brave men and women like Christopher serve in the name of freedom and liberty, his family, friends and loved ones should know that this Congress will never forget his sacrifice and commitment.

IN MEMORY OF DR. STERLING SMITH

HON. MICHAEL C. BURGESS

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 7, 2006

Mr. BURGESS. Mr. Speaker, I rise today to give tribute to Dr. Sterling Smith, of Denton, Texas, for his lifelong commitment and contributions to his community and to education.

A native of Denton, Texas, Dr. Smith received his undergraduate degree from the University of North Texas in 1963. He also received a Master of Secondary Education degree from the University of Arizona and a Ph.D. in Science and Mathematics Education from the University of Texas at Austin. A 40-year veteran of public education and an avid mountain-climber, Dr. Smith died August 21st as the result of a fall while descending South Maroon Peak near Aspen, Colorado.

Dr. Smith began as a product of the Denton public school system and spent 30 of his 40 years as an educator teaching at the Texas Women's University in Denton. He worked closely for years with science teachers in North Texas and served for 2 years as president of the Denton High School Band Booster Club. He was active in the Boy Scouts for more than 40 years and volunteered as a teacher in the men's Sunday school class at First Baptist Church.

Most recently, Dr. Smith had been elected as the newest member of the Denton school board, his first elected office, and fellow members said he was already hard at work getting caught up on the complex issues associated with a modern public school system.

Dr. Smith was a lifelong champion of education and service to his community. I join in mourning the loss of Dr. Smith and extend my deepest sympathies to his friends and family. He will be deeply missed and his service and dedication will always be greatly appreciated.

APPOINTMENT OF ROGER GODELL AS COMMISSIONER OF THE NATIONAL FOOTBALL LEAGUE

HON. BRIAN HIGGINS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 7, 2006

Mr. HIGGINS. Mr. Speaker, I would like to congratulate Roger Godell on his appointment as the new Commissioner of the National Football League (NFL). Godell's longtime dedication to the league and his genuine love for the game will assure him a long and successful tenure as league commissioner.

I was especially excited to see a Western New York native succeed Commissioner Tagliabue. As a lifelong Western New York resident and Representative from the 27th District of New York, I am pleased to know that as the new commissioner, Godell can relate to the small-market environment in his hometown region and to the great impact the presence of the Buffalo Bills has on our community.

The Buffalo Bills are one of the most respected franchises in the NFL, and our fans are extremely loyal. However, I am concerned that under the current collective bargaining agreement, the existence of the Bills in Buffalo may be in danger. The departure of the Bills would have a devastating impact in the area.

Without consideration of the unique economic situation concerning this storied franchise, and the great city that has enthusiastically supported the Bills for almost 50 years, the loss of this team to this city would, in effect, rip the heart and soul out of the NFL, and out of this great American city.

Provisions in the CBA that greatly affect Buffalo include stipulations regarding ticket sales falling below a certain level before revenue sharing participation kicks in. While the Bills have great community support, ticket prices are low because we are not a wealthy community; but under the stipulations, the Bills could sell-out all home games and still lose money and not be eligible for revenue sharing.

Additionally, including state and county monetary support in establishing franchise revenue would be extremely detrimental to the Bills and similar teams. For example, in Buffalo all game day stadium expenses are picked up by Erie County—the County reimburses the Bills for the cost of security, ticket takers, ushers, among other services—counting these contributions against the team could mean that the CBA is a de facto plan to annihilate small market franchises.

Finally, I am also highly concerned about the possibility that new team ownership would not be eligible for revenue sharing. The Bills have been lucky enough to remain under the stewardship of their owner, Ralph C. Wilson, but should Mr. Wilson pass, or should he ever decide to sell the team, a new owner would have no alternative but to look to move the team.

I appreciate the hard work of former Commissioner Tagliabue in helping resolve some of these issues by placing Mr. Wilson and other small-market owners on the Qualifier Committee responsible for final interpretation of these and other issues. With Godell's help, I am hopeful that the league can resolve the revenue sharing issue and help its small-market teams remain in their respective cities.

I wish Commissioner Godell the best of luck and success in his new position and I look forward to working with him in the future.

IN HONOR OF WILLIAM OSKAR GROGGINS

HON. LYNN C. WOOLSEY

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 7, 2006

Mr. WOOLSEY. Mr. Speaker, I rise today to honor William Oskar Goggins for the kindness and influence he showed the world during his 43 years here.

Billy was born at St. Mary's Hospital in San Francisco, CA on Sunday, May 10, 1963—on Mother's Day. He was the first child of Patrick and Ute Goggins, both very well-known and respected individuals in the Bay Area and beyond.

From the hospital he was carried right into a civil rights demonstration in Golden Gate Park. Billy took his first trip to Ireland at 4 years old to meet his family relatives in the west of Ireland in County Mayo. Annual family trips by car to Montana and Dakota included reunions in the Bear's Paw Mountains, hi-balling on the Iron Road, the old Great Northern Railway and running brave with Chippewa, Cree, Blackfoot and Sioux Indian friends. The Goggins' adventured on 2-month road trips to Baja and the Pacific Coast of Mexico where mother Ute painted, and sisters Cathy and Aimee followed in Bill's energetic footsteps. Billy toiled in family vineyards in Germany with equally embracing relatives. These things were the soul of his education.

Over the years Bill played soccer, drew cartoons, tutored younger students from Mill Valley and Marin City, played volleyball at Stinson Beach, surfed in Bolinas, and much much more. He graduated from Tamalpais High School as a National Merit Scholar and Salutatorian.

Summer jobs were at Bancroft-Whitney legal publishers, San Francisco and Wausau Paper Mill, Wisconsin. He worked at numerous restaurants including the Book Depot Café and Avenue Grill in Mill Valley, and Embarko in San Francisco. He also volunteered at St. Anthony Dining Room in the Tenderloin, providing free meals for the homeless.

Bill attended Georgetown University School of Foreign Service and San Francisco State University, Departments of Communication and Philosophy. He began his vital journalism career with Frisko Kids, KALW radio, and then moved on to the old SF Weekly.

Former SF Weekly editor and colleague Andrew O'Hehir remembers, ''Of course he worked harder than anyone and became essential, and in 3 years moved from all-purpose intern to copy editor to rulming the Arts and Entertainment section. I can't remember exactly when he became the go-to guy for headline copy, but I'd say that by the time he'd been there a year, he was writing half the heads in the paper.''

Bill thrived at Wired for 10 years. He started as a freelance copy editor and rose to become deputy editor. Bill served as a special link between the digital industry's pace-setting magazine in the center of San Francisco's media gulch and an eager, educated national and international readership. His colleagues admired him tremendously.

''Bill was that rarest of things: a true original,'' says Chris Anderson, the magazine's editor in chief. ''He was brilliant, witty and culturally omnivorous, all of which combined in

his signature headlines. They usually worked on at least three levels of meaning, from some remixed cultural reference to at least one pun. In many ways his winking style and clever turns of phrase became Wired house style for nearly a decade, and to look at our covers and headlines over those years is to hear Bill's voice again.''

Bill's voice also made its mark through the alternative dot-com generation's website Suck.com where he wrote under the name 'Bartelby'. Bill recently enjoyed writing and editing with the new magazine Todo, and they remember him not just as a logophile, a wordsmith, a gifted editor, a true friend; but also as ''one who tirelessly pursues perfection, fraternity and goodness.''

A real linguist (German, Spanish and Bill-English) and traveler—Bill visited Tunisia, the Philippines, Bahamas, Mexico, Canada, and all over the United States and Europe. He was a dual citizen of the U.S. and Ireland. Bill was a citizen of the world.

Bill was a San Franciscan through and through. He openly embraced and explored all of the city's neighborhoods. He was an avid supporter of the arts, with active memberships to many museums and regular attendance at the symphony, opera, ballet, varied theatres and clubs.

Bill participated with his family and compatriots in the antiwar demonstrations from the Vietnam era to Iraq of today.

My daughter, Amy Critchett, had the good fortune to be a friend with and to work with Bill at Wired for many years. ''Bill Goggins made work seem like work—because it was and he was so incredibly good at what he did—but with him around there was always a twist of irony and a splash of curly-haired, smiling-cheeked sunshine not far away,'' according to Amy. ''Get ready to laugh all you up there.''

Bill inexplicably collapsed and passed away suddenly during mile 24 of the San Francisco Marathon Benefit for Cancer on Sunday, July 30, 2006. He was in fit condition and many knew him as a wonderful, companionable runner, reconciled, strong and happy.

An outpouring of hundreds from around the globe, representing family, friends, colleagues, public officials on local, state and national levels, ambassadors, the Irish and British governments, the Democratic party, and diverse cultural non-profit organizations attended a memorial mass held at our Lady of Mount Carmel Church and a life celebration at the Outdoor Art Club in Mill Valley on August 4, 2006.

Billy was a deeply loved member of a very close family. He supported all of them individually and together—helping hang his mother Ute's art shows, assisting his father Pat with community outreach via organizations such as the Irish Forum, Irish Mexican Association, and Irish Literary and Historical Society to name a few, being the proud uncle to sister Cathy's two children, Lina Rose & Dominic Chester, and showing up for sister Aimee's various work events or helping edit her writing.

Bill believed in justice, peace and humanity. He connected with people everywhere he went. No one and nothing escaped his keen eye and warm words. His sense of community was broad and all-encompassing. Bill was a man of grace. He chipped in for everyone.

He had old-fashioned manners, was a staunch listener and he gave of himself enormously. His roughish grin, sparkle in his eye and love of discussion and opinion will live on with us forever.

Mr. Speaker, Bill had enormous integrity and loyalty, and taught us all how to be total human beings. To be fearless, to be bold, to be true to yourself. To be both gracious and outspoken. To pursue what matters in life and cherish each other. Bill knew all of these things and helped us be them too. Bill lived his life and made all of us proud. He will be deeply missed by many.

COMMEMORATING THE 40TH ANNIVERSARY OF THE MOSS LANDING MARINE LABORATORIES, MOSS LANDING, CALIFORNIA

HON. SAM FARR

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 7, 2006

Mr. FARR. Mr. Speaker, I rise today to celebrate a national treasure located in my district and commemorate an auspicious occasion: the 40th anniversary of the California State University's Moss Landing Marine Laboratories at the heart of Monterey Bay.

Founded in 1966, Moss Landing Marine Laboratories (MLML) is the second oldest marine lab on the Monterey Bay: The founders were a small group of strong-minded faculty and forward-thinking administrators at California State University (CSU) who were dedicated to the pursuit of marine science, research and education at the highest possible level. Currently, MLML is operated by a consortium of seven CSU campuses (Fresno, East Bay, Monterey Bay, Sacramento, San Francisco, San Jose, and Stanislaus), with undergraduate and graduate students pursuing their Masters of Science degrees in marine biology and oceanography. From its grass roots conception and its humble beginnings in an old cannery building, MLML has grown into an institution of international reputation for excellence and has trained generations of students.

The current director, Dr. Kenneth Coale, 9 full-time faculty and a complement of adjunct professors and affiliated researchers dutifully cultivate the mission, which is to ''Provision the Pioneers of the Future in Marine Sciences'' through a hands-on, field-oriented approach to their curriculum, placing their students at the frontiers of marine science where discoveries are being made. Since MLML is associated with the California State University system, the primary responsibility of the faculty is teaching. Despite their emphasis on well-taught courses and mentoring of graduate students, the MLML faculty and associated researchers are regional leaders within their research disciplines. Their research has been critical to the creation of the Monterey Bay National Marine Sanctuary and the Elkhorn Slough National Estuarine Research Reserve, and has shaped the development of new. programs throughout CSU. Findings by the faculty have been acknowledged as some of the most significant in the field of oceanography over the last 50 years by the National Research Council, and MLML has received the Environmental Heroes Award bestowed by the head of NOAA and former Vice President Al Gore.

The Moss Landing Marine Laboratories are a testament to the power of academic freedom and the commitment to Science-Based Earth Stewardship. MLML has educated over 1000 marine scientists who now hold positions in the federal government, the most prestigious academic and research institutions nationwide, regulatory and resource agencies, and teaching institutions throughout the country. The great wealth of nearby marine resources, the faculty emphasis on mentoring and teaching with integrated research, and the excellent facilities, staff, and marine operations contribute to making this one of the best programs for a Master of Science in Marine Science in the United States. I celebrate the pioneers that founded this institution and those who continue to lead the way in maintaining excellence.

HISPANIC HERITAGE FOUNDATION

HON. SOLOMON P. ORTIZ

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 7, 2006

Mr. ORTIZ. Mr. Speaker, I rise today to recognize an outstanding non-profit organization: the Hispanic Heritage Foundation.

The Hispanic Heritage Foundation promotes and celebrates Hispanic culture, education, and accomplishment through year-round national and regional inspirational leadership programs by sponsoring a number of educational and cultural programs including the Hispanic Heritage Awards, Youth Awards, and the LOFT (Latinos on Fast Track) Initiative.

The Hispanic Heritage Awards and Ceremony began as a small White House ceremony in 1987 honoring the creation of Hispanic Heritage Month, September 15 through October 15. The award is a prestigious honor, and is a culmination of the Foundation's year-round efforts.

In an evening filled with cultural pride and celebration, the Foundation and the audience honor notable Hispanics who have distinguished themselves as role models in the Hispanic community while making a positive impact in our country.

This year marks the 20th anniversary of the Hispanic Heritage Awards and the theme of the 2006 ceremony will be ''Looking Back, Moving Forward,'' representing the Hispanic community as part of the history of this Nation, and our presence in the Nation's future.

The event will be held September 7, 2006 on the Eisenhower Stage at the Kennedy Center for the Performing Arts.

I ask the House of Representatives to join me today in recognizing such an outstanding organization that strives to inspire education in our community, individual excellence among young Hispanics, and prosperity within our communities.

A GREAT POINT-OF-LIGHT FOR ALL AMERICANS, ROGER TOUSSAINT

HON. MAJOR R. OWENS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 7, 2006

Mr. OWENS. Mr. Speaker, I rise to salute a premium leader for both the middle class and working families. Roger Toussaint is a truly unique Great Point-of-Light. In December

2005 he led New York City's first transit strike in 25 years in order to safeguard the pensions and healthcare for transit workers and future retirees. When all of the negotiations had been completed, the Governor of New York attempted to set a precedent by placing a cut in future pension benefits for new hires. It was the opening salvo for a campaign to cut pension benefits for all state and city employees. In an act of monumental significance for future workers Roger Toussaint rejected this deal with the words: "I will not sell out the unborn."

TWU Local 100 President Roger Toussaint was born in Trinidad in 1956. As a youth in Trinidad, he took part in the 1970 rebellion that targeted the vestiges of British colonial rule and challenged the oppressive conditions of workers, soldiers and small farmers. At the age of 17, Toussaint was arrested and expelled from school for writing slogans on school walls, including "Free Education Means Free Books." In 1974 he came to New York. After a brief enrollment at Brooklyn College, during which he took part in the anticutbacks movement, he worked for several years as a welder prior to the closing of the Brooklyn Naval Yard. Toussaint was hired by the Transit Authority as a cleaner in 1984 and became a track worker in 1985.

Toussaint became active on the job, joining with other track workers to publish "On Track" and to pursue a series of struggles against managerial arrogance and safety hazards. He did not seek a formal union position until 1994, when he was elected Chair of the 1,800-member Track Division. Already a thorn in the side of management and the incumbent union administration, Toussaint used the newly gained position to step up the struggle. In July of 1998, he was fired on the pretext of having been in an unauthorized vehicle during working hours, when the car in which he was a passenger was hit in an intersection and he suffered neck and back injuries. In fact, Toussaint was on official union business at the time, riding in a union car operated by a union official. A routine appeal of the firing was dismissed as untimely—the first such ruling in 60 years of Transit Authority (TA) discipline.

The TA had Toussaint shadowed by private investigators who followed him to union meetings, to his son's nursery school, and even to disciplinary hearings where he defended fellow union members. Toussaint's firing became a rallying cry for union members who demanded his reinstatement. In the union election of 2000, Toussaint became the presidential candidate of New Directions, an umbrella group embracing the opposition to the incumbent regime.

On taking office, Toussaint immediately took measures to reform the finances of the nearly bankrupt Local, including cutting his own salary by 25 percent. In March 2001 he led a successful strike at a Westchester bus company, obtaining landmark increases in wages and benefits for 700 union members. In 2002 he led the union through a difficult strike at three bus companies in Queens operating under city franchise, securing the failing health benefits for 1,500 members. At the end of that year, he led the union in winning a contract settlement that guaranteed threatened health benefits for 34,000 transit workers and their families and opened an array of new initiatives on such fronts as discipline, safety, training and childcare.

In December 2003 he was reelected to a second term as President of TWU Local 100. As well as his duties at Local 100, Roger Toussaint is President of the Coalition of Metropolitan Transit Authority Unions and a New York City Employees' Retirement System Board Member. He has served on the NYC Central Labor Council and the Municipal Labor Committee. The father of five, Roger Toussaint lives in Crown Heights with his wife, Donna.

For his exceptional vision and leadership courage we salute Roger Toussaint as a Great Point-of-Light for all Americans.

RESOLUTION HONORING CONGRESSMAN ELIGIO "KIKA" DE LA GARZA

HON. HENRY CUELLAR

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 7, 2006

Mr. CUELLAR. Mr. Speaker, Whereas, Eligio "Kika" de la Garza was born in Mercedes, a small town in Hidalgo County, Texas, on September 22nd, 1927, beginning what would be the start of a long, and illustrious life in representing the Rio Grande Valley.

Whereas, at 17 years of age, he enlisted in the United States Army and served until 1946, continuing his education at Edinburg Junior College and the United States Army Artillery School in Oklahoma. Soon thereafter, he earned a law degree from St. Mary's University in San Antonio.

Whereas, in 1952, Eligio "Kika" de la Garza was elected to the Texas House of Representatives in 1952, serving the Rio Grande Valley. He accomplished many goals such as the creation of the Texas Water Commission and sponsoring a bill that allowed the border cities and counties along the Rio Grande river to build their own international bridges, helping to foster the spirit of trade and cooperation that still exists to this day.

Whereas, after serving honorably in the Texas House of Representatives, Congressman de la Garza was elected in 1964 to the United States House of Representatives to represent the 15th Congressional District of Texas. In his 32 years of congressional service, he was Chairman of the Committee on Agriculture, the first Hispanic to serve in the seat since 1917.

Whereas, during his leadership as Chairman of the Agriculture Committee for the next 13 years, he oversaw major agricultural legislation such as the Agriculture and Food Act of 1981, the Temporary Emergency Food Assistance Act, the Food Security Act, the Agricultural Credit Act of 1987, and the Disaster Assistance Acts of 1988 and 1989.

Whereas, in 1976, Congressman de la Garza became one of the founding members of the Congressional Hispanic Caucus, which he chaired from 1989 to 1991 as a strong supporter of civil rights for minorities and free trade along the border. He was highly involved in the passage of the North American Free Trade Agreement (NAFTA) which has greatly benefited the Texas-Mexico border region in South Texas: be it hereby

Resolved, That Congressman Henry Cuellar commends Congressman "Kika" de la Garza for having served the Rio Grande Valley with the utmost distinction and courage.

RECOGNIZES ANTHONY MUSSELMAN OF SUFFOLK, VIRGINIA

HON. GINNY BROWN-WAITE

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 7, 2006

Ms. GINNY BROWN-WAITE of Florida. Mr. Speaker, I rise today to honor Anthony Musselman of Suffolk, Virginia, a Quartermaster 1st class sailor currently serving in Iraq in the Global War on Terror.

Originally joining the Navy for an opportunity to see the world and learn some new skills, Quartermaster Musselman has accomplished his dream and has literally traveled the world over. A dedicated student of the naval profession, he was always looking at the stars. Quartermaster Musselman was happy to strike for quartermaster, learning to "shoot" the stars with a sextant rather than use GPS satellites.

One of his favorite memories during his 9 years of service was following September 11th when a German destroyer asked permission to pass by his amphibious assault ship. As they passed, the whole German crew was standing at attention with large sheets hung from all parts of the ship saying "We Stand With You".

Quartermaster Musselman is married to Misti Musselman from Chino, California. The couple currently lives in Suffolk, Virginia and is expecting their first child while he is deployed in Iraq. He is currently deployed with the Iraqi coastal patrol squadron guarding coastal oil fields. Quartermaster Musselman's parents currently reside in Citrus Hills, Florida.

Mr. Speaker, it is soldiers like Anthony Musselman who volunteered to protect the freedoms that all Americans hold dear to their hearts. While brave men and women like Anthony serve in the name of freedom and liberty, his family, friends and loved ones should know that this Congress will never forget his sacrifice and commitment.

JIM SANTANGELO—LABOR LEADER OF THE YEAR

HON. BOB FILNER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 7, 2006

Mr. FILNER. Mr. Speaker, I rise to recognize Jim Santangelo who is being honored as San Diego's Labor Leader of the Year. Jim is a New Jersey native who began his career as a truck driver in his home state following an honorable discharge from the Navy in 1959. This was also the time when Jim joined his first Teamsters Union Local. Shortly thereafter, he moved to Southern California and began his rapid rise in Teamsters Local 848.

