

STABENOW, and Ms. SNOWE) submitted an amendment intended to be proposed by him to the bill H.R. 5441, supra; which was ordered to lie on the table.

SA 4594. Mr. VOINOVICH (for himself, Mr. BAUCUS, Mr. BIDEN, Mr. BURNS, Ms. CANTWELL, Ms. COLLINS, Mr. FEINGOLD, Mr. HARKIN, Mr. KENNEDY, Mr. KERRY, Mr. LIEBERMAN, Mrs. MURRAY, Mr. PRYOR, Mr. ROBERTS, Ms. STABENOW, Ms. SNOWE, and Mr. WARNER) submitted an amendment intended to be proposed by him to the bill H.R. 5441, supra; which was ordered to lie on the table.

SA 4595. Mr. VOINOVICH (for himself, Mr. AKAKA, Mr. LEVIN, and Mr. OBAMA) submitted an amendment intended to be proposed by him to the bill H.R. 5441, supra; which was ordered to lie on the table.

SA 4596. Mr. DOMENICI (for himself and Mr. BINGAMAN) submitted an amendment intended to be proposed by him to the bill H.R. 5441, supra; which was ordered to lie on the table.

SA 4597. Mr. DOMENICI (for himself and Mr. BINGAMAN) submitted an amendment intended to be proposed by him to the bill H.R. 5441, supra; which was ordered to lie on the table.

SA 4598. Mr. DOMENICI submitted an amendment intended to be proposed by him to the bill H.R. 5441, supra; which was ordered to lie on the table.

SA 4599. Mr. VOINOVICH submitted an amendment intended to be proposed by him to the bill H.R. 5441, supra; which was ordered to lie on the table.

SA 4600. Mr. SCHUMER (for himself and Mrs. CLINTON) submitted an amendment intended to be proposed by him to the bill H.R. 5441, supra; which was ordered to lie on the table.

SA 4601. Mr. SCHUMER submitted an amendment intended to be proposed by him to the bill H.R. 5441, supra; which was ordered to lie on the table.

SA 4602. Mr. PRYOR submitted an amendment intended to be proposed by him to the bill H.R. 5441, supra; which was ordered to lie on the table.

SA 4603. Mr. BAUCUS (for himself and Ms. CANTWELL) submitted an amendment intended to be proposed by him to the bill H.R. 5441, supra; which was ordered to lie on the table.

SA 4604. Mr. BAUCUS submitted an amendment intended to be proposed by him to the bill H.R. 5441, supra; which was ordered to lie on the table.

SA 4605. Mr. BAUCUS submitted an amendment intended to be proposed by him to the bill H.R. 5441, supra; which was ordered to lie on the table.

SA 4606. Mrs. FEINSTEIN submitted an amendment intended to be proposed by her to the bill H.R. 5441, supra; which was ordered to lie on the table.

SA 4607. Mrs. FEINSTEIN submitted an amendment intended to be proposed by her to the bill H.R. 5441, supra; which was ordered to lie on the table.

SA 4608. Mr. BIDEN (for himself and Mr. CARPER) submitted an amendment intended to be proposed by him to the bill H.R. 5441, supra; which was ordered to lie on the table.

SA 4609. Ms. CANTWELL (for herself and Mr. CRAPO) submitted an amendment intended to be proposed by her to the bill H.R. 5441, supra; which was ordered to lie on the table.

SA 4610. Mr. THUNE (for himself and Mr. TALENT) proposed an amendment to the bill H.R. 5441, supra.

SA 4611. Mrs. MURRAY submitted an amendment intended to be proposed by her to the bill H.R. 5441, supra; which was ordered to lie on the table.

SA 4612. Ms. CANTWELL submitted an amendment intended to be proposed by her

to the bill H.R. 5441, supra; which was ordered to lie on the table.

SA 4613. Mr. REED submitted an amendment intended to be proposed by him to the bill H.R. 5441, supra; which was ordered to lie on the table.

SA 4614. Mr. GREGG (for Mr. BYRD) proposed an amendment to the bill H.R. 5441, supra.

SA 4615. Mr. VITTER (for himself, Mr. INHOPE, Mr. ENZI, Mr. THUNE, Mr. BURNS, Mr. BROWNBACK, Mr. MARTINEZ, Mr. DOMENICI, Mr. GREGG, and Mr. BYRD) proposed an amendment to the bill H.R. 5441, supra.

SA 4616. Mr. DURBIN submitted an amendment intended to be proposed by him to the bill H.R. 5441, supra; which was ordered to lie on the table.

SA 4617. Mr. LEVIN (for himself, Ms. STABENOW, and Mr. VOINOVICH) submitted an amendment intended to be proposed by him to the bill H.R. 5441, supra; which was ordered to lie on the table.

SA 4618. Mr. DAYTON submitted an amendment intended to be proposed by him to the bill H.R. 5441, supra; which was ordered to lie on the table.

SA 4619. Mr. DURBIN (for himself and Mr. CARPER) submitted an amendment intended to be proposed by him to the bill H.R. 5441, supra; which was ordered to lie on the table.

SA 4620. Mr. BYRD (for himself, Mr. LIEBERMAN, and Mr. ROCKEFELLER) proposed an amendment to the bill H.R. 5441, supra.

SA 4621. Mr. BAUCUS (for himself, Ms. CANTWELL, Mrs. MURRAY, Mr. BURNS, Mr. CRAIG, and Mr. COLEMAN) proposed an amendment to the bill H.R. 5441, supra.

SA 4622. Ms. LANDRIEU submitted an amendment intended to be proposed by her to the bill H.R. 5441, supra; which was ordered to lie on the table.

SA 4623. Mrs. CLINTON submitted an amendment intended to be proposed by her to the bill H.R. 5441, supra; which was ordered to lie on the table.

SA 4624. Mr. OBAMA (for himself and Mr. COBURN) submitted an amendment intended to be proposed by him to the bill H.R. 5441, supra; which was ordered to lie on the table.

SA 4625. Mr. SUNUNU submitted an amendment intended to be proposed by him to the bill H.R. 5441, supra; which was ordered to lie on the table.

SA 4626. Mr. DODD (for himself and Mr. DEWINE) submitted an amendment intended to be proposed by him to the bill H.R. 5441, supra; which was ordered to lie on the table.

SA 4627. Mr. SESSIONS (for himself and Mr. ENSIGN) submitted an amendment intended to be proposed by him to the bill H.R. 5441, supra; which was ordered to lie on the table.

SA 4628. Mr. SESSIONS (for himself and Mr. GRASSLEY) submitted an amendment intended to be proposed by him to the bill H.R. 5441, supra; which was ordered to lie on the table.

SA 4629. Mr. SESSIONS submitted an amendment intended to be proposed by him to the bill H.R. 5441, supra; which was ordered to lie on the table.

SA 4630. Mr. SESSIONS (for himself and Mr. ENSIGN) submitted an amendment intended to be proposed by him to the bill H.R. 5441, supra; which was ordered to lie on the table.

SA 4631. Mr. SESSIONS submitted an amendment intended to be proposed by him to the bill H.R. 5441, supra; which was ordered to lie on the table.

SA 4632. Mr. LEVIN (for himself and Ms. STABENOW) submitted an amendment intended to be proposed by him to the bill H.R. 5441, supra; which was ordered to lie on the table.

SA 4633. Mr. ALLARD submitted an amendment intended to be proposed by him

to the bill H.R. 5441, supra; which was ordered to lie on the table.

SA 4634. Mr. MENENDEZ (for himself, Mr. LAUTENBERG, Mrs. CLINTON, and Mr. SCHUMER) submitted an amendment intended to be proposed by him to the bill H.R. 5441, supra.

SA 4635. Mr. CARPER submitted an amendment intended to be proposed by him to the bill H.R. 5441, supra; which was ordered to lie on the table.

SA 4636. Ms. CANTWELL submitted an amendment intended to be proposed by her to the bill H.R. 5441, supra; which was ordered to lie on the table.

SA 4637. Ms. STABENOW submitted an amendment intended to be proposed by her to the bill H.R. 5441, supra; which was ordered to lie on the table.

SA 4638. Mrs. BOXER submitted an amendment intended to be proposed by her to the bill H.R. 5441, supra; which was ordered to lie on the table.

SA 4639. Mrs. MURRAY submitted an amendment intended to be proposed by her to the bill H.R. 5441, supra; which was ordered to lie on the table.

SA 4640. Mrs. MURRAY submitted an amendment intended to be proposed by her to the bill H.R. 5441, supra; which was ordered to lie on the table.

SA 4641. Mr. DODD submitted an amendment intended to be proposed by him to the bill H.R. 5441, supra; which was ordered to lie on the table.

SA 4642. Mr. PRYOR submitted an amendment intended to be proposed by him to the bill H.R. 5441, supra; which was ordered to lie on the table.

TEXT OF AMENDMENTS

SA 4581. Mr. OBAMA (for himself and Mr. DURBIN) submitted an amendment intended to be proposed by him to the bill H.R. 5441, making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2007, and for other purposes; which was ordered to lie on the table; as follows:

On page 98, line 6, before the period insert the following: “; *Provided further*, That the Director of the Federal Emergency Management Agency shall designate the Illinois Mutual Aid Box Alarm System Urban Search and Rescue Team as part of the National Urban Search and Rescue Response System”.

SA 4582. Mrs. CLINTON (for herself and Mr. SCHUMER) submitted an amendment intended to be proposed by her to the bill H.R. 5441, making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2007, and for other purposes; which was ordered to lie on the table; as follows:

On page 127, between lines 2 and 3, insert the following:

SEC. 540. The Assistant Secretary of Homeland Security (Transportation Security Administration) shall not modify the list of items prohibited from being carried aboard a passenger aircraft operated by an air carrier or foreign air carrier in air transportation or intrastate air transportation set forth in section 1540 of title 49, Code of Federal Regulations, so as to permit any item contained on the list as of December 1, 2005, to be carried aboard a passenger aircraft.

SA 4583. Mr. COLEMAN (for himself and Ms. COLLINS, Ms. STABENOW, Ms.

SNOWE, and Mr. JEFFORDS) submitted an amendment intended to be proposed by him to the bill H.R. 5441, making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2007, and for other purposes; which was ordered to lie on the table; as follows:

Beginning on page 124, strike line 1 and all that follows through page 126, line 20, and insert the following:

SEC. 538. Section 7209(b) of the Intelligence Reform and Terrorism Prevention Act of 2004 (Public Law 108-458; 8 U.S.C. 1185 note) is amended to read as follows:

“(b) PASSPORTS, OTHER TRAVEL DOCUMENTS, AND DEMONSTRATION PROGRAMS.—

“(1) DEVELOPMENT OF PLAN AND IMPLEMENTATION.—

“(A) IN GENERAL.—The Secretary of Homeland Security, in consultation with the Secretary of State, shall develop and implement a plan as expeditiously as possible to require a passport or other document, or combination of documents, including a passport card, deemed by the Secretary of Homeland Security to be sufficient to denote identity and citizenship, for all travel into the United States by United States citizens and by categories of individuals for whom documentation requirements have previously been waived under section 212(d)(4)(B) of the Immigration and Nationality Act (8 U.S.C. 1182(d)(4)(B)). This plan shall be implemented not later than 3 months after the Secretary of State and the Secretary of Homeland Security make the certifications required in subparagraph (B), or June 1, 2009, whichever is earlier. The plan shall seek to expedite the travel of frequent travelers, including those who reside in border communities, and in doing so, shall make readily available a registered traveler program (as described in section 7208(k)).

“(B) CERTIFICATION.—The Secretary of Homeland Security and the Secretary of State shall jointly certify to the Committee on Appropriations of the Senate and the Committee on Appropriations of the House of Representatives that the following criteria have been met—

“(i) the National Institutes of Standards and Technology has certified that the card architecture meets the International Organization for Standardization ISO 14443 security standards, or justifies a deviation from such standard;

“(ii) the technology to be used by the United States for the passport card, and any subsequent change to that technology, has been shared with the governments of Canada and Mexico;

“(iii) an agreement has been reached with the United States Postal Service on the fee to be charged to an individual for processing of the passport card, and a detailed justification has been submitted to the Committee on Appropriations of the Senate and the Committee on Appropriations of the House of Representatives;

“(iv) an alternative procedure has been developed for groups of children traveling across an international border under adult supervision with parental consent;

“(v) the necessary technological infrastructure to process the passport cards has been installed, and all employees at ports of entry have been properly trained in the use of the new technology;

“(vi) the passport card has been made available for the purpose of international travel by United States citizens through land and sea ports of entry between the United States and Canada, Mexico, the Caribbean, and Bermuda;

“(vii) a single implementation date for sea and land borders has been established; and

“(viii) a pilot program has been conducted to demonstrate the effectiveness of the passport card.

“(C) REQUIREMENT TO PRODUCE DOCUMENTATION.—The plan developed under subparagraph (A) shall require all United States citizens, and categories of individuals for whom documentation requirements have previously been waived under section 212(d)(4)(B) of the Immigration and Nationality Act (8 U.S.C. 1182(d)(4)(B)), to carry and produce the documentation described in subparagraph (A) when traveling from foreign countries into the United States.

“(D) PASSPORT CARD FEES.—

“(i) LIMITATION ON FEES.—The application fee for a passport card under this paragraph shall be as low as possible and, except as provided in clause (ii), such fee may not exceed \$24.

“(ii) EXCEPTION.—

“(I) IN GENERAL.—The application fee for a passport card under this paragraph may be not exceed \$34 if the Secretary of State, the Secretary of Homeland Security, and the Postmaster General jointly certify to Congress that the cost to produce and issue a passport card significantly exceeds \$24 and provide to Congress a detailed analysis of such cost.

“(II) AUDIT.—If the fee for a passport card exceeds \$24 pursuant to subclause (I), the Comptroller General of the United States shall conduct an audit to determine whether passport cards are issued at the lowest possible cost.

“(iii) REDUCTION OF FEE.—The fee for a passport card shall be reduced for an individual who submits an application for a passport card together with an application for a United States passport.

“(iv) WAIVER OF FEE FOR CHILDREN.—The fee for a passport card shall be waived for a child under 18 years of age.

