

Thomas F. Eagleton, former member of the United States Senate.

Resolved, That the Secretary of the Senate communicate these resolutions to the House of Representatives and transmit an enrolled copy thereof to the family of the deceased.

Resolved, That when the Senate stands adjourned today, it stand adjourned as a further mark of respect to the memory of the Honorable Thomas F. Eagleton.

SENATE RESOLUTION 98—PROVIDING FOR MEMBERS ON THE PART OF THE SENATE OF THE JOINT COMMITTEE ON PRINTING AND THE JOINT COMMITTEE OF CONGRESS ON THE LIBRARY

Mrs. FEINSTEIN submitted the following resolution; which was considered and agreed to:

S. RES. 98

Resolved, That the following named Members be, and they are hereby, elected members of the following joint committees of Congress:

JOINT COMMITTEE ON PRINTING: Mrs. Feinstein, Mr. Inouye, Mrs. Murray, Mr. Bennett, and Mr. Chambliss.

JOINT COMMITTEE OF CONGRESS ON THE LIBRARY: Mrs. Feinstein, Mr. Dodd, Mr. Schumer, Mr. Bennett, and Mr. Stevens.

AMENDMENTS SUBMITTED AND PROPOSED

SA 349. Mr. BOND (for himself and Mr. ROCKEFELLER) submitted an amendment intended to be proposed to amendment SA 275 proposed by Mr. REID (for himself, Mr. LIEBERMAN, and Ms. COLLINS) to the bill S. 4, to make the United States more secure by implementing unfinished recommendations of the 9/11 Commission to fight the war on terror more effectively, to improve homeland security, and for other purposes; which was ordered to lie on the table.

SA 350. Mr. BOND (for himself and Mr. ROCKEFELLER) submitted an amendment intended to be proposed to amendment SA 275 proposed by Mr. REID (for himself, Mr. LIEBERMAN, and Ms. COLLINS) to the bill S. 4, supra; which was ordered to lie on the table.

SA 351. Mr. INOUE (for himself and Mr. STEVENS) submitted an amendment intended to be proposed to amendment SA 275 proposed by Mr. REID (for himself, Mr. LIEBERMAN, and Ms. COLLINS) to the bill S. 4, supra; which was ordered to lie on the table.

SA 352. Mr. MENENDEZ proposed an amendment to amendment SA 275 proposed by Mr. REID (for himself, Mr. LIEBERMAN, and Ms. COLLINS) to the bill S. 4, supra.

SA 353. Mr. BINGAMAN submitted an amendment intended to be proposed to amendment SA 275 proposed by Mr. REID (for himself, Mr. LIEBERMAN, and Ms. COLLINS) to the bill S. 4, supra; which was ordered to lie on the table.

SA 354. Mr. LIEBERMAN (for Mr. MENENDEZ) proposed an amendment to amendment SA 275 proposed by Mr. REID (for himself, Mr. LIEBERMAN, and Ms. COLLINS) to the bill S. 4, supra.

SA 355. Ms. CANTWELL submitted an amendment intended to be proposed to amendment SA 275 proposed by Mr. REID (for himself, Mr. LIEBERMAN, and Ms. COLLINS) to the bill S. 4, supra; which was ordered to lie on the table.

SA 356. Ms. SNOWE (for herself and Mr. ROCKEFELLER) submitted an amendment intended to be proposed to amendment SA 275 proposed by Mr. REID (for himself, Mr. LIEBERMAN, and Ms. COLLINS) to the bill S. 4, supra; which was ordered to lie on the table.

SA 357. Mr. KYL proposed an amendment to amendment SA 275 proposed by Mr. REID (for himself, Mr. LIEBERMAN, and Ms. COLLINS) to the bill S. 4, supra.

SA 358. Mrs. MURRAY submitted an amendment intended to be proposed by her to the bill S. 4, supra; which was ordered to lie on the table.

SA 359. Mr. LAUTENBERG submitted an amendment intended to be proposed to amendment SA 275 proposed by Mr. REID (for himself, Mr. LIEBERMAN, and Ms. COLLINS) to the bill S. 4, supra; which was ordered to lie on the table.

SA 360. Mr. GRAHAM (for himself and Mr. BROWNBACK) submitted an amendment intended to be proposed to amendment SA 275 proposed by Mr. REID (for himself, Mr. LIEBERMAN, and Ms. COLLINS) to the bill S. 4, supra; which was ordered to lie on the table.

SA 361. Mr. LIEBERMAN (for himself and Mr. MCCAIN) submitted an amendment intended to be proposed to amendment SA 275 proposed by Mr. REID (for himself, Mr. LIEBERMAN, and Ms. COLLINS) to the bill S. 4, supra; which was ordered to lie on the table.

SA 362. Mr. KOHL (for himself, Mr. SPECTER, and Mr. LEAHY) submitted an amendment intended to be proposed to amendment SA 275 proposed by Mr. REID (for himself, Mr. LIEBERMAN, and Ms. COLLINS) to the bill S. 4, supra; which was ordered to lie on the table.

SA 363. Mr. ENSIGN proposed an amendment to amendment SA 275 proposed by Mr. REID (for himself, Mr. LIEBERMAN, and Ms. COLLINS) to the bill S. 4, supra.

SA 364. Mrs. HUTCHISON submitted an amendment intended to be proposed to amendment SA 275 proposed by Mr. REID (for himself, Mr. LIEBERMAN, and Ms. COLLINS) to the bill S. 4, supra; which was ordered to lie on the table.

SA 365. Mr. SCHUMER submitted an amendment intended to be proposed to amendment SA 275 proposed by Mr. REID (for himself, Mr. LIEBERMAN, and Ms. COLLINS) to the bill S. 4, supra; which was ordered to lie on the table.

SA 366. Mr. SCHUMER submitted an amendment intended to be proposed to amendment SA 275 proposed by Mr. REID (for himself, Mr. LIEBERMAN, and Ms. COLLINS) to the bill S. 4, supra; which was ordered to lie on the table.

SA 367. Mr. SCHUMER submitted an amendment intended to be proposed to amendment SA 275 proposed by Mr. REID (for himself, Mr. LIEBERMAN, and Ms. COLLINS) to the bill S. 4, supra; which was ordered to lie on the table.

SA 368. Mr. CARPER submitted an amendment intended to be proposed to amendment SA 275 proposed by Mr. REID (for himself, Mr. LIEBERMAN, and Ms. COLLINS) to the bill S. 4, supra; which was ordered to lie on the table.

SA 369. Mr. CARPER submitted an amendment intended to be proposed to amendment SA 275 proposed by Mr. REID (for himself, Mr. LIEBERMAN, and Ms. COLLINS) to the bill S. 4, supra; which was ordered to lie on the table.

SA 370. Mr. BOND submitted an amendment intended to be proposed to amendment SA 275 proposed by Mr. REID (for himself, Mr. LIEBERMAN, and Ms. COLLINS) to the bill S. 4, supra; which was ordered to lie on the table.

SA 371. Mr. KOHL submitted an amendment intended to be proposed to amendment SA 275 proposed by Mr. REID (for himself, Mr. LIEBERMAN, and Ms. COLLINS) to the bill S. 4, supra; which was ordered to lie on the table.

SA 372. Mr. FEINGOLD (for himself, Mr. CRAIG, Ms. MURKOWSKI, Mr. SPECTER, Mr. SALAZAR, Mr. DURBIN, Mr. SUNUNU, Mr. LEAHY, and Mr. HAGEL) submitted an amendment intended to be proposed to amendment SA 275 proposed by Mr. REID (for himself, Mr. LIEBERMAN, and Ms. COLLINS) to the bill S. 4, supra; which was ordered to lie on the table.

TEXT OF AMENDMENTS

SA. 349. Mr. BOND (for himself and Mr. ROCKEFELLER) submitted an amendment intended to be proposed to

amendment SA 275 proposed by Mr. REID (for himself, Mr. LIEBERMAN, and Ms. COLLINS) to the bill S. 4, to make the United States more secure by implementing unfinished recommendations of the 9/11 Commission to fight the war on terror more effectively, to improve homeland security, and for other purposes; which was ordered to be on the table; as follows:

On page 237, strike line 16 and all that follows through page 239, line 4, and insert the following:

(c) NATIONAL INTELLIGENCE PROGRAM DEFINED.—In this section, the term “National Intelligence Program” has the meaning given that term in section 3(6) of the National Security Act of 1947 (50 U.S.C. 401a(6)).

SA. 350. Mr. BOND (for himself and Mr. ROCKEFELLER) submitted an amendment intended to be proposed to amendment SA 275 proposed by Mr. REID (for himself, Mr. LIEBERMAN, and Ms. COLLINS) to the bill S. 4, to make the United States more secure by implementing unfinished recommendations of the 9/11 Commission to fight the war on terror more effectively, to improve homeland security, and for other purposes; which was ordered to be on the table; as follows:

On page 239, line 15, insert “(1)” after “REQUESTS OF COMMITTEES.—”.

On page 239, line 19, strike “15 days” and insert “30 days”.

On page 239, beginning on line 22, strike “the Permanent” and all that follows through “information relates” on page 240, line 1, and insert “or the Permanent Select Committee on Intelligence of the House of Representatives”.

On page 240, between lines 3 and 4, insert the following:

“(2) A committee making a request under paragraph (1) may specify a greater number of days for submittal to such committee of information in response to such request than is otherwise provided for under that paragraph.

SA. 351. Mr. INOUE (for himself and Mr. STEVENS) submitted an amendment intended to be proposed to amendment SA 275 proposed by Mr. REID (for himself, Mr. LIEBERMAN, and Ms. COLLINS) to the bill S. 4, to make the United States more secure by implementing unfinished recommendations of the 9/11 Commission to fight the war on terror more effectively, to improve homeland security, and for other purposes; which was ordered to be on the table; as follows:

On page 4, strike the item relating to section 1366 and insert the following:

Sec. 1366. In-line baggage system deployment.

On page 5, after the item relating to section 1376, insert the following:

Sec. 1377. Model ports-of-entry.

Sec. 1378. Law enforcement biometric credential.

Sec. 1379. International registered traveler program.

Sec. 1380. Employee retention internship program.

On page 5, strike the items relating to sections 1381 through 1384 and insert the following:

Sec. 1391. Interoperable emergency communications.

Sec. 1392. Rule of construction.

Sec. 1393. Cross border interoperability reports.

Sec. 1394. Extension of short quorum.

On page 330, beginning in line 7, strike “paragraph (2);” and insert “subsection (g);”.

On page 332, strike lines 21 and 22 and insert the following:

SEC. 1366. IN-LINE BAGGAGE SYSTEM DEPLOYMENT.

On page 337, line 5, strike “fully implemented” and insert “begin full implementation of”.

On page 342, line 9, strike “47135(m);” and insert “47134(m);”.

On page 342, line 21, strike “47135(m).” and insert “47134(m).”.

On page 343, beginning in line 9, strike “to the Transportation Security Administration before entering United States airspace; and” and insert “at the same time as, and in conjunction with, advance notification requirements for Customs and Border Protection before entering United States airspace; and”.

On page 344, beginning with line 14, strike through line 12 on page 345 and insert the following:

SEC. 1376. NATIONAL EXPLOSIVES DETECTION CANINE TEAM TRAINING CENTER.

(a) IN GENERAL.—

(1) INCREASED TRAINING CAPACITY.—Within 180 days after the date of enactment of this Act, the Secretary of Homeland Security shall begin to increase the capacity of the Department of Homeland Security’s National Explosives Detection Canine Team Program at Lackland Air Force Base to accommodate the training of up to 200 canine teams annually by the end of calendar year 2008.

(2) EXPANSION DETAILED REQUIREMENTS.—The expansion shall include upgrading existing facilities, procurement of additional canines, and increasing staffing and oversight commensurate with the increased training and deployment capabilities required by paragraph (1).