Widely known throughout Southern California by thousands of rank- and-file Teamsters over the decades because of his communication skills, he served the Western Conference of Teamsters in 13 states as food and warehouse division director. In that post, he expanded working strategies for industry Union members to prosper under new collective bargaining agreements.

For years he served as the Union's political affairs chairman. His long tenure as the director of Joint Council 42's political screening

committee prompted a return of pro-worker and pro-labor elected representatives at all levels of public life in Southern California.

His dedication to Union members and working families and advocacy of training and education for all propelled him to the leadership of the largest Teamsters Joint Council in 1998. This was followed by his election to Western Region Vice President of the International Brotherhood of Teamsters. He was re-elected IBT Vice President in June, 2006.

More recently, Jim spearheaded the region's massive donation, mobilization and transportation of foodstuffs and necessities to the families of San Diego-based United States Marines deployed to Iraq and Afghanistan when it became known that welfare and food stamps were keeping families afloat.

Under his leadership, Teamster's Joint Council 42 inaugurated an annual scholarship program, created a computerized phone center for Union-to-member communications, and secured the award-winning Teamsters Joint Council 42 truck and trailer, which traverses the country for organizing and charity relief purposes.

He has also recently overseen the creation of the Teamsters Training Academy, a comprehensive training and upgrading facility to license commercial drivers.

Jim's commitment to the community has also led him to train for and join the city of El Monte Police Department as a reserve officer where he serves as a sergeant. In addition, Jim is a Los Angeles County Sheriff's Department reserve officer.

Jim Santangelo has been an inspiration to working families throughout Southern California—and truly deserves the honor as "Labor Leader of the Year."

CONGRATULATING PENNSYLVANIA SENATOR CHARLES D. LEMMOND AND MRS. BARBARA LEMMOND FOR RECOGNITION RECEIVED FROM THE SALVATION ARMY FOR THEIR COMMUNITY SERVICE

HON. PAUL E. KANJORSKI

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 7, 2006

Mr. KANJORSKI. Mr. Speaker, I rise today to ask you and my esteemed colleagues in the House of Representatives to pay tribute to my personal friends Senator Charles D. Lemmond and his wife, Barbara, who have been honored by the Salvation Army of the greater Wilkes-Barre area for their many years of community service.

Senator Lemmond has represented the 20th senatorial district in the Pennsylvania Senate since 1985 and is retiring at the end of this year. He is chairman of the Senate State Government Committee, Vice Chairman of the Senate Judiciary Committee and a member of the Senate Committees on Rules and Executive Nominations, Finance, and Military and Veterans Services.

A former Common Pleas Court judge in Luzerne County, Senator Lemmond is currently chairman of the Executive Committee of the Pennsylvania Higher Education Assistance Agency and he serves on the Joint Legislative Budget and Finance Committee and the Joint State Government Commission's Task Force on Decedent's Estates. Senator Lemmond is also a member of the Reapportionment Task Force, the Elections Reform Task Force and the Criminal Justice Committee of the National Conference of State Legislatures.

Legislatively, Senator Lemmond was the prime sponsor of a law providing judicial access to juvenile crime reports, a major anti-drug law aimed at imposing tougher punishments for repeat drug offenders, a law providing for the housing of state prisoners in federal prisons, and a law providing sentencing procedures for first-degree murder.

Senator Lemmond has also been instrumental in the passage of voter registration and election reform laws and, most recently, a law requiring hearing screening for all infants born in the Commonwealth. He has also sponsored numerous initiatives relating to government ethics, charitable organizations, tourist promotion, agriculture preservation, natural resource conservation and industrial site clean up.

A past potentate of Irem Temple, he is a 33rd degree Mason, a trustee of the Wyoming Conference of the United Methodist Church, an advisory board member of the Salvation Army, a life member of the board of trustee of Wyoming Seminary Preparatory School and an advisory board member of the Penn State Wilkes-Barre campus.

Senator Lemmond is a graduate of Harvard College and the University of Pennsylvania Law School. He also served overseas in the U.S. Army of Occupation.

Barbara Northrup Lemmond is a graduate of Wyoming Seminary and she attended Skidmore and Elmira Colleges. During a career spanning 37 years, she served as secretary to the Luzerne County Register of Wills, was a nursery school teacher for B'nai B'rith, co-owned Project 40, a handcraft and antique shop, served as office manager to a local physician as well as secretary for the Penn State University, Wilkes-Barre campus.

Mrs. Lemmond's dedication to the enhancement and well-being of the northeastern Pennsylvania community extends beyond her business acumen. She serves as a member of the board of directors for Wesley Village and the Anthracite Scenic Trails Association. She is an active volunteer for the Back Mountain Memorial Library and has been a driver for Meals on Wheels for more than 30 years, which is still a part of her weekly routine.

Mrs. Lemmond has served as past secretary, vice president, and board member for the Back Mountain Memorial Library, as well as a board member and president of Meals on Wheels. She has also served as a board member and president of the Luzerne County Library Systems, and a teacher at First United Methodist Church School in Wilkes-Barre. Mrs. Lemmond has also been a volunteer for Wilkes-Barre General Hospital, Planned Parenthood of Luzerne County, the Swetland Home, and a member of the Junior League of Wilkes-Barre.

On a personal note, my wife Nancy and I have known Charlie and Barbara for many, many years, since Charlie and I were young lawyers in the Luzerne County bar. Although we are members of different political parties, Charlie and I have always been friends and have been able to work together to serve Northeastern Pennsylvania. His thoughtful and dedicated service to our region and the Commonwealth will be greatly missed, and I wish him and Barbara all the best in their well-deserved retirement.

Mr. Speaker, please join me in congratulating Senator and Mrs. Lemmond on this joyous occasion. Together, they have contributed greatly to improving the quality of life in northeastern Pennsylvania through their selflessness and love of community.

MARY A. BAIN: A NATIONAL TREASURE

HON. JANICE D. SCHAKOWSKY

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 7, 2006

Ms. SCHAKOWSKY. Mr. Speaker, last month, the 9th Congressional District of Illinois mourned the loss of a dedicated and extraordinary public servant. Mary Anderson Bain brought her many talents, a firmly-rooted commitment to the New Deal principles of expanding opportunities to all, and a deep love of the arts to a career that has enriched our Nation.

Mary Bain is known by many of us from her long service with Representative Sid Yates, and she was one of the first women chiefs of staff when she accepted that position in 1975. Mrs. Bain was gracious and charming, but she was also politically-savvy and focused when it came to contributing to the well-being of the 9th Congressional District of Illinois and promoting the interests that she and Representative Yates shared. The two of them were a finely-tuned team who, together, were able to do great things.

In 2003, Mary Bain received the Heritage Defender Award, an award that recognized her many achievements: helping to create a cultural heritage grants program for the National Park Service and a conservation program at the Institute of Library and Museum Services and to ensure funding for the National Endowment for the Arts, the National Endowment for the Humanities, the Smithsonian Institute, the National Gallery, and the Kennedy Center.

At the awards ceremony, Democratic Leader NANCY PELOSI said, "Not only did Mary Bain save national treasures, she is a national treasure."

Mrs. Bain served the Nation but she started her public service in Illinois, first as a junior high school English teacher and later as the Illinois administrator of the National Youth Administration, a depression-era New Deal initiative. She was one of the youngest and one of the few women leaders. Part of the Works Progress Administration, the NYA provided young men and women with small work study payments so that they could afford to get an education. It provided an opportunity for a generation of young people who would otherwise have lost hope and their chance for a better future.

Mary Bain followed two guiding principles throughout her life. One was the belief that publicly-accountable government could make a positive difference in people's lives, whether it is in preserving the environment, providing education opportunities and financial security or expanding our cultural life. She was proud to be a liberal and made no bones about it.

The second was her commitment to sharing what she had learned from her decades of public service with others. There are many

people in Washington and Illinois who were mentored by Mary Bain—staff, House members, activists and advocates. I will always be grateful for her generosity in helping me when I was elected to succeed Representative Yates.

And, like so many others, I will always be grateful for her lifetime of accomplishments.

A VERMONT LESSON IN HOW TO EXPORT TO THE WORLD

HON. BERNARD SANDERS

OF VERMONT

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 7, 2006

Mr. SANDERS. Mr. Speaker, this year the Small Business Administration selected Robert Johnson of Omega Optical, in Brattleboro, Vermont, as Vermont's Small Business Exporter of the Year. His story, and the company's story, has much to tell us about how the United States can remain competitive in a global economy, and how we can create new manufacturing jobs through innovation and foresight.

Omega Optical began in 1968—in a garage. Since then, it has grown into a $13 million company that employs over 140 employees. Omega Optical makes, and has always made, filters for optical instruments.

Robert Johnson did not set out to make a less costly filter, or a slight improvement on a previous filter. Instead, he committed himself and Omega Optical to doing research in optical thin-films, which can be used to control the flow of light. In particular, their research focused on fluorescence, the light emitted from objects illuminated by a very energetic light.

The filters that Omega Optical developed have played a major role in the burgeoning of biological science in our day. Let me cite a passage from Vennont: An Illustrated History by John Duffy and Vincent Feeney: ''The sciences of fluorescence microscopy and flow cytometry, which allow for the visualization of cellular structures and the sorting and analysis of cells, were made possible by design and manufacturing developments invented at Omega. These advances set the state-of-the-art and allowed Omega not only to define the science, but for many years capture the entire market worldwide.''

Omega's filters are used in not only cellular biology, but also in astronomy and in clinical medicine. Whether scientists look at the enormous spatial universe around us, or the microscopic secrets of genetics and bodily functioning, they use filters not just made, but developed, by Omega Optical.

What has made Omega so successful, in both manufacturing and the export of manufactured products? A stress on research and long-range development, not just the immediate pursuit of profit; a commitment to moving into new areas and inventing new products; and a dedicated workforce. For clearly Omega Optical shows that American workers, just like American product developers, are the best in the world, and can and do make the best and most competitive products. And by creating a 'green' production facility, their 'Delta Campus,' the company has shown that safeguarding the environment can be a major piece of a business agenda.

If we as a Nation think about research and the long-term, as Omega Optical has done, and if we boldly build on our strengths and the capability of our workers, we can move confidently into our future.

RECOGNIZES RYAN SEADER OF WEST PALM BEACH, FLORIDA

HON. GINNY BROWN-WAITE

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 7, 2006

Ms. GINNY BROWN-WAITE of Florida. Mr. Speaker, I rise today to honor Ryan Seader of West Palm Beach, Florida, an Army Private First Class soldier currently serving in Iraq.

Following his education at community college and prior to enlisting in the National Guard, Private Seader used his natural ability to fix things to start a profession in the construction field, specializing in restoring old homes.

Enlisting in the National Guard in January 2004 as a mechanic in the construction field, Private Seader was trained to work with water pumps. Following his activation, he was sent to Fort Dix, New Jersey and cross trained to serve as a prison guard.

Private Seader is currently serving in company 652 while deployed in Iraq. his Company is stationed at the Abu Ghraib Prison where he is a part of the team working to demolish the facility.

While on a recent leave, Private Seader was presented with an American flag that had been flown in his honor. Ryan is a proud soldier-demonstrating his dedication to his country and the war on terror.

Private Seader's parents are also committed to helping fight the global war on terror. Mary and Rick Seader live in inverness and work to educate their local community on the need to defend the American ideal and to never give into cowardly acts by terrorists like the September 11, 2001 attack on our homeland.

Mr. Speaker, it is soldiers like Ryan Seader who volunteer to protect the freedoms that all Americans hold dear to their hearts. While brave men and women like Ryan serve in the name of freedom and liberty, his Family, friends and loved ones should know that this Congress will never forget his sacrifice and commitment.

TRIBUTE TO BOONTON FIRE DEPARTMENT

HON. RODNEY P. FRELINGHUYSEN

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 7, 2006

Mr. FRELINGHUYSEN. Mr. Speaker, I rise today to honor the Boonton Fire Department, in the Town of Boonton, Morris County, New Jersey, a patriotic community that I am proud to represent. On Saturday, September 2, 2006 the good people of the Town of Boonton celebrated the Fire Company's 115th Anniversary with their annual parade and carnival.

For 115 years, the Boonton Fire Department has been protecting and serving the residents of their community and nearby towns. Featuring five companies, each with their own unique and vibrant history, this Fire Department embodies the ideas of brotherly love and teamwork for the betterment of their communities.

Currently, the fire department, led by Fire Chief Pete Herbert, is made up entirely of volunteers, who live in or around the Town of Boonton. They are men and women who ''volunteer their time to protect and educate the residents of Boonton.''

Mr. Speaker, I urge you and my colleagues to join me in congratulating the volunteers of the Boonton Fire Department on celebrating 115 years of a rich history in the protection of one of New Jersey's finest municipalities.

IN RECOGNITION OF RISING STAR BAPTIST CHURCH

HON. MICHAEL C. BURGESS

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 7, 2006

Mr. BURGESS. Mr. Speaker, I rise today to congratulate the Rising Star Baptist Church of Fort Worth, Texas on its 75th Anniversary.

The church's modest beginning began on September 13, 1931 in a local diner, when Reverend Smith Cary and a small number of members organized Rising Star Church. The church has seen the leadership of many dynamic ministers including, Reverend Smith Cary, Reverend T.H. Davis, and its present pastor, Reverend Ralph W. Emerson, Jr.

The stated vision of the Church is to be ''the Worship Center that seeks to reclaim lost souls, reshape lives, rejoice in love, react to the Holy Spirit while responding to God's call''. Rising Star Baptist church has exemplified their vision through growth to a congregation of over 2,500 members and progressing into a multi-ministry church. Rising Star Baptist Church continues to be an influential presence and respected contributor to the Fort Worth community and greater Tarrant County citizenry.

I extend my sincere congratulations to the Rising Star Baptist Church on their 75th anniversary and praise their dedication and service to the people of Fort Worth, Texas.

RECOGNIZING THE MINORITY BAR ASSOCIATION OF WESTERN NEW YORK

HON. BRIAN HIGGINS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 7, 2006

Mr. HIGGINS. Mr. Speaker, I rise today to pay tribute to the Minority Bar Association of Western New York, not only for furthering the work of the National Bar Association, providing social and professional interaction among minority attorneys but also for their work improving the protection of political and civil rights of all citizens.

Since its inception the Association has played a role in the community providing opportunities to students in its administration on scholarships, and has also awarded and recognized local leaders in the area for their hard work and diligent efforts.

The MBA is an organization that has grown to over one hundred members from diverse ethnic backgrounds and practices across

Western New York. With each member aiming to be effective advocates and advisors for Western New York clients and for the Western New York Community.

In 2004, the MBA, enlarging its commitment to promote education and scholarship in the field of law, organized the Minority Bar Association of Western New York Foundation, Inc., a not-for-profit organization providing financial assistance to individuals interested in pursuing a career in law. The Foundation is committed to ensuring continued minority representation in the legal community.

Mr. Speaker, it is with great pleasure and gratitude that I stand here today to recognize the Minority Bar Association, for its continuing efforts in the community, its ongoing work for the furthering of the cause, and its promotion of minorities in the legal profession.

IN RECOGNITION OF FREE CLINIC OF SIMI VALLEY

HON. ELTON GALLEGLY

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 7, 2006

Mr. GALLEGLY. Mr. Speaker, I rise in recognition of 35 years of continuous community service by the Free Clinic of Simi Valley.

The Free Clinic is a non-profit, volunteer-based community organization that provides medical care, counseling, dental, and legal assistance to individuals and families, regardless of their ability to pay. Throughout its history, it has enjoyed widespread support from the medical and legal communities, service groups, and elected officials.

Funding for the Free Clinic is provided primarily by private foundations, corporations, local service organizations, and individual donors.

All services offered at the clinic's fully licensed facilities are provided by volunteers, which include doctors, nurses, nurse practitioners, medical assistants, dentists, dental assistants, lawyers, paralegals, marriage and family therapists, MFT trainees, and interns.

Last year alone, more than 8,000 patients received services through the clinic, including general medical care, immunizations, smoking cessation programs, and counseling. The dental clinic, which just opened in May 2005, served 79 patients before the year was out. Over its 35-year history, the clinic has served an estimated 70,000 children and adults.

Despite the impressive number of patients served, the Board of Directors and staff practice frugality, with operating costs of less than $225,000 in 2005. That speaks highly of the caliber of professionals who volunteer their services for the betterment of their community.

Mr. Speaker, I know my colleagues will join me in recognizing the Free Clinic of Simi Valley, its board members over the years, its staff, and its volunteers for 35 years of service to our community.

''CONGRATULATING OFF-ROAD MOTORSPORTS HALL OF FAME INDUCTEES''

HON. BOB FILNER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 7, 2006

Mr. FILNER. Mr. Speaker, I rise to acknowledge two extraordinary men who have been recognized for their contributions to Off-Road Motorsports. Bob Ham and the late ''Corky'' McMillin were inducted into the Off-Road Motorsports Hall of Fame on August 26th of this year.

Bob Ham has been a long time advocate for ''off-roaders''. In 1969, he co-founded the California Off-Road Vehicle Association (CORVA) and went on to create the Off-Road Vehicle Legislative Coalition in 1983. Bob worked with President Reagan's Interior Secretary, James Watt, to successfully re-establish the ''Barstow to Vegas Motorcycle Race''. He has worked diligently to preserve designated funds for off-highway vehicles and created a trust fund to stop California legislators from taking allocated money from off-highway vehicle programs. Bob later forced the state to return 30 million dollars to off-highway vehicle programs. His efforts have made it possible for many of my constituents to enjoy the California wilderness in their off-road vehicles.

Unfortunately, the off-road motorsports industry lost one of their most adamant supporters last year after Corky McMillin passed away last September. Corky was posthumously inducted to the Hall of Fame after supporting the industry for more than 29 years. He was a champion off-road racer, winning many competitions multiple times. Corky never wavered from his commitment to the sport and gave generously to various off-road events. He sponsored numerous races, and he was the title sponsor of the Superstition Championship Series, held in Plaster City, California. He was a true statesman to off-road racing and will be greatly missed.

I am pleased to recognize these men on their induction to the Off-Road Motorsports Hall of Fame.

SUPPORT FOR A SPECIAL ENVOY FOR SUDAN

HON. FRANK R. WOLF

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 7, 2006

Mr. WOLF. Mr. Speaker, I introduce this resolution to again call for the immediate appointment of a Presidential Special Envoy for Sudan. In calling for this I would like to commend the President for the leadership he has shown toward Sudan; Secretary of State Condoleezza Rice, who has traveled there and cares deeply about this issue; the work of former Secretary of State Colin Powell, who was the first leader to call the conflict genocide; and former Deputy Secretary Robert Zoellick, for his efforts on behalf of the people of Sudan.

I also want to specifically recognize Roger Winter who has dedicated his life to the people of Sudan. He has been a true hero to the suffering Sudanese.

While we were all hopeful that the signing last May of the Darfur Peace Agreement would bring needed stability to Darfur, I am extremely alarmed that in recent weeks the fighting in Sudan has intensified. The targeting of civilians and humanitarian workers must end. Sudan is at a critical moment and the appointment of a special envoy could not be more timely.

The appointment of a special envoy will send a clear message to Khartoum that the United States will not stand by while genocide is taking place and will send a message to the people suffering in the camps that the United States has been and will continue to be actively involved in ending their nightmare.

I urge the administration to move quickly to bring hope to the people of Sudan.

RECOGNIZING RANDY HATCHER OF BRANDON, FLORIDA

HON. GINNY BROWN-WAITE

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 7, 2006

Ms. GINNY BROWN-WAITE of Florida. Mr. Speaker, I rise today to honor Randy Hatcher of Brandon, Florida, an Army Staff Sergeant killed in 1991 during the first Persian Gulf War.

Born in Tallahassee, Florida, Sgt. Hatcher was active on his high school wrestling team while living in Birmingham, Alabama. The son of an Air Force veteran, Randy made the decision to enter the military following high school.

Following six years of Army service in Germany, Sgt. Hatcher was deployed to Iraq as part of the 197th Army Infantry Brigade. During his seven months serving in the Persian Gulf, Sgt. Hatcher wrote many upbeat letters to his family and loved ones, speaking of his love of fishing and how he worried for his family back home.

Three days following victory in the Persian Gulf, Sgt. Hatcher was killed when an ammunition trailer in his convoy exploded. Up until his death, Sgt. Hatcher remained positive about his mission and his service in the Army. He believed in what the United States was doing in the Persian Gulf and did not complain about the work or the conditions he served in while overseas. He left behind his wife Florlita and a two and a half year old son Randy. Sgt. Hatcher's parents, Carol and Joseph Jones, still reside in Citrus County, Florida.

Mr. Speaker, it is soldiers like Randy Hatcher who volunteered to protect the freedoms that all Americans hold dear to their hearts. While brave men and women like Randy have perished in the name of freedom and liberty, his family, friends and loved ones should know that this Congress will never forget his sacrifice and commitment.

RECOGNIZING THE ACCOMPLISHMENTS OF STEPHEN BARROUK AS HE LEAVES THE WILKES-BARRE CHAMBER OF BUSINESS AND INDUSTRY

HON. PAUL E. KANJORSKI

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 7, 2006

Mr. KANJORSKI. Mr. Speaker, I rise today to ask you and my esteemed colleagues in the House of Representatives to pay tribute to Mr. Stephen Barrouk, of Wilkes-Barre, Pennsylvania, who has served as president and chief executive officer of the Wilkes-Barre Chamber of Business and Industry from 1989 until earlier this month.