“(2) INDIVIDUALS LACKING APPROPRIATE DOCUMENTATION.—

“(A) IN GENERAL.—In addition to the program described in paragraph (1), the Secretary of Homeland Security shall establish a program that satisfies the requirements of this section—

“(i) to permit a citizen of the United States who has not been issued a United States passport or other appropriate travel document to cross the international border and return to the United States within a 72-hour period, on a limited basis, and at no additional fee; or

“(ii) to establish a process to ascertain the identity of, and make admissibility determinations for, a citizen described in subclause (i) upon the arrival of such citizen at an international border of the United States.

“(B) GRACE PERIOD.—During a time period determined by the Secretary of Homeland Security, officers of Department of Homeland Security may permit individuals who are citizens of the United States or Canada and who are unaware of the requirements of this section or who otherwise lacking appropriate documentation, to enter the United States upon a demonstration of citizenship satisfactory to the officer and shall educate such individuals about documentary requirements.

“(3) STATE ENROLLMENT DEMONSTRATION PROGRAMS.—

“(A) IN GENERAL.—Notwithstanding any other provision of law, the Secretary of State and the Secretary of Homeland Security shall enter into a memorandum of understanding with 1 or more appropriate States to carry out at least 1 demonstration program as follows:

“(i) A State may include an individual's United States citizenship status on a driver's license which meets the requirements of sec-

tion 202 of the REAL ID Act of 2005 (division B of Public Law 109-13; 49 U.S.C. 30301 note).

“(ii) The Secretary of State shall develop a mechanism to communicate with a participating State to verify the United States citizenship status of an applicant who voluntarily seeks to have the applicant's United States citizenship status included on a driver's license.

“(iii) All information collected about the individual shall be managed exclusively in the same manner as information collected through the passport application process and no other distribution or use of such information shall be permitted.

“(iv) A State may not require an individual to include the individual's citizenship status on a driver's license.

“(v) Notwithstanding any other provision of law, a driver's license which meets the requirements of this subparagraph shall be deemed to be sufficient documentation to permit the bearer to enter the United States from Canada or Mexico through not less than at least 1 designated international border crossing in each State participating in the demonstration program.

“(B) AUTHORITY TO EXPAND.—The Secretary of State and the Secretary of Homeland Security may expand the use of demonstration programs under this paragraph so that such program is carried out in additional States, through additional ports of entry, for additional foreign countries, and in a manner that permits the use of additional types of identification documents to prove identity under the program.

“(C) STUDY.—Not later than 6 months after the date that the demonstration program under this paragraph is implemented, the Comptroller General of the United States shall conduct a study of—

“(i) the cost of the production and issuance of documents that meet the requirements of the program compared with other travel documents;

“(ii) the impact of the program on the flow of cross-border traffic and the economic impact of the program; and

“(iii) the security of travel documents that meet the requirements of the program compared with other travel documents.

“(D) RULE OF CONSTRUCTION.—Nothing in this paragraph shall have the effect of creating a national identity card.

“(4) RECIPROCITY WITH CANADA.—Notwithstanding any other provision of law, if the Secretary of State and the Secretary of Homeland Security certify that certain identity documents issued by Canada (or any of its provinces) meet security and citizenship standards comparable to the requirements described in paragraph (1), the Secretary may determine that such documents are sufficient to permit entry into the United States. The Secretary of Homeland Security shall work, to the maximum extent possible, to ensure that identification documents issued by Canada that permit entry into the United States under this subparagraph contain the same technology as identification documents issued by the United States (or any State).

“(5) ADDITIONAL PILOT PROGRAMS.—To the maximum extent possible, the Secretary of Homeland Security shall seek to conduct pilot programs related to passport cards issued pursuant to this subsection and the demonstration programs described in this subsection at ports of entry located on the international border between the United States and Canada or the international border between the United States and Mexico.

“(6) EXPANSION OF NEXUS AND SENTRI TECHNOLOGY.—The Secretary of Homeland Security, in consultation with the appropriate officials of the Government of Canada, shall

equip at least 6 additional ports of entry located along the northern international border of the United States with NEXUS technology and 6 additional ports of entry located along the southern international border of the United States with SENTRI technology.

“(7) BOAT LANDING PROGRAMS.—The Secretary of Homeland Security shall conduct and expand trusted traveler programs and pilot programs to facilitate expedited processing of United States citizens returning from pleasure craft trips in Canada, Mexico, the Caribbean, or Bermuda. The Secretary shall conduct one such program in Florida that is modeled on the Department of Homeland Security’s Canadian Border Boat Landing (I-68) Program.

“(8) PUBLIC INFORMATION.—The Secretary of State, in consultation with the Secretary of Homeland Security, shall develop and implement an outreach plan to inform United States citizens of the initiatives and programs carried out under this subsection and of the other provisions of this Act, to facilitate the acquisition of appropriate documentation to travel to Canada, Mexico, the countries located in the Caribbean, and Bermuda, and to educate United States citizens who are unaware of the requirements for such travel. Such outreach plan should include—

“(A) written notifications posted at or near public facilities, including border crossings, schools, libraries, Amtrak stations, and United States Post Offices located within 50 miles of the international border between the United States and Canada or the international border between the United States and Mexico and other ports of entry;

“(B) provisions to seek consent to post such notifications on commercial property, such as offices of State departments of motor vehicles, gas stations, supermarkets, convenience stores, hotels, and travel agencies;

“(C) the collection and analysis of data to measure the success of the public promotion plan; and

“(D) additional activities that the Secretary of State determines are appropriate.”.

SA 4584. Mr. COLEMAN submitted an amendment intended to be proposed by him to the bill H.R. 5441, making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2007, and for other purposes; which was ordered to lie on the table; as follows:

On page 127, between lines 2 and 3, insert the following:

SEC. 540. (a) The Comptroller General of the United States, in consultation with the Secretary of Homeland Security, shall conduct a study to examine the feasibility of establishing a northern border training facility at Rainy River Community College in International Falls, Minnesota to carry out the training programs described in this subsection.

(b) The training facility should be designed to allow the Secretary to conduct a variety of supplemental and periodic training programs for border security personnel stationed along the northern international border between the United States and Canada.

(c) The training curriculum, as determined by the Secretary, would be offered at the training facility through multi-day training programs involving classroom and real-world applications, and would include training in—

(1) a variety of disciplines relating to offensive and defensive skills for personnel and vehicle safety, including—

- (A) firearms and weapons;
- (B) self defense;

- (C) search and seizure;
- (D) defensive and high speed driving;
- (E) mobility training;
- (F) the use of all-terrain vehicles, watercraft, aircraft and snowmobiles; and
- (G) safety issues related to biological and chemical hazards;
- (2) technology upgrades and integration; and
- (3) matters relating directly to terrorist threats and issues, including—

- (A) profiling;
- (B) changing tactics;
- (C) language;
- (D) culture; and
- (E) communications.

SA 4585. Mr. COBURN submitted an amendment intended to be proposed by him to the bill H.R. 5441, making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2007, and for other purposes; as follows:

After section 539, insert the following:

SEC. 540. None of the amounts available or otherwise available to the Coast Guard under title II of this Act under the heading “UNITED STATES COAST GUARD” under the heading “OPERATING EXPENSES” may be obligated or expended for the continuation of operations at Long Range Aids to Navigation (LORAN) stations nationwide.

SA 4586. Mr. SCHUMER submitted an amendment intended to be proposed by him to the bill H.R. 5441, making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2007, and for other purposes; which was ordered to lie on the table; as follows:

On page 127, between lines 2 and 3, insert the following:

SEC. 540. None of the funds appropriated under this Act may be used to promulgate regulations to implement the plan developed under section 7209(b) of the 9/11 Commission Implementation Act of 2004 (8 U.S.C. 1185 note) unless the fee charged for a PASS card or any other acceptable border crossing document issued by the Department of State or the Department of Homeland Security pursuant to that plan is—

- (1) not more than \$20 per document; and
- (2) waived for all children under the age of 18.

SA 4587. Mr. SCHUMER (for himself, Mr. MENENDEZ, Mrs. CLINTON, Mrs. BOXER, and Mr. REED) submitted an amendment intended to be proposed by him to the bill H.R. 5441, making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2007, and for other purposes; as follows:

On page 91, line 6, strike “\$2,393,500,000” and insert “\$2,693,500,000”.

On page 91, line 22, strike “\$1,172,000,000” and insert “\$1,472,000,000”.

On page 92, line 13, strike “\$150,000,000” and insert “\$450,000,000”.

On page 92, line 16, insert “: *Provided*, That not less than \$50,000,000 shall be made available for grants for transit and intercity passenger rail security research and development: *Provided further*, That not less than \$50,000,000 shall be made available for grants for overtime compensation in high threat areas” after “transit security grants: *Provided further*, That the amount provided under this subparagraph is designated as an emergency requirement pursuant to section

402 of S. Con. Res. 83 (109th Congress), the concurrent resolution on the budget for fiscal year 2007, as made applicable in the Senate by section 7035 of Public Law 109-234” after “security grants”.

SA 4588. Mr. SCHUMER submitted an amendment intended to be proposed by him to the bill H.R. 5441, making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2007, and for other purposes; which was ordered to lie on the table; as follows:

On page 80, line 19, strike “\$37,200,000, to remain available until September 30, 2008.” and insert “\$87,200,000, to remain available until September 30, 2008, of which \$50,000,000 shall be made available to develop and implement a system, either directly or by providing technical and financial assistance to motor carriers through a competitive grant program, to enable motor carriers and the Department of Homeland Security to immediately identify the exact location of a commercial motor vehicle carrying a hazardous materials shipment (as defined in section 385.403 of title 49, Code of Federal Regulations): *Provided*, That the amount provided under this header is designated as an emergency requirement pursuant to section 402 of S. Con. Res. 83 (109th Congress), the concurrent resolution on the budget for fiscal year 2007, as made applicable in the Senate by section 7035 of Public Law 109-234.”.

SA 4589. Mr. COBURN proposed an amendment to the bill H.R. 5441, making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2007, and for other purposes; as follows:

At the appropriate place, add the following:

Notwithstanding any other provision of this act, the amount made available in title III of this Act under the heading “Office for Domestic Preparedness, State and Local Programs” is reduced by \$25,000,000 and the amount made available under such heading for “training, exercises, technical assistance, and other programs” is reduced by \$25,000,000.

SA 4590. Mr. COBURN proposed an amendment to the bill H.R. 5441, making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2007, and for other purposes; as follows:

On page 127, between lines 2 and 3 insert the following:

SEC. _____. Notwithstanding any other provision of this Act, \$1,000,000 shall be made available from appropriations for training, exercises, technical assistance, and other programs under paragraph (4) under the subheading “STATE AND LOCAL PROGRAMS” under the heading “OFFICE FOR DOMESTIC PREPAREDNESS” under title III, for the Chief Financial Officer of the Department of Homeland Security to ensure compliance with the Improper Payments Information Act of 2002 (31 U.S.C. 3321 note).

SA 4591. Mr. BINGAMAN (for himself, Mr. DOMENICI, Mr. CORNYN, Mrs. HUTCHISON) proposed an amendment to the bill H.R. 5441, making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2007, and for other purposes; as follows:

On page 127, between lines 2 and 3, insert the following:

TITLE VI—BORDER LAW ENFORCEMENT RELIEF ACT

SEC. 601. SHORT TITLE.

This title may be cited as the “Border Law Enforcement Relief Act of 2006”.

SEC. 602. FINDINGS.

Congress finds the following:

(1) It is the obligation of the Federal Government of the United States to adequately secure the Nation’s borders and prevent the flow of undocumented persons and illegal drugs into the United States.

(2) Despite the fact that the United States Border Patrol apprehends over 1,000,000 people each year trying to illegally enter the United States, according to the Congressional Research Service, the net growth in the number of unauthorized aliens has increased by approximately 500,000 each year. The Southwest border accounts for approximately 94 percent of all migrant apprehensions each year. Currently, there are an estimated 11,000,000 unauthorized aliens in the United States.

(3) The border region is also a major corridor for the shipment of drugs. According to the El Paso Intelligence Center, 65 percent of the narcotics that are sold in the markets of the United States enter the country through the Southwest Border.

(4) Border communities continue to incur significant costs due to the lack of adequate border security. A 2001 study by the United States-Mexico Border Counties Coalition found that law enforcement and criminal justice expenses associated with illegal immigration exceed \$89,000,000 annually for the Southwest border counties.

(5) In August 2005, the States of New Mexico and Arizona declared states of emergency in order to provide local law enforcement immediate assistance in addressing criminal activity along the Southwest border.

(6) While the Federal Government provides States and localities assistance in covering costs related to the detention of certain criminal aliens and the prosecution of Federal drug cases, local law enforcement along the border are provided no assistance in covering such expenses and must use their limited resources to combat drug trafficking, human smuggling, kidnappings, the destruction of private property, and other border-related crimes.

(7) The United States shares 5,525 miles of border with Canada and 1,989 miles with Mexico. Many of the local law enforcement agencies located along the border are small, rural departments charged with patrolling large areas of land. Counties along the Southwest United States-Mexico border are some of the poorest in the country and lack the financial resources to cover the additional costs associated with illegal immigration, drug trafficking, and other border-related crimes.

(8) Federal assistance is required to help local law enforcement operating along the border address the unique challenges that arise as a result of their proximity to an international border and the lack of overall border security in the region.

SEC. 603. BORDER RELIEF GRANT PROGRAM.

(a) GRANTS AUTHORIZED.—

(1) IN GENERAL.—The Secretary is authorized to award grants, subject to the availability of appropriations, to an eligible law enforcement agency to provide assistance to such agency to address—

(A) criminal activity that occurs in the jurisdiction of such agency by virtue of such agency’s proximity to the United States border; and

(B) the impact of any lack of security along the United States border.

(2) DURATION.—Grants may be awarded under this subsection during fiscal years 2007 through 2011.

(3) COMPETITIVE BASIS.—The Secretary shall award grants under this subsection on a competitive basis, except that the Secretary shall give priority to applications from any eligible law enforcement agency serving a community—

(A) with a population of less than 50,000; and

(B) located no more than 100 miles from a United States border with—

(i) Canada; or

(ii) Mexico.