(3) ULTIMATE EXPANSION.—The Secretary shall continue to increase the training capacity and all other necessary program expansions so that by December 31, 2009, the number of canine teams sufficient to meet the Secretary’s homeland security mission, as determined by the Secretary on an annual basis, may be trained at this facility.

(b) ALTERNATIVE TRAINING CENTERS.—Based on feasibility and to meet the ongoing demand for quality explosives detection canines teams, the Secretary shall explore the options of creating the following:

(1) A standardized Transportation Security Administration approved canine program that private sector entities could use to provide training for additional explosives detection canine teams. For any such program, the Secretary—

(A) may coordinate with key stakeholders, including international, Federal, State, local, private sector and academic entities, to develop best practice guidelines for such a standardized program;

(B) shall require specific training criteria to which private sector entities must adhere as a condition of participating in the program; and

(C) shall review the status of these private sector programs on at least an annual basis.

(2) Expansion of explosives detection canine team training to at least 2 additional national training centers, to be modeled after the Center of Excellence established at Lackland Air Force Base.

(c) DEPLOYMENT.—The Secretary—

(1) shall use the additional explosives detection canine teams as part of the Depart-

ment’s layers of enhanced mobile security across the Nation’s transportation network and to support other homeland security programs, as deemed appropriate by the Secretary; and

(2) may make available explosives detection canine teams to all modes of transportation, for areas of high risk or to address specific threats, on an as-needed basis and as otherwise deemed appropriate by the Secretary.

(d) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Secretary of Homeland Security such sums as may be necessary to carry out this section.

SEC. 1377. MODEL PORTS-OF-ENTRY.

(a) IN GENERAL.—The Secretary of Homeland Security shall—

(1) establish a model ports-of-entry program for the purpose of providing a more efficient and courteous international visitor screening process in order to facilitate and promote travel to the United States; and

(2) implement the program initially at the 12 United States international airports with the greatest average annual number of arriving foreign visitors.

(b) PROGRAM ELEMENTS.—The program shall include—

(1) enhanced queue management in the Federal Inspection Services area leading up to primary inspection;

(2) customer service training for Customs and Border Protection officers (including training in greeting arriving visitors) developed in consultation with the Department of Commerce and the United States Travel and Tourism Advisory Board, customer service ratings for such officers’ periodic or annual reviews, and a requirement that officers provide a self-addressed, postpaid customer comment form; and

(3) instructional videos, in English and such other languages as the Secretary determines appropriate, in the Federal Inspection Services area that explain the United States inspection process and feature national, regional, or local welcome videos.

(c) ADDITIONAL CUSTOMS AND BORDER PATROL OFFICERS FOR HIGH VOLUME PORTS.—Before the end of fiscal year 2008, the Secretary of Homeland Security shall employ an additional 200 Customs and Border Protection officers to address staff shortages at the 12 busiest international gateway airports in the United States.

(d) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Secretary of Homeland Security such sums as may be necessary to carry out this section.

SEC. 1378. LAW ENFORCEMENT BIOMETRIC CREDENTIAL.

(a) IN GENERAL.—Paragraph (6) of section 44903(h) of title 49, United States Code, is amended to read as follows:

“(6) USE OF BIOMETRIC TECHNOLOGY FOR ARMED LAW ENFORCEMENT TRAVEL.—

“(A) IN GENERAL.—Not later than 1 year after the date of enactment of the Improving America’s Security Act of 2007, the Secretary of Homeland Security shall—

“(i) consult with the Attorney General concerning implementation of this paragraph;

“(ii) issue any necessary rulemaking to implement this paragraph; and

“(iii) establishing a national registered armed law enforcement program for law enforcement officers needing to be armed when traveling by air.

“(B) PROGRAM REQUIREMENTS.—The program shall—

“(i) establish a credential or a system that incorporates biometric technology and other applicable technologies;

“(ii) provide a flexible solution for law enforcement officers who need to be armed when traveling by air on a regular basis and for those who need to be armed during temporary travel assignments;

“(iii) be coordinated with other uniform credentialing initiatives including the Homeland Security Presidential Directive 12;

“(iv) be applicable for all Federal, State, local, tribal and territorial government law enforcement agencies; and

“(v) establish a process by which the travel credential or system may be used to verify the identity, using biometric technology, of a Federal, State, local, tribal, or territorial law enforcement officer seeking to carry a weapon on board an aircraft, without unnecessarily disclosing to the public that the individual is a law enforcement officer.

“(C) PROCEDURES.—In establishing the program, the Secretary shall develop procedures—

“(i) to ensure that only Federal, State, local, tribal, and territorial government law enforcement officers with a specific need to be armed when traveling by air are issued a law enforcement travel credential;

“(II) to preserve the anonymity of the armed law enforcement officer without calling undue attention to the individual’s identity;

“(iii) to resolve failures to enroll, false matches, and false non-matches relating to use of the law enforcement travel credential or system; and

“(iv) to invalidate any law enforcement travel credential or system that is lost, stolen, or no longer authorized for use.

“(D) FUNDING.—There are authorized to be appropriated to the Secretary such sums as may be necessary to carry out this paragraph.”.

(b) REPORT.—Within 180 days after implementing the national registered armed law enforcement program required by section 44903(h)(6) of title 49, United States Code, the Secretary of Homeland Security shall transmit a report to the Senate Committee on Commerce, Science, and Transportation. If the Secretary has not implemented the program within 180 days after the date of enactment of this Act, the Secretary shall issue a report to the Committee within 180 days explaining the reasons for the failure to implement the program within the time required by that section, and a further report within each successive 180-day period until the program is implemented explaining the reasons for such further delays in implementation until the program is implemented. The Secretary shall submit each report required by this subsection in classified format.

SEC. 1379. INTERNATIONAL REGISTERED TRAVELER PROGRAM.

(a) IN GENERAL.—Section 7208(k)(3) of the Intelligence Reform and Terrorism Prevention Act of 2004 (8 U.S.C. 1365b(k)(3)) is amended to read as follows:

“(3) INTERNATIONAL REGISTERED TRAVELER PROGRAM.—

“(A) IN GENERAL.—The Secretary of Homeland Security shall establish an international registered traveler program that incorporates available technologies, such as biometrics and e-passports, and security threat assessments to expedite the screening and processing of international travelers, including United States Citizens and residents, who enter and exit the United States. The program shall be coordinated with the US VISIT program, other pre-screening initiatives, and the visa waiver program within the Department of Homeland Security.

“(B) FEES.—The Secretary may impose a fee for the program and may modify the fee from time to time. The fee may not exceed

the aggregate costs associated with the program and shall be credited to the Department of Homeland Security for purposes of carrying out the program. Amounts so credited shall remain available until expended.

“(C) RULEMAKING.—Within 180 days after the date of enactment of the Improving America’s Security Act of 2007, the Secretary shall initiate a rulemaking to establish the program, criteria for participation, and the fee for the program.

“(D) IMPLEMENTATION.—Not later than 1 year after the date of enactment of the Improving America’s Security Act of 2007, the Secretary shall establish a phased-implementation of a biometric-based international registered traveler program in conjunction with the US VISIT entry and exit system, other pre-screening initiatives, and the visa waiver program within the Department of Homeland Security at United States airports with the highest volume of international travelers.

“(E) PARTICIPATION.—The Secretary shall ensure that the international registered traveler program includes as many participants as practicable by—

“(i) establishing a reasonable cost of enrollment;

“(ii) making program enrollment convenient and easily accessible; and

“(iii) providing applicants with clear and consistent eligibility guidelines.

“(F) TECHNOLOGIES.—The Secretary shall coordinate with the Secretary of State to define a schedule for their respective departments for the deployment of appropriate technologies to begin capturing applicable and sufficient biometrics from visa applicants and individuals seeking admission to the United States, if such visa applicant or individual has not previously provided such information, at each consular location and port of entry. The Secretary of Homeland Security shall also coordinate with the Secretary of State regarding the feasibility of allowing visa applicants or individuals to enroll in the International Registered Traveler program at consular offices.”.

SEC. 1380. EMPLOYEE RETENTION INTERNSHIP PROGRAM.

The Assistant Secretary of Homeland Security (Transportation Security Administration), shall establish a pilot program at a small hub airport, a medium hub airport, and a large hub airport (as those terms are defined in paragraphs (42), (31), and (29), respectively, of section 40102 of title 49, United States Code) for training students to perform screening of passengers and property under section 44901 of title 49, United States Code. The program shall be an internship for pre-employment training of final-year students from public and private secondary schools located in nearby communities. Under the program, participants shall be—

(1) compensated for training and services time while participating in the program; and

(2) required to agree, as a condition of participation in the program, to accept employment as a screener upon successful completion of the internship and upon graduation from the secondary school.

On page 345, strike lines 15 and 16, and insert the following:

SEC. 1391. INTEROPERABLE EMERGENCY COMMUNICATIONS.

On page 358, strike line 19 and insert the following:

SEC. 1392. RULE OF CONSTRUCTION.

On page 359, strike line 7 and insert the following:

SEC. 1393. CROSS BORDER INTEROPERABILITY REPORTS.

On page 361, strike line 14 and insert the following:

SEC. 1394. EXTENSION OF SHORT QUORUM.

SA 352. Mr. MENENDEZ proposed an amendment to amendment SA 275 proposed by Mr. REID (for himself, Mr. LIEBERMAN, and Ms. COLLINS) to the bill S. 4, to make the United States more secure by implementing unfinished recommendations of the 9/11 Commission to fight the war on terror more effectively, to improve homeland security, and for other purposes; as follows:

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

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

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

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

(1) specific annual benchmarks for—

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

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

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

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

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

SA 353. Mr. BINGAMAN submitted an amendment intended to be proposed to amendment SA 275 proposed by Mr. REID (for himself, Mr. LIEBERMAN, and Ms. COLLINS) to the bill S. 4, to make the United States more secure by implementing unfinished recommendations of the 9/11 Commission to fight the war on terror more effectively, to improve homeland security, and for other purposes; which was ordered to be on the table; as follows:

On page 150, line 10, after “section 1016” insert “and information use, collection, storage, and disclosure”.

SA 354. Mr. LIEBERMAN (for Mr. MENENDEZ) proposed an amendment to amendment SA 275 proposed by Mr. REID (for himself, Mr. LIEBERMAN, and Ms. COLLINS) to the bill S. 4, to make the United States more secure by implementing unfinished recommendations of the 9/11 Commission to fight the war on terror more effectively, to improve homeland security, and for other purposes; which was ordered to be on the table; as follows:

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

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

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

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

“(1) IN GENERAL.—Not later”; and

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

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

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

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

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

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

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

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

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

SA 355. Ms. CANTWELL submitted an amendment intended to be proposed to amendment SA 275 proposed by Mr. REID (for himself, Mr. LIEBERMAN, and Ms. COLLINS) to the bill S. 4, to make the United States more secure by implementing unfinished recommendations of the 9/11 Commission to fight the war on terror more effectively, to improve homeland security, and for other purposes; which was ordered to lie on the table; as follows:

On page 111, line 10, before the semicolon insert “regarding equipment and software”.

On page 113, between lines 23 and 24, insert the following:

“(G) the extent to which a grant would minimize the need for local government agencies to replace communications equipment;

On page 122, between lines 20 and 21, insert the following:

(d) SAFECOM.—Not later than 6 months after the date of enactment of this Act, the Secretary shall revise the recommended grant guidance for emergency response communications and interoperability grants under the SAFECOM Program of the Department to ensure that it—

(1) is technology neutral;

(2) supports a system-of-systems approach; and

(3) is representative of open-standards based software and equipment.