Mr. Barrouk's extraordinary leadership has helped guide and forge the beginning of a truly remarkable revitalization of the City of Wilkes-Barre.

Since 1989, Mr. Barrouk has led the growth of the Chamber from 500 members to 1,338 members in 2005. He has been at the forefront of a litany of catalytic projects that have transformed the region. Those projects include the Wachovia Arena, an entertainment venue that has spawned tens of millions of dollars of commercial expansion and created hundreds of new jobs. An innovation center was carved out of a vacant department store complex in central city to nurture fledgling businesses. Public Square Commons, formerly the Pomeroy's Department Store, was completely renovated to provide first class office space. Also during his tenure, Mr. Barrouk secured an American Hockey League franchise and recruited the Penguins as an anchor tenant for the Wachovia Arena.

In addition, Mr. Barrouk helped launch a 14-screen downtown theater complex as well as studies for the Susquehanna Riverfront Convention Center and Hotel and the Riverfront Museum.

Mr. Barrouk also led the way for the development of two business parks, Hanover Crossings and the East Mountain Corporate Center, both of which have major tenants responsible for creating hundreds of jobs.

During his tenure he managed three capital campaigns that raised over $10 million to support 15 years of economic development marketing that attracted over 125 new companies to the region. He also led the effort to create Penn's Northeast, Inc., a regional marketing organization; the Diamond City Partnership and Downtown Business Association, the Great Valley Technology Alliance and the Luzern County Convention Center Authority which manages the Arena.

Mr. Barrouk has been the worthy recipient of numerous service awards, among them the Distinguished Citizen Award from the Boy Scouts of America; the Distinguished Leader Award from Leadership Wilkes-Barre; a 25 Year Leadership Star Award from Leadership Wilkes-Barre, a Special Achievement Award from the Pennsylvania Ben Franklin Partnership and, in 2001, he received the Chamber of the Year award from the Pennsylvania Chamber of Business and Industry and the Pennsylvania Chamber of Commerce executives in 2001.

Mr. Barrouk serves on the boards of directors of numerous organizations including 10,000 Friends of Pennsylvania, Chairman of Steering Committee for the Renew Pennsylvania effort; NEPA Alliance; Luzerne-Schuylkill Counties Work Force Investment Board; Great Valley Technology Alliance; Joint Urban Studies Center, Earth Conservancy, United Way of Wyoming Valley, Catholic Social Services and the Diamond City Partnership.

On a personal note, I have worked closely with Steve on many projects over the last 17 years. There is no economic development official who is more dedicated to improving the quality of life in our area. His perseverance, hard work and integrity made him one of the most effective leaders in our area. I am proud to call him a friend and look forward to continuing working with him to help northeastern Pennsylvania for many years to come.

Mr. Speaker, please join me in congratulating Mr. Barrouk for the exemplary community service he has contributed over the past 17 years. His commitment to revitalizing the Wilkes-Barre area has been responsible for a wealth of community improvements that have greatly enhanced the quality of life in northeastern Pennsylvania.

IN RECOGNITION OF CAPTAIN MICHAEL R. WOMACK

HON. MICHAEL C. BURGESS

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 7, 2006

Mr. BURGESS. Mr. Speaker, I rise today to commend Captain Michael R. Womack, of North Richland Hills, Texas on his years of dedicated service and commitment to law enforcement.

Captain Womack joined the North Richland Hills Police Department as a police office in September of 1976. During his thirty years of service to North Richland Hills, Captain Womack has been awarded the Patrolman of the Year Award, the Supervisor of the Year award, as well as three Meritorious Service Awards and a Life Saving Award.

On Wednesday, January 31, 2007, Captain Womack will be retiring from law enforcement. Having worked in the Patrol Division, the Administrative Services Division, as well as the Technical Services Division and Investigative Services Division, Captain Womack's tenure, skills, and experience will surely be difficult to replace.

Mr. Speaker, I commend Captain Womack on his devotion to the service and protection to his community. His contributions and commitment to North Richland Hills should inspire us all. I wish him the best of luck in his retirement and all of his future endeavors.

ABRAHAM LINCOLN COMMEMORATIVE COIN ACT

SPEECH OF

HON. JERRY F. COSTELLO

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 6, 2006

Mr. COSTELLO. Mr. Speaker, I rise today in support of H.R. 2808, a bill that directs the Treasury Department to mint 500,000 one-dollar coins marking Abraham Lincoln's 200th birthday. Abraham Lincoln is a true American hero who will always be remembered for his commitment to the ideals of freedom, democracy, and equal opportunity. Illinois, known as the Land of Lincoln, is where Lincoln lived for many years and began his political career. Today, many historical sites in Illinois are dedicated in honor of Lincoln and his legacy. Illinois will be a focal point for activities to celebrate the 200th anniversary of Lincoln's birth.

Besides being a noble tribute, this commemorative coin will help provide significant funding for the bicentennial and is an important part of how the United States will mark Lincoln's 200th birthday in 2009.

I urge my colleagues to support the bill.

IN RECOGNITION OF BROOKLYN CENTER JUNIOR/SENIOR HIGH SCHOOL IN BROOKLYN CENTER, MINNESOTA

HON. BETTY McCOLLUM

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 7, 2006

Ms. MCCOLLUM of Minnesota. Mr. Speaker, last evening I had the great pleasure to join in a celebration in honor of our Nation's high schools that have made an outstanding commitment to music education. As a strong supporter of the arts and music education, it was a pleasure to sit among music industry supporters, arts advocates, individuals in the private sector, and corporate sponsors such as 7UP, who work every day to ensure that young people have access to strong music education programs.

It was an even greater privilege to be part of a celebration where a Minnesota high school headlined the event. Brooklyn Center Junior/Senior High School, located in Brooklyn Center, Minnesota, received one of the Foundation's highest honors—the GRAMMY Foundation's Signature Schools Enterprise Award, which honors those schools that make great efforts to bring music to economically underserved students. I'd like to extend a warm congratulations to Ms. Chris Porter, Brooklyn Center High School's music teacher and all of her students, including Chanel Chatham, who both traveled to DC to participate in last evening's special event.

As budgets for the arts and arts education continues to dramatically decline, I applaud the efforts of the thousands of teachers and students across the country who are working to piece together the critical funding needed to strengthen, and sometimes simply sustain, their music education programs. It is my hope that the federal government will recommit its resources to the arts and arts education—especially since we know that there are strong correlations between arts education and achievement in math and science. Our nation's ability to compete in an increasingly competitive world will depend on not only strong math and science preparation—but also on an emphasis in the arts and in music education. As a member of the House Education and the Workforce Committee, I will continue to fight for a well-rounded education for all students.

I commend the hard work and dedication of the students and staff at Brooklyn Center Junior/Senior High School. Thank you for the opportunity to join you in your celebration. I look

forward to hearing more about your continued success in bringing the joys and benefits of music to students!

RECOGNIZING DIALOGUE ON DIVERSITY'S 2006 HEALTH CARE SYMPOSIUM

HON. HILDA L. SOLIS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 7, 2006

Ms. SOLIS. Mr. Speaker, as Democratic Co-Chair of the Congressional Caucus for Women's Issues, I rise today to congratulate Dialogue on Diversity for its 2006 Health Care Symposium. I am proud to recognize the Dialogue's effort to inform and educate the public about the importance of an effective preventive health care system.

Dialogue on Diversity, founded in 1989, is committed to improving the economic and social condition of women in the U.S. and around the world. Its programs bring together multi-ethnic women for a worldwide interchange on concerns of vital importance to the world's women and their families.

Today, our health care system is not meeting the needs of all people, particularly in racial and ethnic minority communities where health disparities continue to grow. Discussions and symposiums like Dialogue on Diversity's 2006 Health Care Symposium will help to address these important issues.

Again, I want to commend the Dialogue on Diversity for its 2006 health care event and wish them the best of luck in the future.

IN RECOGNITION OF ED TEMPLETON, NEWLY ELECTED BOARD MEMBER OF THE NATIONAL ASSOCIATION OF FEDERAL CREDIT UNIONS

HON. CHARLIE NORWOOD

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 7, 2006

Mr. NORWOOD. Mr. Speaker, it is with great pleasure that I rise today to recognize Ed Templeton, the President of SRP Federal Credit Union, on his recent election to the Board of Directors of the National Association of Federal Credit Unions, NAFCU.

For the past 34 years, Ed has dedicated his life on behalf of improving financial institutions in America and currently serves on the South Carolina Credit Union League Board of Directors. His illustrious experience further includes service as President of the Columbia Chapter of Credit Unions, member of NAFCU's Education Committee, and member of the Better Business Bureau of Augusta, Georgia.

As the President of SRP Federal Credit Union, Ed has focused on ensuring his members receive helpful, personal service. Through his credit union, Ed is continuously educating his members on how to prevent identity theft. He also understands that today's youth must be armed with the knowledge to be financially savvy. SRP Federal Credit Union established the "Teaching Kids How to Handle Money Responsibly" program which was designed to help children at an early age develop the decision making skills for sound future financial decisions.

Ed's involvement to improve the lives of others can be further illustrated through his involvement as a Member of the Board of Directors for the Shepard Blood Center in Augusta, and in his past service as Elected Commissioner for the City of Hephzibah.

It is because of the good work of Ed and others like him that the credit union movement enjoys the success it has today. Such service is the hallmark of the credit union movement and I wish Ed the best of luck in his new role as a member of the NAFCU Board of Directors.

THE YOUTHBUILD TRANSFER ACT

HON. MAXINE WATERS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 7, 2006

Ms. WATERS. Mr. Speaker. I rise in strong support of the YouthBuild Transfer Act, S. 3534. The bill amends the Workforce Investment Act of 1998 provides for the transfer of the YouthBuild program from HUD to the Department of Labor. I would like to acknowledge Mr. CASTLE, Mr. GEORGE MILLER, Mr. WILLIAM LACY CLAY and Mr. DALE KILDEE who supported this bill. I also want to thank Mr. FRANK, Ranking Member of the Committee on Financial Services for sponsoring the bill.

The YouthBuild Transfer Act will do four important things. It will:

(1) Enable disadvantaged youth to obtain the education and employment skills necessary to achieve economic self-sufficiency in occupations in demand and postsecondary education and training opportunities;

(2) Provide disadvantaged youth with opportunities for meaningful work and service to their communities;

(3) Foster the development of employment and leadership skills and commitment to community development among youth in low income communities; and

(4) Expand the supply of permanent affordable housing for low-income families by utilizing the energies and talents of disadvantaged youth.

The education, employment, and housing needs of our nation's most vulnerable youth must be one of our highest priorities. Since 1994, the YouthBuild program has awarded $485 million in grants, enabling 47,000 youth to obtain education, training and trade skills related to the building and rehabilitation of affordable housing for low-income families and the homeless. The program has a long track record of proven success, although for the past two years funding has been down 23 percent from $65 million to $50 million. YouthBuild would be extended for five years consistent with other Work Investment Act programs, and would provide for greater flexibility in the use of funds. This program is being extended just as the U.S. Bureau of Census released the most recent data on youth and poverty in the United States.

In August 2006, the U.S. Bureau of the Census reported that the poverty rate for children in the U.S was higher than the rates for people 18 to 64 years and older. Children represent 34.9 percent of the people living in poverty and 25 percent of the total population of the United States. The poverty rate for young children under the age of 6 living in families were 20.0 percent and 4.8 million. Even more astounding is that for those children living in households headed by females 52.9 percent were in poverty, over five times the rate of their counterparts in married families 9.9 percent. For children under 18 living in families headed by females, 42.8 percent were in poverty, compared with 8.5 percent for married couples. Many of us know that these youth are most at risk, and that any public policy or program that is designed to assist these young people as they prepare to enter the workforce is an investment in our future.

So why YouthBuild? The poverty data paints a very vivid picture of what is going on in America. Too many American youth live in poverty, and are robbed of opportunities to take full advantage of all their God-given talents. Even Alan Greenspan, the former Chairman of the Federal Reserve System, pointed to the fact that the historic causes of poverty and disenfranchisement detrimentally impact our entire nation. When the least among us do well, we know the entire nation benefits. In effect, these youth, who are vital to the economic well-being of this country, are handicapped by poverty, poor education and the lack of strong viable communities with housing that is livable, affordable and safe. YouthBuild is one program that acknowledges the experience of millions of American youth by making real investments in their education, employment skills and leadership development. It also provides housing for the homeless and low-income families that represents another approach to address what is an overlooked group.

The Secretary of Labor is authorized to fund YouthBuild activities through grants for which public and nonprofit entities can compete. In addition, there are provisions in the bill to ensure the orderly transition of the program from HUD to the Department of Labor. In 2005, 14,000 youth were turned away from the YouthBuild program for lack of funding. Over 1000 communities would like to participate in YouthBuild, and this bill will make that happen for many of them.

Mr. Speaker I am convinced that the YouthBuild program represents a major step to refocusing our national resources toward a well-established vehicle that can provide hope and opportunity for disadvantaged youth in America. These young people deserve every chance, and we must continue to provide opportunities for them to succeed. By better preparing our disadvantaged youth to be competitive and to function in the ever changing global economy we will continue to reduce poverty and strengthen American households. YouthBuild will improve our youth and increase housing opportunity for the homeless. I urge my Colleagues to support the bill.

CELEBRATING THE LIFE OF BRIDGET MASIELLO

HON. BRIAN HIGGINS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 7, 2006

Mr. HIGGINS. Mr. Speaker, it is my distinct honor to remember the life of a proud

Buffaloian. Bridget Masiello passed away August 5, 2006 of this year, but she left behind a legacy for all of Buffalo to be proud of.

Born of Seventh Street and raised on Busti Avenue, Mrs. Masiello was a lifelong resident of Buffalo's Westside.

It was here that she made her home with her husband, the late Daniel J. Masiello, and her seven children, including the former mayor of Buffalo, Anthony M. Masiello.

Remembered as a warm and affectionate lady, by her son, Mrs. Masiello was a devout Catholic and enjoyed bingo and playing cards. She was also active in the many social, political and athletic endeavors of her children and grandchildren.

Mrs. Masiello is survived by her five sons, two daughters; her sister, Carmella Leib; 14 grandchildren; and six great-grandchildren.

Mr. Speaker, I would like to take this opportunity to remember and celebrate the life of Mrs. Masiello for her contributions to the social and political fabric of the City of Buffalo. I ask my colleagues to join me in honoring her spirit here today.

ACQUITTAL OF MIDSHIPMAN 1ST CLASS LAMAR OWENS

HON. JOHN LEWIS

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 7, 2006

Mr. LEWIS of Georgia. Mr. Speaker, I'm sure many people followed the case against Lamar Owens, as well as the not guilty verdict that followed. Because the impact of this case does not end with the verdict, I am submitting two opinion articles for the RECORD. I believe these articles highlight some important things to consider regarding the lasting impact these charges will have on this young man, his accuser, and so many others. I submit the following opinion articles for the RECORD: ''Owens absolved, but Navy case has no winners,'' by Rick Maese from the Baltimore Sun and ''Academy can help dispel cloud from rape case,'' which appeared in the Capital on August 1, 2006.

[From the Capital, Aug. 1, 2006]

ACADEMY CAN HELP DISPEL CLOUD FROM RAPE CASE

Whatever conduct Midshipman 1st Class Lamar Owens admitted to when he was court-martialed on rape charges, much of the second guessing following his acquittal on those charges hasn't focused on him. It has focused on the Naval Academy, which relied on noncredible testimony in a case that showcased the superintendent's crackdown on sexual harassment.

A military jury recently acquitted Midshipman Owens of raping a female midshipman. It found insufficient evidence to disregard Midshipman Owens' version of events. He contended all along that the sexual intercourse was consensual.

The female midshipman, who had a history of alcohol abuse, had returned to her dorm drunk on the night of the incident. Midshipman Owens testified that she invited him to her room and that she fell asleep during sexual intercourse.

It was her word against his—and the verdict surprised no one who followed the trial. The jury did convict Midshipman Owens of the lesser charge of conduct unbecoming of an officer, but declined to impose any punishment for it.

The case was deeply flawed. Not only did the accuser's history cast doubt on her testimony, but she didn't even cry for help from a roommate asleep just a few feet away. All the prosecutors really had solid evidence for was a sexual encounter—something that violated the institution's honor code, but is not unheard-of at the academy.

There are no winners here, but right now the biggest loser seems to be Midshipman Owens. His reputation can't be restored and the suffering for himself and his family can't be erased. The superintendent should drop any further action against him.

It is less clear what to do with his accuser. She and her friends were granted immunity for their testimony, so she faces only minor disciplinary action. Perjury trumps immunity—so if prosecutors believe she perjured herself, would they pursue those charges with equal determination?

Just what is the penalty for making a false accusation? Graduation and a commission? The accuser's name wasn't paraded before the public. Her family didn't have to face public speculation and ridicule. She was shielded. But given the problems she admitted to at the trial, is she the kind of officer we'd want to lead troops into combat?

The superintendent, Vice Adm. Rodney Rempt, inherited a school with a history of sexual misconduct. We applaud his determination to purge the academy of sexual harassment. But in the process of demonstrating their resolve, he and his staff appear to have chosen the wrong case.

We don't know if the superintendent got bad advice from the attorneys or if he decided to make an example of Midshipman Owens, the former quarterback of the Navy football team. But now that Midshipman Owens has been acquitted of rape, we believe he has suffered enough. If his accuser ends up with the commission that he deserves, then the worst miscarriage of justice is yet to come.

[From the Baltimore Sun, July 23, 2006]

OWENS ABSOLVED, BUT NAVY CASE HAS NO WINNERS

(By Rick Maese)

Forget the campus fame, the media coverage, the proud alums and the smiling boosters. There's no real meaning behind any of that.

The game clock only hints at this possibility, but there's a point for everybody when you realize that the game is over. When you step off the playing field, your role changes.

One minute: a star quarterback, the team's most valuable player, playing in a bowl game. The next: a worried defendant, the accused, marooned far away from the football field.

One minute: a successful coach, the father figure, a leader of men. The next: a character witness, the supporter, taking a stand in a courtroom.

There's no scoreboard that will tell you this, but there wasn't a single winner when Lamar Owens, the Naval Academy's quarterback last season, was cleared of rape charges last week.

On Friday, a military jury recommended no punishment for Owens in connection with two lesser charges.

Navy coach Paul Johnson was at home when he heard the news. He picked up the phone and called Owens. It went to voice mail, and the coach said that he was happy for Owens, happy for his family, and that he hoped they could all move forward.

As tough as the past six months have been, moving forward is no easy challenge. Not for Owens and not for his accuser. Not for the academy and not for Johnson's football team.

''Lamar and his family, for them this has been a tremendous pressure,'' Johnson said. ''I wasn't really worried about the program. The program stands on its own. I can see where for some people, though, the verdict does vindicate Lamar and maybe it does vindicate the program a little bit.''

Johnson has remained mostly tightlipped about the case. He spoke with reporters during the team's spring practice but has said little else. Even after the verdict, Johnson was careful with his words when I spoke with him Friday evening.

But you could tell how highly Johnson regards Owens. The two met six years ago when the coach recruited Owens to play for him at Division I–AA powerhouse Georgia Southern. Then, when Johnson accepted the Navy job five years ago, he persuaded Owens to follow him to Annapolis.

There's a reason that Owens' defense attorneys called on Johnson as a character witness. The coach took the stand and said Owens had always been ''above reproach,'' but the judge, Navy Cmdr. John Maksym, barred Johnson from sharing any opinions on the charges brought against Owens.

''What they were saying Lamar did, well, it was just totally out of character,'' Johnson told me on Friday. ''The accusations weren't the Lamar I knew.''

That's why it was so easy for Johnson to tell everyone to just allow the case to play out. Johnson says he was confident that if Owens was not guilty, the evidence and testimony would reveal it.

''I think some people are quick to jump to conclusions,'' he said. ''But my take all along was: Let's wait and see what happens. People want to rush to judgment, but that's not fair to anybody. You have to give a guy a chance to defend himself.''

The charges never made sense to anyone who knew Owens. He was from a good home—his father works for the power company, his mother is a prenatal nurse. He attended a military school before coming to the Naval Academy. He recited Scripture to friends and attended Bible study sessions every Thursday.

In fact, after the accuser went to academy officials with her allegations, several of Owens' teammates wanted to confront her en masse. Owens pleaded with them not to. He even went to Johnson and asked the coach to also discourage his teammates.

They all love Owens. It's why the players voted him Most Valuable Player of last season's 8–4 team. It's why they were in court for 10 straight days, sitting together in the gallery as a show of support.

They all breathed a sigh of relief Friday. What they knew about their friend, now everyone knew.

But no one thinks this is completely over. When someone levies a serious charge, such as rape, the pounding of a gavel doesn't make everything disappear.

Owens has completed his classwork but isn't certain he'll be allowed to graduate. There's also the possibility that he could be expelled from the academy and forced to repay costs for his taxpayer-funded schooling: $140,000.

''He's been remarkably upbeat,'' Johnson said of Owens. ''I think he's handling stuff very well.''

Owens won, but so much has been lost. In sports, victory is supposed to be the ultimate reward, but that doesn't always translate neatly to the real world.

There's so often a gray area—between consent and force, between innocence and guilt, between winning and losing.

''Nobody wins in these situations,'' Johnson said.