(b) USE OF FUNDS.—Grants awarded pursuant to subsection (a) may only be used to provide additional resources for an eligible law enforcement agency to address criminal activity occurring along any such border, including—

(1) to obtain equipment;

(2) to hire additional personnel;

(3) to upgrade and maintain law enforcement technology;

(4) to cover operational costs, including overtime and transportation costs; and

(5) such other resources as are available to assist that agency.

(c) APPLICATION.—

(1) IN GENERAL.—Each eligible law enforcement agency seeking a grant under this section shall submit an application to the Secretary at such time, in such manner, and accompanied by such information as the Secretary may reasonably require.

(2) CONTENTS.—Each application submitted pursuant to paragraph (1) shall—

(A) describe the activities for which assistance under this section is sought; and

(B) provide such additional assurances as the Secretary determines to be essential to ensure compliance with the requirements of this section.

(d) DEFINITIONS.—For the purposes of this section:

(1) ELIGIBLE LAW ENFORCEMENT AGENCY.—The term “eligible law enforcement agency” means a tribal, State, or local law enforcement agency—

(A) located in a county no more than 100 miles from a United States border with—

(i) Canada; or

(ii) Mexico; or

(B) located in a county more than 100 miles from any such border, but where such county has been certified by the Secretary as a High Impact Area.

(2) HIGH IMPACT AREA.—The term “High Impact Area” means any county designated by the Secretary as such, taking into consideration—

(A) whether local law enforcement agencies in that county have the resources to protect the lives, property, safety, or welfare of the residents of that county;

(B) the relationship between any lack of security along the United States border and the rise, if any, of criminal activity in that county; and

(C) any other unique challenges that local law enforcement face due to a lack of security along the United States border.

(3) SECRETARY.—The term “Secretary” means the Secretary of the Department of Homeland Security.

(e) AUTHORIZATION OF APPROPRIATIONS.—

(1) IN GENERAL.—There are authorized to be appropriated \$50,000,000 for each of fiscal years 2007 through 2011 to carry out the provisions of this section.

(2) DIVISION OF AUTHORIZED FUNDS.—Of the amounts authorized under paragraph (1)—

(A) $\frac{3}{4}$ shall be set aside for eligible law enforcement agencies located in the 6 States with the largest number of undocumented alien apprehensions; and

(B) $\frac{1}{4}$ shall be set aside for areas designated as a High Impact Area under subsection (d).

(f) SUPPLEMENT NOT SUPPLANT.—Amounts appropriated for grants under this section shall be used to supplement and not supplant other State and local public funds obligated for the purposes provided under this title.

SEC. 604. ENFORCEMENT OF FEDERAL IMMIGRATION LAW.

Nothing in this title shall be construed to authorize State or local law enforcement agencies or their officers to exercise Federal immigration law enforcement authority.

SA 4592. Mr. FEINGOLD submitted an amendment intended to be proposed by him to the bill H.R. 5441, making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2007, and for other purposes; which was ordered to lie on the table; as follows:

On page 127, between lines 2 and 3, insert the following:

SEC. 540. (a) The Transportation Security Administration shall require each air carrier and foreign air carrier that provides air transportation or intrastate air transportation to submit plans to the Transportation Security Administration on how such air carrier will participate in the voluntary provision of emergency services program established by section 4494(a) of title 49, United States Code.

(b)(1) Not more than 90 days after the date of the enactment of this Act, the Transportation Security Administration shall prepare a report that contains the following:

(A) Procedures that qualified individuals need to follow in order to participate in the program described in subsection (a).

(B) Relevant contacts for individuals interested in participating in the program described in subsection (a).

(2) The Transportation Security Administration shall make the report required by paragraph (1) available, by Internet web site or other appropriate method, to the following:

(A) The Congress.

(B) The emergency response agency of each State.

(C) The relevant organizations representing individuals to participate in the program.

SA 4593. Mr. VOINOVICH (for himself, Mr. BAUCUS, Mr. BIDEN, Mr. BURNS, Ms. CANTWELL, Mr. FEINGOLD, Mr. HARKIN, Mr. KENNEDY, Mr. KERRY, Mr. LIEBERMAN, Mrs. MURRAY, Mr. PRYOR, Mr. ROBERTS, Ms. STABENOW, and Ms. SNOWE) submitted an amendment intended to be proposed by him to the bill H.R. 5441, making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2007, and for other purposes; which was ordered to lie on the table; as follows:

On page 95, line 5, strike “\$205,000,000” and insert “\$235,000,000”.

On page 98, line 24, strike “\$1,640,000,000” and insert “\$1,610,000,000”.

SA 4594. Mr. VOINOVICH (for himself, Mr. BAUCUS, Mr. BIDEN, Mr. BURNS, Ms. CANTWELL, Ms. COLLINS, Mr. FEINGOLD, Mr. HARKIN, Mr. KENNEDY, Mr. KERRY, Mr. LIEBERMAN, Mrs. MURRAY, Mr. PRYOR, Mr. ROBERTS, Ms. STABENOW, Ms. SNOWE, and Mr. WARNER) submitted an amendment intended to be proposed by him to the bill H.R. 5441, making appropriations

for the Department of Homeland Security for the fiscal year ending September 30, 2007, and for other purposes; which was ordered to lie on the table; as follows:

On page 95, line 5, strike “\$205,000,000” and insert “\$220,000,000”.

On page 98, line 24, strike “\$1,640,000,000” and insert “\$1,625,000,000”.

SA 4595. Mr. VOINOVICH (for himself, Mr. AKAKA, Mr. LEVIN, and Mr. OBAMA) submitted an amendment intended to be proposed by him to the bill H.R. 5441, making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2007, and for other purposes; which was ordered to lie on the table; as follows:

On page 127, between lines 2 and 3, insert the following:

SEC. ____ DEPUTY SECRETARY OF HOMELAND SECURITY FOR MANAGEMENT.

(a) **ESTABLISHMENT AND SUCCESSION.**—Section 103 of the Homeland Security Act of 2002 (6 U.S.C. 113) is amended—

(1) in subsection (a)—

(A) in the subsection heading, by striking “DEPUTY SECRETARY” and inserting “DEPUTY SECRETARIES”;

(B) by striking paragraph (7);

(C) by redesignating paragraphs (2) through (6) as paragraphs (3) through (7), respectively; and

(D) by striking paragraph (1) and inserting the following:

“(1) A Deputy Secretary of Homeland Security.

“(2) A Deputy Secretary of Homeland Security for Management.”; and

(2) by adding at the end the following:

“(g) **VACANCIES.**—

“(1) **VACANCY IN OFFICE OF SECRETARY.**—

“(A) **DEPUTY SECRETARY.**—In case of a vacancy in the office of the Secretary, or of the absence or disability of the Secretary, the Deputy Secretary of Homeland Security may exercise all the duties of that office, and for the purpose of section 3345 of title 5, United States Code, the Deputy Secretary of Homeland Security is the first assistant to the Secretary.

“(B) **DEPUTY SECRETARY FOR MANAGEMENT.**—When by reason of absence, disability, or vacancy in office, neither the Secretary nor the Deputy Secretary of Homeland Security is available to exercise the duties of the office of the Secretary, the Deputy Secretary of Homeland Security for Management shall act as Secretary.

“(2) **VACANCY IN OFFICE OF DEPUTY SECRETARY.**—In the case of a vacancy in the office of the Deputy Secretary of Homeland Security, or of the absence or disability of the Deputy Secretary of Homeland Security, the Deputy Secretary of Homeland Security for Management may exercise all the duties of that office.

“(3) **FURTHER ORDER OF SUCCESSION.**—The Secretary may designate such other officers of the Department in further order of succession to act as Secretary.”.

(b) **RESPONSIBILITIES.**—Section 701 of the Homeland Security Act of 2002 (6 U.S.C. 341) is amended—

(1) in the section heading, by striking “UNDER SECRETARY” and inserting “DEPUTY SECRETARY OF HOMELAND SECURITY”;

(2) in subsection (a)—

(A) by inserting “The Deputy Secretary of Homeland Security for Management shall serve as the Chief Management Officer and principal advisor to the Secretary on mat-

ters related to the management of the Department, including management integration and transformation in support of homeland security operations and programs.” before “The Secretary”;

(B) by striking “Under Secretary for Management” and inserting “Deputy Secretary of Homeland Security for Management”;

(C) by striking paragraph (7) and inserting the following:

“(7) Strategic planning and annual performance planning and identification and tracking of performance measures relating to the responsibilities of the Department.”; and

(D) by striking paragraph (9), and inserting the following:

“(9) The integration and transformation process, to ensure an efficient and orderly consolidation of functions and personnel to the Department, including the development of a management integration strategy for the Department.”; and

(3) in subsection (b)—

(A) in paragraph (1), by striking “Under Secretary for Management” and inserting “Deputy Secretary of Homeland Security for Management”; and

(B) in paragraph (2), by striking “Under Secretary for Management” and inserting “Deputy Secretary of Homeland Security for Management”.

(c) **APPOINTMENT, EVALUATION, AND REAPPOINTMENT.**—Section 701 of the Homeland Security Act of 2002 (6 U.S.C. 341), as amended by this Act, is further amended by adding at the end the following:

“(c) **APPOINTMENT, EVALUATION, AND REAPPOINTMENT.**—The Deputy Secretary of Homeland Security for Management—

“(1) shall be appointed by the President, by and with the advice and consent of the Senate, from among persons who have—

“(A) extensive executive level leadership and management experience in the public or private sector;

“(B) strong leadership skills;

“(C) a demonstrated ability to manage large and complex organizations; and

“(D) a proven record in achieving positive operational results;

“(2) shall—

“(A) serve for a term of 5 years; and

“(B) be subject to removal by the President if the President—

“(i) finds that the performance of the Deputy Secretary of Homeland Security for Management is unsatisfactory; and

“(ii) communicates the reasons for removing the Deputy Secretary of Homeland Security for Management to Congress before such removal;

“(3) may be reappointed in accordance with paragraph (1), if the Secretary has made a satisfactory determination under paragraph (5) for the 3 most recent performance years;

“(4) shall enter into an annual performance agreement with the Secretary that shall set forth measurable individual and organizational goals; and

“(5) shall be subject to an annual performance evaluation by the Secretary, who shall determine as part of each such evaluation whether the Deputy Secretary of Homeland Security for Management has made satisfactory progress toward achieving the goals set out in the performance agreement required under paragraph (4).”.

(d) **INCUMBENT.**—The individual who serves in the position of Under Secretary for Management of the Department of Homeland Security on the date of enactment of this Act—

(1) may perform all the duties of the Deputy Secretary of Homeland Security for Management at the pleasure of the President, until a Deputy Secretary of Homeland Security for Management is appointed in accordance with subsection (c) of section 701 of

the Homeland Security Act of 2002 (6 U.S.C. 341), as added by this Act; and

(2) may be appointed Deputy Secretary of Homeland Security for Management, if such appointment is otherwise in accordance with sections 103 and 701 of the Homeland Security Act of 2002 (6 U.S.C. 113 and 341), as amended by this Act.

(e) **REFERENCES.**—References in any other Federal law, Executive order, rule, regulation, or delegation of authority, or any document of or relating to the Under Secretary for Management of the Department of Homeland Security shall be deemed to refer to the Deputy Secretary of Homeland Security for Management.

(f) **TECHNICAL AND CONFORMING AMENDMENTS.**—

(1) **OTHER REFERENCE.**—Section 702(a) of the Homeland Security Act of 2002 (6 U.S.C. 342(a)) is amended by striking “Under Secretary for Management” and inserting “Deputy Secretary of Homeland Security for Management”.

(2) **TABLE OF CONTENTS.**—The table of contents in section 1(b) of the Homeland Security Act of 2002 (6 U.S.C. 101(b)) is amended by striking the item relating to section 701 and inserting the following:

“Sec. 701. Deputy Secretary of Homeland Security for Management.”.

(3) **EXECUTIVE SCHEDULE.**—Section 5313 of title 5, United States Code, is amended by inserting after the item relating to the Deputy Secretary of Homeland Security the following:

“Deputy Secretary of Homeland Security for Management.”.

SA 4596. Mr. DOMENICI (for himself and Mr. BINGAMAN) submitted an amendment intended to be proposed by him to the bill H.R. 5441, making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2007, and for other purposes; which was ordered to lie on the table; as follows:

On page 127, between lines 2 and 3, insert the following:

TITLE VI—BORDER INFRASTRUCTURE AND TECHNOLOGY MODERNIZATION

SEC. 601. SHORT TITLE.

This title may be cited as the “Border Infrastructure and Technology Modernization Act”.

SEC. 602. DEFINITIONS.

In this title:

(1) **COMMISSIONER.**—The term “Commissioner” means the Commissioner of United States Customs and Border Protection of the Department of Homeland Security.

(2) **MAQUILADORA.**—The term “maquiladora” means an entity located in Mexico that assembles and produces goods from imported parts for export to the United States.

(3) **NORTHERN BORDER.**—The term “northern border” means the international border between the United States and Canada.

(4) **SOUTHERN BORDER.**—The term “southern border” means the international border between the United States and Mexico.

(5) **UNDER SECRETARY.**—The term “Under Secretary” means the Under Secretary for Border and Transportation Security of the Department of Homeland Security.

SEC. 603. HIRING AND TRAINING OF BORDER AND TRANSPORTATION SECURITY PERSONNEL.

(a) **INSPECTORS AND AGENTS.**—

(1) **INCREASE IN INSPECTORS AND AGENTS.**—During each of the fiscal years 2008 through 2012, the Under Secretary shall—

(A) increase the number of full-time agents and associated support staff in the Bureau of

Immigration and Customs Enforcement of the Department of Homeland Security by the equivalent of at least 100 more than the number of such employees in the Bureau as of the end of the preceding fiscal year; and

(B) increase the number of full-time inspectors and associated support staff in the Bureau of Customs and Border Protection by the equivalent of at least 200 more than the number of such employees in the Bureau as of the end of the preceding fiscal year.

