

Studies suggest that such a disruption in trade would reverberate throughout the country, costing billions of dollars.

The 9/11 Commission—if we look back at their recommendations—concluded that “opportunities to do harm are as great, or greater, in maritime and surface transportation” as in commercial aviation. That is why we have elected to bring this bill to the floor of the Senate. That is why the bill before us is so very important. It provides the Department of Homeland Security with the additional authorities and vital tools necessary to improve maritime security and to foil plots to injure or destroy our ports, to the detriment of our people and to the detriment of our economy.

Effective port security is a critical component of national security. And the bill before us now is a critical component of effective port security.

I look forward to a thoughtful and engaging debate over the next several days and do hope my colleagues will join me in supporting this very important piece of legislation.

SECURITY AND ACCOUNTABILITY FOR EVERY PORT ACT

The PRESIDENT pro tempore. Under the previous order, the Senate will resume consideration of H.R. 4954, which the clerk will report.

The legislative clerk read as follows:

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

The PRESIDENT pro tempore. Who seeks recognition?

The Senator from Maine.

Ms. COLLINS. Mr. President, for the information of our colleagues, I thought I would describe how we are going to be proceeding today. Shortly, the President pro tempore, who is the comanager of the bill, will be making his opening statement. It is my understanding he will then move to lay down an amendment offered by Senator DEMINT and a substitute amendment offered by Senator INOUE relating to the WARN Act, which is a Commerce Committee bill. We will not be voting on that amendment today, it is my understanding, under the agreement that has been previously reached.

We are open for business on other amendments for Members who may come to the floor or Members who wish to speak on this bill.

Thank you, Mr. President.

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

The PRESIDENT pro tempore. 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 President, I ask unanimous consent that the order for the quorum call be rescinded.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 (Mr. ISAKSON). Without objection, it is so ordered.

Mr. STEVENS. Mr. President, as we all know, Monday marks the fifth anni-

versary of September 11 and the terrorist attacks against this country. Shortly after those attacks, during the 107th Congress, the President signed into law the Maritime Transportation Security Act of 2002, which was developed by our Commerce Committee to enhance our country's maritime security. Since then, our Commerce Committee has worked as hard as possible to pass and implement a number of initiatives which have made our ports and borders more secure.

Today we take up the Port Security Improvement Act of 2006. This bill marks the first time three Senate committees have merged their collective expertise and crafted a truly comprehensive approach to port security. A bipartisan group of members from the Commerce Committee, the Finance Committee, and the Homeland Security and Governmental Affairs Committee have worked together for several months on this bill.

As I know the Senate will realize, these three committees each have tremendous knowledge about our ports and programs which protect and secure our international supply chain. I believe it is a credit to the Senate that each committee agreed to pool their resources, put aside jurisdictional issues, and reach a consensus on this bill.

When enacted, this bill will strengthen our land and sea ports, improve our maritime transportation security strategy, and enhance communication between the Department of Homeland Security and transportation security stakeholders.

It includes a plan to get our trade activities up and running again in the event of a transportation security incident. And it creates a pilot program which will study the feasibility of scanning each of the containers—100 percent of the containers—entering our ports.

Mr. President, I spent considerable time in the last couple of years examining our ports, and particularly the west coast, which is really sort of the domain I know best. When I was a boy, the Port of Los Angeles was three separate Ports of San Pedro, Long Beach, and Los Angeles. The Port of Los Angeles is now an enormous area. Forty percent of the seaborne trade of the U.S. comes through the Port of Los Angeles, the Port of San Francisco, and of course, the Port of Seattle, which is the home of our colleague, Senator MURRAY, but also is sort of the stepping stone into my State of Alaska. It is a dynamic port and one that has been experimenting to a great extent on how to bring about container inspection, container scanning.

I personally went through each of the ports to see what was being done. There are still a great many problems. I must say that the people operating the ports, including those who are really the working people, have gone out of their way to try to make certain that those ports are safe and secure and

that the containers are, in fact, scanned to the best extent possible now. But we want to do this pilot program to see if it is possible to tell our people that 100 percent of the containers coming into the country are scanned.

This legislation will enhance the collection and analysis of information about cargo destined for our ports. Those in the shipping industry are our eyes and ears with respect to security, and this bill aims to increase awareness of the operations at domestic and foreign ports. Once those in industry share important information about cargo in the international supply chain, we must analyze it quickly. This legislation expedites that process and ensures it begins earlier in the supply chain—before containers even reach our shores. This act requires information about cargo be provided and analyzed before the cargo is loaded on a vessel in a foreign port and shipped here. That will be a significant change.

This bill also expands several initiatives with a proven track record of success. There are currently five interagency operations centers up and running throughout our country. These centers bring together Federal, state, and local security enforcement officials to ensure communication among them. This act expands this effort to each of the major seaports, and places the Coast Guard in charge of these centers.

This act also builds upon the Department of Homeland Security's past cooperation with foreign governments. The Container Security Initiative, CSI, contained within this bill enables the department, working in partnership with host government customs services, to examine high-risk containerized cargo at foreign seaports before it is loaded on vessels destined for the United States.

The Customs-Trade Partnership Against Terrorism, C-TPAT, a voluntary public-private partnership, is also strengthened in this bill. The Commissioner of Customs and Border Protection will now be able to certify that a business's supply chain is secure from the point of manufacture to the product's final U.S. destination. Under this legislation, whether cargo crosses our border at Laredo or arrives on a ship from Hong Kong, participating companies' supply chains will undergo a thorough security check. This will add another layer of security to the C-TPAT initiative. Since this is a voluntary system, we have also included provisions which encourage those in industry to go above and beyond the security requirements already in place. These new incentives include expedited clearance of cargo.

Mr. President, while I was disappointed earlier this year by the negative public reaction to foreign investment in our Nation's port terminals, we learned a great deal from hearings held by the Commerce Committee on this matter. As a result of those hearings, this bill requires DHS to conduct

background checks on all port personnel. Current law only requires the Transportation Security Administration to perform checks on those workers directly tied to transportation at the port, or involved in its security. From the Commerce Committee hearings, it was evident that a more stringent requirement was needed, and it is in the bill.

The events of September 11, 2001, forever altered the course of our Nation. Senator INOUE and I traveled to ground zero shortly after the attacks. It was a sad and terrible sight. It was also a stark reminder that we must do everything possible to prevent those who wish to harm Americans from carrying out their missions.

To prevent future attacks, we must secure our ports, and this bill is a major step forward in this effort. Senator INOUE, my co-chairman on the Commerce Committee, and I thank Senators GRASSLEY, BAUCUS, COLEMAN, COLLINS and LIEBERMAN for their leadership in drafting this bill. I would also like to thank the staff members on each of the committees; they have worked tirelessly on this bill.

Each of the committees involved in this bill has jurisdiction over an area vital to the safety of our ports. The Commerce Committee oversees issues related to the shipping industry, transportation security, and the Coast Guard. The Finance Committee oversees international trade and customs. And greater security of our ports and borders is central to the Homeland Security Committee's mission. Working together, our three committees have developed a comprehensive bill which will help shield our Nation from future terrorist attacks. It is my hope our colleagues will support this act and move quickly to pass this bill.

I ask unanimous consent to have printed in the RECORD following my statement a summary of the bill prepared by Ken Nahigian, who sits next to me and is counsel for our Commerce Committee.

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

SUMMARY OF BILL: PORT SECURITY
IMPROVEMENT ACT OF 2006

TITLE I: SECURITY OF UNITED STATES SEAPORTS

Subtitle A: General Provisions

Section 101: Area maritime transportation security plan to include salvage response plan. Ensures that following a maritime transportation security incident waterways are cleared, salvage equipment is identified, and the flow of commerce is reestablished.

Section 102: Requirements relating to maritime facility security plans. Authorizes qualified individuals to implement Department of Homeland Security (DHS) approved security plans for a maritime facility.

Section 103: Unannounced inspections of maritime facilities. Verifies the effectiveness of facility security plans on a periodic basis, including at least one unannounced inspection annually.

Section 104: Transportation security card deadline. Establishes a timeframe for Transportation Worker Identification Credential (TWIC) implementation at all U.S. seaports.

Requires DHS to process applications simultaneously for individuals needing both TWIC and merchant mariner documents.

Section 105: Long-range vessel tracking. Encourages DHS to issue regulations to establish a voluntary long-range automated vessel tracking system for select vessels.

Section 106: Establishment of interagency operational centers for port security. Expands existing interagency operational/fusion centers to all high-priority ports within three years to facilitate coordination and communication among Federal, State, local and private sector stakeholders. Requires DHS to submit a budget and cost-sharing analysis to Congress within 180 days of this Act.

Subtitle B: Grant and Training Programs

Section 111: Port security grants. Requires DHS to allocate grants based on risk to port authorities, facility operators, and State and local government agencies to enhance port security activities. Authorizes appropriations of \$400 million.