Owens is a free man now. The Midshipmen begin practice next week. And life at the academy is back to normal.

But not really.

There are lessons in this for everyone—surely, for Owens and his accuser, but also for team officials and school administrators. It's just unfortunate that this is how lessons are learned.

Ownes led his team in rushing and passing and touchdowns last season. He took the Midshipmen to the Poinsettia Bowl, a 51–30 win over Colorado State. It was a great senior season, one most Navy fans won't soon forget.

Time will pass and Owens' place in school lore will be cemented. When that happens, it'd be nice if Owens is remembered for all that he did at the academy and not for something he didn't.

FREEDOM FOR FÉLIX GERARDO VEGA RUÍZ

HON. LINCOLN DIAZ-BALART

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 7, 2006

Mr. LINCOLN DIAZ-BALART of Florida. Mr. Speaker, I rise today to speak about Félix Gerardo Vega Ruíz, a political prisoner in totalitarian Cuba.

Mr. Vega Ruíz is a member of the Cuban Democratic Workers Union and the Pro Human Rights party. As a courageous member of the opposition, he has steadfastly demanded freedom, democracy, and human rights for the Cuban people. He has bravely denounced the cruel policies of the tyrant and demanded that the people of Cuba be allowed their inalienable rights.

According to The Assembly to Promote Civil Society, Mr. Vega Ruíz was arrested by the dictatorship in 2003 and, after a sham trial, thrown into the totalitarian gulag. According to multiple sources, Mr. Vega Ruíz was sentenced to 7 years in the gulag. Let me be very clear, Mr. Vega Ruíz has been incarcerated in the gulag for daring to dream of and to work on behalf of a democratic Cuba.

According to NetforCuba, Mr. Vega Ruíz has continued to oppose the tyrannical regime while locked in the gulag. He has conducted hunger strikes, including one that lasted 83 days and nearly killed him, to call attention to the horrific abuses of the dictatorship. He has also been stabbed while in the gulag. Let me say that again, Mr. Vega Ruíz has been stabbed while he languishes in the abhorrent gulag, and yet he continues to steadfastly oppose the gangster regime in Havana.

Mr. Vega Ruíz is a brilliant example of the heroism of the Cuban people. Mr. Vega Ruíz knows the violence, abuse, and repression that will be used to try to break him. Yet he stands strong in the strength of his conviction that the people of Cuba should be and will be free. Mr. Vega Ruíz is one of the many heroes of the Cuban democratic movement who are locked in the dungeons of the dictatorship for their beliefs. They are symbols of freedom and democracy who will always be remembered with respect and admiration when freedom reigns again in Cuba.

Mr. Speaker, this courageous man is locked in the tyrant's gulag for failing to keep silent about the nightmare that is the Castro regime. It is unacceptable that, while the world stands by in silence and acquiescence, pro democracy activists like Mr. Vega Ruíz are systematically tortured. My Colleagues, we must never forget those who are locked in gulags because of their desire for freedom for their countries. We must demand the immediate and unconditional release of Felix Gerardo Vega Ruíz and every prisoner of conscience in totalitarian Cuba.

RECOGNIZING NIKITA RODRIGUES FOR HER INSPIRING SPEECH

HON. HAROLD ROGERS

OF KENTUCKY

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 7, 2006

Mr. ROGERS of Kentucky. Mr. Speaker, we need not worry about America's future if all our up and coming leaders believe in her as does a high school student in my District who delivered the following "Message for America" to an audience of young people.

Nikita Rodrigues lives in my hometown of Somerset, Kentucky and is an outstanding person, as you can tell.

"MY MESSAGE FOR AMERICA"

Ladies and Gentlemen, I speak to you today as a young American. Let that serve as sufficient warning that what I have to say contains equal proportions of young Hope and American Pride. These are the priceless ingredients of my Message for America, which is, "America: Be, all that you can be."

As a young American I am sick and tired of the naysayers that predict the end of the American dream. I am sick of reading about the differences between the red and the blue states and how those insurmountable differences will suffocate our future as Americans. I am sick of hearing about Americans being described as consumers, not producers. And I am sick of people taking pot shots at my country as being past her glory years. To all these naysayers, divisionists, and pessimists I have only one thing to say, "Your mistake lies in under-estimating the youth of America."

It was our past-President Bill Clinton who once said, "There is nothing wrong with America that cannot be cured by what is right with America"! America's most priceless asset lies not in her immense natural resources, not in her huge factories, not in her stores of gold, not her natural beauty nor her system of incredible highways. America's greatest assets still are the character of her people and the optimism of her youth.

We the youth of America must believe that we can make a difference. We must participate in the political process and hold our leaders accountable when partisan politics stymies our progress. If American highschoolers are lagging behind the rest of the world, it is time to demand that our schools foster excellence and competitiveness rather than comfortable mediocrity. In the flat world of today, American youth must step up and compete. Yes, we are more diverse than we ever were, but that diversity can and must be our strength.

In his book, "What's so Great About America" Dinesh D'Sousa had this to say about our country. "America is the greatest, freest and most decent society in existence. It is an oasis of goodness in a desert of cynicism and barbarism. This country, once an experiment unique in the world, is now the last best hope for the world."

That hope and responsibility rests firmly on our young American shoulders. We can either shrug it off or bear down and accept the daunting challenge to each do our part to make America—All That She Can Be!

Nikita Rodrigues, Somerset, Kentucky

TRIBUTE TO LEO SHERLOCK HOLMES

HON. ROBERT A. BRADY

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 7, 2006

Mr. BRADY of Pennsylvania. Mr. Speaker, I rise to honor the life, dedication and contributions of Mr. Leo Sherlock Holmes, who passed away on July 21, 2006.

Mr. Holmes served the U.S. Army as a member of the 99th Fighter Squadron of the Tuskegee Airmen during World War II, and in November 1965 he became the first African American to be elected to Chester City Council. Mr. Holmes served as an inspiration for many people. Because of his trail blazing, the impossible became possible and a reality.

Aside from his career on City Council, Mr. Holmes was also a City Treasurer, a math teacher at Frederick Douglass Junior High School, and a deacon at Bethany Baptist and, later, Calvary Baptist Church. It could never be said that Leo was not an active person. He loved people and lived under the motto that he would be a better person when he reached out to help others.

Mr. Holmes served as a Councilman for the City of Chester for 14 years. He then served as Personnel Director before retiring as City Treasurer on January 10, 1986. Believing and accepting that the people of Chester entrusted him in this position, Leo worked hard to address the issues and answer to the call of the people to the best of his ability. In September of 1990, Leo was appointed to the Board of Directors of the Chester Water Authority and served for 12 years before retiring due to increasing health problems.

Mr. Holmes was dedicated and devoted to the Masonic Order. His journey there started on December 3, 1955 until he his failing health forced him to leave his Masonic office in October of 1990. Upon his resignation the Grand Lodge unanimously voted that he be recognized as the Right Worshipful Grand Secretary Emeritus of the Most Worshipful Prince Hall Grand Lodge, Free and Accepted Masons of Pennsylvania.

Throughout his career, Mr. Holmes has led by example and we all have benefited from his leadership, intellect and integrity. Mr. Holmes' passing represents the loss of a powerful and committed voice, and it is for these reasons I ask that you and my other distinguished colleagues rise to honor him.

RECOGNIZING KEVIN JUSTICE OF CITRUS COUNTY, FLORIDA

HON. GINNY BROWN-WAITE

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 7, 2006

Ms. GINNY BROWN-WAITE of Florida. Mr. Speaker, I rise today to honor Kevin Justice of Citrus County, Florida, an Army Chief Warrant Officer with More than twenty-four years of service.

Chief Warrant Officer Justice is a graduate of Hernando High School and the Florida Military Academy, where he attended Officer Candidate School. When he is not deployed overseas, Kevin attends the First United Methodist

Church and tries to find time for a round of golf. During his many missions abroad, he sets up a web cam to keep in touch with his wife Shannan, his two children, Nickolus and Hillery and his parents Jay and Mary Justice.

One of the benefits of being in service for Kevin is the opportunity to travel to many countries, including the United Arab Emirates, England, Afghanistan, and the Netherlands. While serving in Operation Enduring Freedom, Kevin was awarded the Bronze Star for justifying the need for additional troops and rotating soldiers in the field.

As a member of the Florida National Guard, Kevin has been deployed for many of the hurricanes that have struck Florida's shores, including Andrew, Charlie, Jeanne and Ivan. Kevin served primarily as a liaison for military assistance and was the go to person to acquire supplies. He went to Oakley Fruit Company to request the use of their tankers to provide purified water to dialysis patients.

One of Kevin's highest honors is his membership in the Royal Order of Saint Barbara, an honorary military society of the United States Field Artillery. Both U.S. Marine and Army field artillery, along with their military and civilian supporters, are eligible for membership. The order links field artillerymen of the past and present in a brotherhood of professionalism, selfless service and sacrifice symbolized by Saint Barbara.

Mr. Speaker, it is soldiers like Kevin Justice who volunteer to protect the freedoms that all Americans hold dear to their hearts. While brave men and women like Kevin serve in the name of freedom and liberty, his family, friends and loved ones should know that this Congress will never forget his sacrifice and commitment.

HONORING ENVIRONMENTAL ACTIVIST DAVID HAHN-BAKER

HON. BRIAN HIGGINS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 7, 2006

Mr. HIGGINS. Mr. Speaker, It is my distinct honor to recognize David Hahn-Baker as the 2006 recipient of the Paul MacClennan Environmental Citizen of the Year Award as presented by Eire County Environmental Education Institute. ECEEI has chosen to acknowledge Mr. Hahn-Baker's lifelong commitment to environmental causes, which are deserving of acknowledgement before this chamber.

Mr. Hahn-Baker is the Founder and President of Inside/Out Political Consultants. An independent national consulting firm based in Buffalo, NY, Inside/Out works with national and local organizations across the country to address the intensifying environmental crisis.

Mr. Hahn-Baker's organization has worked with numerous local and national environmental organizations, including: Community Action Organization of Erie County; Earth Day Network; Buffalo Foundation; Tides Foundation; National Religious Partnership for the Environment; American Resources Information Network; EarthShare; League of Conservation Voters; National Wildlife Foundation; Lawyer's Committee for Civil Rights Under Law; Greenpeace USA; Southern Organizing Committee.

Mr. Hahn-Baker has also taught graduate and undergraduate classes at the University of Michigan and George Washington University. Additionally, Mr. Hahn-Baker was instrumental in the development of the Environment Health Advisory Network at the State University of New York at Buffalo.

Mr. Speaker, I would like to take this opportunity to publicly thank Mr. Hahn-Baker who has dedicated his professional career to environmental preservation. I ask my colleagues to join me in recognizing Mr. David Hahn Baker whom is so richly deserving of this honor.

HONORING MR. ALEX TRUJILLO, REGIONAL ADMINISTRATOR FOR THE CENTERS FOR MEDICARE AND MEDICAID SERVICES

HON. MARK UDALL

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 7, 2006

Mr. UDALL of Colorado. Mr. Speaker, I rise today to honor Mr. Alex Trujillo, who has served for 35 years in the federal government, most recently as the Region VIII Administrator for the Centers for Medicare and Medicaid Services. A personable, thoughtful and caring individual, Mr. Trujillo has worked closely with my office on numerous occasions to ensure that beneficiaries of Medicare, Medicaid and Children's Health Programs are receiving reliable information from which to base their healthcare decisions.

Under Mr. Trujillo's direction, nearly 92 percent of beneficiaries in Region VIII now have prescription drug coverage. This is a remarkable number of people receiving much needed healthcare coverage, especially in a time of rising prescription drug costs.

Over the past four decades, Medicare has grown to become a critical provider of healthcare services for millions of Americans. More often than not, recipients of Medicare are not fully aware of all of the advantages and health benefits to which they are entitled. Consequently, many beneficiaries pay a higher premium for their healthcare or do not understand where and how they can make savings. One of Alex Trujillo's accomplishments has been his leadership in improving public education about Medicare. During his tenure, Region VIII has measured an increase in responsible healthcare decision-making by beneficiaries that not only provides better quality healthcare, but also utilizes services more efficiently. This is an important accomplishment considering that Region VIII provides services for 3.2 percent of the U.S. population. It is also one of the biggest regions geographically, with a coverage area that stretches from Colorado to Montana, Wyoming, Utah, North Dakota and South Dakota. Mr. Trujillo's attention to rural communities has also been noteworthy.

Following his graduation from college in 1971, Mr. Trujillo entered public service at the U.S. Department of Health and Human Services. For the last 20 years he has worked for the Center for Medicare and Medicaid Services (CMS). He gained valuable experience in the Divisions of Medicare and Health Standards and Quality, and also served as the Assistant Regional Inspector General for the Office of Investigations and Office of the Inspector General. In short, he knows the landscape of these agencies and developed a reputation for exceptional service.

Mr. Speaker, I ask my colleagues to join me in expressing our appreciation to Alex Trujillo for his record of service in the federal government.

IN RECOGNITION OF DAVID LAWRENCE, JR.

HON. DEBBIE WASSERMAN SCHULTZ

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 7, 2006

Ms. WASSERMAN SCHULTZ. Mr. Speaker, David Lawrence, Jr. is a 20-year veteran of the newspaper business, serving in many capacities including positions as the editor of the Charlotte Observer, the publisher and executive editor of the Detroit Free Press, and the publisher of the Miami Herald which, under his leadership, won five Pulitzer Prizes for investigative reporting, meritorious public service, editorial cartooning and local news reporting.

David Lawrence, Jr. has been awarded eleven honorary doctoral degrees and has received numerous awards for his writing, including the First Amendment Award from the Scripps Howard Foundation and the Inter American Press Association Commentary Award.

After his retirement from The Miami Herald in 1999, David Lawrence, Jr. left the newspaper business entirely and focused his attention on child advocacy and early childhood education initiatives. His service in support of these efforts include his roles as Chairman of the Children's Trust, President of The Early Childhood Initiative, Chairman of the Florida Partnership for School Readiness, Chairman of the Governor's Blue Ribbon Panel on Child Protection, and member of the High/Scope Educational Research Foundation and the Foundation for Child Development.

His legacy of education and service to the community will continue at the David Lawrence, Jr. K–8 Center, a Miami-Dade County Public School for 1,600 students across from the north campus of Florida International University in North Miami, Florida. Mr. Lawrence, Jr.'s work exemplifies the contributions of so many South Floridians who work tirelessly to strengthen our community. My sincerest gratitude to a great journalist, philanthropist and my constituent, David Lawrence, Jr.

RECOGNITION OF DR. DENNIS SPELLMAN

HON. W. TODD AKIN

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 7, 2006

Mr. AKIN. Mr. Speaker, I rise today to state for the record how deeply saddened I am by the recent death of Dr. Dennis Spellman.

As President of Lindenwood University in St. Charles Missouri since 1989, Dr. Spellman leaves a legacy of success. His unique leadership style resulted in the tremendous growth of Lindenwood from a small struggling college, to the beautiful sprawling campus of almost 3,500 students (living on campus) that it is today as Lindenwood University.

In my many conversations with Dr. Spellman over the past five and a half years, I was keenly aware of his convictions. He was a man of deep faith and commitment. He was a patriot and a proud American who made his life a reflection of what our forefathers intended in ''life, liberty and the pursuit of happiness''. His love and concern for the students and faculty under his charge was evident in the vigor and passion with which he approached every issue and hurdle he navigated.

As the Congressman for Missouri's second district, I know I speak for many, especially those in St. Charles County who are the most direct beneficiaries of the many successes of Lindenwood University during Dr. Spellman's tenure, when I say, he will be greatly missed.

IN MEMORY OF ARMY SERGEANT FIRST CLASS RICHARD HENKES

HON. MIKE ROSS

OF ARKANSAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 7, 2006

Mr. ROSS. Mr. Speaker, I rise today to pay tribute to Army Sergeant First Class Richard Henkes, who died on September 3, 2006, fighting for our country in Mosul, Iraq, supporting Operation Iraqi Freedom. Richard Henkes, 32 years old, was killed during combat when a roadside bomb struck his military vehicle. Richard Henkes was assigned to the U.S. Army's C Company, 2nd Battalion, 3rd Infantry Regiment, 2nd Infantry Division in Fort Lewis, Washington.

Following a family tradition of service in U.S. Armed Forces, Richard Henkes enlisted in the U.S. Army in 1992 and had been serving in Mosul for the past two months. His father served in the Air Force, both grandfathers were in the Army and fought in World War II and a great grandfather fought in World War I. While not serving our country, Richard Henkes enjoyed spending time with his five year-old daughter and had a passion for snowboarding.

I am deeply saddened by the tragic loss of soldiers who have died while supporting Operation Iraqi Freedom. These brave Americans lost their lives while making the ultimate sacrifice to serve our country, and I will be forever grateful to them for their courageous spirit.

Richard Henkes gave his life to serve our country and will forever be remembered as a hero, a son, and a father. My deepest condolences go out to his daughter Isabel; his parents Chris and Jim Stanton and Richard and Karen Henkes; his sisters Tamara Henkes Bass, Dana Harmel and Karen Henkes; and his brothers, Mark Holmgren and Paul Stanton. I know Army Sergeant First Class Henkes was proud of his service to the U.S. Army and to our country. He will be missed by his family, fellow soldiers, and all those who knew him and counted him as a friend. I will continue to keep Richard Henkes and his family in my thoughts and prayers.

TRIBUTE TO THE LATE B.D. KANAN, FORMER KANSAS STATE SENATOR

HON. DENNIS MOORE

OF KANSAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 7, 2006

Mr. MOORE of Kansas. Mr. Speaker, I rise today to note the passing, on August 7, of former Kansas State Senator B.D. Kanan, of Kansas City, Kansas.

Senator Kanan was born Nov. 26, 1924 to John Walter and Hattie Pearl (Evans) Kanan in Cameron, Missouri. He was a Kansas State Senator from 1988 to 1992 and was the founder and owner of TRAFTEC in Kansas City, Kansas, since 1972. Previously, he had worked as a truck driver for Auto Transport for 19 years. Senator Kanan was a member of Christ the King Catholic Church and the Knights of Columbus. He was a Teamster and a member of ATSSA for over 32 years. He was preceded in death by his parents, two brothers and one sister as well as a granddaughter, Heather Lorance.

Survivors include his wife of 62 years, Betty Jo; their sons: Bernard, Jr., of Basehor, Kansas, and Walter of Kansas City, Kansas; and their daughters: Donna ''Pug'' Uzzell of Kansas City, Kansas, Elizabeth ''Suzie'' Lorance of Kansas City, Kansas, Mary Michelle Chapman of Seffner, Florida, Karen Martin of Kansas City, Kansas, Jamie Doolittle of Shawnee, Kansas, and Roseanne Smallwood of Fairmont, Kansas, as well as 17 grandchildren and 10 great-grandchildren.

Mr. Speaker, B.D. Kanan was an active, concerned citizen who did much to improve conditions in his home community of Kansas City, Kansas, and Wyandotte County, particularly with regard to improving the local transportation infrastructure. He served his constituents with honor and integrity as a member of the Kansas State Senate, and I am pleased to have this opportunity to publicly note his passing and to honor his record of public service. I include in the CONGRESSIONAL RECORD an article about Senator Kanan's legacy that appeared in the Kansas City Kansan.

[From the Kansas City Kansan]

FORMER STATE SENATOR, BUSINESSMAN B.D. KANAN, 81, DIES

(By Adam Torres)

Kansas City, Kan., lost a prominent citizen and former state senator this week. Bernard ''B.D.'' Kanan, 81, passed away at his KCK home Monday. Kanan had a heart condition that had been troubling him in recent weeks, according to one of his daughters, Donna ''Pug'' Uzzell.

For 18 years, Kanan worked as a truck driver. When driving once, he noticed how inconvenient the barricades and construction signs were, Uzzell said. Kanan designed a barricade that was easier to use.

''He got a patent for it and started his company, TRAFFTEC,'' Uzzell said.

In the 1980s, Kanan started to feel that KCK was not facing certain issues that it should, Uzzell said. He decided to use his own funds to represent the people of KCK and started a ''Fight Back'' initiative. Through the initiative, Kanan purchased advertising space in The Kansas City Kansan.

''Concerned citizens would write to him about certain issues and he would address them in a 'fight back' ad that he would personally buy,'' Uzzell said. ''He lived his whole life in KCK and he really cared about the community. It seemed like no one was addressing the citizens.'' Thus began Kanan's political career, although it wasn't his original intention.

''He really didn't mean for it to get into politics,'' Uzzell said. Kanan ran for state senate, with the help of his wife of 62 years, Betty Jo, and eight children, and won the election. He served for one term, from 1988 to 1992.

''That was enough for him,'' Uzzell said. Kanan, a Democrat, ran for the seat against David Haley, who currently holds the seat as a Democrat after losing to Kanan as a Republican. Despite being on opposite sides of the political aisle for a time, Haley said he had a great deal of respect for Kanan.

''I was always impressed with how cordial he was to me,'' Haley said, ''and that was a relationship we shared even after I switched parties.'' Uzzell said her dad was fair politician who was concerned about the citizens he represented.

''He wasn't bought by lobbyists,'' Uzzell said. ''He didn't go to their cocktail hours.''