(2) **WAIVER OF FTE LIMITATION.**—The Under Secretary is authorized to waive any limitation on the number of full-time equivalent personnel assigned to the Department of Homeland Security to fulfill the requirements of paragraph (1).

(b) **TRAINING.**—The Under Secretary shall provide appropriate training for agents, inspectors, and associated support staff on an ongoing basis to utilize new technologies and to ensure that the proficiency levels of such personnel are acceptable to protect the borders of the United States.

SEC. 604. PORT OF ENTRY INFRASTRUCTURE ASSESSMENT STUDY.

(a) **REQUIREMENT TO UPDATE.**—Not later than January 31 of each year, the Administrator of General Services shall update the Port of Entry Infrastructure Assessment Study prepared by the Bureau of Customs and Border Protection in accordance with the matter relating to the ports of entry infrastructure assessment that is set out in the joint explanatory statement in the conference report accompanying H.R. 2490 of the 106th Congress, 1st session (House of Representatives Rep. No. 106-319, on page 67) and submit such updated study to Congress.

(b) **CONSULTATION.**—In preparing the updated studies required in subsection (a), the Administrator of General Services shall consult with the Director of the Office of Management and Budget, the Under Secretary, and the Commissioner.

(c) **CONTENT.**—Each updated study required in subsection (a) shall—

(1) identify port of entry infrastructure and technology improvement projects that would enhance border security and facilitate the flow of legitimate commerce if implemented;

(2) include the projects identified in the National Land Border Security Plan required by section 605; and

(3) prioritize the projects described in paragraphs (1) and (2) based on the ability of a project to—

(A) fulfill immediate security requirements; and

(B) facilitate trade across the borders of the United States.

(d) **PROJECT IMPLEMENTATION.**—The Commissioner shall implement the infrastructure and technology improvement projects described in subsection (c) in the order of priority assigned to each project under subsection (c)(3).

(e) **DIVERGENCE FROM PRIORITIES.**—The Commissioner may diverge from the priority order if the Commissioner determines that significantly changed circumstances, such as immediate security needs or changes in infrastructure in Mexico or Canada, compellingly alter the need for a project in the United States.

SEC. 605. NATIONAL LAND BORDER SECURITY PLAN.

(a) **IN GENERAL.**—Not later than January 31 of each year, the Under Secretary, after consultation with the Under Secretary for Information Analysis and Infrastructure Protection and representatives of Federal, State, and local law enforcement agencies and private entities that are involved in international trade across the northern border or the southern border, shall submit a National Land Border Security Plan to Congress.

(b) **VULNERABILITY ASSESSMENT.**—

(1) **IN GENERAL.**—The plan required in subsection (a) shall include a vulnerability assessment of each port of entry located on the northern border or the southern border.

(2) **PORT SECURITY COORDINATORS.**—The Under Secretary may establish 1 or more port security coordinators at each port of entry located on the northern border or the southern border—

(A) to assist in conducting a vulnerability assessment at such port; and

(B) to provide other assistance with the preparation of the plan required in subsection (a).

SEC. 606. EXPANSION OF COMMERCE SECURITY PROGRAMS.

(a) **CUSTOMS-TRADE PARTNERSHIP AGAINST TERRORISM.**—

(1) **IN GENERAL.**—Not later than 180 days after the date of enactment of this Act, the Commissioner, in consultation with the Under Secretary, shall develop a plan to expand the size and scope, including personnel, of the Customs-Trade Partnership Against Terrorism programs along the northern border and southern border, including—

(A) the Business Anti-Smuggling Coalition;

(B) the Carrier Initiative Program;

(C) the Americas Counter Smuggling Initiative;

(D) the Container Security Initiative;

(E) the Free and Secure Trade Initiative; and

(F) other Industry Partnership Programs administered by the Commissioner.

(2) **SOUTHERN BORDER DEMONSTRATION PROGRAM.**—Not later than 180 days after the date of enactment of this Act, the Commissioner shall implement, on a demonstration basis, at least 1 Customs-Trade Partnership Against Terrorism program, which has been successfully implemented along the northern border, along the southern border.

(b) **MAQUILADORA DEMONSTRATION PROGRAM.**—Not later than 180 days after the date of enactment of this Act, the Commissioner shall establish a demonstration program to develop a cooperative trade security system to improve supply chain security.

SEC. 607. PORT OF ENTRY TECHNOLOGY DEMONSTRATION PROGRAM.

(a) **ESTABLISHMENT.**—The Under Secretary shall carry out a technology demonstration program to—

(1) test and evaluate new port of entry technologies;

(2) refine port of entry technologies and operational concepts; and

(3) train personnel under realistic conditions.

(b) **TECHNOLOGY AND FACILITIES.**—

(1) **TECHNOLOGY TESTING.**—Under the technology demonstration program, the Under Secretary shall test technologies that enhance port of entry operations, including operations related to—

(A) inspections;

(B) communications;

(C) port tracking;

(D) identification of persons and cargo;

(E) sensory devices;

(F) personal detection;

(G) decision support; and

(H) the detection and identification of weapons of mass destruction.

(2) **DEVELOPMENT OF FACILITIES.**—At a demonstration site selected pursuant to subsection (c)(2), the Under Secretary shall develop facilities to provide appropriate training to law enforcement personnel who have responsibility for border security, including—

(A) cross-training among agencies;

(B) advanced law enforcement training; and

(C) equipment orientation.

(c) **DEMONSTRATION SITES.**—

(1) **NUMBER.**—The Under Secretary shall carry out the demonstration program at not less than 3 sites and not more than 5 sites.

(2) **SELECTION CRITERIA.**—To ensure that at least 1 of the facilities selected as a port of entry demonstration site for the demonstration program has the most up-to-date design, contains sufficient space to conduct the demonstration program, has a traffic volume low enough to easily incorporate new technologies without interrupting normal processing activity, and can efficiently carry out demonstration and port of entry operations, at least 1 port of entry selected as a demonstration site shall—

(A) have been established not more than 15 years before the date of the enactment of this Act;

(B) consist of not less than 65 acres, with the possibility of expansion to not less than 25 adjacent acres; and

(C) have serviced an average of not more than 50,000 vehicles per month during the 1-year period ending on the date of the enactment of this Act.

(d) **RELATIONSHIP WITH OTHER AGENCIES.**—The Under Secretary shall permit personnel from an appropriate Federal or State agency to utilize a demonstration site described in subsection (c) to test technologies that enhance port of entry operations, including technologies described in subparagraphs (A) through (H) of subsection (b)(1).

(e) **REPORT.**—

(1) **REQUIREMENT.**—Not later than 1 year after the date of the enactment of this Act, and annually thereafter, the Under Secretary shall submit to Congress a report on the activities carried out at each demonstration site under the technology demonstration program established under this section.

(2) **CONTENT.**—The report submitted under paragraph (1) shall include an assessment by the Under Secretary of the feasibility of incorporating any demonstrated technology for use throughout the Bureau of Customs and Border Protection.

SEC. 608. AUTHORIZATION OF APPROPRIATIONS.

(a) **IN GENERAL.**—In addition to any funds otherwise available, there are authorized to be appropriated—

(1) such sums as may be necessary for the fiscal years 2008 through 2012 to carry out section 603;

(2) such sums as may be necessary for the fiscal years 2008 through 2012 to carry out the provisions of section 604(a);

(3) to carry out section 604(d)—

(A) \$100,000,000 for each of the fiscal years 2008 through 2012; and

(B) such sums as may be necessary in any succeeding fiscal year;

(4) to carry out section 606(a)—

(A) \$30,000,000 for fiscal year 2008, of which \$5,000,000 shall be made available to fund the demonstration project established in section 606(a)(2); and

(B) such sums as may be necessary for the fiscal years 2009 through 2012; and

(5) to carry out section 606(b)—

(A) \$5,000,000 for fiscal year 2008; and

(B) such sums as may be necessary for the fiscal years 2009 through 2012; and

(6) to carry out section 607, provided that not more than \$10,000,000 may be expended for technology demonstration program activities at any 1 port of entry demonstration site in any fiscal year—

(A) \$50,000,000 for fiscal year 2008; and

(B) such sums as may be necessary for each of the fiscal years 2009 through 2012.

(b) **INTERNATIONAL AGREEMENTS.**—Amounts authorized to be appropriated under this title may be used for the implementation of

projects described in the Declaration on Embracing Technology and Cooperation to Promote the Secure and Efficient Flow of People and Commerce across our Shared Border between the United States and Mexico, agreed to March 22, 2002, Monterrey, Mexico (commonly known as the Border Partnership Action Plan) or the Smart Border Declaration between the United States and Canada, agreed to December 12, 2001, Ottawa, Canada that are consistent with the provisions of this title.

SA 4597. Mr. DOMENICI (for himself and Mr. BINGAMAN) submitted an amendment intended to be proposed by him to the bill H.R. 5441, making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2007, and for other purposes; which was ordered to lie on the table; as follows:

On page 127, between lines 2 and 3, insert the following:

SEC. 540. (a) None of the funds made available in this Act may be used to prohibit a Mexican national described in section 212.1(c)(1)(i) of title 8 of the Code of Federal Regulations (as in effect on the date of the enactment of this Act), from traveling in the United States within 100 miles of an international border.

(b) The Secretary of Homeland Security may permit a Mexican national described in subsection (a) to travel beyond the limits specified in such subsection.

SA 4598. Mr. DOMENICI submitted an amendment intended to be proposed by him to the bill H.R. 5441, making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2007, and for other purposes; which was ordered to lie on the table; as follows:

On page 127, between lines 2 and 3, insert the following:

SEC. 540. EXPANSION OF THE NATIONAL INFRASTRUCTURE SIMULATION AND ANALYSIS CENTER.

(a) DEFINITIONS.—In this section:

(1) CRITICAL INFRASTRUCTURE.—The term “critical infrastructure” has the meaning given the term in section 1016(e) of the USA PATRIOT Act (42 U.S.C. 5195c(e)).

(2) EMERGENCY AND MAJOR DISASTER.—The terms “emergency” and “major disaster” have the meanings given the terms in section 102 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5122).

(3) NATIONAL INFRASTRUCTURE SIMULATION AND ANALYSIS CENTER.—The term “National Infrastructure Simulation and Analysis Center” means the National Infrastructure Simulation and Analysis Center established under section 1016(d) of the USA PATRIOT Act (42 U.S.C. 5195c(d)).

(4) NATIONAL RESPONSE PLAN.—The term “National Response Plan” means the National Response Plan developed under section 502(6) of the Homeland Security Act of 2002 (6 U.S.C. 312(6)), or any successor plan.

(5) PROTECT.—The term “protect” means to reduce the vulnerability of critical infrastructure in order to deter, mitigate, or neutralize an emergency, major disaster, terrorist attack, or other catastrophic event.

(b) EXPANSION OF AUTHORITY.—

(1) IN GENERAL.—The National Infrastructure Simulation and Analysis Center shall serve as a source of national competence to address critical infrastructure protection and continuity through support for activities related to an emergency, major disaster, terrorist attack, or other catastrophic event.

(2) NATIONAL RESPONSE PLAN.—The Secretary of Homeland Security shall ensure that the National Response Plan directs the National Infrastructure Simulation and Analysis Center to—

(A) identify critical infrastructure that may be at risk during an emergency, major disaster, terrorist attack, or other catastrophic event; and

(B) develop plans to protect the critical infrastructure described in subparagraph (A).

(3) INFRASTRUCTURE MODELING.—

(A) IN GENERAL.—The National Infrastructure Simulation and Analysis Center is the primary agency of the Federal Government for modeling and analysis of infrastructure preparedness, response, and recovery activities.

(B) INFORMATION FROM OTHER AGENCIES.—Each Federal agency and department shall provide the National Infrastructure Simulation and Analysis Center with any modeling, simulation, analysis, or data relating to infrastructure preparedness, response, or recovery activities available to such agency or department.

(C) ANALYSIS.—The National Infrastructure Simulation and Analysis Center shall—

(i) analyze all infrastructure modeling provided under subparagraph (B); and

(ii) on a timely basis, share its analysis with all relevant Federal agencies and departments.

SA 4599. Mr. VOINOVICH submitted an amendment intended to be proposed by him to the bill H.R. 5441, making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2007, and for other purposes; which was ordered to lie on the table; as follows:

On page 66, line 11, insert “: *Provided further*, That of the total amount provided, not less than \$41,749,000 shall be made available for the human resources management system” before the period.

SA 4600. Mr. SCHUMER (for himself and Mrs. CLINTON) submitted an amendment intended to be proposed by him to the bill H.R. 5441, making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2007, and for other purposes; which was ordered to lie on the table; as follows:

On page 98, line 24, strike “\$1,640,000,000” and insert “\$1,941,390,000, of which \$301,390,000 is designated as an emergency requirement pursuant to section 402 of S. Con. Res. 83 (109th Congress), the concurrent resolution on the budget for fiscal year 2007, as made applicable in the Senate by section 7035 of Public Law 109-234.”.

SA 4601. Mr. SCHUMER submitted an amendment intended to be proposed by him to the bill H.R. 5441, making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2007, and for other purposes; which was ordered to lie on the table; as follows:

On page 127, between lines 2 and 3, insert the following:

TITLE VI—HIGH RISK PROTECTION

SEC. 601. FUNDING FOR THE URBAN AREA SECURITY INITIATIVE GRANT PROGRAM.

(a) IN GENERAL.—

(1) ALLOCATION BASED ON RISK ONLY.—Notwithstanding any other provision of law, no amounts appropriated to the Department for the Urban Area Security Initiative Grant

Program may be allocated by the Secretary of Homeland Security to a high-threat area unless such area meets the conditions described in paragraph (2).

(2) DETERMINATION OF HIGH-THREAT AREAS.—The conditions referred to in this paragraph are as follows:

(A) MANDATORY CONDITIONS.—The area shall contain critical infrastructure, including—

(i) skyscrapers and large commercial buildings;

(ii) transportation assets, including rail and mass transit, bridges and tunnels, and airports;

(iii) commuting populations;

(iv) a national monument or icon;

(v) a nuclear power plant or nonpower reactor;

(vi) a seaport;

(vii) a chemical facility;

(viii) a military facility;

(ix) a Federal facility;

(x) a dam;

(xi) a nonnuclear electric power plant;

(xii) a food or agriculture center;

(xiii) an oil or natural gas refinery or pipeline;

(xiv) a financial center; and

(xv) a stadium or arena.