(e) EVALUATION OF DEPARTMENT OF DEFENSE COMMUNICATIONS SYSTEMS.—Section 1803(d) of the Homeland Security Act of 2002 (6 U.S.C. 573(d)) is amended by striking paragraph (4) and inserting the following:

“(4) a list of best practices relating to the ability to continue to communicate and to

provide and maintain interoperable emergency communications in the event of natural disasters, acts of terrorism, or other man-made disasters, including—

“(A) an evaluation, in consultation with the Secretary of Defense, of technological approaches used by the Armed Forces of the United States to achieve interoperable communications and the applicability of such approaches to addressing the interoperable emergency communications needs of Federal agencies and State, local, and tribal governments; and

“(B) an evaluation of the feasibility and desirability of the Department developing, on its own or in conjunction with the Department of Defense, a mobile communications capability, modeled on the Army Signal Corps, that could be deployed to support emergency communications at the site of natural disasters, acts of terrorism, or other man-made disasters.”.

On page 124, line 7, after “equipment” insert “and software”.

On page 124, line 8, after “identity” insert “equipment and software”.

On page 124, line 14, after “training” insert “, software,”.

On page 124, line 18, after “equipment” insert “and software”.

SA 356. Ms. SNOWE (for herself and Mr. ROCKEFELLER) submitted an amendment intended to be proposed to amendment SA 275 proposed by Mr. REID (for himself, Mr. LIEBERMAN, and Ms. COLLINS) to the bill S. 4, to make the United States more secure by implementing unfinished recommendations of the 9/11 Commission to fight the war on terror more effectively, to improve homeland security, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ____ . INSPECTOR GENERAL OF THE INTELLIGENCE COMMUNITY.

(a) **ESTABLISHMENT.**—(1) Title I of the National Security Act of 1947 (50 U.S.C. 402 et seq.) is amended by inserting after section 103G the following new section:

“INSPECTOR GENERAL OF THE INTELLIGENCE COMMUNITY

“SEC. 103H. (a) OFFICE OF INSPECTOR GENERAL OF INTELLIGENCE COMMUNITY.—There is within the Office of the Director of National Intelligence an Office of the Inspector General of the Intelligence Community.

“(b) PURPOSE.—The purpose of the Office of the Inspector General of the Intelligence Community is to—

“(1) create an objective and effective office, appropriately accountable to Congress, to initiate and conduct independently investigations, inspections, and audits relating to—

“(A) the programs and operations of the intelligence community;

“(B) the elements of the intelligence community within the National Intelligence Program; and

“(C) the relationships between the elements of the intelligence community within the National Intelligence Program and the other elements of the intelligence community;

“(2) recommend policies designed—

“(A) to promote economy, efficiency, and effectiveness in the administration and implementation of such programs and operations, and in such relationships; and

“(B) to prevent and detect fraud and abuse in such programs, operations, and relationships;

“(3) provide a means for keeping the Director of National Intelligence fully and currently informed about—

“(A) problems and deficiencies relating to the administration and implementation of such programs and operations, and to such relationships; and

“(B) the necessity for, and the progress of, corrective actions; and

“(4) in the manner prescribed by this section, ensure that the congressional intelligence committees are kept similarly informed of—

“(A) significant problems and deficiencies relating to the administration and implementation of such programs and operations, and to such relationships; and

“(B) the necessity for, and the progress of, corrective actions.

“(c) INSPECTOR GENERAL OF INTELLIGENCE COMMUNITY.—(1) There is an Inspector General of the Intelligence Community, who shall be the head of the Office of the Inspector General of the Intelligence Community, who shall be appointed by the President, by and with the advice and consent of the Senate.

“(2) The nomination of an individual for appointment as Inspector General shall be made—

“(A) without regard to political affiliation;

“(B) solely on the basis of integrity, compliance with the security standards of the intelligence community, and prior experience in the field of intelligence or national security; and

“(C) on the basis of demonstrated ability in accounting, financial analysis, law, management analysis, public administration, or auditing.

“(3) The Inspector General shall report directly to and be under the general supervision of the Director of National Intelligence.

“(4) The Inspector General may be removed from office only by the President. The President shall immediately communicate in writing to the congressional intelligence committees the reasons for the removal of any individual from the position of Inspector General.

“(d) DUTIES AND RESPONSIBILITIES.—Subject to subsections (g) and (h), it shall be the duty and responsibility of the Inspector General of the Intelligence Community—

“(1) to provide policy direction for, and to plan, conduct, supervise, and coordinate independently, the investigations, inspections, and audits relating to the programs and operations of the intelligence community, the elements of the intelligence community within the National Intelligence Program, and the relationships between the elements of the intelligence community within the National Intelligence Program and the other elements of the intelligence community to ensure they are conducted efficiently and in accordance with applicable law and regulations;

“(2) to keep the Director of National Intelligence fully and currently informed concerning violations of law and regulations, violations of civil liberties and privacy, and fraud and other serious problems, abuses, and deficiencies that may occur in such programs and operations, and in such relationships, and to report the progress made in implementing corrective action;

“(3) to take due regard for the protection of intelligence sources and methods in the preparation of all reports issued by the Inspector General, and, to the extent consistent with the purpose and objective of such reports, take such measures as may be appropriate to minimize the disclosure of intelligence sources and methods described in such reports; and

“(4) in the execution of the duties and responsibilities under this section, to comply

with generally accepted government auditing standards.

“(e) LIMITATIONS ON ACTIVITIES.—(1) The Director of National Intelligence may prohibit the Inspector General of the Intelligence Community from initiating, carrying out, or completing any investigation, inspection, or audit if the Director determines that such prohibition is necessary to protect vital national security interests of the United States.

“(2) If the Director exercises the authority under paragraph (1), the Director shall submit an appropriately classified statement of the reasons for the exercise of such authority within seven days to the congressional intelligence committees.

“(3) The Director shall advise the Inspector General at the time a report under paragraph (2) is submitted, and, to the extent consistent with the protection of intelligence sources and methods, provide the Inspector General with a copy of such report.

“(4) The Inspector General may submit to the congressional intelligence committees any comments on a report of which the Inspector General has notice under paragraph (3) that the Inspector General considers appropriate.

“(f) AUTHORITIES.—(1) The Inspector General of the Intelligence Community shall have direct and prompt access to the Director of National Intelligence when necessary for any purpose pertaining to the performance of the duties of the Inspector General.

“(2)(A) The Inspector General shall have access to any employee, or any employee of a contractor, of any element of the intelligence community whose testimony is needed for the performance of the duties of the Inspector General.

“(B) The Inspector General shall have direct access to all records, reports, audits, reviews, documents, papers, recommendations, or other material which relate to the programs and operations with respect to which the Inspector General has responsibilities under this section.

“(C) The level of classification or compartmentation of information shall not, in and of itself, provide a sufficient rationale for denying the Inspector General access to any materials under subparagraph (B).

“(D) Failure on the part of any employee, or any employee of a contractor, of any element of the intelligence community to cooperate with the Inspector General shall be grounds for appropriate administrative actions by the Director or, on the recommendation of the Director, other appropriate officials of the intelligence community, including loss of employment or the termination of an existing contractual relationship.

“(3) The Inspector General is authorized to receive and investigate complaints or information from any person concerning the existence of an activity constituting a violation of laws, rules, or regulations, or mismanagement, gross waste of funds, abuse of authority, or a substantial and specific danger to the public health and safety. Once such complaint or information has been received from an employee of the Federal Government—

“(A) the Inspector General shall not disclose the identity of the employee without the consent of the employee, unless the Inspector General determines that such disclosure is unavoidable during the course of the investigation or the disclosure is made to an official of the Department of Justice responsible for determining whether a prosecution should be undertaken; and

“(B) no action constituting a reprisal, or threat of reprisal, for making such complaint may be taken by any employee in a position to take such actions, unless the

complaint was made or the information was disclosed with the knowledge that it was false or with willful disregard for its truth or falsity.

“(4) The Inspector General shall have authority to administer to or take from any person an oath, affirmation, or affidavit, whenever necessary in the performance of the duties of the Inspector General, which oath, affirmation, or affidavit when administered or taken by or before an employee of the Office of the Inspector General of the Intelligence Community designated by the Inspector General shall have the same force and effect as if administered or taken by or before an officer having a seal.

“(5)(A) Except as provided in subparagraph (B), the Inspector General is authorized to require by subpoena the production of all information, documents, reports, answers, records, accounts, papers, and other data and documentary evidence necessary in the performance of the duties and responsibilities of the Inspector General.

“(B) In the case of departments, agencies, and other elements of the United States Government, the Inspector General shall obtain information, documents, reports, answers, records, accounts, papers, and other data and evidence for the purpose specified in subparagraph (A) using procedures other than by subpoenas.

“(C) The Inspector General may not issue a subpoena for or on behalf of any other element of the intelligence community, including the Office of the Director of National Intelligence.

“(D) In the case of contumacy or refusal to obey a subpoena issued under this paragraph, the subpoena shall be enforceable by order of any appropriate district court of the United States.

“(g) COORDINATION AMONG INSPECTORS GENERAL OF INTELLIGENCE COMMUNITY.—(1) In the event of a matter within the jurisdiction of the Inspector General of the Intelligence Community that may be subject to an investigation, inspection, or audit by both the Inspector General of the Intelligence Community and an Inspector General, whether statutory or administrative, with oversight responsibility for an element or elements of the intelligence community, the Inspector General of the Intelligence Community and such other Inspector or Inspectors General shall expeditiously resolve which Inspector General shall conduct such investigation, inspection, or audit.

“(2) The Inspector General conducting an investigation, inspection, or audit covered by paragraph (1) shall submit the results of such investigation, inspection, or audit to any other Inspector General, including the Inspector General of the Intelligence Community, with jurisdiction to conduct such investigation, inspection, or audit who did not conduct such investigation, inspection, or audit.

“(3)(A) If an investigation, inspection, or audit covered by paragraph (1) is conducted by an Inspector General other than the Inspector General of the Intelligence Community, the Inspector General of the Intelligence Community may, upon completion of such investigation, inspection, or audit by such other Inspector General, conduct under this section a separate investigation, inspection, or audit of the matter concerned if the Inspector General of the Intelligence Community determines that such initial investigation, inspection, or audit was deficient in some manner or that further investigation, inspection, or audit is required.

“(B) This paragraph shall not apply to the Inspector General of the Department of Defense or to any other Inspector General within the Department of Defense.

“(h) STAFF AND OTHER SUPPORT.—(1) The Inspector General of the Intelligence Com-

munity shall be provided with appropriate and adequate office space at central and field office locations, together with such equipment, office supplies, maintenance services, and communications facilities and services as may be necessary for the operation of such offices.

“(2)(A) Subject to applicable law and the policies of the Director of National Intelligence, the Inspector General shall select, appoint, and employ such officers and employees as may be necessary to carry out the functions of the Inspector General. The Inspector General shall ensure that any officer or employee so selected, appointed, or employed has security clearances appropriate for the assigned duties of such officer or employee.

“(B) In making selections under subparagraph (A), the Inspector General shall ensure that such officers and employees have the requisite training and experience to enable the Inspector General to carry out the duties of the Inspector General effectively.

“(C) In meeting the requirements of this paragraph, the Inspector General shall create within the Office of the Inspector General of the Intelligence Community a career cadre of sufficient size to provide appropriate continuity and objectivity needed for the effective performance of the duties of the Inspector General.

“(3)(A) Subject to the concurrence of the Director, the Inspector General may request such information or assistance as may be necessary for carrying out the duties and responsibilities of the Inspector General from any department, agency, or other element of the United States Government.

“(B) Upon request of the Inspector General for information or assistance under subparagraph (A), the head of the department, agency, or element concerned shall, insofar as is practicable and not in contravention of any existing statutory restriction or regulation of the department, agency, or element, furnish to the Inspector General, or to an authorized designee, such information or assistance.

“(C) The Inspector General of the Intelligence Community may, upon reasonable notice to the head of any element of the intelligence community, conduct, as authorized by this section, an investigation, inspection, or audit of such element and may enter into any place occupied by such element for purposes of the performance of the duties of the Inspector General.