Former Kansas state representative and current Edwardsville, Kan., City Administrator Doug Spangler said Kanan worked on legislation that improved the highway system throughout the county. ''B.D. was instrumental in the passage of the original transportation bill that funded so many improvements in Wyandotte County and the entire state of Kansas,'' Spangler said.

''He's going to be remembered for his concern for highway safety and for being an advocate for the Kansas highway system,'' Haley said. ''Because of that, we have what is now one of the finest highway systems in this part of the U.S.''

Spangler also said Kanan cared about the disadvantaged in Wyandotte County. ''Senator Kanan was a very caring and wonderful person who always kept Wyandotte County residents in mind when he voted in the Kansas Senate,'' Spangler said. ''He was always for the underdog and would reach out to help the less fortunate. He had a big heart and to know him was to love him.''

Kanan, a member of Christ the King Church and the Knights of Columbus, once bought hundreds of fans to give to those who needed them during a heat wave, Spangler said. He also worked and supported homeless shelters and helped people financially, Uzzell said. ''He was quite the person in the community,'' Uzzell said.

Kanan enjoyed seeing the development in western Wyandotte County over the last few years. He was proud of is happening in the community, Uzzell said. ''He really wanted to take our mother (Kanan's wife of 62 years, Betty Jo) to the Legends (at Village West). He wasn't able to but we promised to do it for him.''

EXPRESSING CONDOLENCES TO FAMILIES, FRIENDS, AND LOVED ONES OF VICTIMS OF CRASH OF COMAIR FLIGHT 5191

SPEECH OF

HON. HAROLD ROGERS

OF KENTUCKY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 6, 2006

Mr. ROGERS of Kentucky. Mr. Speaker, I rise today to join my colleague from Kentucky's Sixth Congressional District, Ben Chandler, in support of his resolution expressing our deep sorrow and condolences to the families, friends, and loved ones who are

grappling with the loss of 49 lives in an early morning August 27, 2006 plane crash—Comair Flight 5191.

The passengers on board Flight 5191 represented the rich diversity and commitment to community emblematic of the Commonwealth. A horse trainer, a UK faculty member, the wife of an East Kentucky University Board Member, newlyweds. A business leader, a youth basketball coach, a technology innovator, and a young father.

Mr. Speaker, all of Kentucky grieves with these families realizing their tremendous loss of a brother, a husband, a sister, a daughter, and our tremendous loss in our community of leaders. I specifically want to recognize my constituents Mike Finley, Hollie Gilbert, John and Scarlett Parsley Hooker, and Marcie Thomason and extend my heartfelt sympathy to their families. Their commitment to southern and eastern Kentucky created jobs and opportunities for young people, helped keep kids in positive pursuits by modeling hard work and supporting our communities.

Mr. Speaker, I would like to join my colleagues in commending federal, state, and local officials who cooperated not only at the crash site, but throughout Kentucky to respond to the emergency, investigate the accident, and provide assistance to families devastated by the loss of loved ones.

On behalf of the entire congressional delegation from Kentucky, we offer our most sincere condolences to the families of the victims and all those that were affected.

TRIBUTE TO RICHARD TODD RHODES

HON. MIKE McINTYRE

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 7, 2006

Mr. McINTYRE. Mr. Speaker, I rise today to pay tribute to Richard Todd Rhodes of Wilmington, North Carolina, who sacrificed his life on August 17, 2006 while valiantly serving his country as a private contractor with Cochise Company in Iraq. Our heartfelt thanks and prayers are for his family and friends in this time of grief.

For eight years, Todd served his country honorably as a member of the United States Marine Corps. After serving in Desert Shield/Desert Storm, he was employed as a security specialist with United States Protection Investigation while in Afghanistan, and most recently, with Cochise Company working in Iraq. For twelve years, Todd and his wife, Terry, owned and operated Best Video and Audio in Jacksonville, N.C.

Todd was a loving husband to Terry and a dedicated father to two sons, Shaun Rhodes and Ryan Rhodes, all of Wilmington, with whom he spent many hours teaching them life lessons and individual skills, such as construction and diving. Todd loved life and enjoyed such activities as dancing, diving, tennis and sailing. His memory will be forever cherished by his family and the friends and co-workers whose lives he touched in life's journey.

As a member of the U.S. Marine Corps and a contractor in Iraq, Todd dedicated his career to defending the values this Nation holds dear. By risking his life to ensure the safety of others, he made the ultimate sacrifice. His valiant actions and steadfast service remind us of the gratitude we feel toward him and all the other servicemen and women and civilians who have given their lives serving as guardians of this great country. Todd was indeed a man of courage and integrity.

Mr. Speaker, may the memory of Richard Todd Rhodes live on in our hearts, and may God's strength and peace be with his family.

TRIBUTE TO SERGEANT FIRST CLASS MELVIN HILL

HON. JAMES P. MORAN

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 7, 2006

Mr. MORAN of Virginia. Mr. Speaker, today I take the time to honor a distinguished veteran from the Commonwealth of Virginia, SFC Melvin Hill. A true patriot for his heroic service to our country, Hill was born on March 26, 1939 in Brooklyn. In 1955 he enlisted in the U.S. Army and was assigned to the 18th Regimental Combat Team (Airborne) at Fort Campbell, Kentucky. There he was selected to be an instructor at the Airborne School. He was later assigned to Germany, where he was responsible for conducting convoys from Helmstdat, Germany to insure U.S. access to Berlin. On each tour of duty, he also served as a guard at Spandau Prison, which at that time housed Rudolph Hess, Albert Speer, and Baldur von Schirach. In 1964 Hill was accepted for Special Forces training and assignment at Fort Bragg, North Carolina. After completing this training, he was assigned to the Military Advisory Command in Vietnam.

It was in this capacity that Sergeant Hill was awarded a Silver Star on January 18, 1971 for his fearless actions while serving as Leader of a Combined Reconnaissance Team in November of 1970. In this role, Sergeant Hill courageously led his team from the tailgate of a C–130 aircraft at an altitude of 17,000 feet on the first combat high altitude free fall into hostile territory in the history of the United States Army. His team landed in rugged and dangerous terrain in enemy territory where, despite equipment malfunctions, Sergeant Hill refused to abandon his team. They remained behind enemy lines in the harshest conditions for 5 days where, led by Sergeant Hill, the team gathered sufficient hard intelligence to mark the mission a success. When his transmit voice radio malfunctioned, Sergeant Hill used another device to transmit instructions to his team via Morse code and in this manner triangulated multiple targets for the Air Force. During the extraction from enemy territory, Sergeant Hill was wounded by a bullet to the leg, but due to his courage and leadership, his team was recovered with no losses and no other injuries.

After leading this successful mission, Hill extended his tour of duty to teach high altitude Military Free Fall techniques to other Reconnaissance teams. After retirement from the military, Hill continued to serve his country through a position in the U.S. General Services Administration in Washington, D.C., where he worked for 14 years and was recognized for his innovative approach to Contract Support, winning the Administrator's Meritorious Service Award and a citation from the Governor of Maryland.

Mr. Speaker, I am grateful today to recognize the achievements of SFC Melvin Hill that are so long overdue. His leadership and courage in combat during our nation's time of war require our sincere appreciation. I wish him the best in his future endeavors.

TRIBUTE TO BISHOP ARTHUR GEORGE BURRELL

HON. DALE E. KILDEE

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 7, 2006

Mr. KILDEE. Mr. Speaker, I rise today to honor the memory of Bishop Arthur George Burrell. St. George Beth El Church of God in Christ will hold a remembrance dinner in his honor on September 16 in my hometown of Flint, Michigan.

Bishop Burrell began his service to the church in 1947. He worked as a Deacon, Sunday School Teacher, Church Secretary and Broadcast Announcer until 1962. On April 14, 1962 Bishop C.J. Johnson ordained him and almost a year later he became the pastor of Gospel Temple Church of God in Christ. Under his leadership, the church negotiated the purchase of a new building in 1972 and changed the name to St. George Beth El Church of God in Christ.

During his ministry Bishop Burrell served as the State Sunday School Superintendent from 1975 to 1980 for the Northeast Michigan Jurisdiction, Administrative Assistant to the Bishop, and Chairman of the Commission of Budget and Finance. He served as the District Superintendent of the Progressive District and in 2002 he celebrated the Progressive District's Golden Jubilee. Bishop Burrell also served as the National Financier of the International Sunday School Department and in April 1998 he received the Outstanding Service Award to the Church of God in Christ from the Association of Church of God in Christ Business Owners.

Bishop Brooks, with the concurrence of the Presiding Bishop and the General Board of the Church of God in Christ, appointed Bishop Burrell to Assistant Jurisdictional Bishop at the 81st Annual Holy Convocation of the Northeast Michigan (Historic First) Jurisdiction.

In addition to his work for the church, Bishop Burrell retired from General Motors after 35 years of employment. He was married to Norma Burrell for 46 years and they had three sons. Bishop Burrell passed away in 2002.

Mr. Speaker, I ask the House of Representatives to join me in honoring the memory of Bishop Arthur George Burrell and St. George Beth El Church of God in Christ as they celebrate his ministry and life.

HONORING NYS POLICE TROOPER JOSEPH A. LONGOBARDO

HON. BRIAN HIGGINS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 7, 2006

Mr. HIGGINS. Mr. Speaker, it is with much sadness that I rise and respectfully request the members of this honorable chamber to join me in commemorating the life of Joseph A.

Longobardo, a respected member of the New York State Police, who was killed while serving his State.

A native of Amsterdam, New York, residing in Ballston Spa, Saratoga County, Trooper Longobardo, 32, is survived by his wife and 1-year-old son.

Trooper Longobardo, an 8-year veteran of the State Police, was a 1998 graduate of the New York State Police Academy, where he distinguished himself through his commitment of service to the Citizens of the State of New York.

Trooper Longobardo's commitment and dedication to protecting and serving the citizens of New York State was evidenced by his service in the elite Mobile Response Team. We recognize and thank Trooper Longobardo for his desire and dedication to the New York State Police Force.

Trooper Longobardo desire to serve his fellow Americans extended beyond his Police work, as he was also a Technical Sergeant in the New York Air National Guard, based out of Scotia, Schenectady County.

With great sadness, I, along with the Great State of New York and the United States at large, celebrate Trooper Joseph A. Longobardo achievements in life as we mourn his tragic passing in the line of duty. I thank you, Mr. Speaker, for offering me an opportunity to share with the House Trooper Longobardo's accomplishments and for allowing the chamber this chance to join the State of New York in honoring his life.

RECOGNIZES JEREMY REIS

HON. GINNY BROWN-WAITE

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 7, 2006

Ms. GINNY BROWN-WAITE of Florida. Mr. Speaker, I rise today to honor Jeremy Reis, a Private in the Marine Corps.

Private Reis attended Lovejoy High School in Jonesboro, Georgia, transferring his senior year to Newton County High, graduating earlier this year in May. His original post-graduate plans were to study art and photography, but following the events of September 11, Private Reis felt the call to duty and enlisted in the Marine Corps. When his tour of duty is complete he hopes to attend art school and fulfill his dream.

Entering basic training in August 2006 at Parris Island, South Carolina, Private Reis is training to be a computer programming specialist.

Raised as part of a close knit family, Private Reis is a member of his Church Youth group and enjoys hunting with his father and brothers. He also enjoys visiting his grandparents at their home in Citrus County, Florida. Private Reis has five dogs, including a pug named Mojo and a boxer named Jordan.

Mr. Speaker, it is soldiers like Jeremy Reis who volunteer to protect the freedoms that all Americans hold dear to their hearts. He is to be commended for his service to our Nation and for his commitment to his family and loved ones.

EXPRESSING CONDOLENCES TO FAMILIES, FRIENDS, AND LOVED ONES OF VICTIMS OF CRASH OF COMAIR FLIGHT 5191

SPEECH OF

HON. JERRY F. COSTELLO

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 6, 2006

Mr. COSTELLO. Mr. Speaker, I rise today to pay tribute to Comair Flight 5191 and I join my colleagues in support of H. Res. 980. My deepest sympathies, thoughts and prayers are with the families and friends of the victims of this tragic event that occurred in Lexington, Kentucky.

It is little solace to them that we have the safest air transportation system in the world, or that we had not had a major fatal accident in five years. Along with our support of this resolution, what Congress must do to honor these victims is to learn everything we can from this accident to try to prevent similar events in the future. Their lives will be remembered in the work we do here. As the ranking Democrat on the Aviation subcommittee, I am committed to making sure this happens. The National Transportation Safety Board is conducting a thorough investigation of this accident, and I fully support its efforts, along with those of the Federal Aviation Administration and the Inspector General of the Department of Transportation.

Mr. Speaker, I again remember those that lost their lives in this accident and offer my condolences to their loved ones. I also urge my colleagues to support H. Res. 980.

RECOGNIZING MR. LEO McHALE AND MARYLAND'S FIRST PRIVATE 9/11 MEMORIAL

HON. ROSCOE G. BARTLETT

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 7, 2006

Mr. BARTLETT of Maryland. Mr. Speaker, I rise today to recognize the efforts of one of my constituents, Mr. Leo McHale, of Walkersville, Maryland, to honor the heroes of 9/11.

With community support, Mr. McHale created Maryland's first private memorial to remember and honor the heroes who responded to the terrorist attacks and those who perished on September 11, 2001. It was dedicated on May 10, 2003.

I personally would like to thank Mr. McHale and the Walkersville residents whose joint efforts and hard work are responsible for the completion of this commemorative project. In spite of the terrible losses on that cataclysmic day, it is important to recognize the astounding community efforts and cooperative response that symbolize the character, pride and unity of the American people.

With 9/11's 5th anniversary approaching, it is essential that the American people continue to remember the events that occurred when America was attacked on September 11, 2001. Through the efforts of Mr. Leo McHale—and so many others—we continue to keep the memory alive by honoring the heroes who responded and the men, women and children whose lives were mercilessly and cruelly taken on 9/11.

PAYING TRIBUTE TO RANDOLPH C. ROBINSON, M.D., D.D.S

HON. THOMAS G. TANCREDO

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 7, 2006

Mr. TANCREDO. Mr. Speaker, I rise today to recognize the dedicated and inspiring career of Dr. Randolph Robinson. Dr. Robinson, along with his wife, Ginger, founded Face the Challenge. This charitable organization has provided thousands of free surgeries to the world's poorest children in order to correct facial deformities.

Dr. Robinson has used his medical knowledge and surgical skills to better the lives of many impoverished people around the world. Face the Challenge has traveled to many countries in South America, Eastern Europe and Asia with the goal of treating the indigent and most affected.

Dr. Robinson, who practices in Lone Tree, Colorado, has performed 836 free facial surgeries since 1993. His selfless contributions should be commended and his dedication to public service deserves our highest regard. I wish to thank Dr. Robinson for his tireless efforts to bring medical advances to the world's poor.

IN MEMORY OF SERGEANT JEFFREY SCOTT BROWN, UNITED STATES ARMY

HON. PETE SESSIONS

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 7, 2006

Mr. SESSIONS. Mr. Speaker, I rise today to honor the memory of Army Sergeant Jeffrey Scott Brown, an American hero who gave his life in defense of liberty and freedom. He made the ultimate sacrifice so that others might know freedom, and I am humbled by his bravery and selflessness.

Sergeant Brown lost his life on August 10, 2006 due to injuries sustained when his UH–60 Blackhawk helicopter crashed in Rutbah, Iraq during combat operations in support of Operation Iraqi Freedom. He was 25 years old. Sergeant Brown was assigned to the 82nd Medical Company at Fort Riley, Kansas.

Sergeant Brown came from a family dedicated to American ideals and serving this great Nation. His father is a Vietnam veteran and his brother, Timothy, currently serves as a crew chief on an Apache helicopter in Germany. Sergeant Brown is survived by his wife, Ashley, of Carrollton, Texas; his parents, Ed and Diane Brown of Trinity Center, California; his brothers, Timothy and Michael; and his sister, Kathryn.

I extend my sincerest condolences to the family and friends of Sergeant Brown. He leaves behind a legacy marked by courage, integrity and character. May God bless all those he loved, and may they know the gratitude of the American people.

HONORING KATHRYN SWANSON

HON. JAMES L. OBERSTAR

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 7, 2006

Mr. OBERSTAR. Mr. Speaker, I rise today to pay tribute to Kathryn Swanson, a dedicated public servant whose passionate commitment to highway safety has guided her throughout her career.

Kathy has been a leading, influential figure in highway safety for more than 25 years, working tirelessly to save lives and prevent injuries on our Nation's roads.

Since 1998, Kathy has served as director of Minnesota's Office of Traffic Safety in the state's Department of Public Safety. Prior to being director, she served as deputy director, safety program coordinator, and as a research analyst.

As one of the longest tenured members of the state highway safety community, Kathy's counsel is frequently sought by other states and organizations around the country.

In her role as director, Kathy administers the state and community highway safety grant programs in Minnesota. During her tenure, the state has achieved significant progress including an 83.9 percent seat belt usage rate, which is above the national average. The state also achieved its lowest fatality rate ever during Kathy's tenure.

Kathy has also worked tirelessly with her counterparts in the Minnesota Department of Transportation in a true partnership aimed at significantly reducing traffic fatalities in Minnesota. Today the Towards Zero Death program is the keystone of Minnesota's safety agenda, affecting the work of various state and local agencies and private sector partners.

Kathy's success in Minnesota, her strong commitment to highway safety and the respect and support of her state peers led to her election as Vice Chair of the Governors Highway Safety Association (GHSA) in September 2002. GHSA is the nonprofit association representing the highway safety program managers of the states and the territories.

Following a leadership change in March of 2003, Kathy was elevated to Chair of GHSA, a position in which she served until the fall of 2004. Under Kathy's leadership, GHSA developed its positions on the reauthorization of our nation's surface transportation bill, the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy For Users (SAFETEA–LU).

As Immediate Past Chair, Kathy continues her involvement in GHSA. In 2005, she represented the Association at a listening session for the White House Conference on Aging where she discussed the role of the state highway safety offices in enhancing the safety of older drivers. She also represented GHSA at the 2005 launch of the Ford/GHSA Driving Skills for Life teen driving safety program.

Kathy's work has no doubt prevented countless traffic fatalities and injuries in Minnesota and across the Nation. I am proud and honored to share with my colleagues this deserved tribute to Kathy Swanson, who gives so much of herself to enrich the lives of others and to serve her community and her country.

HONORING LANCE CORPORAL PATRICK T. HOWARD

HON. ILEANA ROS-LEHTINEN

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 7, 2006

Ms. ROS-LEHTINEN. Mr. Speaker, I rise today to wish a full and healthy recovery to Lance Corporal Patrick T. Howard, who suffered extensive injuries while on guard duty in Iraq on July 18.

Lance Corporal Howard was born and raised in Miami, and enlisted in the Marines directly after graduating from high school. In March of 2006, he was deployed to Ramadi, Iraq, and was meritoriously promoted to the rank of Lance Corporal.

I am deeply saddened about the grave nature of the injuries inflicted upon such a selfless young man from South Florida. The entire community is grateful to Lance Corporal Howard for his contributions in the struggle to spread liberty to Iraq, and values the sacrifices of all those currently defending our Nation overseas.

I ask that you please keep Lance Corporal Howard and his family in your thoughts and prayers as he completes the recovery process.

PERSONAL EXPLANATION

HON. ELTON GALLEGLY

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 7, 2006

Mr. GALLEGLY. Mr. Speaker, I was unable to vote on the following bills on September 6, 2006:

H.R. 2808, the Abraham Lincoln Commemorative Coin Act (Rollcall No. 427). Had I been present I would have voted "aye."

H. Res. 605, a resolution recognizing the life of Preston Robert Tisch and his outstanding contributions to New York City, the New York Giants Football Club, the National Football League, and the United States (Rollcall No. 428). Had I been present I would have voted "aye."

H. Res. 875, a resolution congratulating Spelman College on the occasion of its 125th anniversary (Rollcall No. 396). Had I been present I would have voted "aye."

TRIBUTE TO JOYCE ROBINSON

HON. SHELLEY MOORE CAPITO

OF WEST VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 7, 2006

Mrs. CAPITO. Mr. Speaker, I rise today to commend Joyce Robinson of her service to the Social Security Administration and to congratulate her on her upcoming retirement.

Mrs. Robinson began her career in 1975 as a Claims Clerk in the Martinsburg, West Virginia Social Security Office. She has held 7 different positions, reaching the level of Special Disability Workload Cadre Manger in the Charleston, West Virginia Social Security Office.

Mrs. Robinson has been recognized numerous times for her outstanding leadership qualities. Her immense knowledge of programs and great interpersonal communication skills led her to gain the distinction of being a liaison to her peers, as well as, to Congressional Staffs and entities outside the SSA office. She will be greatly missed as a helpful resource to me and my staff.

For her dedication and willingness to serve my constituents, the State of West Virginia, and surrounding states, I offer Mrs. Robinson my most sincere congratulations and best wishes for a well-deserved retirement.

PERSONAL EXPLANATION

HON. LINDA T. SÁNCHEZ

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 7, 2006

Ms. LINDA T. SÁNCHEZ of California. Mr. Speaker, yesterday I was attending a National Policy Conference in Los Angeles, and I could not be present, subsequently missing rollcall votes numbered 427, 428, and 429. Had I been present, I would have voted:

"Aye" on rollcall No. 427, H.R. 2808, the "Abraham Lincoln Commemorative Coin Act,"

"Aye" on rollcall No. 428, H. Res. 605, "Recognizing the life of Preston Robert Tisch and his outstanding contributions to New York City, the New York Giants Football Club, the National Football League, and the United States," and

"Aye"—on rollcall No. 429, H. Res. 875, "Congratulating Spelman College on the Occasion of its 125th Anniversary."