Section 112: Port security training program. Allows establishment of a training program for seaports' prevention of, preparation for, response to, and recovery from threats, including terrorism, natural disasters and other emergencies. The program would be coordinated with the Coast Guard.

Section 113: Port security exercise program. Allows creation of an exercise program to test and evaluate the capabilities of Federal, State, local and other relevant stakeholders to coordinate appropriate response and recovery from threats at commercial seaports. The program would be coordinated with the Coast Guard.

Subtitle C: Port Operations

Section 121: Domestic radiation detection and imaging. Requires the Secretary to develop a strategy for deployment of radiation detection capabilities and ensures that by December 2007, all containers entering the U.S., through the busiest 22 seaports, shall be examined for radiation. Requires DHS to submit a report of the strategic plan developed and to implement the strategy nationwide within three years. Requires DHS to submit a separate plan for the development of equipment to detect WMD threats at all U.S. ports of entry.

Section 122: Port security user fee study. Requires DHS to study the need for and feasibility of oceanborne and port-related transportation security user fees to be collected for funding port security improvements. Requires DHS to submit a report detailing the results of the study, analysis of current customs fees and duties collected that are dedicated to security, comparison of comparable fees imposed in ports of Canada and Mexico, assessment of the impact on competitiveness of U.S. ports, and recommendations based on findings.

Section 123: Inspection of car ferries entering from Canada: Requires DHS, in coordination with Department of State, to develop a plan for the inspection of passengers and vehicles before loading onto ferries bound for a U.S. port.

Section 124: Random searches of containers. Requires DHS to develop and implement a plan, within one year after enactment, for random physical inspection of shipping containers. Random searches would not preclude additional container searches.

Section 125: Work stoppages and employee-employer disputes. Defines the term economic disruption, which does not include a work stoppage or 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

Section 201: Strategic plan to enhance the security of the international supply chain. Requires DHS to develop, implement and update a strategic plan to improve the security of the international cargo supply chain. The plan would be required to identify and address gaps, provide improvements and goals, establish protocols for the resumption of trade including identification of the initial incident commander, consider international standards for container security, and allow for communication with stakeholders.

Section 202: Post incident resumption of trade. Establishes that following a maritime transportation security incident, the initial incident commander and lead department carry out the protocols of the international supply chain security strategic plan. The Coast Guard would ensure the safe and secure transit of vessels to U.S. ports. Preference would be given to certain vessels and cargo (CSI/C-TPAT) in the resumption of trade. The Secretary would ensure that there is appropriate coordination among federal officials and communication of revised procedures, not inconsistent with security interests, to the private sector to provide for the resumption of trade.

Section 203: Automated targeting system (ATS). Requires DHS to identify, and allows it to request the submission of, additional data (non-manifest and entry data elements) of container cargo moving through the international supply chain. Data would be analyzed to identify high-risk cargo for inspection. Authorization of appropriations to fund ATS for FY 2007-2009.

Section 204: Container security standards and procedures. Requires DHS to promulgate a rule to establish minimum standards and procedures for securing containers in transit to the U.S. If the rulemaking deadline is not met, DHS would have to provide a letter of explanatory rationale to Congress. DHS and other federal agencies are encouraged to promote international cargo security standards.

Section 205: Container security initiative (CSI). Authorizes CSI program to identify, examine or search maritime containers before U.S.-bound cargo is loaded in a foreign port. Designates foreign ports as part of the CSI program based upon select criteria including risk, trade volume and value of cargo, Coast Guard assessments, and the commitment of the host nation to comply with data sharing requirements. DHS would establish standards for the use of nonintrusive imaging and radiation detection equipment at CSI ports. DHS would also develop a plan to ensure adequate staffing at CSI ports. Requires DHS to submit a report to Congress on the effectiveness of, and need for improvements to, CSI. Authorizes appropriations for FY 2008-2010.

*Subtitle B: Customs-Trade Partnership Against
Terrorism (C-TPAT)*

Section 211: Establishment. Authorizes DHS to establish a voluntary program (C-TPAT) to strengthen international supply chain and border security, facilitate the movement of secure cargo and provide benefits to eligible participants.

Section 212: Eligible entities. Allows importers, customs brokers, forwarders, air, sea, and land carriers, contract logistics providers, and other entities in the international supply chain and intermodal transportation system to apply for this voluntary program.

Section 213: Minimum requirements. Establishes minimum security and other requirements that applicants must meet to be eligible for C-TPAT.

Section 214: Tier 1 participants in C-TPAT. Allows for limited benefits for participants,

which may include a reduction of the ATS risk score, to those C-TPAT participants that meet the minimum guidelines established. To the extent practicable, DHS would complete the Tier 1 certification process within 90 days of receipt of a candidate's application.

Section 215: Tier 2 participants in C-TPAT. Allows for an additional level of benefits—reduced cargo examinations and priority processing—to those participants who meet a higher level of C-TPAT security requirements. DHS would be required to validate the security measures and supply chain practices of C-TPAT participants, including on-site assessments, within one year of certification.

Section 216: Tier 3 participants in C-TPAT. Establishes a third-tier of C-TPAT offering increased benefits to participants that demonstrate a sustained commitment to security based on certain criteria. Benefits may include, among others, expedited release of cargo, further reduced examinations, reduced bonding requirements, and notification of specific alerts and post-incident procedures as well as inclusion in joint incident management exercises, as appropriate.

Section 217: Consequences for lack of compliance. Allows DHS to deny benefits in part or in whole, including suspension or elimination for at least five years, of any participant that fails to meet C-TPAT requirements or knowingly provides false or misleading information: said entities may appeal this decision.

Section 218: Revalidation. Establishes a process for revalidating C-TPAT participants in tiers 2 and 3 and requires an annual plan for revalidation, detailing performance measures and necessary personnel requirements.

Section 219: Non-containerized cargo. Allows DHS to consider including importers of noncontainerized cargo as participants in C-TPAT, provided program requirements are met.

Section 220: C-TPAT program management. Requires DHS to establish sufficient internal quality controls and record management of C-TPAT including development of a strategic plan to identify goals, annual plans to match resources with workload, a standardized work program to monitor progress, a record management system, and a data protection program.

Section 221: Resource management staffing plan. Requires development of a staffing plan to recruit, train and cross-train C-TPAT personnel.

Section 222: Additional Personnel. Obliges DHS to increase, by at least 50 positions annually for fiscal years 2007 through 2009, the number of personnel to validate and revalidate C-TPAT members.

Section 223: Authorization of appropriations. Authorizes appropriations to Customs and Border Protection in DHS to carry out the C-TPAT provisions of sections 211 through 221. In addition to any monies appropriated to Customs and Border Protection, there are authorized to be appropriated funds for the purpose of meeting the staffing requirement provided in section 222.

Section 224: Report to Congress. Stipulates that DHS must report on the progress of C-TPAT certifications, validations and revalidations in conjunction with the President's annual budget submission.

Subtitle C: Miscellaneous Provisions

Section 231: Pilot integrated scanning system. Develops a pilot program in three foreign seaports, each with unique features and varying levels of trade volume to test integrated scanning systems using nonintrusive inspection and radiation detection equipment. Requires full-scale pilot implementa-

tion within one year after enactment. An evaluation report would be required to be submitted to Congress 120 days after full implementation of the pilot.

Section 232: International cooperation and coordination. Allows DHS to provide assistance, equipment and training to facilitate the implementation of supply chain security measures at CSI designated ports. Requires DHS to identify foreign assistance programs to encourage implementation of port security antiterrorism measures at foreign ports, with particular emphasis on foreign ports in the Caribbean Basin. Requires GAO to submit a report on the security of Caribbean ports within 180 days.

TITLE III: ADMINISTRATION

Section 301: Office of Cargo Security Policy. Establishes an office within DHS to coordinate all cargo security policy within the Department, coordinate DHS cargo security policies with policies of other executive agencies, consult with stakeholders, establish standards, and promote best practices.

Section 302: Reauthorization of Homeland Security Science and Technology Advisory Committee. Authorizes the Assistant Secretary for Science and Technology to utilize the Homeland Security Science and Technology Advisory Committee to provide outside expertise in advancing cargo security technology.

Section 303: Research, development, test, and evaluation efforts in furtherance of maritime and cargo security. Assures coordination within DHS and with other public and private sector entities for research and development of maritime and cargo security innovations.

TITLE IV: AGENCY RESOURCES AND OVERSIGHT

Section 401: Office of International Trade. Creates within the Bureau of Customs and Border Protection (CBP), an Office of International Trade. Establishes an International Trade Policy Committee to assist in coordinating with the DHS Assistant Secretary for Policy regarding commercial customs and trade facilitation functions. Establishes an International Trade Finance Committee to coordinate and oversee the implementation of programs involved in the assessment and collection of duties on U.S. imported and exported cargo.