“(i) REPORTS.—(1)(A) The Inspector General of the Intelligence Community shall, not later than January 31 and July 31 of each year, prepare and submit to the Director of National Intelligence a classified, and, as appropriate, unclassified semiannual report summarizing the activities of the Office of the Inspector General of the Intelligence Community during the immediately preceding 6-month periods ending December 31 (of the preceding year) and June 30, respectively.

“(B) Each report under this paragraph shall include, at a minimum, the following:

“(i) A list of the title or subject of each investigation, inspection, or audit conducted during the period covered by such report, including a summary of the progress of each particular investigation, inspection, or audit since the preceding report of the Inspector General under this paragraph.

“(ii) A description of significant problems, abuses, and deficiencies relating to the administration and implementation of programs and operations of the intelligence community, and in the relationships between elements of the intelligence community, identified by the Inspector General during the period covered by such report.

“(iii) A description of the recommendations for corrective or disciplinary action

made by the Inspector General during the period covered by such report with respect to significant problems, abuses, or deficiencies identified in clause (ii).

“(iv) A statement whether or not corrective or disciplinary action has been completed on each significant recommendation described in previous semiannual reports, and, in a case where corrective action has been completed, a description of such corrective action.

“(v) A certification whether or not the Inspector General has had full and direct access to all information relevant to the performance of the functions of the Inspector General.

“(vi) A description of the exercise of the subpoena authority under subsection (f)(5) by the Inspector General during the period covered by such report.

“(vii) Such recommendations as the Inspector General considers appropriate for legislation to promote economy, efficiency, and effectiveness in the administration and implementation of programs and operations undertaken by the intelligence community, and in the relationships between elements of the intelligence community, and to detect and eliminate fraud and abuse in such programs and operations and in such relationships.

“(C) Not later than the 30 days after the date of receipt of a report under subparagraph (A), the Director shall transmit the report to the congressional intelligence committees together with any comments the Director considers appropriate.

“(2)(A) The Inspector General shall report immediately to the Director whenever the Inspector General becomes aware of particularly serious or flagrant problems, abuses, or deficiencies relating to the administration and implementation of programs or operations of the intelligence community or in the relationships between elements of the intelligence community.

“(B) The Director shall transmit to the congressional intelligence committees each report under subparagraph (A) within seven calendar days of receipt of such report, together with such comments as the Director considers appropriate.

“(3) In the event that—

“(A) the Inspector General is unable to resolve any differences with the Director affecting the execution of the duties or responsibilities of the Inspector General;

“(B) an investigation, inspection, or audit carried out by the Inspector General focuses on any current or former intelligence community official who—

“(i) holds or held a position in an element of the intelligence community that is subject to appointment by the President, whether or not by and with the advice and consent of the Senate, including such a position held on an acting basis;

“(ii) holds or held a position in an element of the intelligence community, including a position held on an acting basis, that is appointed by the Director of National Intelligence; or

“(iii) holds or held a position as head of an element of the intelligence community or a position covered by subsection (b) or (c) of section 106;

“(C) a matter requires a report by the Inspector General to the Department of Justice on possible criminal conduct by a current or former official described in subparagraph (B);

“(D) the Inspector General receives notice from the Department of Justice declining or approving prosecution of possible criminal conduct of any current or former official described in subparagraph (B); or

“(E) the Inspector General, after exhausting all possible alternatives, is unable to obtain significant documentary information in the course of an investigation, inspection, or audit,

the Inspector General shall immediately notify and submit a report on such matter to the congressional intelligence committees.

“(4) Pursuant to title V, the Director shall submit to the congressional intelligence committees any report or findings and recommendations of an investigation, inspection, or audit conducted by the Office of the Inspector General which has been requested by the Chairman or Vice Chairman or Ranking Minority Member of either committee.

“(5)(A) An employee of an element of the intelligence community, an employee assigned or detailed to an element of the intelligence community, or an employee of a contractor to the intelligence community who intends to report to Congress a complaint or information with respect to an urgent concern may report such complaint or information to the Inspector General.

“(B) Not later than the end of the 14-calendar day period beginning on the date of receipt from an employee of a complaint or information under subparagraph (A), the Inspector General shall determine whether the complaint or information appears credible. Upon making such a determination, the Inspector General shall transmit to the Director a notice of that determination, together with the complaint or information.

“(C) Upon receipt of a transmittal from the Inspector General under subparagraph (B), the Director shall, within seven calendar days of such receipt, forward such transmittal to the congressional intelligence committees, together with any comments the Director considers appropriate.

“(D)(i) If the Inspector General does not find credible under subparagraph (B) a complaint or information submitted under subparagraph (A), or does not transmit the complaint or information to the Director in accurate form under subparagraph (B), the employee (subject to clause (ii)) may submit the complaint or information to Congress by contacting either or both of the congressional intelligence committees directly.

“(ii) An employee may contact the congressional intelligence committees directly as described in clause (i) only if the employee—

“(I) before making such a contact, furnishes to the Director, through the Inspector General, a statement of the employee's complaint or information and notice of the employee's intent to contact the congressional intelligence committees directly; and

“(II) obtains and follows from the Director, through the Inspector General, direction on how to contact the congressional intelligence committees in accordance with appropriate security practices.

“(iii) A member or employee of one of the congressional intelligence committees who receives a complaint or information under clause (i) does so in that member or employee's official capacity as a member or employee of such committee.

“(E) The Inspector General shall notify an employee who reports a complaint or information to the Inspector General under this paragraph of each action taken under this paragraph with respect to the complaint or information. Such notice shall be provided not later than 3 days after any such action is taken.

“(F) An action taken by the Director or the Inspector General under this paragraph shall not be subject to judicial review.

“(G) In this paragraph, the term ‘urgent concern’ means any of the following:

“(i) A serious or flagrant problem, abuse, violation of law or Executive order, or deficiency relating to the funding, administration, or operation of an intelligence activity

involving classified information, but does not include differences of opinions concerning public policy matters.

“(ii) A false statement to Congress, or a willful withholding from Congress, on an issue of material fact relating to the funding, administration, or operation of an intelligence activity.

“(iii) An action, including a personnel action described in section 2302(a)(2)(A) of title 5, United States Code, constituting reprisal or threat of reprisal prohibited under subsection (f)(3)(B) in response to an employee's reporting an urgent concern in accordance with this paragraph.

“(H) In support of this paragraph, Congress makes the findings set forth in paragraphs (1) through (6) of section 701(b) of the Intelligence Community Whistleblower Protection Act of 1998 (title VII of Public Law 105-272; 5 U.S.C. App. 8H note).

“(6) In accordance with section 535 of title 28, United States Code, the Inspector General shall report to the Attorney General any information, allegation, or complaint received by the Inspector General relating to violations of Federal criminal law that involves a program or operation of an element of the intelligence community, or in the relationships between the elements of the intelligence community, consistent with such guidelines as may be issued by the Attorney General pursuant to subsection (b)(2) of such section. A copy of each such report shall be furnished to the Director.

“(j) SEPARATE BUDGET ACCOUNT.—The Director of National Intelligence shall, in accordance with procedures to be issued by the Director in consultation with the congressional intelligence committees, include in the National Intelligence Program budget a separate account for the Office of Inspector General of the Intelligence Community.

“(k) CONSTRUCTION OF DUTIES REGARDING ELEMENTS OF INTELLIGENCE COMMUNITY.—Except as resolved pursuant to subsection (g), the performance by the Inspector General of the Intelligence Community of any duty, responsibility, or function regarding an element of the intelligence community shall not be construed to modify or effect the duties and responsibilities of any other Inspector General, whether statutory or administrative, having duties and responsibilities relating to such element.”

(2) The table of contents in the first section of the National Security Act of 1947 is amended by inserting after the item relating to section 103G the following new item:

“Sec. 103H. Inspector General of the Intelligence Community.”

(b) REPEAL OF SUPERSEDED AUTHORITY TO ESTABLISH POSITION.—Section 8K of the Inspector General Act of 1978 (5 U.S.C. App.) is repealed.

(c) EXECUTIVE SCHEDULE LEVEL IV.—Section 5315 of title 5, United States Code, is amended by adding at the end the following new item:

“Inspector General of the Intelligence Community.”

SA 357. Mr. KYL proposed an amendment to amendment SA 275 proposed by Mr. REID (for himself, Mr. LIEBERMAN, and Ms. COLLINS) to the bill S. 4, to make the United States more secure by implementing unfinished recommendations of the 9/11 Commission to fight the war on terror more effectively, to improve homeland security, and for other purposes; as follows:

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

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

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

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

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

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

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

SA 358. Mrs. MURRAY submitted an amendment intended to be proposed by her to the bill S. 4, to make the United States more secure by implementing unfinished recommendations of the 9/11 Commission to fight the war on terror more effectively, to improve homeland security, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. . PILOT PROJECT TO REDUCE THE NUMBER OF TRANSPORTATION SECURITY OFFICERS AT AIRPORT EXIT LANES.

(a) IN GENERAL.—The Administrator of the Transportation Security Administration (referred to in this section as the “Administrator”) shall conduct a pilot program to identify technological solutions for reducing the number of Transportation Security Administration employees at airport exit lanes.

(b) PROGRAM COMPONENTS.—In conducting the pilot program under this section, the Administrator shall—

(1) utilize different technologies that protect the integrity of the airport exit lanes from unauthorized entry; and

(2) work with airport officials to deploy such technologies in multiple configurations at selected airports at which at least 75 percent of the exits are not co-located with a screening checkpoint.

(c) REPORTS.—

(1) INITIAL REPORT.—Not later than 90 days after the enactment of this Act, the Administrator shall submit a report to the congressional committees set forth in paragraph (3) that describes—

(A) the airports selected to participate in the pilot program;

(B) the potential savings from implementing the technologies at selected airport exits; and

(C) the types of configurations expected to be deployed at such airports.

(2) FINAL REPORT.—Not later than 1 year after the technologies are deployed at the airports participating in the pilot program, the Administrator shall submit a final report to the congressional committees described in paragraph (3) that describes—

(A) the security measures deployed;
 (B) the projected cost savings; and
 (C) the efficacy of the program and its applicability to other airports in the United States.

(3) CONGRESSIONAL COMMITTEES.—The reports required under this subsection shall be submitted to—

(A) the Committee on Commerce, Science, and Transportation of the Senate;

(B) the Committee on Appropriations of the Senate;

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

(D) the Committee on Homeland Security of the House of Representatives; and

(E) the Committee on Appropriations of the House of Representatives.

(d) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated \$6,000,000 for each of the fiscal years 2008 and 2009 to carry out this section.

SA 359. Mr. LAUTENBERG submitted an amendment intended to be proposed to amendment SA 275 proposed by Mr. REID (for himself, Mr. LIEBERMAN, and Ms. COLLINS) to the bill S. 4, to make the United States more secure by implementing unfinished recommendations of the 9/11 Commission to fight the war on terror more effectively, to improve homeland security, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. —. DHS INSPECTOR GENERAL REPORT ON HIGHWAY WATCH GRANT PROGRAM.

Within 90 days after the date of enactment of this Act, the Inspector General of the Department of Homeland Security shall submit a report to the Senate Committee on Commerce, Science, and Transportation on the Trucking Security Grant Program for fiscal years 2004 and 2005 that—

(1) addresses the grant announcement, application, receipt, review, award, monitoring, and closeout processes; and

(2) states the amount obligated or expended under the program for fiscal years 2004 and 2005 for—

- (A) infrastructure protection;
- (B) training;
- (C) equipment;
- (D) educational materials;
- (E) program administration;
- (F) marketing; and
- (F) other functions.