(B) DISCRETIONARY CONDITIONS.—In addition to the mandatory conditions set forth in subparagraph (A), the Secretary of Homeland Security shall, in determining if funds may be allocated to a high-threat area, consider—

(i) if the area is located on an international border or coastline, including the number of border crossings; and

(ii) the population, population density, law enforcement investigative and enforcement activity, and tourism in the area.

(3) DETERMINATION OF ALLOCATION.—If an area satisfies the conditions described in paragraph (2), the Secretary of Homeland Security in allocating amounts among such high-threat areas for the Urban Area Security Initiative Grant Program, shall evaluate all threats (including threats to national monuments and icons) and critical infrastructure vulnerabilities located in such high-threat areas.

(b) PEER REVIEW.—The Urban Area Security Initiative Grant Program shall not be subject to the peer review process of the Department of Homeland Security.

(c) USE OF FUNDS.—Notwithstanding any other provision of law, funds made available under the Urban Area Security Initiative Grant Program may be used for overtime and other employment costs directly relating to the prevention of terrorist activities and any other activity determined to be necessary by the Secretary of Homeland Security.

(d) REPORTING REGARDING GRANTS.—Not later than 30 days before making a final allocation of grants to high-threat areas under the Urban Area Security Initiative Program, the Secretary of Homeland Security shall submit to each Member of the Senate and the House of Representatives who represents a high-threat area a report regarding the proposed allocation of funds, including a description of the analysis of critical infrastructure used in making the proposed allocation.

SEC. 602. REPORTING REGARDING DETERMINATION AND EVALUATION.

The Secretary of Homeland Security shall submit a report to the Committee on Homeland Security and Government Affairs and the Committee on Appropriations of the Senate and the Committee on Homeland Security and the Committee on Appropriations of the House of Representatives regarding the determination of high-threat areas, evaluation of threats, vulnerabilities, and consequences, and consideration of any previous terrorist attacks under section 601(a).

SA 4602. Mr. PRYOR submitted an amendment intended to be proposed by him to the bill H.R. 5441, making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2007, and for other purposes; which was ordered to lie on the table; as follows:

On page 93, strike lines 7 and 8 and insert the following:

(4) \$345,000,000 for training, exercises, technical assistance, and other programs: Provided, That not less than \$25,000,000 is for technical assistance:

On page 127, between lines 2 and 3, insert the following:

SEC. 540. TECHNICAL ASSISTANCE OFFSET.

The amount made available for each account in title III of this Act (including each subaccount for which a dollar amount is specified, but excluding amounts made available under the heading "FEDERAL EMERGENCY MANAGEMENT AGENCY") for which this Act makes available an amount in excess of the amount made available for that account by the Department of Homeland Security Appropriations Act, 2006 (Public Law 109-90; 119 Stat. 2064), shall be reduced in an amount equal to \$13,500,000 multiplied by a fraction, the numerator of which is the amount of the excess made available by this Act for that account and the denominator of which is the aggregate amount of the excess made available by this Act for all such accounts.

SA 4603. Mr. BAUCUS (for himself and Ms. CANTWELL) submitted an amendment intended to be proposed by him to the bill H.R. 5441, making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2007, and for other purposes; which was ordered to lie on the table; as follows:

On page 127, between lines 2 and 3, insert the following:

SEC. 540. Not later than 1 year after the date of the enactment of this Act, the Secretary of Homeland Security shall establish and conduct a pilot program at the Northern Border Air Wing bases of the Office of CBP Air and Marine, United States Customs and Border Protection, to test unmanned aerial vehicles for border surveillance along the international marine and land border between Canada and the United States.

SA 4604. Mr. BAUCUS submitted an amendment intended to be proposed by him to the bill H.R. 5441, making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2007, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. _____. ST. MARY DIVERSION AND CONVEYANCE WORKS EMERGENCY RESPONSE PLAN.

(a) DEFINITIONS.—In this section:

(1) **BLACKFEET RESERVATION.**—The term "Blackfeet Reservation" means the Blackfeet Indian Reservation of Montana.

(2) **BLACKFEET TRIBE.**—The term "Blackfeet Tribe" means the Blackfeet Tribe of the Blackfeet Reservation.

(3) **CATASTROPHIC INFRASTRUCTURE FAILURE.**—The term "catastrophic infrastructure failure" means a failure of the infrastructure of the St. Mary Diversion and Conveyance Works that causes a significant disruption in the operation of the water system that, if

not addressed, would, as determined by the Secretary, pose a serious threat to—

(A) the lives, health, or property of the residents of the Blackfeet Reservation; or

(B) the economic or environmental health of—

(i) the Blackfeet Reservation; or

(ii) the region served by the Milk River Project.

(4) **EMERGENCY RESPONSE PLAN.**—The term "emergency response plan" means the emergency response plan developed under subsection (b)(1).

(5) **FUND.**—The term "Fund" means the Emergency Response Plan Fund established by subsection (c)(1).

(6) **MILK RIVER PROJECT.**—

(A) **IN GENERAL.**—The term "Milk River Project" means the Bureau of Reclamation project authorized by the Secretary on March 14, 1903, under the Act of June 17, 1902 (32 Stat. 388, chapter 1093), commencing at Lake Sherburne Reservoir and providing water to a point approximately 6 miles east of Nashua, Montana.

(B) **INCLUSIONS.**—The term "Milk River Project" includes—

(i) Swiftcurrent Dike;

(ii) Lake Sherburne;

(iii) Nelson and Fresno dams, dikes, and reservoirs;

(iv) St. Mary, Dodson, Vandalia, and Paradise diversion dams;

(v) Dodson pumping plant; and

(vi) miles of associated canals, laterals, and drains.

(7) **SECRETARY.**—The term "Secretary" means the Secretary of Homeland Security.

(8) **STATE.**—The term "State" means the State of Montana.

(9) **ST. MARY DIVERSION AND CONVEYANCE WORKS.**—

(A) **IN GENERAL.**—The term "St. Mary Diversion and Conveyance Works" means the portion of the Milk River Project authorized by the Secretary on March 25, 1905, under the Act of June 17, 1902 (32 Stat. 388, chapter 1093), that—

(i) is located within the exterior boundaries of the Blackfeet Reservation; and

(ii) diverts water from the St. Mary River into the North Fork of the Milk River.

(B) **INCLUSIONS.**—The term "St. Mary Diversion and Conveyance Works" includes—

(i) the diversion dam on the St. Mary River;

(ii) Swiftcurrent Dike;

(iii) canals;

(iv) siphons;

(v) the 5 drop structures; and

(vi) other associated canal facilities.

(b) **EMERGENCY RESPONSE PLAN.**—

(1) **IN GENERAL.**—Not later than 1 year after the date of enactment of this Act, the Secretary, in consultation with the Secretary of the Interior, State, local and tribal authorities, and other Milk River Project stakeholders, shall develop and, subject to the availability of funds, implement an emergency response plan to be followed in the event of a catastrophic infrastructure failure.

(2) **CONTENTS.**—The emergency response plan shall—

(A) identify the potential impacts of a catastrophic infrastructure failure on public safety and the environment, with an emphasis on the impacts on any portions of the Blackfeet Reservation in which the St. Mary Diversion and Conveyance Works are located;

(B) provide a response plan to address the public safety and environmental impacts in the State and the Blackfeet Reservation within a reasonable period following a catastrophic infrastructure failure;

(C) define the responsibilities of emergency response personnel in the event of a catastrophic infrastructure failure;

(D) ensure communication and coordination among the Federal, State, tribal, and local agencies and other Milk River Project stakeholders that are responsible for implementing the emergency response plan;

(E) establish public notification procedures to be carried out in the event of a catastrophic infrastructure failure;

(F) provide for the repair or replacement of failed infrastructure with components that are compatible with the rehabilitation project;

(G) include a cost-sharing agreement that—

(i) specifies the manner in which costs will be shared and any reimbursable amounts will be repaid if the emergency response plan is implemented; and

(ii) is consistent with paragraph (5); and

(H) incorporate any other elements that the Secretary, in consultation with the Secretary of the Interior, the State, tribal and local authorities, and other Milk River Project stakeholders, determines would ensure a rapid and effective response to a catastrophic infrastructure failure.

(3) **TITLE.**—Title to all project works and facilities constructed under this section shall be held by the United States.

(4) **DEVELOPMENT COSTS.**—Any costs incurred by the Secretary in developing the emergency response plan shall be nonreimbursable.

(5) **IMPLEMENTATION COSTS.**—

(A) **IN GENERAL.**—Except as provided in subparagraph (C), of the total costs of implementing an emergency response plan—

(i) 45 percent shall be reimbursable; and

(ii) 55 percent shall be nonreimbursable.

(B) **REIMBURSABLE COSTS.**—

(i) **FEDERAL SHARE.**—The Federal share of the total reimbursable costs of implementing an emergency response plan shall be 75 percent.

(ii) **NON-FEDERAL SHARE.**—The non-Federal share of the total reimbursable costs of implementing an emergency response plan shall be the lesser of—

(I) the amount that is equal to 25 percent of the total reimbursable costs of implementing an emergency response plan; or

(II) \$25,000,000.

(C) **BLACKFEET TRIBE.**—Notwithstanding subparagraph (A), any Federal funds provided for noninfrastructure activities carried out under this subsection on the Blackfeet Reservation are nonreimbursable and nonreturnable to the United States.

(c) **EMERGENCY RESPONSE PLAN FUND.**—

(1) **ESTABLISHMENT.**—There is established in the Treasury of the United States a revolving fund, consisting of—

(A) such amounts as are appropriated to the Fund under subsection (d)(2); and

(B) any interest earned on investment of amounts in the Fund under paragraph (3).

(2) **EXPENDITURES FROM FUND.**—

(A) **IN GENERAL.**—If the Secretary, in consultation with the Secretary of the Interior, determines that a catastrophic infrastructure failure has occurred, the Secretary of the Treasury, on request of the Secretary, shall transfer from the Fund to the Secretary such amounts as the Secretary determines are necessary to implement the emergency response plan.

(B) **REPORT.**—Not later than 60 days after the date on which amounts from the Fund are transferred to the Secretary under subparagraph (A), the Secretary shall submit to the Committee on Energy and Natural Resources and the Committee on Homeland Security and Governmental Affairs of the Senate and the Committee on Homeland Security and the Committee on Resources of the

House of Representatives a report that describes—

(i) the event that triggered the determination that a catastrophic infrastructure failure had occurred;

(ii) the amount transferred to the Secretary from the Fund;

(iii) a description of any construction carried out using the amounts transferred; and

(iv) the estimated cost of completing any construction being carried out under the emergency response plan.

(3) INVESTMENT OF AMOUNTS.—

(A) IN GENERAL.—The Secretary of the Treasury shall invest such portion of the Fund as is not, in the judgment of the Secretary of the Treasury, required to meet current withdrawals.

(B) INTEREST-BEARING OBLIGATIONS.—Investments may be made only in interest-bearing obligations of the United States.

(C) ACQUISITION OF OBLIGATIONS.—For the purpose of investments under subparagraph (A), obligations may be acquired—

(i) on original issue at the issue price; or

(ii) by purchase of outstanding obligations at the market price.

(D) SALE OF OBLIGATIONS.—Any obligation acquired by the Fund may be sold by the Secretary of the Treasury at the market price.

(E) CREDITS TO FUND.—The interest on, and the proceeds from the sale or redemption of, any obligations held in the Fund shall be credited to, and form a part of, the Fund.

(4) TERMINATION OF FUND.—If the Secretary, in consultation with the Secretary of the Interior, determines that the St. Mary Division and Conveyance Works no longer pose an unacceptable risk of catastrophic infrastructure failure—

(A) the Fund shall be terminated; and

(B) the unexpended and unobligated balance of the Fund shall be made available for the construction of the rehabilitation project.

(d) AUTHORIZATION OF APPROPRIATIONS.—

(1) EMERGENCY RESPONSE PLAN.—There is authorized to be appropriated to carry out subsection (b) \$2,000,000.

(2) EMERGENCY FUND.—There is authorized to be appropriated to the Fund \$15,000,000.

SA 4605. Mr. BAUCUS submitted an amendment intended to be proposed by him to the bill H.R. 5441, making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2007, and for other purposes; which was ordered to lie on the table; as follows:

On page 127, between lines 2 and 3, insert the following:

SEC. 540. (a) For each of the fiscal years of 2007 through 2011, as part of the annual performance plan required in the budget submission of the Bureau of Customs and Border Protection under section 1115 of title 31, United States Code, the Commissioner of Customs shall establish performance indicators relating to the seizure of methamphetamine and methamphetamine precursor chemicals in order to evaluate the performance goals of the Bureau with respect to the interdiction of illegal drugs entering the United States.

(b) Of the amount made available to Customs and Border Protection under title II, \$100,000 shall be available for the Commissioner of Customs to analyze on an annual basis the movement of methamphetamine and methamphetamine precursor chemicals into the United States. In conducting the analysis, the Commissioner shall—

(1) consider the entry of methamphetamine and methamphetamine precursor chemicals

through ports of entry, between ports of entry, through the mails, and through international courier services;

(2) examine the export procedures of each foreign country where the shipments of methamphetamine and methamphetamine precursor chemicals originate and determine if changes in the country's customs over time provisions would alleviate the export of methamphetamine and methamphetamine precursor chemicals; and

(3) identify emerging trends in smuggling techniques and strategies.

(c) The Commissioner shall ensure that the analysis described in subsection (b) is made available in a timely manner to the Secretary of State to facilitate the Secretary in fulfilling the Secretary's reporting requirements in section 722 of the Combat Methamphetamine Epidemic Act of 2005.