Section 402: Resources. Requires CBP to complete a resource allocation model, by June 2007 and every 2 years thereafter, to determine optimal staffing for commercial and revenue functions. Requires submission of models of Congress. Authorizes appropriations to increase the number of CBP personnel to perform commercial operations and customs revenue functions: new hires would be based upon aforementioned models and additional authorized 725 CBP officers.

Section 403: Negotiations. Requires DHS to work with appropriate Federal officials and international organizations to harmonize customs procedures, standards, requirements and commitments to facilitate the efficient flow of international trade.

Section 404: International Trade Data System (ITDS). Requires the Secretary of the Treasury to oversee the establishment of an electronic trade data interchange system to eliminate redundant information requirements, to efficiently regulate the flow of commerce and enforce regulations relating to international trade. All Federal agencies that require documentation for clearing or licensing the importation and exportation of cargo shall participate in the ITDS, unless based on national security interests, the Office of Management and Budget (OMB) waives the participation requirement. Establishes an Interagency Steering Committee to define the standard set of data elements to be collected, stored and shared in the ITDS:

said committee would submit a report to Congress before the end of each fiscal year.

Section 405: In-bond cargo. Requires DHS to submit a report to Congress including analysis of various aspects of in-bond cargo, such as tracking, technologies, evaluation criteria for targeting and examining in-bond cargo and the feasibility of reducing the transit time for in-bond shipments.

Section 406: Sense of the Senate. Delegates elements of the bill that shall not affect the jurisdiction of standing Senate committees.

Mr. STEVENS. Mr. President, I thank Senator COLLINS and Senator GRASSLEY for their cooperation, and our counterparts on the other side of the aisle, my colleagues Senator INOUE, Senator MURRAY, and Senator BAUCUS, those who are working with us to move this bill as quickly as possible.

I yield the floor.

The PRESIDING OFFICER. Who seeks recognition?

AMENDMENT NO. 4921

Mr. STEVENS. Mr. President, I understand that there was a negotiation going on concerning an amendment that is before the Senate now. I have been asked to call up Senator DEMINT's amendment. There is a negotiation going on concerning a possible modification of it. He called and asked that this be placed before the Senate. I wish to comply with his request.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Alaska [Mr. STEVENS], for Mr. DEMINT, proposes an amendment numbered 4921.

(The amendment is printed in the RECORD of Thursday, September 7, 2006, under "Text of Amendments.")

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

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

The Senator from Colorado is recognized.

Mr. ALLARD. Mr. President, I understand there is a pending amendment. I ask unanimous consent that amendment be laid aside and that I be allowed to speak for 7 minutes in morning business.

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

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

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

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

Ms. COLLINS. Mr. President, I ask unanimous consent that a summary of the Port Security Improvement Act of 2006 prepared by my staff be printed in the RECORD.

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

THE PORT SECURITY IMPROVEMENT ACT OF 2006—SUMMARY

This legislation will provide the structure and the resources needed to better protect the American people from attack through our seaports that are both vulnerable points of entry and vital centers of economic activity. Each year, more than 11 million containers pass through the ports and 53,000 foreign-flagged vessels call at U.S. ports. This bill is a comprehensive approach that addresses all major aspects of maritime cargo security. The bill reflects not only bipartisan consultation and support, but coordination among the Senate Homeland Security, Commerce, and Finance Committees.

DEPARTMENT OF HOMELAND SECURITY (DHS) MUST ESTABLISH STRATEGIES AND STANDARDS

Strategic Plan. The Secretary of Homeland Security must develop a strategic plan to enhance international supply chain security for all modes of transportation by which containers arrive in, depart from or move through seaports of the United States. The Secretary must clarify roles, responsibilities, and authorities of all government agencies at all levels and private sector stakeholders. The plan must provide measurable goals for furthering the security of commercial operations from point of origin to point of destination, build on available resources and consider costs and benefits; and identify response and recovery methods.

Container Security Standards. Because container security standards have languished at the Department of Homeland Security (DHS), the legislation requires the Secretary to establish minimum standards for the movement and storage of containers within 180 days of the enactment of the bill. It can base these regulations on its experience with the cargo security programs that it currently operates. In addition, the Secretary is directed to seek to establish international standards through multilateral agreements or international bodies.

Resumption of Operations at Seaports. The Secretary shall develop protocols for the resumption of trade in the event of a security incident or a disruption to trade at seaports. To handle the immediate response to an incident, the Secretary must establish protocols that make clear who is the initial incident commander and the lead agency that will execute and coordinate the response so that there will be no confusion. In reestablishing the flow of trade through U.S. ports, preference shall be given to vessels with a valid security plan that are manned with individuals who have undergone background checks and are operated by validated C-TPAT participants. Preference should be given to cargo that is entering a U.S. port from a CSI port and handled by a validated participant in C-TPAT.

CARGO SECURITY PROGRAMS

Improved Automated Targeting System. A critical component of the targeting of cargo for inspection is the Automated Targeting System. This computer-based system helps DHS to determine which cargo presents a high security risk. The legislation requires the Secretary to identify and seek the submission of data related to the importation of cargo in order to improve the targeting of

high-risk cargo. It also requires the Secretary to establish an independent review of the system.

Container Security Initiative (CSI). The bill establishes CSI to identify and examine maritime containers that pose a risk for terrorism at foreign ports in order to keep potential threats far from America's shores. In CSI, U.S. Customs and Border Protection (CBP) personnel work closely with foreign government officials to target and inspect cargo headed to the U.S. at foreign ports. Before the Secretary may designate a foreign port under CSI, the Secretary must conduct a full assessment of the risk of terrorists compromising containers; the capabilities and level of cooperation of the intended host country; and the potential for validation of security practices by the Department.

Customs-Trade Partnership Against Terrorism (C-TPAT). This legislation establishes the C-TPAT program to strengthen and improve the overall security of the international supply chain. This voluntary program encourages participants to take steps to ensure that their supply chains are secure. Based on a participant's efforts in the program, they are placed on one of three tiers. The legislation requires the Secretary to validate the supply chain security practices of each participant and offer benefits to participants based on their levels of certification and validation.

C-TPAT Top Tier. The top tier (Tier 3) or GreenLane status for C-TPAT participants provides the highest level of benefits, which may include the following: reduced examinations, priority examinations and searches, and the expedited release of cargo during all threat levels.

Uniform Data for Government-Wide Usage. To simplify the filing of documentation needed to import cargo and facilitate the compilation of data, the Secretary of Treasury shall complete the implementation of the International Trade Data System, a single, uniform data system for the electronic collection, dissemination, and sharing of import and export information.

Radiation Detection and Radiation Safety. Radiation detection equipment is critical to ensuring that no radiological device leaves a U.S. port. The bill directs the Secretary of DHS to install radiation portal monitors at the 22 largest U.S. ports by the end of 2007. This will cover 98 percent of incoming container traffic.

100 Percent Scanning Pilot Program. The Secretary shall establish a pilot program at three foreign ports to test the practicality and effectiveness of systems designed to scan 100 percent of cargo. The scanning systems must couple non-intrusive imaging and radiation detection equipment.

In-Bond Cargo. Cargo that travels in-bond through the U.S. from the ports is a major vulnerability because the final destination of the cargo is not known. The bill requires a report on in-bond cargo that would include whether additional information should be required for in-bond cargo, a plan for tracking in-bond cargo in the to-be-developed ACE system, and an assessment of how to ensure 100 percent reconciliation between the port of arrival and destination.

RESOURCES AND COORDINATION FOR PORT SECURITY

Port Security Grants and Training. The bill establishes risk-based grants, training, and exercises for port security. The legislation authorizes \$400 million in appropriations for port security grants.

Office of Cargo Security Policy. This legislation establishes within the Department of Homeland Security an Office of Cargo Security Policy to coordinate department-wide efforts regarding cargo security policies and programs.

Interagency Operations Centers. The bill directs the Secretary to establish Interagency Operation Centers for Maritime and Cargo Security at all high-priority ports to enhance information sharing and facilitate day-to-day operational coordination, and incident management and response between agencies. The agencies at the operations centers include the Coast Guard, CBP, the FBI, Department of Defense, state and local law enforcement or port security personnel, and private sector stakeholders, as the Secretary determines is appropriate.

Research. Development, Test and Evaluation (RDT&E). The Secretary must direct RDT&E efforts in furtherance of maritime and cargo security, encourage the ingenuity of the private sector in developing and testing such technologies, and evaluate such technologies. The Secretary shall ensure all Department RDT&E efforts are coordinated to avoid duplicative efforts and share results.

Ms. COLLINS. Mr. President, one of the issues that will undoubtedly come up during the debate on the port security bill has to do with the scanning of containers. Some people have asked: Why don't we scan 100 percent of the 11 million containers coming into this country? And the answer is simply that it is not practical with the current technology. The bill that is before us authorizes three pilot projects in three foreign ports where we would take a look at the feasibility and practicality and the implications of 100 percent scanning.

There is 100 percent screening. There is a difference between screening a container, which means gathering information on each and every container and doing a sophisticated computer analysis to determine which are of higher risk, versus scanning each container with an x-ray-type machine or some other method or a physical inspection.