SA 360. Mr. GRAHAM (for himself and Mr. BROWNBACK) submitted an amendment intended to be proposed to amendment SA 275 proposed by Mr. REID (for himself, Mr. LIEBERMAN, and Ms. COLLINS) to the bill S. 4, to make the United States more secure by implementing unfinished recommendations of the 9/11 Commission to fight the war on terror more effectively, to improve homeland security, and for other purposes; which was ordered to be on the table; as follows:

At the end of title XV, add the following new section:

SEC. 1505. SENSE OF CONGRESS ON THE NUCLEAR PROGRAM OF IRAN.

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

(1) President of Iran Mahmoud Ahmadinejad refuses to abandon the uranium enrichment program of the Govern-

ment of Iran, and continues to work towards advancing that program.

(2) The United Nations Security Council unanimously passed Security Council Resolution 1737 on December 23, 2006, which imposed sanctions on trade and expertise related to the nuclear infrastructure of Iran and the transfer to Iran of International Atomic Energy Agency technical aid.

(3) United Nations Security Council Resolution 1737 (2006) states that if Iran refuses to comply with the Resolution within 60 days, the Security Council “shall adopt further appropriate measures under Article 41 of Chapter VII of the Charter of the United Nations to persuade Iran to comply with this resolution and the requirements of the IAEA, and underlines that further decisions will be required should such additional measures be necessary”.

(4) According to a report issued by the International Atomic Energy Agency on February 21, 2007, Iran failed to comply with United Nations Resolution 1737 within 60 days.

(5) The refusal of the Government of Iran to comply with International Atomic Energy Agency orders to prove the peaceful intent of its nuclear program and with United Nations Security Council Resolution 1737 (2006) indicates that the efforts of the Government of Iran toward uranium enrichment are not for peaceful means.

(6) The Government of Iran has contributed to instability in the Middle East and has shown itself unwilling to use its influence to support peaceful transformation in the region, including through the following actions:

(A) The Government of Iran has demonstrated its ability to strike United States military forces and allies in the Middle East with missiles.

(B) Weapons produced in Iran have moved into Iraq and other countries in the region in support of violent religious extremism, a practice which the Government of Iran is either incapable or unwilling to stop.

(C) President Ahmadinejad continues to assert that Israel will be “wiped off the map” and consistently denies the existence of the holocaust, as evidenced through hosting an “International Conference to Review the Global Vision of the Holocaust” on December 11, 2006.

(7) John Michael McConnell, Director of National Intelligence, indicated in a hearing of the Committee on Armed Services of the Senate on February 27, 2007, that economic sanctions on Iran uniformly applied by the international community could have a major effect on the economy of Iran.

(8) The placement and implementation of sanctions on countries such as North Korea and Libya have made progress in bringing about change.

(9) Despite the release of an internal European Union document dated February 7, 2007, which indicated that European Union officials believe that preventing Iran from developing a nuclear weapon is not likely, on February 12, 2007 the European Union agreed, in compliance with United Nations Security Council Resolution 1737 (2006), to impose limited sanctions on Iran in order to prevent the sale of materials and technology that could be used in Iran’s nuclear program.

(10) Full economic sanctions on the part of the entire international community have not been applied to Iran.

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

(1) the nuclear program of the Government of Iran continues to be of grave concern and should be considered a serious threat to the United States and its military forces and personnel in the Middle East, and to United

States allies and interests in Europe, the Middle East, and Asia;

(2) as a result of the failure of Iran to comply with United Nations Security Resolution 1737 (2006), the United Nations Security Council should implement additional sanctions in order to persuade Iran to comply with requirements imposed by the International Atomic Energy Agency;

(3) full economic sanctions, uniformly imposed by the entire international community, including Russia and China, offer the best opportunity to bring about significant change in Iran to prevent the development of a nuclear weapon in Iran; and

(4) the elimination of the threat of a nuclear Iran is in the long term interest of the people of Iran, the region, and the world.

SA 361. Mr. LIEBERMAN (for himself and Mr. MCCAIN) submitted an amendment intended to be proposed to amendment SA 275 proposed by Mr. REID (for himself, Mr. LIEBERMAN, and Ms. COLLINS) to the bill S. 4, to make the United States more secure by implementing unfinished recommendations of the 9/11 Commission to fight the war on terror more effectively, to improve homeland security, and for other purposes; which was ordered to lie on the table; as follows:

At the end, add the following new title:

TITLE XVI—ADVANCEMENT OF DEMOCRATIC VALUES

SECTION 1601. SHORT TITLE.

This title may be cited as the “Advance Democratic Values, Address Non-democratic Countries, and Enhance Democracy Act of 2007” or the “ADVANCE Democracy Act of 2007”.

SEC. 1602. FINDINGS.

Congress finds that in order to support the expansion of freedom and democracy in the world, the foreign policy of the United States should be organized in support of transformational diplomacy that seeks to work through partnerships to build and sustain democratic, well-governed states that will respect human rights and respond to the needs of their people and conduct themselves responsibly in the international system.

SEC. 1603. STATEMENT OF POLICY.

It should be the policy of the United States—

(1) to promote freedom and democracy in foreign countries as a fundamental component of the foreign policy of the United States;

(2) to affirm internationally recognized human rights standards and norms and to condemn offenses against those rights;

(3) to use instruments of United States influence to support, promote, and strengthen democratic principles, practices, and values, including the right to free, fair, and open elections, secret balloting, and universal suffrage;

(4) to protect and promote fundamental freedoms and rights, including the freedom of association, of expression, of the press, and of religion, and the right to own private property;

(5) to protect and promote respect for and adherence to the rule of law;

(6) to provide appropriate support to non-governmental organizations working to promote freedom and democracy;

(7) to provide political, economic, and other support to countries that are willingly undertaking a transition to democracy;

(8) to commit to the long-term challenge of promoting universal democracy; and

(9) to strengthen alliances and relationships with other democratic countries in

order to better promote and defend shared values and ideals.

SEC. 1604. DEFINITIONS.

In this title:

(1) **ANNUAL REPORT ON ADVANCING FREEDOM AND DEMOCRACY.**—The term “Annual Report on Advancing Freedom and Democracy” refers to the annual report submitted to Congress by the Department of State pursuant to section 665(c) of the Foreign Relations Authorization Act, Fiscal Year 2003 (Public Law 107-228; 22 U.S.C. 2151n note), in which the Department reports on actions taken by the United States Government to encourage respect for human rights and democracy.

(2) **ASSISTANT SECRETARY.**—The term “Assistant Secretary” means the Assistant Secretary of State for Democracy, Human Rights, and Labor.

(3) **COMMUNITY OF DEMOCRACIES AND COMMUNITY.**—The terms “Community of Democracies” and “Community” mean the association of democratic countries committed to the global promotion of democratic principles, practices, and values, which held its First Ministerial Conference in Warsaw, Poland, in June 2000.

(4) **DEPARTMENT.**—The term “Department” means the Department of State.

(5) **UNDER SECRETARY.**—The term “Under Secretary” means the Under Secretary of State for Democracy and Global Affairs.

Subtitle A—Liaison Officers and Fellowship Program to Enhance the Promotion of Democracy

SEC. 1611. DEMOCRACY LIAISON OFFICERS.

(a) **IN GENERAL.**—The Secretary of State shall establish and staff Democracy Liaison Officer positions, under the supervision of the Assistant Secretary, who may be assigned to the following posts:

(1) United States missions to, or liaison with, regional and multilateral organizations, including the United States missions to the European Union, African Union, Organization of American States and any other appropriate regional organization, Organization for Security and Cooperation in Europe, the United Nations and its relevant specialized agencies, and the North Atlantic Treaty Organization.

(2) Regional public diplomacy centers of the Department.

(3) United States combatant commands.

(4) Other posts as designated by the Secretary of State.

(b) **RESPONSIBILITIES.**—Each Democracy Liaison Officer should—

(1) provide expertise on effective approaches to promote and build democracy;

(2) assist in formulating and implementing strategies for transitions to democracy; and

(3) carry out other responsibilities as the Secretary of State and the Assistant Secretary may assign.

(c) **NEW POSITIONS.**—The Democracy Liaison Officer positions established under subsection (a) should be new positions that are in addition to existing officer positions with responsibility for other human rights and democracy related issues and programs.

(d) **RELATIONSHIP TO OTHER AUTHORITIES.**—Nothing in this section may be construed as removing any authority or responsibility of a chief of mission or other employee of a diplomatic mission of the United States provided under any other provision of law, including any authority or responsibility for the development or implementation of strategies to promote democracy.

(e) **AUTHORIZATION OF APPROPRIATIONS.**—There are authorized to be appropriated to the Secretary of State such sums as may be necessary to carry out the responsibilities described in subsection (b), including hiring additional staff to carry out such responsibilities.

SEC. 1612. DEMOCRACY FELLOWSHIP PROGRAM.

(a) **REQUIREMENT FOR PROGRAM.**—The Secretary of State shall establish a Democracy Fellowship Program to enable Department officers to gain an additional perspective on democracy promotion abroad by working on democracy issues in congressional committees with oversight over the subject matter of this title, including the Committee on Foreign Relations and the Committee on Appropriations of the Senate and the Committee on Foreign Affairs and the Committee on Appropriations of the House of Representatives, and in nongovernmental organizations involved in democracy promotion.

(b) **SELECTION AND PLACEMENT.**—The Assistant Secretary shall play a central role in the selection of Democracy Fellows and facilitate their placement in appropriate congressional offices and nongovernmental organizations.

(c) **AUTHORIZATION OF APPROPRIATIONS.**—There are authorized to be appropriated to the Secretary of State such sums as may be necessary to carry out the responsibilities under subsection (a), including hiring additional staff to carry out such responsibilities.

Subtitle B—Annual Report on Advancing Freedom and Democracy

SEC. 1621. ANNUAL REPORT.

(a) **REPORT TITLE.**—Section 665(c) of the Foreign Relations Authorization Act, Fiscal Year 2003 (Public Law 107-228; 22 U.S.C. 2151n note) is amended in the first sentence by inserting “entitled the Advancing Freedom and Democracy Report” before the period at the end.

(b) **SCHEDULE FOR SUBMISSION.**—If a report entitled the Advancing Freedom and Democracy Report pursuant to section 665(c) of the Foreign Relations Authorization Act, Fiscal Year 2003, as amended by subsection (a), is submitted under such section, such report shall be submitted not later than 90 days after the date of submission of the report required by section 116(d) of the Foreign Assistance Act of 1961 (22 U.S.C. 2151n(d)).

(c) **CONFORMING AMENDMENT.**—Section 665(c) of the Foreign Relations Authorization Act, Fiscal Year 2003 (Public Law 107-228; 2151n note) is amended by striking “30 days” and inserting “90 days”.

SEC. 1622. SENSE OF CONGRESS ON TRANSLATION OF HUMAN RIGHTS REPORTS.

It is the sense of Congress that the Secretary of State should continue to ensure and expand the timely translation of Human Rights and International Religious Freedom reports and the Annual Report on Advancing Freedom and Democracy prepared by personnel of the Department of State into the principal languages of as many countries as possible. Translations are welcomed because information on United States support for universal enjoyment of freedoms and rights serves to encourage individuals around the globe seeking to advance the cause of freedom in their countries.

Subtitle C—Advisory Committee on Democracy Promotion and the Internet Website of the Department of State

SEC. 1631. ADVISORY COMMITTEE ON DEMOCRACY PROMOTION.

(a) **SENSE OF CONGRESS.**—Congress commends the Secretary of State for creating an Advisory Committee on Democracy Promotion, and it is the sense of Congress that the Committee should play a significant role in the Department's transformational diplomacy by advising the Secretary of State regarding United States efforts to promote democracy and democratic transition in connection with the formulation and implementation of United States foreign policy and foreign assistance.