SA 4606. Mrs. FEINSTEIN submitted an amendment intended to be proposed by her to the bill H.R. 5441, making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2007, and for other purposes; which was ordered to lie on the table; as follows:

On page 127, between lines 2 and 3, insert the following:

SEC. 540. (a) The amount appropriated by title II under the heading "CUSTOMS AND BORDER PROTECTION" for salaries and expenses is hereby increased by \$5,300,000 which shall be available to hire and train 45 new full-time equivalent domestic port Customs officers and shall remain available until expended: *Provided, That* the Secretary of Homeland Security shall prioritize the assignment of additional Customs officers to ports based on need.

(b) The amount appropriated by title I under the heading "OFFICE OF THE UNDER SECRETARY FOR MANAGEMENT" is hereby reduced by \$5,300,000.

SA 4607. Mrs. FEINSTEIN submitted an amendment intended to be proposed by her to the bill H.R. 5441, making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2007, and for other purposes; which was ordered to lie on the table; as follows:

On page 127, between lines 2 and 3, insert the following:

SEC. 540. (a) The amount appropriated by title II under the heading "CUSTOMS AND BORDER PROTECTION" for salaries and expenses is hereby increased by \$20,300,000 which shall be available to hire and train 180 new full-time equivalent domestic port Customs officers and shall remain available until expended: *Provided, That* the Secretary of Homeland Security shall prioritize the assignment of additional Customs officers to ports based on need.

(b) The amount appropriated by title I under the heading "OFFICE OF THE UNDER SECRETARY FOR MANAGEMENT" is hereby reduced by \$20,300,000.

SA 4608. Mr. BIDEN (for himself and Mr. CARPER) submitted an amendment intended to be proposed by him to the bill H.R. 5441, making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2007, and for other purposes; which was ordered to lie on the table; as follows:

On page 78, line 20, strike the colon and insert the following: "": *Provided further, That*

the Transportation Security Administration shall provide passenger and baggage screeners and related resources at the New Castle Airport in Wilmington, Delaware as long as commercial air service is provided at that airport:".

SA 4609. Ms. CANTWELL (for herself and Mr. CRAPO) submitted an amendment intended to be proposed by her to the bill H.R. 5441, making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2007, and for other purposes; which was ordered to lie on the table; as follows:

On page 127, between lines 2 and 3, insert the following:

TITLE VI—NORTHERN BORDER PROSECUTION INITIATIVE REIMBURSEMENT ACT

SEC. 601. SHORT TITLE.

This title may be cited as the "Northern Border Prosecution Initiative Reimbursement Act".

SEC. 602. NORTHERN BORDER PROSECUTION INITIATIVE.

(a) INITIATIVE REQUIRED.—

(1) IN GENERAL.—From amounts made available to carry out this section, the Attorney General, acting through the Director of the Bureau of Justice Assistance of the Office of Justice Programs, shall establish and carry out a program, to be known as the Northern Border Prosecution Initiative, to provide funds to reimburse eligible northern border entities for costs incurred by those entities for handling case dispositions of criminal cases that are federally initiated but federally declined-referred.

(2) RELATION WITH SOUTHWESTERN BORDER PROSECUTION INITIATIVE.—The program established in paragraph (1) shall—

(A) be modeled after the Southwestern Border Prosecution Initiative; and

(B) serve as a partner program to that initiative to reimburse local jurisdictions for processing Federal cases.

(b) PROVISION AND ALLOCATION OF FUNDS.—Funds provided under the program established in subsection (a) shall be—

(1) provided in the form of direct reimbursements; and

(2) allocated in a manner consistent with the manner under which funds are allocated under the Southwestern Border Prosecution Initiative.

(c) USE OF FUNDS.—Funds provided to an eligible northern border entity under this section may be used by the entity for any lawful purpose, including:

(1) Prosecution and related costs.

(2) Court costs.

(3) Costs of courtroom technology.

(4) Costs of constructing holding spaces.

(5) Costs of administrative staff.

(6) Costs of defense counsel for indigent defendants.

(7) Detention costs, including pre-trial and post-trial detention.

(d) DEFINITIONS.—In this section:

(1) CASE DISPOSITION.—The term "case disposition"—

(A) for purposes of the Northern Border Prosecution Initiative, refers to the time between the arrest of a suspect and the resolution of the criminal charges through a county or State judicial or prosecutorial process; and

(B) does not include incarceration time for sentenced offenders, or time spent by prosecutors on judicial appeals.

(2) ELIGIBLE NORTHERN BORDER ENTITY.—The term "eligible northern border entity" means—

(A) the States of Alaska, Idaho, Maine, Michigan, Minnesota, Montana, New Hampshire, New York, North Dakota, Ohio, Pennsylvania, Vermont, Washington, and Wisconsin; or

(B) any unit of local government within a State referred to in subparagraph (A).

(3) **FEDERALLY DECLINED-REFERRED.**—The term “federally declined-referred”—

(A) means, with respect to a criminal case, that a decision has been made in that case by a United States Attorney or a Federal law enforcement agency during a Federal investigation to no longer pursue Federal criminal charges against a defendant and to refer such investigation to a State or local jurisdiction for possible prosecution; and

(B) includes a decision made on an individualized case-by-case basis as well as a decision made pursuant to a general policy or practice or pursuant to prosecutorial discretion.

(4) **FEDERALLY INITIATED.**—The term “federally initiated” means, with respect to a criminal case, that the case results from a criminal investigation or an arrest involving Federal law enforcement authorities for a potential violation of Federal criminal law, including investigations resulting from multi-jurisdictional task forces.

SEC. 603. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated to carry out this Act \$28,000,000 for fiscal year 2006 and such sums as may be necessary for fiscal years thereafter.

SA 4610. Mr. THUNE (for himself and Mr. TALENT) proposed an amendment to the bill H.R. 5441, making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2007, and for other purposes; as follows:

On page 127, between lines 2 and 3, insert the following:

SEC. 5. ALTERNATIVE ENERGY REFUELING SYSTEMS.

(a) **ESTABLISHMENT OF FUND.**—

(1) **IN GENERAL.**—There is established in the Treasury a fund, to be known as the “Energy Security Fund” (referred to in this section as the “Fund”), consisting of—

(A) amounts transferred to the Fund under paragraph (2); and

(B) amounts credited to the Fund under paragraph (3)(C).

(2) **TRANSFERS TO FUND.**—For fiscal year 2006 and each fiscal year thereafter, there is appropriated to the Fund an amount determined by the Secretary of the Treasury to be equal to the total amount deposited in the general fund of the Treasury for the preceding fiscal year from fines, penalties, and other funds obtained through enforcement actions conducted pursuant to section 32912 of title 49, United States Code (including funds obtained under consent decrees).

(3) **INVESTMENT OF AMOUNTS.**—

(A) **IN GENERAL.**—The Secretary of the Treasury shall invest such portion of the Fund as is not, in the judgment of the Secretary of the Treasury, required to meet current withdrawals.

(B) **SALE OF OBLIGATIONS.**—Any obligation acquired by the Fund may be sold by the Secretary of the Treasury at the market price.

(C) **CREDITS TO FUND.**—The interest on, and the proceeds from the sale or redemption of, any obligations held in the Fund shall be credited to, and form a part of, the Fund in accordance with section 9602 of the Internal Revenue Code of 1986.

(4) **USE OF AMOUNTS IN THE FUND.**—Amounts in the Fund shall be made available to the Administrator of the Environmental Protec-

tion Agency for use in carrying out the reimbursement program for alternative energy refueling under section 9003(h)(13) of the Solid Waste Disposal Act.

(b) **ALTERNATIVE ENERGY REFUELING.**—Section 9003(h) of the Solid Waste Disposal Act (42 U.S.C. 6991b(h)) is amended by adding at the end the following:

“(13) **ALTERNATIVE ENERGY REFUELING SYSTEMS.**—

“(A) **DEFINITIONS.**—In this paragraph:

“(i) **ALTERNATIVE ENERGY REFUELING SYSTEM.**—The term ‘alternative energy refueling system’ means a system composed of 1 or more underground storage tanks, pumps, and pump fittings or other related infrastructure that is used to refuel motor vehicles with—

“(I) compressed natural gas;

“(II) E-85 ethanol;

“(III) a fuel described in section 30C(c)(1) of the Internal Revenue Code of 1986; or

“(IV) any other alternative fuel, as determined by the Administrator.

“(ii) **ELIGIBLE ENTITY.**—The term ‘eligible entity’ means a refueling vendor or other person that is an owner or operator of a service station or other facility at which an alternative energy refueling system is located or proposed to be located.

“(iii) **ENERGY SECURITY FUND.**—The term ‘Energy Security Fund’ means the Energy Security Fund established by section 5(a)(1) of the Department of Homeland Security Appropriations Act, 2007.

“(B) **REIMBURSEMENT PROGRAM.**—

“(i) **ESTABLISHMENT.**—Not later than 90 days after the date of enactment of this paragraph, the Administrator shall establish a program to provide to eligible entities, for each of fiscal years 2007 through 2011, reimbursement from the Energy Security Fund of a portion of the costs of purchasing and installing 1 or more alternative energy refueling systems, including any alternative energy refueling system intended to replace a petroleum refueling tank or system.

“(ii) **APPLICATION.**—An eligible entity that seeks to receive reimbursement described in clause (i) shall submit to the Administrator an application by such time, in such form, and containing such information as the Administrator shall prescribe.

“(iii) **TIMING OF REIMBURSEMENT.**—Not later than 30 days after the date on which the Administrator, in consultation with the appropriate State agency, verifies that an alternative energy refueling system for which reimbursement is requested by an eligible entity under this paragraph has been installed and is operational, the Administrator shall provide the reimbursement to the eligible entity.

“(iv) **LIMITATIONS.**—

“(I) **PROHIBITION ON RECEIPT OF DUAL BENEFITS.**—An eligible entity that receives a tax credit under section 30C of the Internal Revenue Code of 1986 for placing in service a qualified alternative fuel vehicle refueling property (as defined in that section) may not receive any reimbursement under this paragraph for an alternative energy refueling system on the property if the cost of the alternative energy refueling system was taken into consideration in calculating the tax credit.

“(II) **NUMBER OF SYSTEMS.**—An eligible entity may not receive reimbursement under this paragraph for more than 2 alternative energy refueling systems for each facility owned or operated by the eligible entity.

“(III) **AMOUNT.**—The amount of reimbursement provided for an alternative energy refueling system under this paragraph shall not exceed the lesser of—

“(aa) the amount that is 30 percent of the cost of the alternative energy refueling system; or

“(bb) \$30,000.

“(C) **FURTHER APPROPRIATION.**—Reimbursement authorized under this paragraph shall be provided by the Administrator without further appropriation.

“(D) **NO EFFECT ON OTHER RESPONSIBILITIES.**—Nothing in this paragraph affects any obligation of an owner or operator to comply with other provisions of this subtitle.”.

SA 4611. Mrs. MURRAY submitted an amendment intended to be proposed by her to the bill H.R. 5441, making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2007, and for other purposes; which was ordered to lie on the table; as follows:

On page 66, line 5, strike “\$166,456,000” and insert “\$164,456,000”.

On page 104, line 9, strike “\$106,414,000” and insert “\$108,414,000”.

On page 104, line 20, after “2007,” insert the following: “Provided further, That of the amount provided under this heading not less than \$2,000,000 shall be available for the construction of radiological laboratories at Pacific Northwest National Laboratory.”.

SA 4612. Ms. CANTWELL submitted an amendment intended to be proposed by her to the bill H.R. 5441, making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2007, and for other purposes; which was ordered to lie on the table; as follows:

On page 127, between lines 2 and 3, insert the following:

SEC. 540. REPORT ON CROSS BORDER COMMUNICATIONS CHALLENGES FOR THE 2010 OLYMPICS.

(a) **IN GENERAL.**—Not later than 6 months after the date of enactment of this Act, the Secretary of Homeland Security, in coordination with the Secretary of State, the Federal Communications Commission, and relevant agencies in the States of Alaska, Idaho, Montana, Oregon, and Washington, shall—

(1) evaluate the technical and operational challenges with respect to interoperable communications facing regional, local, State, and Federal authorities in preparing for the 2010 Olympics; and

(2) develop an integrated plan for addressing such technical and operational challenges.

(b) **REPORT TO CONGRESS.**—The Secretary of Homeland Security shall submit and present the plan developed under subsection (a) to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Energy and Commerce of the House of Representatives.

(c) **SAFECOM PILOT.**—The Secretary of Homeland Security shall make \$1,000,000 of its SAFECOM Program funds available to conduct a pilot project based on the bi-national component of the integrated plan developed under subsection (a)(2).

SA 4613. Mr. REED submitted an amendment intended to be proposed by him to the bill H.R. 5441, making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2007, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ____. The Secretary of Homeland Security may not take any action to alter or reduce operations within the Civil Engineering Program of the Coast Guard nationwide,

including the civil engineering units, facilities, and design and construction centers, the Coast Guard Academy, and the Research and Development Center until the Committees on Appropriations and Commerce, Science, and Transportation of the Senate receive and approve a plan on changes to the Civil Engineering Program of the Coast Guard. The plan shall include a description of the current functions of the Civil Engineering Program and a description of any proposed modifications of such functions and of any proposed modification of personnel and offices, including the rationale for such modification, an assessment of the costs and benefits of such modification, any proposed alternatives to such modification, and the processes utilized by the Coast Guard and the Office of Management and Budget to analyze and assess such modification.

SA 4614. Mr. GREGG (for Mr. BYRD) proposed an amendment to the bill H.R. 5441, making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2007, and for other purposes; as follows:

On page 93, line 4, before the period insert the following: “: *Provided further*, That for grants under subparagraphs (B) through (F), the applications for such grants shall be made available to eligible applicants not later than 75 days after the date of enactment of this Act, eligible applicants shall submit applications not later than 45 days after the date of the grant announcement, and the Office for Domestic Preparedness shall act on such applications not later than 45 days after the date on which such an application is received”.