The problem of trying to scan 100 percent of all containers is best summed up by a letter that we recently received from the Supply Chain Security Coalition. This is a coalition of some of the largest and most knowledgeable stakeholders in the supply chain's system, including the Retail Industry Leaders Association.

The letter says:

One hundred percent scanning proposals and amendments advocating such a proposal could potentially actually decrease security by forcing containers to sit for extended periods of time, putting them at greater risk of tampering, and would divert resources away from the current risk assessment approach. In addition—

And this is the key point—

such a mandate has the potential to significantly impede the flow of commerce and damage the U.S. and global economy.

Mr. President, I ask unanimous consent that the full text of that letter be printed in the RECORD.

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

Hon. SUSAN COLLINS,
U.S. Senate,
Washington, DC.

DEAR SENATOR COLLINS: On behalf of the Retail Industry Leaders Association, I am

writing to urge you to support strong and carefully crafted port security legislation that builds on the current multilayered, risk assessment approach that has effectively protected our nation's seaports over the last several years. I also urge you, in the strongest terms possible, to oppose any legislation that would require all U.S. bound cargo containers to be "scanned" for radiation and density, so called 100% scanning legislation. While we strongly support improving the security of our nation's seaports, 100% scanning proposals have the potential to do more harm than good.

The Retail Industry Leaders Association (RILA) is the trade association of the largest and fastest growing companies in the retail industry. Its members include retailers, product manufacturers, and service suppliers, which together account for more than \$1.5 trillion in annual sales. RILA members operate more than 100,000 stores, manufacturing facilities and distribution centers, have facilities in all 50 states, and provide millions of jobs domestically and worldwide.

We understand that key committees in the Senate has come to an agreement on a port security bill that may be taken up as soon as tomorrow, September 8th, 2006, and that the legislation is based on provisions from earlier bills drafted in the Homeland Security & Government Affairs Committee, the Commerce, Transportation and Infrastructure Committee and the Finance Committee. Each of those bills contain important provisions that will help improve our nation's port security laws by building upon and recognizing the effectiveness of the well-established security measures our government currently has in place. RILA supports legislation that builds upon this proven approach, which is why we worked to help pass port security legislation in the House, H.R. 4954, The SAFE Ports Act. It is our hope that the Senate bill will closely mirror the House legislation, which received overwhelming bipartisan support.

However, I also strongly urge you to oppose any legislation that would require that all U.S. bound cargo containers be scanned for radiation and density, so called "100% scanning" amendments. Such proposals may at first glance appear to improve security, but in reality, they would impose immense costs on our economy and foreign relations without improving the security of our international trading systems.

First, a 100% scanning mandate is unrealistic since the technology does not yet exist to do this efficiently and with a high degree of accuracy. We are not aware of any credible technology to actually analyze the millions of density images that would be taken of outbound cargo containers, meaning such images would have to be reviewed one by one by a port official or Customs officer. Second, this mandate could actually decrease security by forcing containers to sit for extended periods of time, putting them at greater risk of tampering.

In addition, forcing all containers to be scanned—including the vast majority of those that pose no risk—would divert scarce security resources away from the successful risk assessment approach currently utilized by the government. This approach uses sophisticated risk-analysis tools to determine which containers pose a risk and ensures those containers are handled appropriately. It is important for Senators to remember that the Department of Homeland Security currently uses a risk-based targeting approach to inspect inbound cargo. All cargo manifests are submitted at least 24 hours prior to loading on a vessel and the Automated Targeting System (ATS) uses complex, rule-based formulas to assign a numerical score and identify at-risk containers.

CBP then inspects 100% of all containers deemed high-risk.

Finally, a 100% scanning mandate has the potential to significantly impede the flow of commerce and do damage to the economy. According to a June 2006 study conducted by the RAND Corporation, 100% scanning would delay the movement of cargo containers by 5.5 hours per container. With 11 to 12 million containers entering the U.S. every year, it is obvious that of 100% scanning mandate would bring global commerce and the flow of goods to a virtual standstill. This would severely damage the U.S. economy, not only by denying consumers access to thousands of products they need, but also by preventing the delivery of material and other inputs that U.S. manufacturers need.

Rather than mandating 100% scanning, port security legislation should authorize additional testing and evaluation of scanning technology. Several of the relevant port security bills address this issue by calling for pilot projects and other evaluations to test the effectiveness and operational capability to conduct increased container scanning, including the "GreenLane Maritime Cargo Security Act" passed by the Senate Homeland Security Committee and the House SAFE Ports Act. These provisions represent the best way to address this issue and answer important operational and economic questions critical to understanding how to effectively implement container scanning.

Retail companies are among the largest and most knowledgeable stakeholders in the supply chain system and administer the most extensive and efficient logistics operations in the world. The industry has worked hand-in-hand with the Department of Homeland Security (DHS), and specifically with the Coast Guard and Customs and Border Protection to ensure that our customers, employees, and the nation's seaports remain safe and that the nation's economy remains strong. We take a back seat to no industry in our support for strong and carefully crafted port security legislation, and we urge the Senate to move quickly to pass such a bill as soon as possible.

Thank you for your consideration of our views. We look forward to working with you on this critically important issue. Should you have any questions, please contact Paul T. Kelly, Senior Vice President for Government Affairs or Allen Thompson, Vice President for Global Supply Chain Policy.

Sincerely,

SANDY KENNEDY,

President.

Ms. COLLINS. Mr. President, what we have tried to do with this bill is very carefully balance the need for effective, improved security with the need to ensure that we are not crippling our international trading system. We now have 11 million shipping containers coming into this country each year. This is a number that has grown substantially in recent years. We know each one has the potential to be the Trojan horse of the 21st century, to include not consumer goods but perhaps terrorists themselves, the makings of a dirty bomb, a chemical, biological, or even nuclear weapon.

That is why the legislation that we have authored proposes a strong, effective, layered system of security. It focuses on the ports of origin. It focuses on each container to make sure that it is effectively evaluated, and it has a system for securing the entire supply chain that is called the C-TPAT system.

The highest system of C-TPAT would be the GreenLane system, of which Senator MURRAY is the author.

At that level, shippers would take steps to completely certify the security of their supply chain from the factory where the good is manufactured, all the way to the delivery to the retail store. Each step of the supply chain would be certified as secure. In return, those shippers or retailers that reach that highest level, the GreenLane, would be given certain benefits. Their cargo would be expedited. Their cargo would be subjected to fewer inspections. Their cargo would be released more quickly in the event of an attack on our ports.

Our proposal addresses the people who work at our ports. It addresses the shipping containers. It addresses the ports themselves and other facilities. It takes the layered approach to security that is recommended by the 9/11 Commission.

So I hope those of our colleagues who may be tempted to think that the answer to port security is to do an x-ray of each and every shipping container will take a closer look at the systems and the security that would be provided by our legislation and would consider the points that have been raised by the experts who point out the dangers in delaying the transit of shipping containers. It might actually decrease security rather than enhance it. And, also, that we have to strike that right balance so we do not significantly impede the flow of commerce and damage the U.S. and global economy.

Just think how many farmers rely on our ports to ship their crops overseas. Think of how many factories and stores in our country rely on just-in-time inventory. If you are reliant on just-in-time inventory and your containers are delayed just 3 days, it can make a big difference to your operations. So we need to make sure that we strike the right balance.

I think the bill before us, which has been carefully worked out by three committees, which has been in progress for years, does strike the right balance.

The PRESIDING OFFICER. The Senator from Arizona.

AMENDMENT NO. 4922

Mr. MCCAIN. I call up amendment No. 4922 and ask for its immediate consideration. I ask unanimous consent the pending amendment be set aside.

The PRESIDING OFFICER. Is there objection to setting aside the pending amendment? Without objection, it is so ordered.

The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Arizona [Mr. MCCAIN], for himself, Ms. SNOWE, Mr. DEWINE, Mr. BIDEN, and Mr. LIEBERMAN, proposes an amendment numbered 4922.

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

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

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

Mr. McCAIN. Mr. President, I congratulate the distinguished chairman of the committee for the outstanding work that she and the ranking member, Senator LIEBERMAN, have done in bringing forth this very important legislation. I believe the work that is done by these two Members of the Senate, in a bipartisan fashion, in order to better secure the safety of our citizens, is laudable and important. I congratulate them on this legislation that we are considering today.

This amendment would ensure that in addition to our efforts to improve port security, we also address another critical transportation mode—rail transportation. I am pleased to be joined in this effort by Senators DEWINE, SNOWE, and BIDEN.

Again, I want to say I am pleased the Senate has chosen to take up the Port Security Act of 2006 to protect our Nation's ports and waterways. I just listened carefully to the statement by the distinguished chairwoman of the committee, outlining both the threat and the way that this legislation will address these very important aspects of our Nation's security at our ports.