(b) **AUTHORIZATION OF APPROPRIATIONS.**—There is authorized to be appropriated to the Secretary of State for the purpose of implementing the Advisory Committee on Democracy Promotion \$1,000,000 for each of fiscal years 2008, 2009, and 2010.

SEC. 1632. SENSE OF CONGRESS ON THE INTERNET WEBSITE OF THE DEPARTMENT OF STATE.

It is the sense of Congress that—

(1) the Secretary of State should continue and further expand the Secretary's existing efforts to inform the public in foreign countries of the efforts of the United States to promote democracy and defend human rights through the Internet website of the Department of State;

(2) the Secretary of State should continue to enhance the democracy promotion materials and resources on that Internet website, as such enhancement can benefit and encourage those around the world who seek freedom; and

(3) such enhancement should include where possible and practical, translated reports on democracy and human rights prepared by personnel of the Department, narratives and histories highlighting successful nonviolent democratic movements, and other relevant material.

Subtitle D—Training in Democracy and Human Rights; Promotions

SEC. 1641. SENSE OF CONGRESS ON TRAINING IN DEMOCRACY AND HUMAN RIGHTS.

It is the sense of Congress that—

(1) the Secretary of State should continue to enhance and expand the training provided to foreign service officers and civil service employees on how to strengthen and promote democracy and human rights; and

(2) the Secretary of State should continue the effective and successful use of case studies and practical workshops addressing potential challenges, and work with non-state actors, including nongovernmental organizations that support democratic principles, practices, and values.

SEC. 1642. ADVANCE DEMOCRACY AWARD.

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

(1) the Secretary of State should further strengthen the capacity of the Department to carry out result-based democracy promotion efforts through the establishment of awards and other employee incentives, including the establishment of an annual award known as Outstanding Achievements in Advancing Democracy, or the ADVANCE Democracy Award, that would be awarded to officers or employees of the Department; and

(2) the Secretary of State should establish the procedures for selecting recipients of such award, including any financial terms, associated with such award.

(b) **AUTHORIZATION OF APPROPRIATIONS.**—There are authorized to be appropriated to the Secretary of State such sums as may be necessary to fund the award described in subsection (a), including costs associated with travel of the recipient to Washington, DC.

SEC. 1643. PROMOTIONS.

The precepts for selection boards responsible for recommending promotions of foreign service officers, including members of the senior foreign service, should include consideration of a candidate's experience or service in promotion of human rights and democracy.

SEC. 1644. PROGRAMS BY UNITED STATES MISSIONS IN FOREIGN COUNTRIES AND ACTIVITIES OF CHIEFS OF MISSION.

It is the sense of Congress that each chief of mission should provide input on the actions described in the Advancing Freedom and Democracy Report submitted under section 665(c) of the Foreign Relations Authorization Act, Fiscal Year 2003 (Public Law

107–228; 22 U.S.C. 2151n note), as amended by section 1621, and should intensify democracy and human rights promotion activities.

Subtitle E—Alliances With Democratic Countries

SEC. 1651. ALLIANCES WITH DEMOCRATIC COUNTRIES.

(a) ESTABLISHMENT OF AN OFFICE FOR THE COMMUNITY OF DEMOCRACIES.—

(1) IN GENERAL.—The Secretary of State should, and is authorized to, establish an Office for the Community of Democracies with the mission to further develop and strengthen the institutional structure of the Community of Democracies, develop interministerial projects, enhance the United Nations Democracy Caucus, manage policy development of the United Nations Democracy Fund, and enhance coordination with other regional and multilateral bodies with jurisdiction over democracy issues.

(2) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Secretary of State such sums as may be necessary for establishing and maintaining the Office of the Community of Democracies.

(b) INTERNATIONAL CENTER FOR DEMOCRATIC TRANSITION.—

(1) SENSE OF CONGRESS.—It is the sense of Congress that the International Center for Democratic Transition, an initiative of the Government of Hungary, serves to promote practical projects and the sharing of best practices in the area of democracy promotion and should be supported by, in particular, other European countries with experiences in democratic transitions, the United States, and private individuals.

(2) AUTHORIZATION OF APPROPRIATIONS.—

(A) IN GENERAL.—There is authorized to be appropriated for a grant to the International Center for Democratic Transition \$1,000,000 for each of fiscal years 2008, 2009, and 2010.

(B) AVAILABILITY OF FUNDS.—Amounts appropriated pursuant to the authorization of appropriations in this paragraph shall remain available until expended.

Subtitle F—Funding for Promotion of Democracy

SEC. 1661. SENSE OF CONGRESS ON THE UNITED NATIONS DEMOCRACY FUND.

It is the sense of Congress that the United States should work with other countries to enhance the goals and work of the United Nations Democracy Fund, an essential tool to promote democracy, and in particular support civil society in their efforts to help consolidate democracy and bring about transformational change.

SEC. 1662. THE HUMAN RIGHTS AND DEMOCRACY FUND.

(a) PURPOSE.—The purpose of the Human Rights and Democracy Fund should be to support innovative programming, media, and materials designed to uphold democratic principles, support and strengthen democratic institutions, promote human rights and the rule of law, and build civil societies in countries around the world.

(b) AUTHORIZATION OF APPROPRIATIONS.—

(1) IN GENERAL.—There are authorized to be appropriated to the Human Rights and Democracy Fund to carry out the purposes of this section \$100,000,000 for fiscal year 2008 and \$150,000,000 for fiscal year 2009.

(2) AVAILABILITY OF FUNDS.—Amounts appropriated pursuant to the authorization of appropriation in this subsection shall remain available until expended.

SA 362. Mr. KOHL (for himself, Mr. SPECTER, and Mr. LEAHY) submitted an amendment intended to be proposed to amendment SA 275 proposed by Mr. REID (for himself, Mr. LIEBERMAN, and Ms. COLLINS) to the bill S. 4, to make

the United States more secure by implementing unfinished recommendations of the 9/11 Commission to fight the war on terror more effectively, to improve homeland security, and for other purposes; which was ordered to lie on the table; as follows:

On page 389, after line 13, add the following:

TITLE —.—CIGARETTE TRAFFICKING

SEC. —01. SHORT TITLE; FINDINGS; PURPOSE.

(a) SHORT TITLE.—This title may be cited as the “Prevent All Cigarette Trafficking Act of 2007” or “PACT Act”.

(b) FINDINGS.—Congress finds that—

(1) the sale of illegal cigarettes and smokeless tobacco products significantly reduces Federal, State, and local government revenues, with Internet sales alone accounting for billions of dollars of lost Federal, State, and local tobacco tax revenue each year;

(2) Hezbollah, Hamas, al Qaeda, and other terrorist organizations have profited from trafficking in illegal cigarettes or counterfeit cigarette tax stamps;

(3) terrorist involvement in illicit cigarette trafficking will continue to grow because of the large profits such organizations can earn;

(4) the sale of illegal cigarettes and smokeless tobacco over the Internet, and through mail, fax, or phone orders, make it cheaper and easier for children to obtain tobacco products;

(5) the majority of Internet and other remote sales of cigarettes and smokeless tobacco are being made without adequate precautions to protect against sales to children, without the payment of applicable taxes, and without complying with the nominal registration and reporting requirements in existing Federal law;

(6) unfair competition from illegal sales of cigarettes and smokeless tobacco is taking billions of dollars of sales away from law-abiding retailers throughout the United States;

(7) with rising State and local tobacco tax rates, the incentives for the illegal sale of cigarettes and smokeless tobacco have increased;

(8) the number of active tobacco investigations being conducted by the Bureau of Alcohol, Tobacco, Firearms, and Explosives rose to 452 in 2005;

(9) the number of Internet vendors in the United States and in foreign countries that sell cigarettes and smokeless tobacco to buyers in the United States has increased from only about 40 in 2000 to more than 500 in 2005; and

(10) the intrastate sale of illegal cigarettes and smokeless tobacco over the Internet has a substantial effect on interstate commerce.

(c) PURPOSES.—It is the purpose of this title to—

(1) require Internet and other remote sellers of cigarettes and smokeless tobacco to comply with the same laws that apply to law-abiding tobacco retailers;

(2) create strong disincentives to illegal smuggling of tobacco products;

(3) provide government enforcement officials with more effective enforcement tools to combat tobacco smuggling;

(4) make it more difficult for cigarette and smokeless tobacco traffickers to engage in and profit from their illegal activities;

(5) increase collections of Federal, State, and local excise taxes on cigarettes and smokeless tobacco; and

(6) prevent and reduce youth access to inexpensive cigarettes and smokeless tobacco through illegal Internet or contraband sales.

SEC. —02. COLLECTION OF STATE CIGARETTE AND SMOKELESS TOBACCO TAXES.

(a) DEFINITIONS.—The Act of October 19, 1949 (15 U.S.C. 375 et seq.; commonly referred to as the “Jenkins Act”) (referred to in this title as the “Jenkins Act”), is amended by striking the first section and inserting the following:

“SECTION 1. DEFINITIONS.

“As used in this Act, the following definitions apply:

“(1) ATTORNEY GENERAL.—The term ‘attorney general’, with respect to a State, means the attorney general or other chief law enforcement officer of the State, or the designee of that officer.

“(2) CIGARETTE.—

“(A) IN GENERAL.—For purposes of this Act, the term ‘cigarette’ shall—

“(i) have the same meaning given that term in section 2341 of title 18, United States Code; and

“(ii) include ‘roll-your-own tobacco’ (as that term is defined in section 5702 of the Internal Revenue Code of 1986).

“(B) EXCEPTION.—For purposes of this Act, the term ‘cigarette’ does not include a ‘cigar,’ as that term is defined in section 5702 of the Internal Revenue Code of 1986.

“(3) COMMON CARRIER.—The term ‘common carrier’ means any person (other than a local messenger service or the United States Postal Service) that holds itself out to the general public as a provider for hire of the transportation by water, land, or air of merchandise, whether or not the person actually operates the vessel, vehicle, or aircraft by which the transportation is provided, between a port or place and a port or place in the United States.

“(4) CONSUMER.—The term ‘consumer’ means any person that purchases cigarettes or smokeless tobacco, but does not include any person lawfully operating as a manufacturer, distributor, wholesaler, or retailer of cigarettes or smokeless tobacco.

“(5) DELIVERY SALE.—The term ‘delivery sale’ means any sale of cigarettes or smokeless tobacco to a consumer if—

“(A) the consumer submits the order for such sale by means of a telephone or other method of voice transmission, the mails, or the Internet or other online service, or the seller is otherwise not in the physical presence of the buyer when the request for purchase or order is made; or

“(B) the cigarettes or smokeless tobacco are delivered by use of a common carrier, private delivery service, or the mails, or the seller is not in the physical presence of the buyer when the buyer obtains possession of the cigarettes or smokeless tobacco.

“(6) DELIVERY SELLER.—The term ‘delivery seller’ means a person who makes a delivery sale.

“(7) INDIAN COUNTRY.—The term ‘Indian country’ has the meaning given that term in section 1151 of title 18, United States Code, except that within the State of Alaska that term applies only to the Metlakatla Indian Community, Annette Island Reserve.

“(8) INDIAN TRIBE.—The term ‘Indian tribe’, ‘tribe’, or ‘tribal’ refers to an Indian tribe as defined in section 4(e) of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450b(e)) or as listed pursuant to section 104 of the Federally Recognized Indian Tribe List Act of 1994 (25 U.S.C. 479a–1).

“(9) INTERSTATE COMMERCE.—The term ‘interstate commerce’ means commerce between a State and any place outside the State, commerce between a State and any Indian country in the State, or commerce between points in the same State but through any place outside the State or through any Indian country.

“(10) PERSON.—The term ‘person’ means an individual, corporation, company, association, firm, partnership, society, State government, local government, Indian tribal government, governmental organization of such government, or joint stock company.

“(11) STATE.—The term ‘State’ means each of the several States of the United States, the District of Columbia, the Commonwealth of Puerto Rico, or any territory or possession of the United States.