SA 4615. Mr. VITTER (for himself, Mr. INHOFE, Mr. ENZI, Mr. THUNE, Mr. BURNS, Mr. BROWNBACK, Mr. MARTINEZ, Mr. DOMENICI, Mr. GREGG and Mr. BYRD) proposed an amendment to the bill H.R. 5441, making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2007, and for other purposes; as follows:

On page 127, between lines 2 and 3, insert the following:

SEC. 540. PROHIBITION ON CONFISCATION OF FIREARMS.

None of the funds appropriated by this Act may be used to temporarily or permanently seize any firearm during an emergency or major disaster (as those terms are defined in section 102 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5122)) if the possession of such firearm is not prohibited under Federal or State law, other than for forfeiture in compliance with Federal or State law or as evidence in a criminal investigation.

SA 4616. Mr. DURBIN submitted an amendment intended to be proposed by him to the bill H.R. 5441, making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2007, and for other purposes; which was ordered to lie on the table; as follows:

On page 93, strike lines 7 and 8 and insert the following:

(4) \$331,500,000 for training, exercises, technical assistance, and other programs (including mass evacuation preparation and exercises):

SA 4617. Mr. LEVIN (for himself, Ms. STABENOW, and Mr. VOINOVICH) sub-

mitted an amendment intended to be proposed by him to the bill H.R. 5441, making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2007, and for other purposes; which was ordered to lie on the table; as follows:

On page 127, between lines 2 and 3, insert the following:

SEC. 5 ____ . SCREENING OF MUNICIPAL SOLID WASTE.

(a) DEFINITIONS.—In this section:

(1) BUREAU.—The term “Bureau” means the Bureau of Customs and Border Protection.

(2) COMMERCIAL MOTOR VEHICLE.—The term “commercial motor vehicle” has the meaning given the term in section 31101 of title 49, United States Code.

(3) COMMISSIONER.—The term “Commissioner” means the Commissioner of the Bureau.

(4) MUNICIPAL SOLID WASTE.—The term “municipal solid waste” includes sludge (as defined in section 1004 of the Solid Waste Disposal Act (42 U.S.C. 6903)).

(b) REPORTS TO CONGRESS.—Not later than 90 days after the date of enactment of this Act, the Commissioner shall submit to Congress a report that—

(1) indicates whether the methodologies and technologies used by the Bureau to screen for and detect the presence of chemical, nuclear, biological, and radiological weapons in municipal solid waste are as effective as the methodologies and technologies used by the Bureau to screen for those materials in other items of commerce entering the United States through commercial motor vehicle transport; and

(2) if the report indicates that the methodologies and technologies used to screen municipal solid waste are less effective than those used to screen other items of commerce, identifies the actions that the Bureau will take to achieve the same level of effectiveness in the screening of municipal solid waste, including actions necessary to meet the need for additional screening technologies.

(c) IMPACT ON COMMERCIAL MOTOR VEHICLES.—If the Commissioner fails to fully implement an action identified under subsection (b)(2) before the earlier of the date that is 180 days after the date on which the report under subsection (b) is required to be submitted or the date that is 180 days after the date on which the report is submitted, the Secretary shall deny entry into the United States of any commercial motor vehicle carrying municipal solid waste until the Secretary certifies to Congress that the methodologies and technologies used by the Bureau to screen for and detect the presence of chemical, nuclear, biological, and radiological weapons in municipal solid waste are as effective as the methodologies and technologies used by the Bureau to screen for those materials in other items of commerce entering into the United States through commercial motor vehicle transport.

SA 4618. Mr. DAYTON submitted an amendment intended to be proposed by him to the bill H.R. 5441, making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2007, and for other purposes; which was ordered to lie on the table; as follows:

On page 127, between lines 2 and 3, insert the following:

SEC. ____ . None of the funds made available by this Act may be used to take an action that would violate Executive Order 13149 (65

Fed. Reg. 24607; relating to greening the government through Federal fleet and transportation efficiency).

SA 4619. Mr. DURBIN (for himself and Mr. CARPER) submitted an amendment intended to be proposed by him to the bill H.R. 5441, making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2007, and for other purposes; which was ordered to lie on the table; as follows:

On page 127, between lines 2 and 3, insert the following:

SEC. 540. Not later than 6 months after the date of the enactment of this Act, the Secretary of Homeland Security shall establish revised procedures for expeditiously clearing individuals whose names have been mistakenly placed on the TSA Watch List or who have names identical or similar to individuals on the TSA Watch List. The Secretary shall advise Congress of the procedures established.

SA 4620. Mr. BYRD (for himself, Mr. LIEBERMAN, and Mr. ROCKEFELLER) proposed an amendment to the bill H.R. 5441, making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2007, and for other purposes; as follows:

On page 127, between lines 2 and 3, insert the following:

SEC. 540. (a) Not later than 6 months after the date of enactment of this Act, the Secretary of Homeland Security shall hereafter issue interim final regulations that establish homeland security requirements, including minimum standards and required submission of facility security plans to the Secretary, for chemical facilities that the Secretary determines present the greatest security risk and that are not currently regulated under Federal law for homeland security purposes.

(b) Interim regulations under this section shall apply to a chemical facility until the effective date of final regulations issued under other laws by the Secretary, that establish requirements and standards referred to in subsection (a) that apply with respect to that facility.

(c) Any person that violates an interim regulation issued under this section shall be liable for a civil penalty under section 70117 of title 46, United States Code.

SA 4621. Mr. BAUCUS (for himself, Ms. CANTWELL, Mrs. MURRAY, Mr. BURNS, Mr. CRAIG, and Mr. COLEMAN) proposed an amendment to the bill H.R. 5441, making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2007, and for other purposes; as follows:

On page 127, between lines 2 and 3, insert the following:

SEC. 540. Not later than 1 year after the date of the enactment of this Act, the Secretary of Homeland Security shall establish and conduct a pilot program at the Northern Border Air Wing bases of the Office of CBP Air and Marine, United States Customs and Border Protection, to test unmanned aerial vehicles for border surveillance along the international marine and land border between Canada and the United States.

SA 4622. Ms. LANDRIEU submitted an amendment intended to be proposed by her to the bill H.R. 5441, making appropriations for the Department of Homeland Security for the fiscal year

ending September 30, 2007, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. _____. Not later than 90 days after the date of the enactment of this Act, the Secretary of Homeland Security shall submit to the Committees on Appropriations of the Senate and the House of Representatives a report on the feasibility and advisability of locating facilities and assets of the Coast Guard in the Federal City Project of New Orleans, Louisiana, as described in the report of the Defense Base Closure and Realignment Commission submitted to the President in 2005 during the 2005 round of defense base closure and realignment under the Defense Base Closure and Realignment Act of 1990 (part A of title XXIX of Public Law 101-510; 10 U.S.C. 2687 note).

SA 4623. Mrs. CLINTON submitted an amendment intended to be proposed by her to the bill H.R. 5441, making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2007, and for other purposes; which was ordered to lie on the table; as follows:

On page 94, line 13, before the period insert “: *Provided*, that an additional \$21,500,000 shall be made available under this heading for the grants authorized under title I of the Enhance Act of 2004 (Public Law 108-494; 118 Stat. 3986)”.

SA 4624. Mr. OBAMA (for himself and Mr. COBURN) submitted an amendment intended to be proposed by him to the bill H.R. 5441, making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2007, and for other purposes; which was ordered to lie on the table; as follows:

On page 99, line 4, insert after “Act” the following: “: *Provided further*, That none of the funds appropriated or otherwise made available under this heading may be used to enter into contracts using procedures based upon the unusual and compelling urgency exception to competitive procedures requirements under section 303(c)(2) of the Federal Property and Administrative Services Act of 1949 (41 U.S.C. 253(c)(2)) or section 2304(c)(2) of title 10, United States Code, unless the contract is for the procurement of only such property and services as are necessary to address the immediate emergency and is only for so long as is necessary to put competitive procedures in place in connection with such procurement and the Secretary of Homeland Security notifies the Committees on Appropriations of the Senate and the House of Representatives of such contract not later than 7 days after the contract is entered into”.

SA 4625. Mr. SUNUNU submitted an amendment intended to be proposed by him to the bill H.R. 5441, making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2007, and for other purposes; which was ordered to lie on the table; as follows:

On page 127, between lines 2 and 3, insert the following:

SEC. 540. REGISTRATION OF GSE SECURITIES.

(a) FANNIE MAE.—

(1) MORTGAGE-BACKED SECURITIES.—Section 304(d) of the Federal National Mortgage As-

sociation Charter Act (12 U.S.C. 1719(d)) is amended by striking the fourth sentence and inserting the following: “Securities issued by the corporation under this subsection shall not be exempt securities for purposes of the Securities Act of 1933.”.

(2) SUBORDINATE OBLIGATIONS.—Section 304(e) of the Federal National Mortgage Association Charter Act (12 U.S.C. 1719(e)) is amended by striking the fourth sentence and inserting the following: “Obligations issued by the corporation under this subsection shall not be exempt securities for purposes of the Securities Act of 1933.”.

(3) SECURITIES.—Section 311 of the Federal National Mortgage Association Charter Act (12 U.S.C. 1723c) is amended—

(A) in the section heading, by striking “ASSOCIATION”;

(B) by inserting “(a) IN GENERAL.—” after “SEC. 311.”;

(C) in the second sentence, by inserting “by the Association” after “issued”; and

(D) by adding at the end the following:

“(b) TREATMENT OF CORPORATION SECURITIES.—

“(1) IN GENERAL.—Any stock, obligations, securities, participations, or other instruments issued or guaranteed by the corporation pursuant to this title shall not be exempt securities for purposes of the Securities Act of 1933.

“(2) EXEMPTION FOR APPROVED SELLERS.—Notwithstanding any other provision of this title or the Securities Act of 1933, transactions involving the initial disposition by an approved seller of pooled certificates that are acquired by that seller from the corporation upon the initial issuance of the pooled certificates shall be deemed to be transactions by a person other than an issuer, underwriter, or dealer for purposes of the Securities Act of 1933.

“(3) DEFINITIONS.—For purposes of this subsection, the following definitions shall apply:

“(A) APPROVED SELLER.—The term ‘approved seller’ means an institution approved by the corporation to sell mortgage loans to the corporation in exchange for pooled certificates.

“(B) POOLED CERTIFICATES.—The term ‘pooled certificates’ means single class mortgage-backed securities guaranteed by the corporation that have been issued by the corporation directly to the approved seller in exchange for the mortgage loans underlying such mortgage-backed securities.

“(4) MORTGAGE RELATED SECURITIES.—A single class mortgage-backed security guaranteed by the corporation that has been issued by the corporation directly to the approved seller in exchange for the mortgage loans underlying such mortgage-backed securities or directly by the corporation for cash shall be deemed to be a mortgage related security, as defined in section 3(a) of the Securities Exchange Act of 1934.”.

(b) FREDDIE MAC.—Section 306(g) of the Federal Home Loan Mortgage Corporation Act (12 U.S.C. 1455(g)) is amended to read as follows:

“(g) TREATMENT OF SECURITIES.—

“(1) IN GENERAL.—Any securities issued or guaranteed by the Corporation shall not be exempt securities for purposes of the Securities Act of 1933.

“(2) EXEMPTION FOR APPROVED SELLERS.—Notwithstanding any other provision of this title or the Securities Act of 1933, transactions involving the initial disposition by an approved seller of pooled certificates that are acquired by that seller from the Corporation upon the initial issuance of the pooled certificates shall be deemed to be transactions by a person other than an issuer, underwriter, or dealer for purposes of the Securities Act of 1933.

“(3) DEFINITIONS.—For purposes of this subsection, the following definitions shall apply:

“(A) APPROVED SELLER.—The term ‘approved seller’ means an institution approved by the Corporation to sell mortgage loans to the Corporation in exchange for pooled certificates.

“(B) POOLED CERTIFICATES.—The term ‘pooled certificates’ means single class mortgage-backed securities guaranteed by the Corporation that have been issued by the Corporation directly to the approved seller in exchange for the mortgage loans underlying such mortgage-backed securities.”.

(c) NO AFFECT ON TRUST INDENTURE ACT OF 1939.—Nothing in this section or the amendments made by this section shall be construed to affect any exemption from the provisions of the Trust Indenture Act of 1939, provided to the Federal National Mortgage Association or the Federal Home Loan Mortgage Corporation.

(d) TREATMENT OF FEES.—Fees collected by the Securities and Exchange Commission from the Federal National Mortgage Association and the Federal Home Loan Mortgage Corporation as a result of the amendments made by this section shall not be considered to be offsetting collections to the account providing appropriations to the Securities and Exchange Commission for any fiscal year, and shall be deposited in the general fund of the Treasury.

(e) REGULATIONS.—The Securities and Exchange Commission may issue such regulations as may be necessary or appropriate to carry out this section and the amendments made by this section.

(f) EFFECTIVE DATE.—The amendments made by this section shall become effective 1 year after the date of enactment of this Act.

SA 4626. Mr. DODD (for himself and Mr. DEWINE) submitted an amendment intended to be proposed by him to the bill H.R. 5441, making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2007, and for other purposes; which was ordered to lie on the table; as follows:

On page 65, line 22, strike “\$90,122,000” and insert “\$82,545,000”.

On page 66, line 5, strike “\$166,456,000” and insert “\$144,003,000”.

On page 94, line 17, strike “\$655,000,000” and insert “\$685,000,000”.

On page 94, line 17, strike “\$540,000,000” and insert “\$555,000,000”.

One page 94, line 19, strike “\$115,000,000” and insert “\$130,000,000”.

SA 4627. Mr. SESSIONS (for himself and Mr. ENSIGN) submitted an amendment intended to be proposed by him to the bill H.R. 5441, making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2007, and for other purposes; which was ordered to lie on the table; as follows:

On page 75, lines 1 and 2, strike “\$288,084,000, to remain available until expended.” and insert the following: “\$2,117,484,000, of which not less than \$1,184,000,000 shall be for the construction of 370 miles of double-layered fencing along the international border between the United States and Mexico; of which not less than \$645,400,000 shall be for the construction of not less than 461 miles of vehicle barriers along the international border between the United States and Mexico, of which the remaining amount shall remain available until expended.”.

At the appropriate place, insert the following:

SEC. _____. All discretionary amounts made available under this Act, other than the amount appropriated under the "Customs and Border Protection construction" subheading, shall be reduced on a pro rata basis by \$1,829,400,000.