I would also like to point out that the bill implements several recommendations from the 9/11 Commission's final report, including allocating security grants based on risk and comprehensive cargo screening. Additionally, the bill would establish an office within the Department of Homeland Security to coordinate all cargo security policy, develop a strategy for deployment of radiation detection capabilities in all ports, and establish a process to facilitate the movement of secure cargo from international ports to our ports without interrupting the international supply chain and delaying goods to consumers in the United States.

Securing our ports is a crucial part of our efforts to protect Americans at home. The amendment I am offering today would complement the underlying legislation by providing essential funding and additional tools to strengthen our Nation's rail system.

Two years ago the Senate passed by unanimous consent the Rail Security Act of 2004, legislation that was almost identical to the amendment I am offering today. Unfortunately, that bill died in the House of Representatives. Last year I reintroduced the legislation shortly after the London bombings of July 7 and language that is similar to the provisions of the Rail Security Act is in a title of the Transportation Security Bill that was reported by the Commerce Committee in February. I sincerely hope that we will once again pass this important legislation. Rail security must be made a top priority of this Congress.

Look at the recent threats of attacks. We were all deeply saddened by the tragic loss of lives caused by the 2004 terrorist attacks in Madrid, the

2005 London attacks, and the terrorist attacks on commuter trains in Mumbai this summer. Those incidents are a painful reminder of the cruel nature of our enemies in our global war on terror and what we must do to fight and win against those who wish to eradicate our way of life. On many occasions we have said we cannot play just defense in this war; that, instead, we must take the fight to the enemy. Still, we must do what is possible and prudent to protect Americans at home.

The numerous attacks on rail systems abroad demonstrate all too vividly the continuing need for this legislation.

There is little doubt that we have increased dramatically our security capabilities over the past 5 years. However, there is just as little doubt that we have much more to do. Since the attacks of 9/11, only relatively modest resources have been dedicated to rail security. In fact, I would be very curious if the distinguished chairman of the committee knows the relative amounts of money that we have spent on rail security as compared with airport security. I think you will find it is minuscule.

Our Nation's transit system, Amtrak, and the freight railroads, I am sad to say, remain vulnerable to terrorist threats. This lack of funding exists despite the fact that the Department of Homeland Security has identified as potential terrorist targets the freight and passenger rail networks which are critical to the Nation's transportation system and national defense.

The 9/11 Commission, too, in its report on the facts and circumstances surrounding the 9/11 attacks called for improved security in all modes of transportation, noting that ". . . terrorists may turn their attention to other modes."

This amendment would authorize a total of almost \$1.2 billion for rail security. More than half of this funding would be authorized to complete tunnel safety and security improvements at New York's Pennsylvania station, which is used by over 500,000 transit, commuter, and intercity passengers each workday.

I want to repeat that fact. Penn Station in New York City is used by over 500,000 transit, commuter, and intercity passengers each workday. Look at the amount of money we have spent to try to protect that vulnerable target as opposed to literally every major airport in America. This funding is all the more urgent given this summer's arrest by the FBI of eight suspects tied to al-Qaida who were plotting attacks on train tunnels connecting New York and New Jersey.

The legislation would also establish a grant program authorized at \$350 million to help increase security by the freight railroads, Amtrak, shippers of hazardous materials, and local governments with security responsibility for passenger stations not owned by Amtrak. Further, DHS would be required

to complete a vulnerability assessment of the rail network to terrorist attack and make recommendations to Congress for addressing security weaknesses. Importantly, to protect the taxpayers' interests, all Amtrak authorizations would be managed by the Department of Transportation through formal grant agreements.

We all know that we face a dedicated, focused, and intelligent foe in the war on terrorism. This enemy will probe to find our weaknesses and move against them. We have seen the vulnerabilities of rail to terrorism in other countries and the devastating consequences of such an attack. It is essential that we move expeditiously to protect all the modes of transportation from potential attack.

I also note that this amendment is cosponsored by Senators DEWINE, SNOWE, and BIDEN. I thank the Senators for their cosponsorship of this critical measure.

I trust the Senate will once again pass this essential legislation. We owe at least that much to the American people as we continue our struggle against an enemy that wants nothing less than to destroy everything we stand for and believe in.

I would like to mention to the distinguished manager of the bill that I don't think this is probably the best way to address this issue. Obviously, the bill should have stood on its own and been addressed separately with amendments to the bill. But I think there is a compelling case that can be made that, if port security is vital and must be acted on, so must rail security. I do not diminish the importance of this legislation. But, again, I would like to point out railway stations all over America have received very little attention and very little funding. Are we going to wait until there is an attack, such as where we arrested eight subjects this summer who were planning attacks on rail connections between New York and New Jersey or are we going to get ahead of this?

I come from a State where very few of our passengers use rail. But I think it is very important to point out that in places in the Northeast this is a primary form of transportation. Just a couple of blocks from here, if you did a rough assessment, you would find at Union Station there are significant vulnerabilities.

By the way, I would like to mention that Senator STEVENS has played a key role in this effort on this legislation. We have worked together. His leadership has been vital. I know his efforts have been very important, and I want to express my appreciation.

Again, I say to the distinguished managers of the bill, if changes need to be made to this legislation in conference we would certainly welcome improvements. But I hope we can include this as part of this legislation so we can begin making serious efforts to ensure rail safety in America.

My thanks to the managers and my thanks to the distinguished chairman

of the Commerce Committee for all of his efforts on this legislation.

I yield the floor.

The PRESIDING OFFICER. The Senator from Alaska.

Mr. STEVENS. I thank the Senator from Arizona for his comments. I might say on the visit that I made to Los Angeles Harbor, it is very clear that rail is essential for the 40 percent of the cargo that comes into the United States. The majority moves out of the Los Angeles Harbor by rail, and currently that is very sensitive because there is only one rail coming out of there and there should be multiple rails.

Senator McCAIN has offered S. 1052, which our committee reported in November of 2005. That bill contained sections of aviation, rail, trucking, and port security.

In addition, Senator McCAIN's bill passed the Senate in 2004. It is not controversial. I will urge the Senate to let us pass it again without amendment so we can take it to conference, and I do believe it will become law.

It is very clear it is as essential as the port security section, and I thank him for bringing it to the floor. I intend to support it completely because I hope we can get back to both the aviation and trucking portions of S. 1052 sometime. I don't think it will be in this Congress, however, because it has become too controversial. But we intend to take them up again, I believe, early next year whether there is change of management or not in terms of the Commerce Committee. I do hope we can realize the aviation and trucking areas need to change, as far as security considerations are concerned, in terms of their basic law. But I am here to urge the Senate very favorably to approve this, and I am certainly urging the Senate to adopt the McCain amendment when we start voting on this bill next Tuesday.

Is there anyone else who wishes to comment at this time?

AMENDMENT NO. 4922, AS MODIFIED

Mr. McCAIN. Mr. President, if I may just make one additional comment, I ask unanimous consent the amendment be modified with the changes at the desk. They add the Homeland Security Committee as recipient of the reporting requirements in the amendment.

The PRESIDING OFFICER. Without objection, it is so ordered. The amendment, as modified, is as follows;

At the appropriate place in the bill, insert the following:

TITLE —RAIL SECURITY ACT OF 2006

SEC. 01. SHORT TITLE.

This title may be cited as the "Rail Security Act of 2006".

SEC. 02. RAIL TRANSPORTATION SECURITY RISK ASSESSMENT.

(a) IN GENERAL.—

(1) VULNERABILITY ASSESSMENT.—The Under Secretary of Homeland Security for Border and Transportation Security (referred to in this title as the "Under Secretary"), in consultation with the Secretary of Transportation, shall conduct a vulnerability assessment of freight and passenger

rail transportation (encompassing railroads, as that term is defined in section 20102(1) of title 49, United States Code), which shall include—

(A) identification and evaluation of critical assets and infrastructures;

(B) identification of threats to those assets and infrastructures;

(C) identification of vulnerabilities that are specific to the transportation of hazardous materials via railroad; and

(D) 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.

(2) EXISTING PRIVATE AND PUBLIC SECTOR EFFORTS.—The assessment conducted under this subsection shall take into account actions taken or planned by both public and private entities to address identified security issues and assess the effective integration of such actions.

(3) RECOMMENDATIONS.—Based on the assessment conducted under this subsection, the Under Secretary, in consultation with the Secretary of Transportation, shall develop prioritized recommendations for improving rail security, including any recommendations the Under 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 Under 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 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.

(b) CONSULTATION; USE OF EXISTING RESOURCES.—In carrying out the assessment required by subsection (a), the Under Secretary 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 (including those within other agencies and offices within the Department of Homeland Security), and other relevant parties.

(c) REPORT.—

(1) CONTENTS.—Not later than 180 days after the date of the enactment of this Act, the Under Secretary shall submit to the Committee on Commerce, Science, and Transportation and the Committee on Homeland Security and Governmental Affairs of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives a report that contains—

(A) the assessment and prioritized recommendations required by subsection (a) and an estimate of the cost to implement such recommendations;

(B) a plan, developed in consultation with the freight and intercity passenger railroads, and State and local governments, for the government to provide increased security support at high or severe threat levels of alert; and

(C) a plan for coordinating rail security initiatives undertaken by the public and private sectors.