“(12) SMOKELESS TOBACCO.—The term ‘smokeless tobacco’ means any finely cut, ground, powdered, or leaf tobacco, or other product containing tobacco, that is intended to be placed in the oral or nasal cavity or otherwise consumed without being combusted.

“(13) TOBACCO TAX ADMINISTRATOR.—The term ‘tobacco tax administrator’ means the State, local, or tribal official duly authorized to collect the tobacco tax or administer the tax law of a State, locality, or tribe, respectively.

“(14) USE.—The term ‘use’, in addition to its ordinary meaning, means the consumption, storage, handling, or disposal of cigarettes or smokeless tobacco.”

(b) REPORTS TO STATE TOBACCO TAX ADMINISTRATORS.—Section 2 of the Jenkins Act (15 U.S.C. 376) is amended—

(1) by striking ‘cigarettes’ each place it appears and inserting ‘cigarettes or smokeless tobacco’;

(2) in subsection (a)—

(A) in the matter preceding paragraph (1)—

(i) by inserting ‘‘CONTENTS.—’’ after ‘‘(a)’’

(ii) by striking ‘‘or transfers’’ and inserting ‘‘, transfers, or ships’’;

(iii) by inserting ‘‘, locality, or Indian country of an Indian tribe’’ after ‘‘a State’’;

(iv) by striking ‘‘to other than a distributor licensed by or located in such State.’’; and

(v) by striking ‘‘or transfer and shipment’’ and inserting ‘‘, transfer, or shipment’’;

(B) in paragraph (1)—

(i) by striking ‘‘with the tobacco tax administrator of the State’’ and inserting ‘‘with the Attorney General of the United States and with the tobacco tax administrators of the State and place’’; and

(ii) by striking ‘‘; and’’ and inserting the following: ‘‘, as well as telephone numbers for each place of business, a principal electronic mail address, any website addresses, and the name, address, and telephone number of an agent in the State authorized to accept service on behalf of such person’’;

(C) in paragraph (2), by striking ‘‘and the quantity thereof,’’ and inserting ‘‘the quantity thereof, and the name, address, and phone number of the person delivering the shipment to the recipient on behalf of the delivery seller, with all invoice or memoranda information relating to specific customers to be organized by city or town and by zip code; and’’; and

(D) by adding at the end the following:

“(3) with respect to each memorandum or invoice filed with a State under paragraph (2), also file copies of such memorandum or invoice with the tobacco tax administrators and chief law enforcement officers of the local governments and Indian tribes operating within the borders of the State that apply their own local or tribal taxes on cigarettes or smokeless tobacco.”;

(3) in subsection (b)—

(A) by inserting ‘‘PRESUMPTIVE EVIDENCE.—’’ after ‘‘(b)’’;

(B) by striking ‘‘(1) that’’ and inserting ‘‘that’’; and

(C) by striking ‘‘, and (2)’’ and all that follows and inserting a period; and

(4) by adding at the end the following:

“(c) USE OF INFORMATION.—A tobacco tax administrator or chief law enforcement offi-

cer who receives a memorandum or invoice under paragraph (2) or (3) of subsection (a) shall use such memorandum or invoice solely for the purposes of the enforcement of this Act and the collection of any taxes owed on related sales of cigarettes and smokeless tobacco, and shall keep confidential any personal information in such memorandum or invoice not otherwise required for such purposes.”

(c) REQUIREMENTS FOR DELIVERY SALES.—The Jenkins Act is amended by inserting after section 2 the following:

“SEC. 2A. DELIVERY SALES.

“(a) IN GENERAL.—With respect to delivery sales into a specific State and place, each delivery seller shall comply with—

“(1) the shipping requirements set forth in subsection (b);

“(2) the recordkeeping requirements set forth in subsection (c);

“(3) all State, local, tribal, and other laws generally applicable to sales of cigarettes or smokeless tobacco as if such delivery sales occurred entirely within the specific State and place, including laws imposing—

“(A) excise taxes;

“(B) licensing and tax-stamping requirements;

“(C) restrictions on sales to minors; and

“(D) other payment obligations or legal requirements relating to the sale, distribution, or delivery of cigarettes or smokeless tobacco; and

“(4) the tax collection requirements set forth in subsection (d).

“(b) SHIPPING AND PACKAGING.—

“(1) REQUIRED STATEMENT.—For any shipping package containing cigarettes or smokeless tobacco, the delivery seller shall include on the bill of lading, if any, and on the outside of the shipping package, on the same surface as the delivery address, a clear and conspicuous statement providing as follows: ‘CIGARETTES/SMOKELESS TOBACCO: FEDERAL LAW REQUIRES THE PAYMENT OF ALL APPLICABLE EXCISE TAXES, AND COMPLIANCE WITH APPLICABLE LICENSING AND TAX-STAMPING OBLIGATIONS’.

“(2) FAILURE TO LABEL.—Any shipping package described in paragraph (1) that is not labeled in accordance with that paragraph shall be treated as nondeliverable matter by a common carrier or other delivery service, if the common carrier or other delivery service knows or should know the package contains cigarettes or smokeless tobacco. If a common carrier or other delivery service believes a package is being submitted for delivery in violation of paragraph (1), it may require the person submitting the package for delivery to establish that it is not being sent in violation of paragraph (1) before accepting the package for delivery. Nothing in this paragraph shall require the common carrier or other delivery service to open any package to determine its contents.

“(3) WEIGHT RESTRICTION.—A delivery seller shall not sell, offer for sale, deliver, or cause to be delivered in any single sale or single delivery any cigarettes or smokeless tobacco weighing more than 10 pounds.

“(4) AGE VERIFICATION.—

“(A) IN GENERAL.—Notwithstanding any other provision of law, a delivery seller who mails or ships tobacco products—

“(i) shall not sell, deliver, or cause to be delivered any tobacco products to a person under the minimum age required for the legal sale or purchase of tobacco products, as determined by the applicable law at the place of delivery;

“(ii) shall use a method of mailing or shipping that requires—

“(I) the purchaser placing the delivery sale order, or an adult who is at least the min-

imum age required for the legal sale or purchase of tobacco products, as determined by the applicable law at the place of delivery, to sign to accept delivery of the shipping container at the delivery address; and

“(II) the person who signs to accept delivery of the shipping container to provide proof, in the form of a valid, government-issued identification bearing a photograph of the individual, that the person is at least the minimum age required for the legal sale or purchase of tobacco products, as determined by the applicable law at the place of delivery; and

“(iii) shall not accept a delivery sale order from a person without—

“(I) obtaining the full name, birth date, and residential address of that person; and

“(II) verifying the information provided in subclause (I), through the use of a commercially available database or aggregate of databases, consisting primarily of data from government sources, that are regularly used by government and businesses for the purpose of age and identity verification and authentication, to ensure that the purchaser is at least the minimum age required for the legal sale or purchase of tobacco products, as determined by the applicable law at the place of delivery.

“(B) LIMITATION.—No database being used for age and identity verification under subparagraph (A)(iii) shall be in the possession or under the control of the delivery seller, or be subject to any changes or supplementation by the delivery seller.

“(c) RECORDS.—

“(1) IN GENERAL.—Each delivery seller shall keep a record of any delivery sale, including all of the information described in section 2(a)(2), organized by the State, and within such State, by the city or town and by zip code, into which such delivery sale is so made.

“(2) RECORD RETENTION.—Records of a delivery sale shall be kept as described in paragraph (1) in the year in which the delivery sale is made and for the next 4 years.

“(3) ACCESS FOR OFFICIALS.—Records kept under paragraph (1) shall be made available to tobacco tax administrators of the States, to local governments and Indian tribes that apply their own local or tribal taxes on cigarettes or smokeless tobacco, to the attorneys general of the States, to the chief law enforcement officers of such local governments and Indian tribes, and to the Attorney General of the United States in order to ensure the compliance of persons making delivery sales with the requirements of this Act.

“(d) DELIVERY.—

“(1) IN GENERAL.—Except as provided in paragraph (2), no delivery seller may sell or deliver to any consumer, or tender to any common carrier or other delivery service, any cigarettes or smokeless tobacco pursuant to a delivery sale unless, in advance of the sale, delivery, or tender—

“(A) any cigarette or smokeless tobacco excise tax that is imposed by the State in which the cigarettes or smokeless tobacco are to be delivered has been paid to the State;

“(B) any cigarette or smokeless tobacco excise tax that is imposed by the local government of the place in which the cigarettes or smokeless tobacco are to be delivered has been paid to the local government; and

“(C) any required stamps or other indicia that such excise tax has been paid are properly affixed or applied to the cigarettes or smokeless tobacco.

“(2) EXCEPTION.—Paragraph (1) does not apply to a delivery sale of smokeless tobacco if the law of the State or local government of the place where the smokeless tobacco is to be delivered requires or otherwise provides that delivery sellers collect the excise tax

from the consumer and remit the excise tax to the State or local government, and the delivery seller complies with the requirement.

“(e) LIST OF UNREGISTERED OR NONCOMPLIANT DELIVERY SELLERS.—

“(1) IN GENERAL.—

“(A) INITIAL LIST.—Not later than 90 days after this subsection goes into effect under the Prevent All Cigarette Trafficking Act of 2007, the Attorney General of the United States shall compile a list of delivery sellers of cigarettes or smokeless tobacco that have not registered with the Attorney General, pursuant to section 2(a) or that are otherwise not in compliance with this Act, and—

“(i) distribute the list to—

“(I) the attorney general and tax administrator of every State;

“(II) common carriers and other persons that deliver small packages to consumers in interstate commerce, including the United States Postal Service; and

“(III) at the discretion of the Attorney General of the United States, to any other persons; and

“(ii) publicize and make the list available to any other person engaged in the business of interstate deliveries or who delivers cigarettes or smokeless tobacco in or into any State.

“(B) LIST CONTENTS.—To the extent known, the Attorney General of the United States shall include, for each delivery seller on the list described in subparagraph (A)—

“(i) all names the delivery seller uses in the transaction of its business or on packages delivered to customers;

“(ii) all addresses from which the delivery seller does business or ships cigarettes or smokeless tobacco;

“(iii) the website addresses, primary e-mail address, and phone number of the delivery seller; and

“(iv) any other information that the Attorney General determines would facilitate compliance with this subsection by recipients of the list.

“(C) UPDATING.—The Attorney General of the United States shall update and distribute the list at least once every 4 months, and may distribute the list and any updates by regular mail, electronic mail, or any other reasonable means, or by providing recipients with access to the list through a nonpublic website that the Attorney General of the United States regularly updates.

“(D) STATE, LOCAL, OR TRIBAL ADDITIONS.—The Attorney General of the United States shall include in the list under subparagraph (A) any noncomplying delivery sellers identified by any State, local, or tribal government under paragraph (5), and shall distribute the list to the attorney general or chief law enforcement official and the tax administrator of any government submitting any such information and to any common carriers or other persons who deliver small packages to consumers identified by any government pursuant to paragraph (5).

“(E) CONFIDENTIALITY.—The list distributed pursuant to subparagraph (A) shall be confidential, and any person receiving the list shall maintain the confidentiality of the list but may deliver the list, for enforcement purposes, to any government official or to any common carrier or other person that delivers tobacco products or small packages to consumers. Nothing in this section shall prohibit a common carrier, the United States Postal Service, or any other person receiving the list from discussing with the listed delivery sellers the delivery sellers' inclusion on the list and the resulting effects on any services requested by such listed delivery seller.