IN HONOR OF MARY BOURDETTE

HON. GEORGE MILLER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 7, 2006

Mr. GEORGE MILLER of California. Mr. Speaker, with a heavy heart, I rise to honor the life of Mary Bourdette.

On September 5th, America lost one of its great champions for children and families. Mary Bourdette was a passionate and dedicated advocate and had an extraordinary 30 year career. Mary's tireless efforts improved the lives of countless children and families across the country.

I will personally miss her friendship, and the Nation will miss her devotion to children's welfare.

I first met Mary in California when she was working on improving education in the state. Mary and I then worked closely together when I chaired the House Select Committee on Children Youth and Families in the 1980's here in the House.

She was a skilled advocate and negotiator and her vision and persistence were critical to my efforts on child welfare policy and numerous other issues. Mary advocated for children and families in many capacities here in Washington, D.C. over the past 30 years. She worked for the Legal Services Corporation to help ensure that our poorest citizens have access to the legal system that our Constitution promises. She later worked tirelessly at the Children Defense Fund on the first major expansion of the Earned Income Tax Credit and

the original enactment of the Child Care and Development Block Grant—programs that have made an enormous difference for America's poorest families.

Her work with the Child Welfare League of America as Director of Public Policy also proved vital for the well-being of America's children and families. And her 8 years with the Clinton Administration allowed Mary to play a central and critical role in the many federal policies that affect children.

Her untimely death is a tragedy. Her colleagues will miss her and her family and closest friends will mourn her loss. To them, I extend my profound condolences and empathy. But in honor of Mary, let not one of us ever forget the meaning of her life's work. Mary Bourdette believed that every child and family, no matter how poor or meager their existence, deserved the chance to live a better life. She was a model for those who wish to dedicate themselves to improving the lives of others. And for that I am grateful. Our nation is indebted to her for what she believed in and what she tried so hard to accomplish.

TRIBUTE TO NANCY KERR

HON. JOHN J. DUNCAN, JR.

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 7, 2006

Mr. DUNCAN. Mr. Speaker, Nancy Kerr, the founder of the first hospice program in Tennessee, was killed in a tragic accident on May 1.

I knew Nancy Kerr for a big part of my life. She was a staunch conservative and a strong supporter of both my late father and me.

She did not just talk about compassionate conservatism; she lived it.

She comforted more than 500 patients as they neared death and was doing this right up to the day of her death at age 80.

She was a wonderful woman, and this Nation is a better place today because of the love and kindness she gave to so many.

Sam Brown, a friend of mine, wrote a great article about Nancy Kerr for the August 27 edition of The Knoxville News-Sentinel.

I would like to call this article to the attention of my colleagues and other readers of the RECORD.

NURSES'S WORLD WAR II WORK LAID FOUNDATION FOR FUTURE HOSPICE CARE

(By Sam Brown)

It could have been a Hollywood movie.

She was a young, stunningly beautiful English nurse who cared for wounded British and American troops in World War II. Several dying soldiers called her an angle. Some said she looked like Katharine Hepburn. She was 18 and a student nurse when Allied forces stormed the beaches of Normandy, France. She remembers D–Day well, comforting many wounded and dying soldiers who were brought back from the front lines. After the war, she married Jim Kerr of Knoxville after saying she would never marry an American. She became the first hospice nurse in the state of Tennessee.

This is not a Hollywood script. It is the story of Nancy Wilkie Kerr.

She was born near Kuala Lumpur, Malaysia, where she spoke Malay and Chinese before she learned English. Kerr was 13 in Southhampton, England, when World War II started. She lived through German bombing raids and recalled when three British Spitfires flew up to meet 20 German bombers. The air raid sirens and the screams of the wounded were etched in her memory. She wanted to help, so she became a nurse. During the war, she worked 12-hour shifts for six weeks and got two days off. Kerr once said, ''I look in the face of death every day.''

It was invaluable experience for what was ahead in her life.

In 1979, Kerr helped establish the first hospice program at Fort Sanders Hospital. It was also the first program of its kind in Tennessee.

I was anchoring television news for Channel 6 in 1979 and heard about the hospice program. It intrigued me. I had never heard of Elisabeth Kubler-Ross, who founded the concept in England. Hospice is a medieval term meaning a stopping-off point for weary travelers.

In 1969, Kubler-Ross wrote the book ''On Death and Dying.'' She presented the premise that the terminally ill go through various stages from denial to acceptance as death closes in. Hospice allows them to face death with dignity. Hospice tries first and foremost to relieve pain with medication, to prepare the patient for death both mentally and physically and, if possible, to let the patient die peacefully at home.

Kerr felt the terminally ill should not die in a sterile hospital room. In a span of 25 years, she comforted more than 500 families as their loved ones went through the stages of death with dignity. Shortly after the Knoxville program started, I did a two-part TV series on hospice with Kerr.

She told me, ''You become a definite part of each family with which you work. Of course you get emotionally involved, but we try to aim for what we call a 'good death' where they are tranquil and accepting. No joyous or euphoric but rather accepting.''

Kerr died in May at the age of 80, just before her death, she was still doing what she did best—nursing the sick and terminally ill. And comforting their families. The tributes poured in at her funeral.

Patty Loveday wrote in the guest book, ''She helped us through two long months of Mother's illness. We could never have brought Mother home without her. She was truly a wonderful nurse. We felt like she was part of the family,''

Nancy's number three son, Chris and his wife, Karen, carry on her legacy with their company. Tender Hearts Support Services, which provides companionship for the elderly with a hospice approach. ''We are trying to keep Mother's mission alive. She was truly a remarkable woman,'' Chris Kerr said.

Ironically, Nancy Kerr did not die in a hospice environment. On the afternoon of May 1, 2006, she was killed instantly in an auto accident on Alcoa Highway.

A friend at her funeral perhaps said it best. ''Heaven has gained a new angel.''

175TH ANNIVERSARY OF SARCOXIE, MISSOURI

HON. ROY BLUNT

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 7, 2006

Mr. BLUNT. Mr. Speaker, I rise today to recognize the 175th anniversary of the City of Sarcoxie, located in Jasper County, Missouri.

The region where Sarcoxie is located was acquired by the United States as part of the Louisiana Purchase in 1803. One of the first known inhabitants of the area was Chief Sarcoxie, head of the Turtle Band of the Delaware Tribe of Indians. Thackery Vivion became the first permanent settler to Jasper County when he built a log cabin and began farming near Sarcoxie Spring in 1831, and Sarcoxie soon became the first town in Jasper County. Gene Taylor, who served in the United States House of Representatives from 1973 until 1989, was born near Sarcoxie, and the Gene Taylor Library and Museum is located on the town square.

I am proud to congratulate the City of Sarcoxie and its citizens on the 175th anniversary of this historic city.

PERSONAL EXPLANATION

HON. MARK GREEN

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 7, 2006

Mr. GREEN of Wisconsin. Mr. Speaker, I was absent from Washington on Wednesday, September 6, 2006. As a result, I was not recorded for rollcall votes Nos. 427, 428, and 429. Had I been present, I would have voted ''yea'' on rollcall Nos. 427, 428, and 429.

HONORING ALAN BROCKMAN

HON. TIMOTHY H. BISHOP

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 7, 2006

Mr. BISHOP of New York. Mr. Speaker, I rise to recognize a distinguished American and constituent, Mr. Alan Brockman, for a successful career and a lifetime of public service exemplified by unwavering dedication to the Fire Island community along the south shore of Long Island.

Throughout his legal career, Alan has been a respected attorney and partner of the New York City law firm, Blank Rome, located in the Chrysler Building. With equal diligence and commitment, he has served Long Island residents as president of the Fire Island Pines Property Owners Association for the past twenty-four years, following six years as treasurer.

Alan's impeccable reputation and strong ties with local, state and federally elected officials have contributed to a record of exemplary representation of the Pines and effective leadership on behalf of the interests of its residents. For over forty years, Alan has opened his home to residents and friends of the Pines. Today, he enjoys traveling the world but continues to call the Pines home, where he will always be affectionately known as ''the mayor,'' a title he has earned for dramatically improving the quality of life on Fire Island, where property values have nearly doubled as a result of his advocacy and hard work.

Alan's commitment to Long Island and the Fire Island Pines is also made evident by his numerous responsibilities, affiliations, friends, and titles, including sixteen years directing the Fire Island Association. His efforts have always been focused toward making the Pines a better place to call home, and that is exactly where Alan's loyalty and his heart remain.

Mr. Speaker, it is an honor to represent constituents and civic leaders like Alan who work tirelessly to make our communities more livable and enjoyable. I am proud to congratulate

Alan Brockman for a long and distinguished career, and on behalf of New York's First Congressional District and indeed all of Long Island, I wish him continued success in his future endeavors.

PERSONAL EXPLANATION

HON. LORETTA SANCHEZ

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 7, 2006

Ms. LORETTA SANCHEZ of California. Mr. Speaker, on Wednesday, September 6, 2006, I was unavoidably detained due to a prior obligation.

Had I been present and voting, I would have voted as follows:

(1) Rollcall No. 427 "yea" (H.R. 2808).

(2) Rollcall No. 428 "yea" (H. Res. 605).

(3) Rollcall No. 429 "yea" (H. Res. 875).

HONORING JUKE VAN OSS ON 55 YEARS OF BROADCASTING ON WHTC 1450

HON. PETER HOEKSTRA

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 7, 2006

Mr. HOEKSTRA. Mr. Speaker, today I rise in honor of Juke Van Oss for 55 years of broadcasting on WHTC 1450 in Holland, Mich. On Aug. 12, Juke celebrated 55 years of service to the station and his community.

Juke began his career in radio during World War II on the Pacific, Front, transporting a radio for his infantry troop and transmitting codes. When the war ended, he returned home and continued to foster his interest in radio, obtaining his amateur license and later securing a job as a radio engineer for WHTC at 27 years old.

It was not until one morning that the announcer failed to arrive on time that Juke was able to sit at the microphone. An instant favorite of listeners, Van Oss began hosting his own morning show, and for the past 45 years he has hosted "Talk of the Town." Juke has become a household name and a local celebrity in the Holland area through his years behind the mic at WHTC.

When Juke started broadcasting in 1951, the United Nations headquarters officially opened in New York, "I Love Lucy" debuted on CBS and Bobby Thomson of the New York Giants hit the "Shot Heard 'Round the World" game-winning home run against the Brooklyn Dodgers to win the National League pennant.

Mr. Van Oss is not only a radio personality, but a community servant. He has served as a member of the Saugatuck Schools Board of Education and Village Council, including three years as Mayor, as well as President of the Chamber of Commerce and a seat on the Region 8 Criminal Justice Planning Council.

Mr. Speaker, please let it be known that on this Sept. 7, 2006, that the U.S. House of Representatives acknowledges the achievements of Mr. Van Oss and wishes him the best in his upcoming years of broadcast.

BEAM ME UP

HON. THOMAS G. TANCREDO

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 7, 2006

Mr. TANCREDO. Mr. Speaker, let me get this straight: The Bush administration won't let the democratically elected President of Taiwan, a staunch aly and longtime friend of the United States, so much as stop to fill his airplane with gas in Alaska.

Yet they didn't hesitate to issue a visa to Muhammad Khatami, the former President of Iran—a country the U.S. has classified as a state sponsor of terrorism for nearly the last 30 years.

What can we expect next from the Rocket Scientists at State Department Mr. Speaker?

Fidel Castro throwing out the first pitch at the next Yankee game?

Kim Jong I spending the weekend at Disneyland?

Sudanese President Omar Al-Bashir giving a guest lecture on human rights at Cal-Berkley?

Hugo Chavez playing a round of golf at Army Navy?

As our old friend used to say Mr. Speaker—Beam Me Up.

IMMIGRATION REFORM

HON. MIKE PENCE

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 7, 2006

Mr. PENCE. Mr. Speaker, in my lifetime, no issue has so disturbed our domestic tranquility than immigration reform.

Thanks to the leadership of this House, the American people are convinced we have a serious problem with illegal immigration and the American people know the Senate bill granting amnesty to 12M illegal immigrants is not the answer.

There are many ideas of how we can move forward. Senator KAY BAILEY HUTCHISON of Texas and I have proposed a compromise that would:

—put border security first and reject amnesty;

—after 2 years of border security only, our plan would set up a new guest worker program using American employment firms outside the United States;

—illegal immigrants would be required to leave the country and apply at these Ellis Island Centers by submitting to a background check and health screening before being issued a 2-year guest worker visa. They also would have to pass an English course to renew it; and

—tough employer sanctions would drive companies and employees into this new system.

Pence-Hutchison puts border security first, and once that is accomplished, it creates a new guest worker program outside the United States without amnesty and without creating a new federal bureaucracy.

Some in Congress think we have done enough. I believe we must do more. Even in this contentious election year, the American people expect us to "be strong, courageous and do the work" they elected this Congress to do.

A TRIBUTE TO THE BRAVERY OF NORTHAMPTON COUNTY SHERIFF DEPUTIES JOE MAGEE AND COREY JACKSON

HON. G.K. BUTTERFIELD

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 7, 2006

Mr. BUTTERFIELD. Mr. Speaker, on Wednesday, July 12, 2006, the swift, determined and heroic actions of Northampton County Sheriff's Deputy Joe Magee and Northampton County Sheriff's Deputy Corey Jackson preserved the peace and protected the citizens of our community in eastern North Carolina.

During the incident, Deputy Joe Magee, a 28-year law enforcement veteran, and Deputy Corey Jackson, a 3½-year veteran of the sheriff's department, bravely took control of an enraged, armed suspect in the courtroom of the Northampton County Courthouse.

Facing a charge of murder, the suspect flew into a rage when Superior Court Judge Alma L. Hinton rejected a request to dismiss his lawyer. Despite being shackled, the suspect managed to wrestle a gun from a nearby state correction officer and fired shots.

Deputy Corey Jackson forced the suspect's arms toward the ceiling after a corrections officer was struck by a bullet in the shoulder and Deputy Joe Magee shot the inmate in the abdomen, ending the threat.

These decisive, heroic and selfless actions preserved the lives of those present and met the highest call of duty. It is my privilege today to commend the officers for their outstanding efforts and for acts of courage and quick thinking that saved the lives of the people they are sworn to protect.

Mr. Speaker, on behalf of the citizens of Northampton County, North Carolina, whom it is my privilege to represent, and on behalf of the United States Congress, it is my honor to recognize and thank Deputy Joe Magee and Deputy Corey Jackson. Their tireless dedication and exceptional bravery serve our community and our Nation well.

IN RECOGNITION OF JOHN TIPPETS, NEWLY ELECTED DIRECTOR ON THE BOARD OF THE NATIONAL ASSOCIATION OF FEDERAL CREDIT UNIONS

HON. KENNY MARCHANT

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 7, 2006

Mr. MARCHANT. Mr. Speaker, I rise today to recognize John Tippets, the president and CEO of American Airlines Federal Credit Union, located in Dallas-Fort Worth on his election to the Board of Directors of the National Association of Federal Credit Unions (NAFCU). John has been an advocate for federal credit unions for over 15 years at the state and local level.

I know John will serve with distinction in his new post, as this is just one more in a long

list of accomplishments. In addition to serving as President and CEO at AAFCU, he previously served on the Board of Directors as well. John previously served on the Filene Institute Advisory Council, the Federal Reserve's Thrift Institutions Advisory Council and Fannie Mae's National Advisory Council. Further, John currently serves on the Aspen Institute's Advisory Board for the ''Initiative on Financial Security'' and on NAFCU's Legislative Committee.

Under John's leadership, AAFCU has continued to grow, serving over 200,000 employees of the air transportation industry. During his time at AAFCU, John has worked hard to ensure that the credit union continue to reflect the original goals of the credit union movement; promoting thrift, encouraging volunteer leadership and cooperative ownership. AAFCU provides helpful, timely, personal service that caters to the needs and financial goals of individual members. It is that service that is the hallmark of AAFCU and the credit union movement.

Again, I wish John good luck in his new position as a member of NAFCU's Board of Directors.

REMEMBERING THE HEROES OF SEPTEMBER 11, 2001

HON. MADELEINE Z. BORDALLO

OF GUAM

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 7, 2006

Ms. BORDALLO. Mr. Speaker, I rise today upon the 5th anniversary of September 11, 2001, in solemn remembrance of those who lost their lives as a result of the terrorist attacks that befell our beloved country on that tragic day. Americans awoke that day to witness sudden, deliberate, unconventional and planned attacks on our country and on the ideals of freedom and democracy that we cherish and hold dear to our hearts. On Guam, we were ending our day due to the time zone difference. We tuned to the live television news coverage of the attacks and watched in disbelief as the events unfolded.

The scenes from the attacks on the World Trade Center in New York City and on the Pentagon in Arlington, Virginia, and the crash of United Airlines Flight 93 in the fields of Shanksville, Pennsylvania, are etched into our memories. Many of us remember where we were that day when we first learned of the attacks, who we were with, where we first sought refuge and consolation, and where we turned in the days that followed to offer our support to those that lost loved ones, to donate blood, or to simply lend a helping hand in a remembrance project.

On this anniversary we recall the 3,031 innocent individuals whose lives were lost as a result of these terrorist attacks. We remember the valor of those who came face-to-face with the terrorists on the hijacked commercial airplanes, the courage of those trapped inside the targeted buildings, and the bravery of the first responders who came to their rescue. We remember the dedication of the personnel from the Port Authority of New York and the Federal Aviation Administration who worked under extreme pressure that day to safeguard our transportation networks and to protect the lives of passengers, pilots, and flight crews en route and in the air. Their professionalism brought control and command in an environment threatened with chaos and distress.

On Monday, September 11, 2006, the people of Guam will join the rest of the country in remembering and mourning the innocent victims of the terrorist attacks, as well as the brave men and women who gave of their lives trying to save others in the aftermath.

The events of September 11, 2001, have helped strengthen our country. Today, we are more resilient, stronger, and especially proud of our first responders and law enforcement community. Our commercial aviation industry has rebounded and commercial flight today inside the United States is safe as a result of the professionalism and dedication of airport and airline employees.

We must continue to denounce those who would do evil against our country, and to our allies around the world, and we must continue to support our men and women, sons and daughters, brothers and sisters, who fight terror abroad today.

God Bless the families who lost loved ones to the heinous attacks on our country on September 11, 2001, God Bless those who lost their lives fighting terror on foreign shores and those who continue to fight, and God Bless Guam, and God Bless our great country, the United States of America.

ACCOUNTABLE BUDGETING COMMISSION

HON. ANDER CRENSHAW

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 7, 2006

Mr. CRENSHAW. Mr. Speaker, in 1967 the Federal Government spent just over $157 billion and operated with a deficit that was under $9 billion. Today, almost 40 years later, the Federal Government spends approximately $2.7 trillion and has a $260 billion deficit.

The Federal Government's total spending and oversight has vastly changed from the 1960s, yet it still operates under the basic accounting rules established 40 years ago by President Lyndon Johnson's Commission on Budget Concepts.

Just as an engine of a 1967 Cheverolet Impala would be an automotive disaster in a 2006 Toyota Prius, our economic policies suffer today because we are using outdated concepts and antiquated accounting practices.

Today, I am introducing the Accountable Budgeting Commission. This needed legislation will provide the long overdue review of the underlying concepts that are impairing our ability to properly and effectively analyze and understand the issues we face in the 21st century.

This Commission will provide the necessary oversight and make recommendations on ways to modernize our basic budgetary principles as Congress brings more accountability and transparency to the budget process.

I look forward to working with my colleagues on this important and long overdue legislation.

HONORING MR. RAY L. PERETTI OF KENT, WASHINGTON

HON. ADAM SMITH

OF WASHINGTON

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 7, 2006

Mr. SMITH of Washington. Mr. Speaker, I rise today to highlight and commend the service of Ray L. Peretti of the Ninth Congressional District of Washington, for his service to his community and the Nation as a member of the National Association of Insurance Agents.

Mr. Peretti recently completed his term as the president of the National Association of Professional Insurance Agents, and has also served in many positions of responsibility in the association. Mr. Peretti has been a member of the board of directors of PIA National since 1995. He was also a member of the board of directors of PIA of Washington/Alaska, which is now part of the PIA Western Alliance, serving as vice president, president-elect and president and on various committees.

Mr. Peretti has served on the State of Washington Property and Casualty Advisory Committee. He was named Agent of the Year by PIA of Washington/Alaska in 1995, received the Hartford/Jonathan Trumball Council's Chairman's Award. Mr. Peretti was also honored by the Insurance Fire Mark Society of the Pacific Northwest with its Presidential Award, and is the recipient of a public relations award from the Insurance Women of South King County.

Active in his community, Mr. Peretti is the owner of the Hub Insurance Agency of Renton, Washington. A lifelong member of the Renton Lions Club, he is also a member of the Renton Chamber of Commerce, serving 6 years as a member of its board of directors, and has been a member of the Renton Arts Commission and the Renton Ethics Board.