(2) FORMAT.—The Under Secretary may submit the report in both classified and redacted formats if the Under Secretary determines that such action is appropriate or necessary.

(d) 2-YEAR UPDATES.—The Under Secretary, in consultation with the Secretary of Transportation, shall update the assessment and recommendations every 2 years 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) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Under Secretary \$5,000,000 for fiscal year 2007 to carry out this section.

SEC. 03. RAIL SECURITY.

(a) RAIL POLICE OFFICERS.—Section 28101 of title 49, United States Code, is amended 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 Under Secretary, shall review existing rail regulations of the Department of Transportation for the purpose of identifying areas in which those regulations need to be revised to improve rail security.

SEC. 04. STUDY OF FOREIGN RAIL TRANSPORT SECURITY PROGRAMS.

(a) REQUIREMENT FOR STUDY.—Not later than 1 year after the date of the enactment of this Act, the Comptroller General of the United States shall complete a study of the rail passenger transportation security programs that are carried out for rail transportation systems in Japan, member nations of the European Union, and other foreign countries.

(b) PURPOSE.—The purpose of the study conducted under subsection (a) shall be to identify effective rail transportation security measures that are in use in foreign rail transportation systems, including innovative measures and screening procedures determined effective.

(c) REPORT.—The Comptroller General shall submit a report on the results of the study conducted under subsection (a) to the Committee on Commerce, Science, and Transportation and the Committee on Homeland Security and Governmental Affairs of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives. The report shall include the Comptroller General's assessment regarding whether it is feasible to implement within the United States any of the same or similar security measures that are determined effective under the study.

SEC. 05. PASSENGER, BAGGAGE, AND CARGO SCREENING.

(a) REQUIREMENT FOR STUDY AND REPORT.—The Under Secretary, in cooperation with the Secretary of Transportation, shall—

(1) conduct a study to analyze the cost and feasibility of requiring security screening for passengers, baggage, and cargo on passenger trains; and

(2) not later than 1 year after the date of the enactment of this Act, submit a report containing the results of the study and any recommendations that the Under Secretary may have for implementing a rail security screening program to—

(A) the Committee on Commerce, Science, and Transportation and the Committee on Homeland Security and Governmental Affairs of the Senate; and

(B) the Committee on Transportation and Infrastructure of the House of Representatives.

(b) PILOT PROGRAM.—As part of the study conducted under subsection (a), the Under Secretary shall complete a pilot program of random security screening of passengers and baggage at 5 passenger rail stations served by Amtrak, which shall be selected by the Under Secretary. In conducting the pilot program under this subsection, the Under Secretary shall—

(1) test a wide range of explosives detection technologies, devices, and methods;

(2) require that intercity rail passengers produce government-issued photographic identification, which matches the name on the passenger's tickets before the passenger boarding a train; and

(3) attempt to give preference to locations at the highest risk of terrorist attack and achieve a distribution of participating train stations in terms of geographic location, size, passenger volume, and whether the station is used by commuter rail passengers and Amtrak passengers.

(c) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Under Secretary to carry out this section \$5,000,000 for fiscal year 2007.

SEC. 06. CERTAIN PERSONNEL LIMITATIONS NOT TO APPLY.

Any statutory limitation on the number of employees in the Transportation Security Administration of the Department of Transportation, before or after its transfer to the Department of Homeland Security, does not apply to the extent that any such employees are responsible for implementing the provisions of this title.

SEC. 07. FIRE AND LIFE-SAFETY IMPROVEMENTS.

(a) LIFE-SAFETY NEEDS.—The Secretary of Transportation may award grants to Amtrak for the purpose of making fire and life-safety improvements to Amtrak tunnels on the Northeast Corridor in New York, New York, Baltimore, Maryland, and Washington, D.C.

(b) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Secretary of Transportation for the purposes of carrying out subsection (a) the following amounts:

(1) 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—

- (A) \$100,000,000 for fiscal year 2007;
- (B) \$100,000,000 for fiscal year 2008;
- (C) \$100,000,000 for fiscal year 2009; and
- (D) \$170,000,000 for fiscal year 2010.

(2) For the Baltimore & Potomac tunnel and the Union tunnel, together, to provide adequate drainage, ventilation, communication, lighting, and passenger egress upgrades—

- (A) \$10,000,000 for fiscal year 2007;
- (B) \$10,000,000 for fiscal year 2008;
- (C) \$10,000,000 for fiscal year 2009; and
- (D) \$17,000,000 for fiscal year 2010.

(3) For the Washington, DC Union Station tunnels to improve ventilation, communication, lighting, and passenger egress upgrades—

- (A) \$8,000,000 for fiscal year 2007;
- (B) \$8,000,000 for fiscal year 2008;
- (C) \$8,000,000 for fiscal year 2009; and
- (D) \$8,000,000 for fiscal year 2010.

(c) INFRASTRUCTURE UPGRADES.—There are authorized to be appropriated to the Secretary of Transportation \$3,000,000 for fiscal year 2007 for the preliminary design of options for a new tunnel on a different alignment to augment the capacity of the existing Baltimore tunnels.

(d) AVAILABILITY OF APPROPRIATED FUNDS.—Amounts appropriated 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 under this section, the Secretary has approved a project management plan prepared by Amtrak that appropriately addresses—

- (A) project budget;
- (B) construction schedule;
- (C) recipient staff organization;
- (D) document control and record keeping;
- (E) change order procedure;
- (F) quality control and assurance;
- (G) periodic plan updates;
- (H) periodic status reports; and
- (I) such other matters the Secretary determines to be appropriate.

(f) REVIEW OF PLANS.—

(1) COMPLETION.—The Secretary of Transportation shall complete the review of the plans required under paragraphs (1) and (2) of subsection (e) and approve or disapprove the plans not later than 45 days after the date on which each such plan is submitted by Amtrak.

(2) INCOMPLETE PLANS.—If the Secretary determines that a plan is incomplete or deficient—

(A) the Secretary shall notify Amtrak of the incomplete items or deficiencies; and

(B) not later than 30 days after receiving the Secretary's notification under subparagraph (A), Amtrak shall submit a modified plan for the Secretary's review.

(3) REVIEW OF MODIFIED PLANS.—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 and the Committee on Homeland Security and Governmental Affairs of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives that identifies the portions of the plan the Secretary finds incomplete or deficient;

(ii) approve all other portions of the plan;

(iii) obligate the funds associated with those other portions; and

(iv) execute an agreement with Amtrak not later than 15 days thereafter on a process for resolving the remaining portions of the plan.

(g) FINANCIAL CONTRIBUTION FROM OTHER TUNNEL USERS.—The Secretary of Transportation shall, taking into account the need for the timely completion of all portions of the tunnel projects described in subsection (a)—

(1) consider the extent to which rail carriers other than Amtrak use 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 of the tunnels, if feasible.

SEC. 08. MEMORANDUM OF AGREEMENT.

(a) MEMORANDUM OF AGREEMENT.—Not later than 60 days after the date of enactment of this Act, the Secretary of Transportation and the Secretary of Homeland Security shall execute a memorandum of agreement governing the roles and responsibilities of the Department of Transportation and the Department of Homeland Security, respec-

tively, in addressing railroad transportation security matters, including the processes the departments 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 "railroad safety" and inserting "railroad safety, including security,".

SEC. 09. AMTRAK PLAN TO ASSIST FAMILIES OF PASSENGERS INVOLVED IN RAIL PASSENGER ACCIDENTS.

(a) IN GENERAL.—Chapter 243 of title 49, United States Code, is amended by adding at the end the following:

“§ 24316. Plans to address needs of families of passengers involved in rail passenger accidents

“(a) SUBMISSION OF PLAN.—Not later than 6 months after the date of the enactment of the Rail Security Act of 2006, Amtrak shall submit to the Chairman of the National Transportation Safety Board and the Secretary of Transportation a plan for addressing the needs of the families of passengers involved in any rail passenger accident involving an Amtrak intercity train and resulting in a loss of life.

“(b) CONTENTS OF PLANS.—The plan to be submitted by Amtrak under subsection (a) shall include, at a minimum, the following:

“(1) A process by which Amtrak will maintain and provide to the National Transportation Safety Board 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 within 4 hours after such an accident occurs, and for providing staff, to handle calls from the families of the passengers.

“(3) A process for notifying the families of the passengers, before providing any public notice of the names of the passengers, by suitably trained individuals.

“(4) A process for providing the notice described in paragraph (2) to the family of a passenger as soon as Amtrak has verified that the passenger was aboard the train (whether or not the names of all of the passengers have been verified).