SA 4628. Mr. SESSIONS (for himself and Mr. GRASSLEY) submitted an amendment intended to be proposed by him to the bill H.R. 5441, making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2007, and for other purposes; which was ordered to lie on the table; as follows:

On page 75, line 8, strike "\$3,740,357,000" and insert "\$3,826,027,000, of which not less than \$104,000,000 shall be available to increase the number of full time active duty investigators employed by the Department of Homeland Security to investigate violations of immigration laws (as defined in section 101(a)(17) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(17)) by not less than 800 above the number of such positions for which funds were made available during the fiscal year ending September 30, 2006, as provided in section 5203 of the Intelligence Reform and Terrorism Prevention Act of 2004 (Pub. L. 108 458);".

At the appropriate place, insert the following:

SEC. _____. (a) Notwithstanding any other provision of law, the Secretary of Homeland Security shall adjust fees charged by the Secretary to aliens under any provision of the Immigration and Nationality Act (8 U.S.C. 1101 et seq.) or the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (division C of Public Law 104-208; 110 Stat. 3009-546) by notice in the Federal Register not later than January 1, 2007, to achieve not less than \$85,670,000 in additional receipts by September 30, 2007.

(b) The fees collected pursuant to the adjustment of fees made under subsection (a) shall be in addition to the fees authorized under section 286 of the Immigration and Nationality Act (8 U.S.C. 1356).

SA 4629. Mr. SESSIONS submitted an amendment intended to be proposed by him to the bill H.R. 5441, making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2007, and for other purposes; which was ordered to lie on the table; as follows:

On page 75, line 8, strike "\$3,740,357,000" and insert "\$3,826,027,000, of which not less than \$104,000,000 shall be available to increase the number of full time active duty investigators employed by the Department of Homeland Security to investigate violations of immigration laws (as defined in section 101(a)(17) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(17)) by not less than 800 above the number of such positions for which funds were made available during the fiscal year ending September 30, 2006, as provided in section 5203 of the Intelligence Reform and Terrorism Prevention Act of 2004 (Pub. L. 108 458);".

At the appropriate place, insert the following:

SEC. _____. All discretionary amounts made available under this Act, other than the amount appropriated under the "Immigration and Customs Enforcement salaries and expenses" subheading, shall be reduced on a pro rata basis by \$85,670,000.

SA 4630. Mr. SESSIONS (for himself and Mr. ENSIGN) submitted an amend-

ment intended to be proposed by him to the bill H.R. 5441, making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2007, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. _____. (a) The amount appropriated by title II under the heading "IMMIGRATION AND CUSTOMS ENFORCEMENT" and under the subheading "SALARIES AND EXPENSES" is hereby increased by \$161,000,000.

(b) Notwithstanding any other provision of this Act, of the amount made available under such subheading—

(1) not less than \$140,000,000 shall be used to fund 4,000 detention beds pursuant to section 5204(a) of the Intelligence Reform and Terrorism Protection Act of 2004 (Public Law 108-458; 118 Stat. 3734) and such funds shall be used to supplement and not supplant the amounts made available for detention beds pursuant to such section in the Emergency Supplemental Appropriations Act for Defense, the Global War on Terror, and Hurricane Recovery, 2006 (Public Law 109-234); and

(2) not less than \$150,560,000 shall be used for transportation costs related to the 4,000 additional detention beds funded by this Act and the 4,000 detention beds funded by the Emergency Supplemental Appropriations Act for Defense, the Global War on Terror, and Hurricane Recovery, 2006 (Public Law 109-234).

(c) All discretionary amounts made available under this Act, other than the amount appropriated under the subheading described in subsection (a), shall be reduced on a pro rata basis by \$161,000,000.

SA 4631. Mr. SESSIONS submitted an amendment intended to be proposed by him to the bill H.R. 5441, making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2007, and for other purposes; which was ordered to lie on the table; as follows:

On page 76, beginning on line 6, strike "Provided" and all that follows through the colon on line 11, and insert "Provided further, That none of the funds appropriated in this Act or any other appropriations Act to carry out programs under section 287(g) of the Immigration and Nationality Act (8 U.S.C. 1357(g)) may be redirected for any purpose or used for any purpose other than to carry out such programs:".

SA 4632. Mr. LEVIN (for himself and Ms. STABENOW) submitted an amendment intended to be proposed by him to the bill H.R. 5441, making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2007, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. _____. Of the amounts appropriated or otherwise made available by this Act under the headings "AIR AND MARINE INTERDICTION, OPERATIONS, MAINTENANCE, AND PROCUREMENT", \$17,000,000 may be available for the establishment of a Northern border air wing in an appropriate location in the State of Michigan.

SA 4633. Mr. ALLARD submitted an amendment intended to be proposed by him to the bill H.R. 5441, making ap-

propriations for the Department of Homeland Security for the fiscal year ending September 30, 2007, and for other purposes; which was ordered to lie on the table; as follows:

On page 127, between lines 2 and 3, insert the following:

SEC. 540. Not later than February 8, 2007, the Assistant Secretary for Immigration and Customs Enforcement of the Department of Homeland Security shall submit a report to Congress on the costs and need for establishing a sub-office in Greeley, Colorado.

SA 4634. Mr. MENENDEZ (for himself and Mr. LAUTENBERG, Mrs. CLINTON, and Mr. SCHUMER) submitted an amendment intended to be proposed by him to the bill H.R. 5441, making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2007, and for other purposes; as follows:

On page 127, between lines 2 and 3 insert the following:

SEC. _____. Notwithstanding any other provision of this Act, appropriations under this Act may not be used for the purpose of providing—

(1) formula-based grants or law enforcement terrorism prevention grants, unless all such grants are allocated based on an assessment of threat, vulnerability, and consequence, to the maximum extent practicable, with no State receiving less than 0.25 percent of the funds available for each such grant program, and American Samoa, the Commonwealth of the Northern Mariana Islands, Guam, and the Virgin Islands, each receiving 0.08 of the funds available for each such grant program;

(2) discretionary grants for use in high-threat, high-density urban areas, unless all such grants are allocated based on an assessment of threat, vulnerability, and consequence, to the maximum extent practicable; and

SA 4635. Mr. CARPER submitted an amendment intended to be proposed by him to the bill H.R. 5441, making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2007, and for other purposes; which was ordered to lie on the table; as follows:

On page 114, line 8, insert the following: "Until the Secure Flight program or a follow on or successor passenger screening program has been deployed or implemented, of the amount made available under title II under the heading 'TRANSPORTATION SECURITY ADMINISTRATION' for aviation security, such sums as are necessary shall be available to provide airlines with technical or other assistance to better align their reservation and ticketing systems with the Transportation Security Administration's Watch List and in alleviating travel delays and other problems associated with mistaken identification.".

SA 4636. Ms. CANTWELL submitted an amendment intended to be proposed by her to the bill H.R. 5441, making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2007, and for other purposes; which was ordered to lie on the table; as follows:

On page 127, between lines 2 and 3, insert the following:

SEC. 540. REPORT ON CROSS BORDER COMMUNICATIONS CHALLENGES FOR THE 2010 OLYMPICS.

(a) IN GENERAL.—Not later than 6 months after the date of enactment of this Act, the Secretary of Homeland Security, in coordination with the Secretary of State, the Federal Communications Commission, and relevant agencies in the States of Alaska, Idaho, Montana, Oregon, and Washington, shall—

(1) evaluate the technical and operational challenges with respect to interoperable communications facing regional, local, State, and Federal authorities in preparing for the 2010 Olympics; and

(2) develop an integrated plan for addressing such technical and operational challenges.

(b) REPORT TO CONGRESS.—The Secretary of Homeland Security shall submit and present the plan developed under subsection (a) to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Energy and Commerce of the House of Representatives.

SA 4637. Ms. STABENOW submitted an amendment intended to be proposed by her to the bill H.R. 5441, making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2007, and for other purposes; which was ordered to lie on the table; as follows:

On page 91, line 6, strike “\$2,393,500,000” and insert “\$2,793,500,000”.

On page 93, between lines 8 and 9, insert the following:

(5) \$400,000,000 for interoperable communications grants, which is designated as an emergency requirement pursuant to section 402 of S. Con. Res. 83 (109th Congress), the concurrent resolution on the budget for fiscal year 2007, as made applicable in the Senate by section 7035 of Public Law 109-234.

SA 4638. Mrs. BOXER submitted an amendment intended to be proposed by her to the bill H.R. 5441, making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2007, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ____ . FEDERAL EARTHQUAKE RESPONSE PLANS.

Not later than 90 days after the date of enactment of this Act, the Director of the Federal Emergency Management Agency shall submit a report to Congress outlining Federal earthquake response plans for high risk earthquake regions in the United States as determined by the United States Geological Survey.

SA 4639. Mrs. MURRAY submitted an amendment intended to be proposed by her to the bill H.R. 5441, making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2007, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. —.

Notwithstanding any other provision of this Act, funding made available under title VII, under the heading UNITED STATES COAST GUARD ACQUISITION, CONSTRUCTION, AND IMPROVEMENTS may be used to acquire law enforcement patrol boats.

SA 4640. Mrs. MURRAY submitted an amendment intended to be proposed by her to the bill H.R. 5441, making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2007, and for other purposes; which was ordered to lie on the table; as follows:

On page 104, line 9, strike “\$106,414,000” and insert “\$104,414,000”.

On page 105, line 1, strike “\$712,041,000” and insert “\$714,041,000”.

On page 105, line 7, strike “costs.” and insert the following: “costs: Provided further, That \$2,000,000 under this heading shall be available for the construction of radiological laboratories at Pacific Northwest National Laboratory.”

Provided further that funding will not be available until an memorandum of understanding between the Department of Homeland Security and the Department of Energy has been entered into.

SA 4641. Mr. DODD submitted an amendment intended to be proposed by him to the bill H.R. 5441, making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2007, and for other purposes; which was ordered to lie on the table; as follows:

On page 91, line 6, strike “\$2,393,500,000” and insert “\$12,083,500,000”.

On page 91, line 8, strike “\$500,000,000” and insert “\$2,896,000,000”.

On page 91, line 9, strike “\$350,000,000” and insert “\$2,027,000,000”.

On page 91, line 22, strike “\$1,172,000,000” and insert “\$6,789,000,000”.

On page 92, line 1, strike “\$745,000,000” and insert “\$4,315,000,000”.

On page 92, line 3, strike “\$210,000,000” and insert “\$1,216,000,000”.

On page 92, line 9, strike “\$5,000,000” and insert “\$30,000,000”.

On page 92, line 11, strike “\$12,000,000” and insert “\$69,000,000”.

On page 92, line 13, strike “\$150,000,000” and insert “\$869,000,000”.

On page 92, line 17, strike “\$50,000,000” and insert “\$290,000,000”.

On page 94, line 17, strike “\$655,000,000, of which \$540,000,000” and insert “\$3,794,000,000, of which \$3,128,000,000”.

On page 94, line 19, strike “\$115,000,000” and insert “\$666,000,000”.

On page 95, line 5, strike “\$205,000,000” and insert “\$1,187,000,000”.

On page 96, line 6, strike “\$45,887,000” and insert “\$265,800,000”.

On page 96, line 12, strike “\$525,056,000, of which \$442,547,000” and insert “\$3,041,200,000, of which \$2,554,608,000”.

SA 4642. Mr. PRYOR submitted an amendment intended to be proposed by him to the bill H.R. 5441, making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2007, and for other purposes; which was ordered to lie on the table; as follows:

On page 66, line 5, strike “\$166,456,000” and insert “\$152,956,000”.

On page 91, line 6, strike “\$2,393,500,000” and insert “\$2,407,000,000”.

On page 93, strike lines 7 and 8 and insert the following:

(4) \$345,000,000 for training, exercises, technical assistance, and other programs: Provided, That not less than \$25,000,000 is for technical assistance:

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON BANKING, HOUSING, AND URBAN AFFAIRS

Mr. GREGG. Mr. President, I ask unanimous consent that the Committee on Banking, Housing, and Urban Affairs be authorized to meet during the session of the Senate on July 12, 2006, at 10:30 a.m., to conduct a hearing on the nominations of Mr. Frederic S. Mishkin, of New York, to be a member of the Board of Governors of the Federal Reserve System; Ms. Linda Mysliw Conlin, of New Jersey, to be first Vice President of the Export-Import Bank; Mr. Geoffrey S. Bacino, of Illinois, to be a Director of the Federal Housing Finance Board; Mr. Edmund C. Moy, of Wisconsin, to be Director of the Mint; and Mr. J. Joseph Grandmaison, of New Hampshire, to be a member of the Board of Directors of the Export-Import Bank.

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

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. GREGG. Mr. President, I ask unanimous consent that the Committee on Energy and Natural Resources be authorized to meet during the session of the Senate on Wednesday, July 12, 2006, at 11:30 a.m. The purpose of this meeting is to consider the nomination of Marc Spitzer of Arizona to be a member of the Federal Energy Regulatory Commission.

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

COMMITTEE ON FINANCE

Mr. GREGG. Mr. President, I ask unanimous consent that the Committee on Finance be authorized to meet during the session on Wednesday, July 12, 2006, at 10 a.m., in 215 Dirksen Senate Office Building, to hear testimony on “S. 3495—A bill to authorize the extension of nondiscriminatory treatment (normal trade relations treatment) to the products of Vietnam”.

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

COMMITTEE ON FOREIGN RELATIONS

Mr. GREGG. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the Senate on Wednesday, July 12, 2006, at 9:30 a.m. to hold a hearing on Multilateral Development Banks.

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

COMMITTEE ON INDIAN AFFAIRS

Mr. GREGG. Mr. President, I ask unanimous consent that the Committee on Indian Affairs be authorized to meet on Wednesday, July 12, 2006, at 9:30 a.m., in Room 106 of the Dirksen Senate Office Building, to conduct a hearing on S. 660, the Lumbee Recognition Act.

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

COMMITTEE ON THE JUDICIARY

Mr. GREGG. Mr. President, I ask unanimous consent that the Senate