As a professional insurance agent, Mr. Peretti's dedication to the highest standards of his profession has earned him the respect of his friends, associates, business colleagues, and of the insurance industry as a whole.

Mr. Speaker, I appreciate the opportunity to rise today to recognize the good work that Ray L. Peretti has done throughout his career as a member of the insurance community, and to again congratulate him on the completion of his term as the president of the National Association of Professional Insurance Agents.

RECOGNIZING THE LIFE AND ACHIEVEMENTS OF ERNESTO MERCADER ESPALDON

HON. MADELEINE Z. BORDALLO

OF GUAM

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 7, 2006

Ms. BORDALLO. Mr. Speaker, I rise today to recognize the achievements of Dr. Ernesto Mercader Espaldon who passed away on August 4, 2006. Dr. Espaldon was a devoted husband and father, an accomplished physician, a dedicated public servant, and community leader.

Born on November 11, 1926, to Cipriano Acuna Espaldon and Claudia Cadag Mercader in Simunul, Sulu Province, Philippines, young

Ernesto Espaldon, established himself as a true Filipino and American patriot. Joining the Sulu Guerrilla Organization as a freedom fighter, the 16-year-old soldier quickly proved his abilities as a soldier and leader. On January 12, 1945, Ernesto and two fellow soldiers fended off a contingent of Imperial Japanese soldiers attempting to take the village of Banaran, Tawi-Tawi. For their heroism, the grateful people of Banaran erected a monument memorializing the battle and the three soldiers.

Spoken in his own words, Dr. Espaldon was a humanitarian who firmly believed that ''God gives us gifts that we might share them, not hold them for our own.'' For 36 years, Dr. Espaldon fulfilled those very words, having made biennial medical relief missions to islands throughout Micronesia. He founded the Guam Balikbayan Medical Mission and pioneered teams of local and national experts on journeys to isolated provinces in the Philippines. Committed to meeting the medical needs of others, in particular children and young adults, his efforts were entirely voluntary. These medical missions set an example of community service for others.

He served six terms in the Guam Legislature. Dr. Espaldon was a dedicated public servant of the people of Guam. His political career was one marked by courage. He sponsored and steered to passage the island's first smoking ban legislation and he did so under the threat of losing his bid for re-election. He was a man who worked hard for the good of the people and the island of Guam.

Having served with Dr. Espaldon in the Guam Legislature, I recall that he was a model citizen-senator. His service was marked by dedication and advocacy for health issues. His devotion to his family and to the people of Guam is an inspiration to our island. His keen attention to detail and thoroughness was a reflection of his medical training. I will always remember Ernie for his spirit, his community involvement, his humanitarianism and his compassion to the condition of those less fortunate.

I am deeply saddened by this loss and know that many people on Guam, in the Philippines, and throughout the Pacific are mourning as well. My thoughts and prayers are with his wife Leticia Virata Espaldon, M.D., and their six children: Arlene, Vivian, James Albert, Diane Marie, Karl Patrick, and Ernesto Jr. Although he will be missed by his family and friends throughout the Pacific, his legacy of service will live on in our community.

HONORING THE 9/11 FLIGHT CREW MEMBERS

HON. KENNY MARCHANT

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 7, 2006

Mr. MARCHANT. Mr. Speaker, I rise today in order to honor the flight crew members that lost their lives in the terrorist attacks on the United States on September 11, 2001.

During the horrific attacks that took place on that fateful date, thousands of innocent people lost their lives at the hands of these terrorists. Among them, 25 flight attendants, 5 captains and 4 first officers were lost on American Airlines flights 11 and 77 and United Airlines flights 93 and 175. Everyone of them acted heroically in the face of the terrorist attacks, the magnitude of which is unparalleled in American history.

In addition, on December 22, 2001, the flight crew members of American Airlines flight 63 responded with courage, determination, and skill, saving the lives of 185 passengers, 12 crew members, and countless people on the ground, by helping to restrain Richard Reid, who was attempting to detonate a bomb in his shoe.

This Monday, September 11, 2006, on the 5th anniversary of the terrorist attacks, the 9/11 Flight Crew Memorial Foundation will hold a candle light vigil and dedication of a new memorial to honor these American heroes in Grapevine, TX.

It is my honor for this memorial to be located in my district. It will serve not only as an inspiration to every American because of the courage and fortitude the flight crew members showed in the face of danger on 9/11, but also as a stark reminder of the continuing danger that we all face and the vigilance we must maintain.

RECOGNITION OF PETE HOSKINS, PRESIDENT AND CEO OF THE PHILADELPHIA ZOO

HON. CHAKA FATTAH

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 7, 2006

Mr. FATTAH. Mr. Speaker, I rise today to honor Alexander L. (Pete) Hoskins, who has diligently served as President and CEO of the Philadelphia Zoo for the past 12 years. Pete is the Zoo's 12th president and the fourth-longest serving leader since it opened in 1874. America's first zoo and one of the region's foremost conservation organizations, the Philadelphia Zoo is home to more than 1,500 animals, many of which are rare and endangered. The Zoo, fulfilling its mission of conservation, science, education and recreation, supports and engages in conservation efforts to protect endangered species around the world.

I am proud to have known Pete, not only as head of the Zoo, but also during his tenure at the Fairmount Park Commission and the City of Philadelphia. Pete has been serving the citizens of Greater Philadelphia for over 30 years. His vision and cultural destination advocacy reaches beyond the Zoo. He championed a plan to promote a network of family-friendly attractions in Fairmount Park, revitalizing the Park and positioning it as a family destination with the Zoo as anchor. The relocated Please Touch Museum will be a key step in making the ''Centennial District'' a reality. I am pleased that Pete, farmer chair of the Greater Philadelphia Cultural Alliance, will continue to work on behalf of the arts and culture community in the Philadelphia region.

During his tenure at the Zoo, Pete led an unprecedented, $100 million capital investment, including the Zoo's spectacular, $20 million Bank of America Big Cat Falls exhibit that recently opened. The list of new facilities and other Hoskins-led initiatives includes: New Animal Health Center, PECO Primate Reserve, Reptile House Renovation, Dodge Rare Animal Conservation Center, Lorikeet Landing, Monkey Junction, and Channel 6 Zooballoon.

Pete also has laid the foundation to raise capital for three more master plan projects, including a series of new bird exhibits, a new elephant habitat, and a new children's zoo. In 1997, he guided the Zoo's Board and staff through the development of ''Vision 2020'' and the Zoo's master plan as the Zoo renewed and strengthened its mission to educate visitors and inspire them to take action in their own lives to protect animals and their natural habitats. All of the Zoo's new exhibits now include key conservation messages and opportunities to engage in conservation outreach.

Mr. Speaker, I am proud to pay tribute to Pete Hoskins. His knowledge, dedication and vision for Philadelphia are truly an asset. I would like to thank him for his Zoo leadership and sincerely look forward to working with him for the betterment of Philadelphia into the future.

IN MEMORY OF IMOGENE HARRIS

HON. JOHN S. TANNER

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 7, 2006

Mr. TANNER. Mr. Speaker, today I rise to honor the memory of Mrs. Imogene Harris, an important community leader in Tennessee, a tireless political activist and my dear friend. Imogene died Saturday in an automobile accident.

Imogene had been active in the Gibson County Democratic Party and the Tennessee Democratic Party for nearly 50 years, during which she was an important part of hundreds of local, state and national campaigns. I was fortunate to have Imogene working in my congressional office. She also worked closely with my predecessor, the late Congressman Ed Jones, former Governor Ned McWherter and Vice President Al Gore, and served as a delegate to four Democratic National Conventions.

She was just as involved locally. A board member at the Carl Perkins Center for the Prevention of Child Abuse and former chair of the Milan Housing Authority, Imogene was also to be sworn in next week as a Gibson County Commissioner.

The driving force behind her work was an attempt to help those around her and make our community stronger. Imogene was known in Tennessee for her take-charge attitude. She knew her opinions, shared them often and acted on them enthusiastically.

Imogene and her late husband, Tom ''Skinny'' Harris, have two daughters, Jan Anderson of Milan and Pam McAlpin of Trezevant, and four grandchildren, Jake and Clay Anderson, and Jason and Adam McAlpin.

Mr. Speaker, I am saddened that you and most of our colleagues in the House of Representatives never got to meet my friend, Imogene Harris. The way she lived her life, the passion with which she acted on her beliefs, and the dedication with which she worked to improve our world, make her the perfect example of effective leadership. She will be sorely missed.

IN TRIBUTE TO THE LATE MAYOR RITA AFLLEJE TAINATONGO

HON. MADELEINE Z. BORDALLO

OF GUAM

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 7, 2006

Ms. BORDALLO. Mr. Speaker, I rise today to recognize the life and achievements of Mayor Rita Aflleje Tainatongo who passed away on August 13, 2006. Mayor Tainatongo was a caring and devoted public servant who was dedicated to her family and loved by her village of Malesso and all the people of Guam.

Rita was born on January 7, 1949 to Antonio Taitano Aflleje and Rosa Tedpahago-Champaco in the village of Malesso. She was raised in a loving and caring home that included her parents, her brother John, and two sisters, Rosita and Regina. Rita credits Felipe Duenas and Josefina Acfalle Candaso as important role models during her formative teen years who helped her develop the character and poise that she was known for as a young adult.

Rita attended Mount Carmel School, in Agat, and graduated from the Academy of Our Lady of Guam in 1967. Her public service career began in 1985 when she was appointed as a Municipal Clerk in the Malesso's Mayor's Office. She later became the Administrative Assistant to the Mayor. Her reputation as a ''can-do'' person and her experience led to her own successful run for the Mayor's Office in 2000. She was reelected to a second term in 2004.

During her two terms she re-invigorated the sister village relationship between the Coast Guard and Malesso, improved services for senior citizens and successfully organized the Malesso Fiestan Tasi annual celebrations.

A lifelong Democrat, Rita was a village leader for the party in the gubernatorial campaigns of 1982, 1986 and 1990. Her politics were motivated by a deep sense of purpose and a vision of what government can do to make lives better.

Throughout her public life, Rita gave back to the community through her support of the American Cancer Society and American Red Cross and other civic organizations.

The island of Guam has lost a leader, a humanitarian, and a friend. Our thoughts and prayers are with Rita's husband, Ramon Baza Tainatongo, her children, and grandchildren. We are saddened and at the same time we are inspired by how much one person can accomplish for her community. She has touched many lives and made the island a better place to live for many people, most especially her beloved people of Malesso.

HONORING SOUTHLAKE, TEXAS UPON 50 YEARS OF INCORPORATION

HON. KENNY MARCHANT

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 7, 2006

Mr. MARCHANT. Mr. Speaker, I rise today to recognize the city of Southlake, Texas for it's 50th Anniversary of Incorporation.

In 1956, Southlake was born on the North Texas Prairie as 1.62 square miles of land with less than 1000 inhabitants and now boasts 22 square miles with a population of more than 25,000 Texans.

During the past 50 years, businesses and families alike have migrated to Southlake to plant roots in the stable and warm community. With the growth of the city's size in land and residents, Southlake has worked hard and succeeded at maintaining a comfortable and safe hometown atmosphere.

The American family is thriving in Southlake, Texas with just over 60 percent of families having kids under the age of 18. Whether a faculty member in the accomplished local school system, or a participant in the storied high school athletic programs, these families take great pride in preparing their children for the future. Within these families are hard working employees at locally owned businesses or large corporations who strive for the betterment of the community in which they live.

I commend Southlake's city officials of past and present for their dedication during challenging periods of growth and laud their accomplishments of making Southlake a premier North Texas community for families and businesses.

I give my congratulations to the city officials and private residents of Southlake on their Golden Anniversary of Incorporation. I honor Southlake, Texas upon this milestone and look forward to the future as the city continues to be a shining example in North Texas.

It is with pride that I serve such a distinguished city in my Congressional District and give my sincere congratulations upon this Golden Anniversary.

THE REOPENING OF THE SAN MATEO LIBRARY—A 21ST CENTURY MARVEL

HON. TOM LANTOS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 7, 2006

Mr. LANTOS. Mr. Speaker, every now and then there are events in the life of a city that are so monumental they alter the very core of the city and its people. Today, the city of San Mateo, California, which is in my Congressional District, is proudly reopening its public library and I am certain that this new library, a true modern marvel, will change San Mateo for the better.

Today's event is the culmination of seven years of hard work, including close to 50 community meetings, years of fund raising, and two years of construction. However, I can say with complete confidence that it was all worth it.

Mr. Speaker, this new library is the monument to learning that the citizens of San Mateo desire and deserve. This 90,000 square foot modern marvel is three times larger than the old library, contains 75,000 additional books, 10 times the number of computers, and a wireless internet connection throughout the building. Despite its towering size, the building was designed in an environmentally friendly manner. In fact 98% of the original building was recycled during the demolition process. The new library utilizes natural light and the latest technologies; including automated window shades that rise and close based on room temperature to create a ''green building'' that is expected to save the city 40% in energy costs.

Mr. Speaker, while the library of the past was mainly used to borrow reading material, today's 21st century library is intended to be a focal hub of the community and the new San Mateo library has been expertly designed in that fashion. The library will boast a teen lounge, a multi-media collection, a story time amphitheater in the children's section with stories told in English, Spanish and Chinese languages, as well as a café operated by a local vendor. In addition because the Bay Area is the pinnacle of our nation's biotech industry the library will include a Biotechnology Learning Center, which will be staffed by its own biotech librarian and will include seminar rooms and specialized reference materials. Of course the library will also continue to provide more traditional offerings, such as adult literacy programs, research training for elementary school age students, and Internet classes for the general public.

The roots of the San Mateo library were planted in 1883 when members of the Ladies Guild of St. Matthew's Episcopal Church decided to create ''a reading room or place of resort where people could pass their leisure time socializing and improving their minds by reading good books and periodicals''. Today, more than one hundred years later the citizens of San Mateo have once again shown incredible foresight to create a citadel of culture and a place where its residents can ensconce themselves in an educational environment.

Daily Digest

HIGHLIGHTS

Senate passed H.R. 5631, Department of Defense Appropriations Act.

Senate

Chamber Action

Routine Proceedings, pages S9071–S9226

Measures Introduced: Seventeen bills and three resolutions were introduced, as follows: S. 3862–3878, and S. Res. 559–561. **Pages S9111–12**

Measures Reported:

H.R. 866, to make technical corrections to the United States Code.

H.R. 1442, to complete the codification of title 46, United States Code, ''Shipping'', as positive law. **Page S9110**

Measures Passed:

Department of Defense Appropriations Act: By a unanimous vote of 98 yeas (Vote No. 239), Senate passed H.R. 5631, making appropriations for the Department of Defense for the fiscal year ending September 30, 2007, after taking action on the following amendments proposed thereto: **Pages S9075–98**

Adopted:

By a unanimous vote of 96 yeas (Vote No. 235), Conrad Amendment No. 4907, to enhance intelligence community efforts to bring Osama bin Laden and other key leaders of al Qaeda to the justice they deserve. **Pages S9075–82**

Schumer Amendment No. 4897, to make available up to an additional $700,000,000 for Drug Interdiction and Counter-Drug Activities to combat the growth of poppies in Afghanistan, to eliminate the production and trade of opium and heroin, and to prevent terrorists from using the proceeds for terrorist activities in Afghanistan, Iraq, and elsewhere, and to designate the additional amount as emergency spending. (Senate earlier failed to table the amendment by 45 yeas to 51 nays (Vote No. 237)). **Pages S9085, S9086, S9089**

Boxer Modified Amendment No. 4913, to require a report on procedures and guidelines the event of further sectarian violence. **Pages S9090–91**

Kennedy/Hatch Amendment No. 4857, to provide that none of the funds appropriated by this Act may be available for the conversion to contractor performance of certain activities or functions of the Department of Defense in cases where the contractor receives a competitive advantage by offering inferior retirement benefits to workers who are going to be employed in the performance of such activities or functions than those offered by the Department to comparable civilian employees. **Pages S9089–90, S9091–92**

Stevens (for Graham) Amendment No. 4900, to make available up to $2,000,000 for infrastructure for the Afghanistan military legal system. **Pages S9091–92**

Stevens (for Baucus) Amendment No. 4894, to make available from Other Procurement, Army, up to $1,500,000 for a Convoy Training Simulator for the Montana Army National Guard. **Pages S9091–92**

Stevens (for Cochran) Amendment No. 4916, to make available from Research, Development, Test and Evaluation, Navy, up to $300,000 for independent testing of the Joint Improvised Explosive Device Neutralizer III. **Pages S9091–92**

Stevens (for Lieberman/Dodd) Amendment No. 4901, to make available from Research, Development, Test and Evaluation, Defense-Wide, up to $1,500,000 for the development of a field-deployable hydrogen fueling station. **Pages S9091–92**

Stevens (for Bayh) Modified Amendment No. 4903, to make available from Research, Development, Test and Evaluation, Defense-Wide, up to $6,000,000 for research and development on bioterrorism threats to troops. **Pages S9091–92**

Stevens/Murkowski Amendment No. 4917, to provide the Secretary of the Army the ability to reimburse servicemembers and their families for financial hardships due to extended deployment overseas. **Pages S9091–92**

Stevens (for Reid/Obama) Amendment No. 4912, to increase by $20,000,000 the amount made available by chapter 2 of title IX for Operation and

Maintenance, Defense-Wide for the purpose of assisting the African Union force in Sudan. **Pages S9091–92**

Stevens Amendment No. 4918, to make available from Research, Development, Test and Evaluation, Defense-Wide, up to $1,000,000 for research and development on the heavy fuel diesel engine.

Pages S9091–92

Bingaman Amendment No. 4915, to appropriate funds for emergency wildfire suppression.

Pages S9092–93

By a unanimous vote of 98 yeas (Vote No. 238), Reed/Bayh Amendment No. 4911, to make available an additional $65,400,000 for additional appropriations for Aircraft Procurement, Air Force, for the procurement of Predators for Special Operations forces, and to designate the amount as an emergency requirement. **Pages S9086–87, S9094**

Rejected:

Menendez Amendment No. 4909, to prohibit the use of funds for a public relations program designed to monitor news media in the United States and the Middle East and create a database of news stories to promote positive coverage of the war in Iraq. (By 51 yeas to 44 nays (Vote No. 236), Senate tabled the amendment.) **Pages S9083–85, S9085–86, S9087–89**

Withdrawn:

Rockefeller Amendment No. 4906, to strike the section specifically authorizing intelligence and intelligence-related activities. **Pages S9075, S9091–92**

Senate insisted on its amendment, requested a conference with the House thereon, and the Chair was authorized to appoint the following conferees on the part of the Senate: Senators Stevens, Cochran, Specter, Domenici, Bond, McConnell, Shelby, Gregg, Hutchison, Burns, Inouye, Byrd, Leahy, Harkin, Dorgan, Durbin, Reid, Feinstein, and Mikulski.

Page S9098

Federal Funding Accountability and Transparency Act: Senate passed S. 2590, to require full disclosure of all entities and organizations receiving Federal funds, after agreeing to the committee amendment in the nature of a substitute.

Pages S9209–12

Childhood Cancer Awareness: Senate agreed to S. Res. 560, supporting efforts to increase childhood cancer awareness, treatment, and research. **Page S9212**

Rural America Month: Senate agreed to S. Res. 561, designating the month of September 2006, as "Rural America Month". **Page S9212**

Comair Flight 5191: Committee on the Judiciary was discharged from further consideration of S. Res. 558, honoring the lives and memory of the victims of the crash of Comair Flight 5191, and extending the most sincere condolences of the citizens of the United States to the families and friends of those individuals, and the resolution was then agreed to.

Pages S9212–13

U.S.-Poland Parliamentary Youth Exchange Program Act: Senate passed S. 2200, to establish a United States-Poland parliamentary youth exchange program, after agreeing to the committee amendments. **Pages S9213–14**

United States Ambassador for ASEAN Affairs Act: Senate passed S. 2697, to establish the position of the United States Ambassador for ASEAN Affairs, after agreeing to the committee amendments.

Pages S9214–15

Naval Vessels Transfer Act: Senate passed S. 3722, to authorize the transfer of naval vessels to certain foreign recipients. **Page S9215**

Stolen Valor Act: Committee on the Judiciary was discharged from further consideration of S. 1998, to amend title 18, United States Code, to enhance protections relating to the reputation and meaning of the Medal of Honor and other military decorations and awards, and the bill was then passed.

Pages S9215–16

Safe Port Act: Senate began consideration of H.R. 4954, to improve maritime and cargo security through enhanced layered defenses, taking action on the following amendment proposed thereto:

Pages S9098–S9104

Adopted:

Frist Amendment No. 4919, in the nature of a substitute (which will be considered as original text for the purpose of further amendment). **Page S9098**

A unanimous-consent agreement was reached providing for further consideration of the bill at 9:30 a.m. on Friday, September 8, 2006. **Page S9216**

Nominations Received: Senate received the following nominations:

Mary E. Peters, of Arizona, to be Secretary of Transportation.

Dean A. Pinkert, of Virginia, to be a Member of the United States International Trade Commission for the term expiring December 16, 2015.

Irving A. Williamson, of New York, to be a Member of the United States International Trade Commission for the term expiring June 16, 2014.

Donald Y. Yamamoto, of New York, to be Ambassador to the Federal Democratic Republic of Ethiopia.