“(5) A process by which the family of each passenger will be consulted about the disposition of all remains and personal effects of the passenger within Amtrak's control; that any possession of the passenger within Amtrak's control will be returned to the family unless the possession is needed for the accident investigation or any criminal investigation; and that any unclaimed possession of a passenger within Amtrak's control will be retained by the rail passenger carrier for at least 18 months.

“(6) A process by which the treatment of the families of nonrevenue passengers will be the same as the treatment of the families of revenue passengers.

“(7) An assurance that Amtrak will provide adequate training to its employees and agents to meet the needs of survivors and family members following an accident.

“(c) USE OF INFORMATION.—The National Transportation Safety Board, the Secretary

of Transportation, and Amtrak may not release to any person 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) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Secretary of Transportation for the use of Amtrak \$500,000 for fiscal year 2007 to carry out this section. Amounts appropriated pursuant to this subsection shall remain available until expended.”

(b) CONFORMING AMENDMENT.—The chapter analysis for chapter 243 of title 49, United States Code, is amended by adding at the end the following:

“Sec. 24316. Plans to address needs of families of passengers involved in rail passenger accidents.”

SEC. 10. SYSTEMWIDE AMTRAK SECURITY UPGRADES.

(a) IN GENERAL.—Subject to subsection (c), the Under Secretary may award grants, through the Secretary of Transportation, 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 Under 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; and

(7) to expand emergency preparedness efforts.

(b) CONDITIONS.—The Secretary of Transportation may not disburse funds to Amtrak for projects under subsection (a) unless—

(1) the projects are contained in a systemwide security plan approved by the Under Secretary, in consultation with the Secretary of Transportation;

(2) capital projects meet the requirements under section 407(e)(2); and

(3) the plan includes appropriate measures to address security awareness, emergency response, and passenger evacuation training.

(c) EQUITABLE GEOGRAPHIC ALLOCATION.—The Under Secretary shall ensure that, subject to meeting the highest security needs on Amtrak’s entire system, stations and facilities located outside of the Northeast Corridor receive an equitable share of the security funds authorized under this section.

(d) AVAILABILITY OF FUNDS.—There are authorized to be appropriated to the Under Secretary \$63,500,000 for fiscal year 2007 for the purposes of carrying out this section. Amounts appropriated pursuant to this subsection shall remain available until expended.

SEC. 11. FREIGHT AND PASSENGER RAIL SECURITY UPGRADES.

(a) SECURITY IMPROVEMENT GRANTS.—The Under Secretary 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 and research centers, State and local governments (for passenger facilities and infrastructure not owned by Amtrak), and, through the Secretary of Transportation, to Amtrak, for full or partial reimbursement of costs incurred in the conduct of activities to prevent or respond to acts of terrorism, sabotage, or other intercity passenger rail and freight rail security threats, including—

(1) security and redundancy for critical communications, computer, and train control systems essential for secure rail operations;

(2) accommodation of cargo or passenger screening equipment at the international border between the United States and Mexico or the international border between the United States and Canada;

(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 under section 402(c), including infrastructure, facilities, and equipment upgrades.

(b) ACCOUNTABILITY.—The Under Secretary shall adopt necessary procedures, including audits, to ensure that grants awarded under this section are expended in accordance with the purposes of this title and the priorities and other criteria developed by the Under Secretary.

(c) EQUITABLE ALLOCATION.—The Under Secretary shall equitably distribute the funds authorized by this section, taking into account geographic location, and shall encourage non-Federal financial participation in awarding grants. With respect to grants for passenger rail security, the Under Secretary shall also take into account passenger volume and whether a station is used by commuter rail passengers and intercity rail passengers.

(d) CONDITIONS.—The Secretary of Transportation may not disburse funds to Amtrak under subsection (a) unless Amtrak meets the conditions set forth in section 410(b).

(e) ALLOCATION BETWEEN RAILROADS AND OTHERS.—Unless the Under Secretary determines, as a result of the assessment required by section 402, 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) in excess of \$65,000,000 to Amtrak; or

(2) in excess of \$100,000,000 for the purposes described in paragraphs (3) and (5) of subsection (a).

(f) HIGH HAZARD MATERIALS DEFINED.—In this section, the term “high hazard materials” means poison inhalation hazard materials, class 2.3 gases, class 6.1 materials, and anhydrous ammonia.

(g) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Under Secretary \$350,000,000 for fiscal

year 2007 to carry out the purposes of this section. Amounts appropriated pursuant to this subsection shall remain available until expended.

SEC. 12. OVERSIGHT AND GRANT PROCEDURES.

(a) SECRETARIAL OVERSIGHT.—The Secretary of Transportation may use not more than 0.5 percent of amounts made available to Amtrak for capital projects under this title—

(1) to enter into contracts for the review of proposed capital projects and related program management plans; and

(2) to oversee construction of such projects.

(b) USE OF FUNDS.—The Secretary may use amounts available under subsection (a) to make contracts for safety, procurement, management, and financial compliance reviews and audits of a recipient of amounts under subsection (a).

(c) PROCEDURES FOR GRANT AWARD.—The Under Secretary shall prescribe procedures and schedules for the awarding of grants under this title, including application and qualification procedures (including a requirement that the applicant have a security plan), and a record of decision on applicant eligibility. The procedures shall include the execution of a grant agreement between the grant recipient and the Under Secretary. The Under Secretary shall issue a final rule establishing the procedures not later than 90 days after the date of the enactment of this Act.

SEC. 13. RAIL SECURITY RESEARCH AND DEVELOPMENT.

(a) ESTABLISHMENT OF RESEARCH AND DEVELOPMENT PROGRAM.—The Under Secretary, in conjunction with the Secretary of Transportation, shall carry out a research and development program for the purpose of improving freight and intercity passenger rail security that may include research and development projects to—

(1) reduce the 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; and

(5) support enhanced security for the transportation of hazardous materials by rail, including—

(A) technologies to detect a breach in a tank car and transmit information about the integrity of tank cars to the train crew;

(B) research to improve tank car integrity, with a focus on tank cars that carry high hazard materials (as defined in section 411(g));

(C) techniques to transfer hazardous materials from rail cars that are damaged or otherwise represent an unreasonable risk to human life or public safety;

(6) other projects recommended in the report required under section 402.

(b) COORDINATION WITH OTHER RESEARCH INITIATIVES.—The Under Secretary shall ensure that the research and development program under this section is coordinated with other research and development initiatives at the Department of Homeland Security and the Department of Transportation. The Under Secretary shall carry out any research and development project authorized under this section through a reimbursable agreement with the Secretary of Transportation if the Secretary—

(1) is already sponsoring a research and development project in a similar area; or

(2) has a unique facility or capability that would be useful in carrying out the project.

(c) **ACCOUNTABILITY.**—The Under Secretary shall adopt necessary procedures, including audits, to ensure that grants made under this section are expended in accordance with the purposes of this title and the priorities and other criteria developed by the Under Secretary.

(d) **AUTHORIZATION OF APPROPRIATIONS.**—There are authorized to be appropriated to the Under Secretary \$50,000,000 in each of fiscal years 2007 and 2008 to carry out the purposes of this section. Amounts appropriated pursuant to this subsection shall remain available until expended.

SEC. 14. WELDED RAIL AND TANK CAR SAFETY IMPROVEMENTS.

(a) **TRACK STANDARDS.**—Not later than 90 days after the date of the enactment of this Act, the Administrator of the Federal Railroad Administration shall—

(1) require each track owner using continuous welded rail track to include procedures to improve the identification of cracks in rail joint bars in the procedures filed with the Administration under section 213.119 of title 49, Code of Federal Regulations;

(2) instruct Administration track inspectors to obtain copies of the most recent continuous welded rail programs of each railroad within the inspectors' areas of responsibility and require that inspectors use those programs when conducting track inspections; and

(3) establish a program to—

(A) periodically review continuous welded rail joint bar inspection data from railroads and Administration track inspectors; and

(B) require railroads to increase the frequency or improve the methods of inspection of joint bars in continuous welded rail, if the Administrator determines that such increase or improvement is necessary or appropriate.

(b) **TANK CAR STANDARDS.**—The Administrator of the Federal Railroad Administration shall—

(1) not later than 1 year after the date of the enactment of this Act, validate the predictive model it is developing to quantify the relevant dynamic forces acting on railroad tank cars under accident conditions; and

(2) not later than 18 months after the date of the enactment of this Act, initiate a rulemaking to develop and implement appropriate design standards for pressurized tank cars.

(c) **OLDER TANK CAR IMPACT RESISTANCE ANALYSIS AND REPORT.**—Not later than 2 years after the date of the enactment of this Act, the Administrator of the Federal Railroad Administration shall—

(1) conduct a comprehensive analysis to determine the impact resistance of the steels in the shells of pressure tank cars constructed before 1989; and

(2) submit a report to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives that contains recommendations for measures to eliminate or mitigate the risk of catastrophic failure.

SEC. 15. NORTHERN BORDER RAIL PASSENGER REPORT.