Michael F. Duffy, of the District of Columbia, to be a Member of the Federal Mine Safety and Health Review Commission for a term of six years expiring August 30, 2012 (Recess Appointment).

Lauren M. Maddox, of Virginia, to be Assistant Secretary for Communications and Outreach, Department of Education.

Daniel Meron, of Maryland, to be General Counsel of the Department of Health and Human Services (Recess Appointment).

Paul DeCamp, of Virginia, to be Administrator of the Wage and Hour Division, Department of Labor (Recess Appointment).

Jovita Carranza, of Illinois, to be Deputy Administrator of the Small Business Administration.

1 Air Force nomination in the rank of general.

2 Army nominations in the rank of general.

7 Coast Guard nominations in the rank of admiral.

1 Marine Corps nomination in the rank of general.

1 Navy nomination in the rank of admiral.

Routine lists in the Air Force, Army, Coast Guard, Marine Corps, Navy. **Pages S9216–26**

Messages From the House: **Pages S9107–08**

Measures Referred: **Page S9108**

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Executive Communications: **Pages S9108–10**

Executive Reports of Committees: **Pages S9110–11**

Additional Cosponsors: **Pages S9112–13**

Statements on Introduced Bills/Resolutions: **Pages S9113–93**

Additional Statements: **Pages S9105–07**

Amendments Submitted: **Pages S9113–S9209**

Notices of Hearings/Meetings: **Page S9209**

Authorities for Committees to Meet: **Page S9209**

Record Votes: Five record votes were taken today. (Total—239) **Page S9082, S9089, S9094, S9098**

Adjournment: Senate convened at 9:30 a.m., and adjourned at 7:59 p.m., until 9:30 a.m., on Friday, September 8, 2006. (For Senate's program, see the remarks of the Majority Leader in today's Record on page S9216.)

Committee Meetings

(Committees not listed did not meet)

DISASTER PREPAREDNESS

Committee on Appropriations: Subcommittee on Homeland Security concluded a hearing to examine preparedness 1 year after Hurricane Katrina, after receiving testimony from Admiral Thad W. Allen, Commandant of the U.S. Coast Guard, George W. Foresman, Under Secretary for Preparedness, R. David Paulison, Under Secretary for Federal Emergency Management, all of the Department of Homeland Security; Ellis M. Stanley, Los Angeles Emergency Preparedness Department, California; and Bruce Baughman, National Emergency Management Association, Washington, D.C.

BUSINESS MEETING

Committee on Foreign Relations: Committee ordered favorably reported the following business items:

Extradition Treaty Between the United States of America and the United Kingdom of Great Britain and Northern Ireland, and related exchanges of letters, signed at Washington on March 31, 2003 (Treaty Doc. 108–23), and;

The nominations of Richard E. Hoagland, of the District of Columbia, to be Ambassador to the Republic of Armenia, John C. Rood, of Arizona, to be an Assistant Secretary of State for International Security and Non-Proliferation, Cesar Benito Cabrera, of Puerto Rico, to be Ambassador to the Republic of Mauritius, and to serve concurrently and without additional compensation as Ambassador to the Republic of Seychelles, Cindy Lou Courville, of Virginia, to be Representative of the United States of America to the African Union, with the rank of Ambassador, Donald C. Johnson, of Texas, to be Ambassador to the Republic of Equatorial Guinea, Mary Martin Ourisman, of Florida, to be Ambassador to Barbados, and to serve concurrently and without additional compensation as Ambassador to St. Kitts and Nevis, Saint Lucia, Antigua and Barbuda, the Commonwealth of Dominica, Grenada, and Saint Vincent and the Grenadines, and Ronald Allen Tschetter, of Minnesota, to be Director of the Peace Corps.

INFORMATION TECHNOLOGY PROJECTS

Committee on Homeland Security and Governmental Affairs: Subcommittee on Federal Financial Management, Government Information, and International Security concluded a hearing to examine Information Technology projects at risk, focusing on why $12 billion in projects is being funded and what OMB is doing to ensure success, as well as GAO's recommendations in these areas, after receiving testimony from Karen Evans, Administrator, Electronic Government and Information Technology, Office of Management and Budget; and David A. Powner, Director, Information Technology Management Issues, Government Accountability Office.

BUSINESS MEETING

Committee on the Judiciary: Committee ordered favorably reported the following business items:

H.R. 1442, to complete the codification of title 46, United States Code, "Shipping", as positive law;

H.R. 866, to make technical corrections to the United States Code; and

The nomination of George E.B. Holding, to be United States Attorney for the Eastern District of North Carolina, Department of Justice.

Also, Committee began consideration S. 3001, to ensure that all electronic surveillance of United States persons for foreign intelligence purposes is conducted pursuant to individualized court-issued orders, to streamline the procedures of the Foreign Intelligence Surveillance Act of 1978, agreeing to an amendment in the nature of a substitute, and resumed consideration of S. 2453, to establish procedures for the review of electronic surveillance programs, but did not take final action on either measure, and recessed subject to call.

VISA WAIVER PROGRAM

Committee on the Judiciary: Subcommittee on Terrorism, Technology and Homeland Security concluded a hearing to examine strategies for pre-screening international airline passengers before takeoff, to prevent terrorists from entering the U.S. and posing a threat to international air travel, focusing on the Visa Waiver Program, including how the Department of Homeland Security can strengthen its ability to assess and mitigate the program's risks, such as providing more resources to the program's monitoring unit and issuing standards for the reporting of lost and stolen passport data, after receiving testimony from Paul S. Rosenzweig, Counselor to the Assistant Secretary for Policy, and Jayson P. Ahern, Assistant Commissioner, Office of Field Operations, U.S. Customs and Border Protection, both of the Department of Homeland Security; Jess T. Ford, Director, International Affairs and Trade, Government Accountability Office; and Leon J. Laylagian, Passenger-Cargo Security Group, Washington, D.C.

TRAUMATIC INJURY INSURANCE

Committee on Veterans' Affairs: Committee concluded a hearing to examine the traumatic injury insurance coverage for members of the Uniformed Services, focusing on the structure and implementation of the Traumatic Servicemembers' Group Life Insurance program, after receiving testimony from Michael L. Dominguez, Principal Deputy Under Secretary of Defense for Personnel and Readiness; Thomas M. Lastowka, Director, VA Regional Office and Insurance Center, Department of Veterans Affairs; Sergeant John P. Keith, Jr., U.S. Army; and Jeremy Chwat, Wounded Warrior Project, Roanoke, Virginia.

BUSINESS MEETING

Select Committee on Intelligence: Committee met in closed session to consider pending intelligence matters.

Committee recessed subject to the call.

GUARDIANSHIP SYSTEM

Special Committee on Aging: Committee concluded a hearing to examine the current state of America's ailing guardianship system relating to exploitation of seniors, focusing on what state courts do to ensure that guardians fulfill their responsibilities, what exemplary guardianship programs look like, and how state and Federal agencies work together to protect incapacitated elderly people, after receiving testimony from Barbara D. Bovbjerg, Director, Education, Workforce, and Income Security, Government Accountability Office; Mel Grossman, Administrative Judge, Florida 17th Circuit Court, Ft. Lauderdale; Carol J. Scott, Missouri State Long-Term Care Ombudsman, Jefferson City; Terry W. Hammond, National Guardianship Association, El Paso, Texas; and Ira Salzman, Goldfarb, Abrandt, Salzman, and Kutzin LLP, New York, New York.

House of Representatives

Chamber Action

Public Bills and Resolutions Introduced: 10 public bills, H.R. 6039–6048; and 9 resolutions, H.J. Res. 94, and H. Res. 985–992, were introduced.

Pages H6363–64

Additional Cosponsors: Pages H6364–65

Reports Filed: There were no reports filed today.

Chaplain: The prayer was offered by the guest Chaplain, Rev. William A. Watson, Jr., Pastor, St. John's Baptist Church, Westbury, New York.

Page H6305

John Warner National Defense Authorization Act for Fiscal Year 2007—Motion to go to Conference: The House disagreed to the Senate amendment and agreed to a conference on H.R. 5122, to authorize appropriations for fiscal year 2007 for military activities of the Department of Defense, for

military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year. **Pages H6311–16**

The House agreed to the Edwards motion to instruct conferees by a yea-and-nay vote of 374 yeas to 30 nays, Roll No. 434, after agreeing to order the previous question. **Pages H6311–16, H6337–38**

Agreed to close portions of the conference when classified national security information may be broached by a yea-and-nay vote of 397 yeas to 10 nays, Roll No. 435. **Page H6338**

Later, the Chair appointed the following Members of the House to the conference committee on the bill: from the Committee on Armed Services, for consideration of the House bill and the Senate amendment, and modifications committed to conference: Messrs. Hunter, Weldon of Pennsylvania, Hefley, Saxton, McHugh, Everett, Bartlett of Maryland, Thornberry, Hostettler, Jones of North Carolina, Ryun of Kansas, Gibbons, Hayes, Calvert, Simmons, Mrs. Drake, Messrs. Davis of Kentucky, Skelton, Spratt, Ortiz, Taylor of Mississippi, Abercrombie, Meehan, Reyes, Snyder, Smith of Washington, Ms. Loretta Sanchez of California, Mrs. Tauscher, Messrs. Brady of Pennsylvania, and Andrews; **Page H3641**

From the Permanent Select Committee on Intelligence, for consideration of matters within the jurisdiction of that committee under clause 11 of rule X: Messrs. Hoekstra, LaHood, and Ms. Harman; **Page H3641**

From the Committee on Education and the Workforce, for consideration of secs. 571 and 572 of the House bill, and secs. 571, 572, 1081, and 1104 of the Senate amendment, and modifications committed to conference: Messrs. McKeon, Kline, and George Miller of California; **Page H3641**

From the Committee on Energy and Commerce, for consideration of secs. 314, 601, 602, 710, 3115, 3117, and 3201 of the House bill, and secs. 332–335, 352, 601, 722, 2842, 3115, and 3201 of the Senate amendment, and modifications committed to conference: Messrs. Barton of Texas, Gillmor, and Dingell; **Page H3641**

From the Committee on Government Reform, for consideration of secs. 343, 721, 811, 823, 824, 1103, 1104, and 3115 of the House bill, and secs. 371, 619, 806, 823, 922, 1007, 1043, 1054, 1088, 1089, 1101, and 3115 of the Senate amendment, and modifications committed to conference: Messrs. Tom Davis of Virginia, Shays, and Waxman; **Page H3641**

From the Committee on Homeland Security, for consideration of section 1026 of the House bill, and section 1044 of the Senate amendment, and modifications committed to conference: Messrs. King of New York, Reichert, and Thompson of Mississippi; **Page H3641**

From the Committee on International Relations, for consideration of secs. 1021–1023, 1201–1204, 1206, Title XIII, secs. 3113 and 3114 of the House bill, and secs. 1014, 1021–1023, 1054, 1092, 1201–1208, 1210, 1214, Title XIII, secs. 3112 and 3113 of the Senate amendment, and modifications committed to conference: Messrs. Hyde, Leach, and Lantos; **Page H3641**

From the Committee on the Judiciary, for consideration of section 1021 of the House bill, and secs. 666, 1044, 1086, 1089, 1091, and 1094 of the Senate amendment, and modifications committed to conference: Messrs. Sensenbrenner, Coble, and Conyers; **Page H3641**

From the Committee on Resources, for consideration of secs. 601, 602, and 1036 of the House bill, and section 601 of the Senate amendment, and modifications committed to conference: Messrs. Pombo, Walden of Oregon, and Grijalva; **Page H3641**

From the Committee on Science, for consideration of secs. 312 and 911 of the House bill, and secs. 333, 874, and 1082 of the Senate amendment, and modifications committed to conference: Messrs. Boehlert, Sodrel, and Gordon; **Page H3641**

From the Committee on Small Business, for consideration of secs. 874 and 1093 of the Senate amendment, and modifications committed to conference: Mr. Manzullo, Mrs. Kelly, and Ms. Velázquez; **Page H3641**

From the Committee on Transportation and Infrastructure, for consideration of secs. 312, 551, 601, 602, and 2845 of the House bill, and secs. 333, 584, 601, 1042, 1095, 2842, 2851–2853, and 2855 of the Senate amendment, and modifications committed to conference: Messrs. Young of Alaska, LoBiondo, and Oberstar; and **Page H3641**

From the Committee on Veterans' Affairs, for consideration of secs. 666, 682, 683, 687, 721, and 923 of the Senate amendment, and modifications committed to conference: Messrs. Buyer, Boozman, and Ms. Herseth. **Page H3641**

Amending 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: The House passed H.R. 503, to amend the Horse Protection Act to prohibit the shipping, transporting, moving, delivering, receiving, possessing, purchasing, selling, or donation of horses and other equines to be slaughtered for human consumption, by a recorded vote of 263 ayes to 146 noes with 1 voting "present", Roll No. 433. **Pages H6316–37**

Rejected:

Goodlatte amendment (No. 3 printed in H. Rept. 109–642) which sought to provide that the Secretary of Agriculture must certify that sufficient horse sanctuaries exist to care for unwanted horses before the law will take effect (by a recorded vote of 177 ayes to 229 noes with 1 voting ''present'', Roll No. 431); and **Pages H6330–32, H6335**

King of Iowa amendment (No. 4 printed in H. Rept. 109–642) which sought to provide that equines may be shipped, transported, moved, delivered, received, possessed, purchased, sold, or donated for slaughter for human consumption by Native Americans or people from other cultures that eat equine meat (by a recorded vote of 149 ayes to 256 noes with 1 voting ''present'', Roll No. 432). **Pages H6332–35, H6335–36**

H. Res. 981, the rule providing for consideration of the bill was agreed to by a yea-and-nay vote of 351 yeas to 40 nays, Roll No. 430, after ordering the previous question. **Pages H6307–11**

Meeting Hour: Agreed that when the House adjourns today, it adjourn to meet at 2 p.m. on Friday, September 8th, and further, when the House adjourns on that day, it adjourn to meet at 12:30 p.m. on Tuesday, September 12, 2006, for Morning Hour debate. **Page H6340**

Calendar Wednesday: Agreed to dispense with the Calendar Wednesday business of Wednesday, September 13th. **Page H6340**

Senate Message: Message received from the Senate today appears on page H6316.

Quorum Calls—Votes: Three yea-and-nay votes and three recorded votes developed during the proceedings of today and appear on pages H6311, H6335, H6335–36, H6336–37, H6337–38, and H6338. There were no quorum calls.

Adjournment: The House met at 10 a.m. and adjourned at 6:58 p.m.

Committee Meetings

DEFENSE CONTRACTING

Committee on Appropriations: Subcommittee on Defense held a hearing on Defense Contracting. Testimony was heard from the following officials of the Department of Defense: Kenneth J. Krieg, Under Secretary, Acquisition, Technology and Logistics; Sue C. Payton, Assistant Secretary of the Air Force, Acquisition; and Delores M. Etter, Assistant Secretary of the Navy, Research, Development and Acquisition; and LTG Joseph L. Yakovac, Jr., USA, Military Deputy to the Assistant Secretary of the Army, Acquisition, Logistics and Technology; and David Walker, Comptroller General, GAO.

MILITARY COMMISSIONS AND TRIBUNALS STANDARDS

Committee on Armed Services: Held a hearing on standards of military commissions and tribunals. Testimony was heard from Steven Bradbury, Acting Assistant Attorney General, Department of Justice; and the following officials of the Department of Defense: MG Scott C. Black, USA, Judge Advocate General, Army; RADM Bruce E. MacDonald, USN, Judge Advocate General, Navy; MG Charles J. Dunlap, Jr., USAF, Deputy Judge Advocate General, Air Force; BG James C. Walker, USMC, Staff Judge Advocate to the Commandant, U.S. Marine Corps; COL Ronald M. Reed, USAF, Legal Counsel to the Chairman Joint Chiefs of Staff.

BP'S PIPELINE SPILLS

Committee on Energy and Commerce: Subcommittee on Oversight and Investigations held a hearing on BP's Pipeline Spills at Prudhoe Bay: What Went Wrong? Testimony was heard from VADM Thomas J. Barrett, USCG (Ret.), Administrator, Pipeline and Hazardous Materials Safety Administration, Department of Transportation; Kurt Fredriksson, Commissioner, Department of Environmental Conservation, State of Alaska; and public witnesses.

In refusing to give testimony at this hearing, Richard C. Woollam, Corrosion Engineer, BP America, Inc., invoked Fifth Amendment privileges.

FEDERAL HOME LOAN BANK SYSTEM REVIEW

Committee on Financial Services: Subcommittee on Capital Markets, Insurance, and Government Sponsored Enterprises held a hearing entitled ''A Review of the Federal Home Loan Bank System.'' Testimony was heard from Ronald A. Rosenfeld, Chairman, Federal Housing Finance Board.

DHS'S SCIENCE AND TECHNOLOGY DIRECTORATE

Committee on Homeland Security: Subcommittee on Emergency Preparedness, Science, and Technology held a hearing entitled ''The Department of Homeland Security's Science and Technology Directorate: Is It Structured for Success?'' Testimony was heard from Jay M. Cohen, Under Secretary, Science and Technology, Department of Homeland Security.

STATE AND LOCAL FUSION CENTERS—ROLE OF DHS

Committee on Homeland Security: Subcommittee on Intelligence, Information Sharing, and Terrorism Risk Assessment held a hearing entitled ''State and Local

Fusion Centers and the Role of DHS.'' Testimony was heard from Charles E. Allen, Chief Intelligence Officer, Department of Homeland Security; COL Kenneth Bouche, Deputy Director, Information and Technology Command, State Police, Illinois; Amy Whitmore, Analyst Supervisor, Fusion Center, State Police, Virginia; and Richard L. Canas, Director, Office of Homeland Security and Preparedness, State of New Jersey.

9/11: FIVE YEARS LATER—GAUGING ISLAMIST TERRORISM

Committee on International Relations: Subcommittee on International Terrorism and Nonproliferation held an oversight hearing on 9/11: Five Years Later—Gauging Islamist Terrorism. Testimony was heard from public witnesses.

MISCELLANEOUS MEASURES

Committee on the Judiciary: Ordered reported, as amended, the following bills: H.R. 2679, Public Expression of Religion Act of 2005; and H.R. 5092, Bureau of Alcohol, Tobacco, Firearms, and Explosives (BATFE) Modernization and Reform Act of 2006.

The Committee began mark up of H.R. 5005, Firearms Corrections and Improvements Act.

MISCELLANEOUS MEASURES

Committee on Resources: Subcommittee on National Parks held a hearing on the following bills: H.R. 3532, Michigan Lighthouse and Maritime Heritage Act; H.R. 5452, Veterans Eagle Parks Pass Act; H.R. 5485, Columbia-Pacific National Heritage Area Study Act; and H.R. 5978, To authorize the Secretary of the Interior to conduct a special resource study to determine the suitability and feasibility of including the battlefields and related sites of the First and Second Battles of Newtonia, Missouri, during the Civil War as part of a Wilson's Creek National Battlefield or designating the battlefields and related sites as a separate unit of the National Park System. Testimony was heard from Representatives Camp of Michigan, Reynolds, Baird, Wu and Blunt; John Wessels, Acting Assistant Director, Business Services, National Park Service, Department of the Interior; and public witnesses.

MISCELLANEOUS MEASURES; OVERSIGHT

Committee on Resources: Subcommittee on Water and Power held a hearing on the following bills: H.R. 5566, To facilitate the transfer of Spearfish Hydroelectric Plant Number 1 to the city of Spearfish, South Dakota; and H.R. 6014, To authorize the Secretary of the Interior, acting through the Bureau of Reclamation, to improve California's Sacramento/San Joaquin Delta and water supply; and an oversight hearing on a proposal to amend the Reclamation Safety of Dams Act of 1978 to authorize improvements for the security of dams and other facilities. Testimony was heard from William Rinne, Acting Commissioner, Bureau of Reclamation, Department of the Interior; Les Harder, Chief, Division of Flood Management, Department of Water Resources, State of California; Jerry Krambeck, Mayor, Spearfish, South Dakota; and public witnesses.

OVERSIGHT—FREIGHT LOGISTICS

Committee on Transportation and Infrastructure: Subcommittee on Highways, Transit and Pipelines held an oversight hearing on Freight Logistics: The Road Ahead as Seen by the Users of the Highway System. Testimony was heard from public witnesses.

BRIEFING—GLOBAL UPDATES/HOT SPOTS

Permanent Select Committee on Intelligence: Met in executive session to receive a briefing on Global Updates/Hot Spots. The Committee was briefed by departmental witnesses.

CIA SENSITIVE PROGRAMS

Permanent Select Committee on Intelligence: Subcommittee on Terrorism, Human Intelligence, Analysis and Counterintelligence met in executive session to hold a hearing on CIA Sensitive Programs. Testimony was heard from departmental witnesses.

COMMITTEE MEETINGS FOR FRIDAY, SEPTEMBER 8, 2006

(Committee meetings are open unless otherwise indicated)

Senate

No meetings/hearings scheduled.

House

No committee meetings are scheduled.

Next Meeting of the SENATE

9:30 a.m., Friday, September 8

Senate Chamber

Program for Friday: Senate will continue consideration of H.R. 4954, SAFE Port Act.

Next Meeting of the HOUSE OF REPRESENTATIVES

2 p.m., Friday, September 8

House Chamber

Program for Friday: To be announced.

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