Not later than 180 days after the date of the enactment of this Act, the Under Secretary, in consultation with the heads of other appropriate Federal departments and agencies and the National Railroad Passenger Corporation, shall submit a report to the Committee on Commerce, Science, and Transportation and Committee on Homeland Security and Governmental Affairs of the Senate and the Committee on Transpor-

tation and Infrastructure 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 pre-screened 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; and

(7) a draft of any changes in existing Federal law necessary to provide for pre-screening of such passengers and providing pre-screened passenger lists to the Department of Homeland Security.

SEC. 16. REPORT REGARDING IMPACT ON SECURITY OF TRAIN TRAVEL IN COMMUNITIES WITHOUT GRADE SEPARATION.

(a) **STUDY.**—The Secretary of Homeland Security, in consultation with State and local government officials, shall conduct a study on the impact of blocked highway-railroad grade crossings on the ability of emergency responders, including ambulances and police, fire, and other emergency vehicles, to perform public safety and security duties in the event of a terrorist attack.

(b) **REPORT.**—Not later than 1 year after the date of the enactment of this Act, the Secretary of Homeland Security shall submit a report to the Committee on Commerce, Science, and Transportation and Committee on Homeland Security and Governmental Affairs of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives that contains—

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

(2) recommendations for reducing the impact of blocked crossings on emergency response.

SEC. 17. WHISTLEBLOWER PROTECTION PROGRAM.

(a) **IN GENERAL.**—Subchapter I 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 perceived threat to security; or

"(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 perceived threat to security; or

"(3) refused to violate or assist in the violation of any law, rule or regulation related to rail security.

"(b) DISPUTE RESOLUTION.—A dispute, grievance, or claim arising under this section is subject to resolution under section 3 of the Railway Labor Act (45 U.S.C. 153). In a proceeding by the National Railroad Adjustment Board, a division or delegate of the Board, or another board of adjustment established under such section 3 to resolve the dispute, grievance, or claim the proceeding shall be expedited and the dispute, grievance, or claim shall be resolved not later than 180 days after the filing date. 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) IN GENERAL.—Except as provided in paragraph (2), 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 without the written consent of the employee.

"(2) ENFORCEMENT.—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:

"Sec. 20116. Whistleblower protection for rail security matters."

Mr. MCCAIN. I also ask unanimous consent to add Senator LIEBERMAN as a cosponsor.

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

The Senator from Hawaii.

Mr. INOUE. Mr. President, I wish to associate myself with the remarks of Mr. STEVENS.

The PRESIDING OFFICER. The Senator from Maine.

Ms. COLLINS. Mr. President, I, too, commend the Senator from Arizona for bringing this measure to the Senate floor. As Senator STEVENS has pointed out, it is directly relevant to port security because many of the containers that come into our ports by ship are then deployed throughout the country by rail. So I would argue this is directly relevant to the goal of the legislation before us.

This is a Commerce Committee matter that Senator MCCAIN has brought

up, but I did just want to let my colleagues know that it is very relevant to our goal of securing our ports. I strongly support the amendment and commend the Senator for his initiative.

Mr. GRASSLEY. Mr. President, I rise in strong support of the amendment before the Senate that's been offered as a complete substitute to H.R. 4954. This legislation could not be more timely. The anniversary of September 11 is imminent, a stark reminder that our Nation must remain vigilant in the global war on terror.

This amendment, the Port Security Improvement Act of 2006, is critically important legislation. It strengthens port security operations, both in the United States and abroad so we can prevent threats from reaching our shores in the first place.

This legislation improves existing programs for targeting and inspecting cargo containers so that a dangerous shipment doesn't enter or threaten the Nation. It provides direction for further strengthening of these programs as technological advances permit. And, it calls for greater coordination and cooperation among Federal agencies in contingency planning in the event there is a security breach.

This legislation represents a thoughtful reevaluation of how best to meet the Nation's security interests at United States seaports. We have taken a look at what has been done since 9/11. This legislation builds upon that. Terrorists have proven that they will change their ways to exploit perceived weaknesses in our defenses. We need to stay ahead of them. This legislation empowers our personnel in the Department of Homeland Security and United States Border and Customs Protection to do just that.

At the same time, this legislation includes provisions to strengthen the economic security of our Nation. It's important to remember that in addition to killing innocent Americans, the 9/11 attacks were intended to wreak economic havoc and injury upon our Nation. This legislation includes provisions that realign resources to ensure better efficiency in the administration of customs laws within the United States Customs and Border Protection. It authorizes the International Trade Data System, a forward-looking program to better utilize technology in order to increase efficiency and facilitate trade. And, it provides for added resources to better meet all of our economic and trade security interests that are overseen by the U.S. Customs and Border Protection.

In sum, this legislation is the culmination of months of hard and thoughtful work. I thank my ranking member on the Finance Committee, Senator BAUCUS, my colleagues on the Commerce Committee, Senator STEVENS and Senator INOUE, and my colleagues on the Homeland Security Committee, Senator COLLINS and Senator LIEBERMAN, with whom I have

worked so closely to bring this legislation to the floor. I urge all of my colleagues to join me in advancing this essential legislation through the Senate in a timely manner.

Ms. COLLINS. Mr. President, I want to comment on the tremendous efforts of the ranking member of the Homeland Security Committee, Senator LIEBERMAN, and the chairmen and ranking members of the Commerce and Finance Committees, Senators STEVENS, INOUE, GRASSLEY and BAUCUS. They along with their committee staffs have worked together for months to develop the bill that is before us today.

Each of the committees has its own jurisdictional interests in this bill. The Homeland Security Committee has jurisdiction over the Department of Homeland Security with its primary mission of preventing terrorist attacks against the United States and reducing vulnerabilities to such attacks. Many of the programs in this bill, including the Automated Targeting System, the Container Security Initiative, and the Customs-Trade Partnership Against Terrorism, serve the purpose of reducing vulnerabilities to terrorist attacks and are operated by the U.S. Customs and Border Protection within the Department of Homeland Security—squarely within the Homeland Security Committee's jurisdiction. Moreover, it was the committee's jurisdictional authority to study the effectiveness of government agency programs that began the evaluation of the DHS' cargo security initiatives that are improved by this bill.

The Commerce and Finance Committees also have significant jurisdictional interests. The Commerce Committee has jurisdiction over shipping and the Coast Guard. And the Finance Committee has jurisdiction over the assessment of customs duties and compliance with customs laws.

The PRESIDING OFFICER. The Senator from Alaska.

Mr. STEVENS. Mr. President, it is my understanding that there is no one else who wishes to speak on the bill or the McCain amendment at this time.

MORNING BUSINESS

Mr. STEVENS. Mr. President, on behalf of the leader, I ask unanimous consent that the Senate 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.

Mr. ALLEN. Mr. President, I ask unanimous consent that I be allowed to speak for as much time as I may consume.

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

AMERICAN ENERGY INDEPENDENCE

Mr. ALLEN. Mr. President, I rise today to offer a new vision for Amer-

ican independence, a mission that is vital for Americans and for America's homeland and national security.

We Americans have always been freedom seekers. We have been risk takers for liberty, daring to cross oceans and blaze trails across our continent, and at the same time we are reaching skyward to charter our own course into the future. We are always trying to provide a beacon to light the way for others around the world. Now is the time for us to be bold and chart our own course once again.

In this time of expanding promise and unparalleled danger in the world, we are called to come together with a clear vision and a unity of purpose worthy of a great people and a great nation.

We declared our independence from colonial masters more than two centuries ago. We declared our independence from fascism, from imperial communism, and from every other form of totalitarian oppression and brutality in the 20th century. And America belatedly strode forward to become a more perfect union with justice and opportunity for all.

In each of these challenges to our self-determination and our freedom, we not only declared our independence, we also mustered the resolve and the resources to achieve it. It is time for America to declare its independence again.

Nearly 5 years ago, on September 11, 2001, we awoke on a bright, blue-sky morning to the dark realization that a great evil still stalks our world. Out of the shocking smoke and devastation of September 11 came the realization that we are at war—at war with an extraordinarily violent ideology that seeks to pervert a great religion and murder thousands of innocent people to satisfy its thirst for power in a new caliphate from Europe to Indonesia.

Today, we find ourselves engaged in a global war against vile, maniacal terrorists—a war against many foes—including Hezbollah, al-Qaida, the Islamic Jihad, and others, but with its primary theaters being the breeding ground of radicalism and terrorism in the Middle East.

My colleagues, in this war we have our differences over the means and methods, tactics and timetables. We do not have the same conviction about the importance of every theater or every engagement. We do not all see the same causes and effects, nor do we all give credit or cast blame in the same direction.

But there comes a time where we have to set aside such differences and act not as Republicans or Democrats determined to win an election but as Americans determined to win a war, and in so doing preserve our freedom, our values, and our way of life.

Rather than petty political bickering and partisan posturing, let all of us stand together—those of us who understand the reality of the mortal danger that our irreconcilable, fanatical