“(2) PROHIBITION ON DELIVERY.—

“(A) IN GENERAL.—Commencing on the date that is 60 days after the date of the initial distribution or availability of the list

under paragraph (1)(A), no person who receives the list under paragraph (1), and no person who delivers cigarettes or smokeless tobacco to consumers, shall knowingly complete, cause to be completed, or complete its portion of a delivery of any package for any person whose name and address are on the list, unless—

“(i) the person making the delivery knows or believes in good faith that the item does not include cigarettes or smokeless tobacco;

“(ii) the delivery is made to a person lawfully engaged in the business of manufacturing, distributing, or selling cigarettes or smokeless tobacco; or

“(iii) the package being delivered weighs more than 100 pounds and the person making the delivery does not know or have reasonable cause to believe that the package contains cigarettes or smokeless tobacco.

“(B) IMPLEMENTATION OF UPDATES.—Commencing on the date that is 30 days after the date of the distribution or availability of any updates or corrections to the list under paragraph (1), all recipients and all common carriers or other persons that deliver cigarettes or smokeless tobacco to consumers shall be subject to subparagraph (A) in regard to such corrections or updates.

“(3) SHIPMENTS FROM PERSONS ON LIST.—

“(A) IN GENERAL.—In the event that a common carrier or other delivery service delays or interrupts the delivery of a package it has in its possession because it determines or has reason to believe that the person ordering the delivery is on a list distributed under paragraph (1)—

“(i) the person ordering the delivery shall be obligated to pay—

“(I) the common carrier or other delivery service as if the delivery of the package had been timely completed; and

“(II) if the package is not deliverable, any reasonable additional fee or charge levied by the common carrier or other delivery service to cover its extra costs and inconvenience and to serve as a disincentive against such noncomplying delivery orders; and

“(ii) if the package is determined not to be deliverable, the common carrier or other delivery service shall, in its discretion, either provide the package and its contents to a Federal, State, or local law enforcement agency or destroy the package and its contents.

“(B) RECORDS.—A common carrier or other delivery service shall maintain, for a period of 5 years, any records kept in the ordinary course of business relating to any deliveries interrupted pursuant to this paragraph and provide that information, upon request, to the Attorney General of the United States or to the attorney general or chief law enforcement official or tax administrator of any State, local, or tribal government.

“(C) CONFIDENTIALITY.—Any person receiving records under subparagraph (B) shall use such records solely for the purposes of the enforcement of this Act and the collection of any taxes owed on related sales of cigarettes and smokeless tobacco, and the person receiving records under subparagraph (B) shall keep confidential any personal information in such records not otherwise required for such purposes.

“(4) PREEMPTION.—

“(A) IN GENERAL.—No State, local, or tribal government, nor any political authority of 2 or more State, local, or tribal governments, may enact or enforce any law or regulation relating to delivery sales that restricts deliveries of cigarettes or smokeless tobacco to consumers by common carriers or other delivery services on behalf of delivery sellers by—

“(i) requiring that the common carrier or other delivery service verify the age or identity of the consumer accepting the delivery

by requiring the person who signs to accept delivery of the shipping container to provide proof, in the form of a valid, government-issued identification bearing a photograph of the individual, that such person is at least the minimum age required for the legal sale or purchase of tobacco products, as determined by either State or local law at the place of delivery;

“(ii) requiring that the common carrier or other delivery service obtain a signature from the consumer accepting the delivery;

“(iii) requiring that the common carrier or other delivery service verify that all applicable taxes have been paid;

“(iv) requiring that packages delivered by the common carrier or other delivery service contain any particular labels, notice, or markings; or

“(v) prohibiting common carriers or other delivery services from making deliveries on the basis of whether the delivery seller is or is not identified on any list of delivery sellers maintained and distributed by any entity other than the Federal Government.

“(B) RELATIONSHIP TO OTHER LAWS.—Nothing in this paragraph shall be construed to prohibit, expand, restrict, or otherwise amend or modify—

“(i) section 14501(c)(1) or 41713(b)(4) of title 49, United States Code;

“(ii) any other restrictions in Federal law on the ability of State, local, or tribal governments to regulate common carriers; or

“(iii) any provision of State, local, or tribal law regulating common carriers that falls within the provisions of chapter 49 of the United States Code, sections 14501(c)(2) or 41713(b)(4)(B).

“(C) STATE LAWS PROHIBITING DELIVERY SALES.—Nothing in the Prevent All Cigarette Trafficking Act of 2007, or the amendments made by that Act, may be construed to preempt or supersede State laws prohibiting the delivery sale, or the shipment or delivery pursuant to a delivery sale, of cigarettes or smokeless tobacco to individual consumers.

“(5) STATE, LOCAL, AND TRIBAL ADDITIONS.—

“(A) IN GENERAL.—Any State, local, or tribal government shall provide the Attorney General of the United States with—

“(i) all known names, addresses, website addresses, and other primary contact information of any delivery seller that offers for sale or makes sales of cigarettes or smokeless tobacco in or into the State, locality, or tribal land but has failed to register with or make reports to the respective tax administrator, as required by this Act, or that has been found in a legal proceeding to have otherwise failed to comply with this Act; and

“(ii) a list of common carriers and other persons who make deliveries of cigarettes or smokeless tobacco in or into the State, locality, or tribal lands.

“(B) UPDATES.—Any government providing a list to the Attorney General of the United States under subparagraph (A) shall also provide updates and corrections every 4 months until such time as such government notifies the Attorney General of the United States in writing that such government no longer desires to submit such information to supplement the list maintained and distributed by the Attorney General of the United States under paragraph (1).

“(C) REMOVAL AFTER WITHDRAWAL.—Upon receiving written notice that a government no longer desires to submit information under subparagraph (A), the Attorney General of the United States shall remove from the list under paragraph (1) any persons that are on the list solely because of such government's prior submissions of its list of noncomplying delivery sellers of cigarettes or smokeless tobacco or its subsequent updates and corrections.

“(6) DEADLINE TO INCORPORATE ADDITIONS.—The Attorney General of the United States shall—

“(A) include any delivery seller identified and submitted by a State, local, or tribal government under paragraph (5) in any list or update that is distributed or made available under paragraph (1) on or after the date that is 30 days after the date on which the information is received by the Attorney General of the United States; and

“(B) distribute any such list or update to any common carrier or other person who makes deliveries of cigarettes or smokeless tobacco that has been identified and submitted by another government, pursuant to paragraph (5).

“(7) NOTICE TO DELIVERY SELLERS.—Not later than 14 days prior to including any delivery seller on the initial list distributed or made available under paragraph (1), or on any subsequent list or update for the first time, the Attorney General of the United States shall make a reasonable attempt to send notice to the delivery seller by letter, electronic mail, or other means that the delivery seller is being placed on such list or update, with that notice citing the relevant provisions of this Act.

“(8) LIMITATIONS.—

“(A) IN GENERAL.—Any common carrier or other person making a delivery subject to this subsection shall not be required or otherwise obligated to—

“(i) determine whether any list distributed or made available under paragraph (1) is complete, accurate, or up-to-date;

“(ii) determine whether a person ordering a delivery is in compliance with this Act; or

“(iii) open or inspect, pursuant to this Act, any package being delivered to determine its contents.

“(B) ALTERNATE NAMES.—Any common carrier or other person making a delivery subject to this subsection shall not be required or otherwise obligated to make any inquiries or otherwise determine whether a person ordering a delivery is a delivery seller on the list under paragraph (1) who is using a different name or address in order to evade the related delivery restrictions, but shall not knowingly deliver any packages to consumers for any such delivery seller who the common carrier or other delivery service knows is a delivery seller who is on the list under paragraph (1) but is using a different name or address to evade the delivery restrictions of paragraph (2).

“(C) PENALTIES.—Any common carrier or person in the business of delivering packages on behalf of other persons shall not be subject to any penalty under section 14101(a) of title 49, United States Code, or any other provision of law for—

“(i) not making any specific delivery, or any deliveries at all, on behalf of any person on the list under paragraph (1);

“(ii) not, as a matter of regular practice and procedure, making any deliveries, or any deliveries in certain States, of any cigarettes or smokeless tobacco for any person or for any person not in the business of manufacturing, distributing, or selling cigarettes or smokeless tobacco; or

“(iii) delaying or not making a delivery for any person because of reasonable efforts to comply with this Act.

“(D) OTHER LIMITS.—Section 2 and subsections (a), (b), (c), and (d) of this section shall not be interpreted to impose any responsibilities, requirements, or liability on common carriers.

“(f) PRESUMPTION.—For purposes of this Act, a delivery sale shall be deemed to have occurred in the State and place where the buyer obtains personal possession of the cigarettes or smokeless tobacco, and a delivery pursuant to a delivery sale is deemed to

have been initiated or ordered by the delivery seller.”.

(d) PENALTIES.—The Jenkins Act is amended by striking section 3 and inserting the following:

“SEC. 3. PENALTIES.

“(a) CRIMINAL PENALTIES.—

“(1) IN GENERAL.—Except as provided in paragraph (2), whoever violates any provision of this Act shall be guilty of a felony and shall be imprisoned not more than 3 years, fined under title 18, United States Code, or both.

“(2) EXCEPTIONS.—

“(A) GOVERNMENTS.—Paragraph (1) shall not apply to a State, local, or tribal government.

“(B) DELIVERY VIOLATIONS.—A common carrier or independent delivery service, or employee of a common carrier or independent delivery service, shall be subject to criminal penalties under paragraph (1) for a violation of section 2A(e) only if the violation is committed intentionally—

“(i) as consideration for the receipt of, or as consideration for a promise or agreement to pay, anything of pecuniary value; or

“(ii) for the purpose of assisting a delivery seller to violate, or otherwise evading compliance with, section 2A.

“(b) CIVIL PENALTIES.—

“(1) IN GENERAL.—Except as provided in paragraph (3), whoever violates any provision of this Act shall be subject to a civil penalty in an amount not to exceed—

“(A) in the case of a delivery seller, the greater of—

“(i) \$5,000 in the case of the first violation, or \$10,000 for any other violation; or

“(ii) for any violation, 2 percent of the gross sales of cigarettes or smokeless tobacco of such person during the 1-year period ending on the date of the violation.

“(B) in the case of a common carrier or other delivery service, \$2,500 in the case of a first violation, or \$5,000 for any violation within 1 year of a prior violation.

“(2) RELATION TO OTHER PENALTIES.—A civil penalty under paragraph (1) for a violation of this Act shall be imposed in addition to any criminal penalty under subsection (a) and any other damages, equitable relief, or injunctive relief awarded by the court, including the payment of any unpaid taxes to the appropriate Federal, State, local, or tribal governments.

“(3) EXCEPTIONS.—

“(A) DELIVERY VIOLATIONS.—An employee of a common carrier or independent delivery service shall be subject to civil penalties under paragraph (1) for a violation of section 2A(e) only if the violation is committed intentionally—

“(i) as consideration for the receipt of, or as consideration for a promise or agreement to pay, anything of pecuniary value; or

“(ii) for the purpose of assisting a delivery seller to violate, or otherwise evading compliance with, section 2A.

“(B) OTHER LIMITATIONS.—No common carrier or independent delivery service shall be subject to civil penalties under paragraph (1) for a violation of section 2A(e) if—

“(i) the common carrier or independent delivery service has implemented and enforces effective policies and practices for complying with that section; or

“(ii) an employee of the common carrier or independent delivery service who physically receives and processes orders, picks up packages, processes packages, or makes deliveries, takes actions that are outside the scope of employment of the employee in the course of the violation, or that violate the implemented and enforced policies of the common carrier or independent delivery service described in clause (i).”.

(e) ENFORCEMENT.—The Jenkins Act is amended by striking section 4 and inserting the following:

“SEC. 4. ENFORCEMENT.

“(a) IN GENERAL.—The United States district courts shall have jurisdiction to prevent and restrain violations of this Act and to provide other appropriate injunctive or equitable relief, including money damages, for such violations.

“(b) AUTHORITY OF THE ATTORNEY GENERAL.—The Attorney General of the United States shall administer and enforce the provisions of this Act.

“(c) STATE, LOCAL, AND TRIBAL ENFORCEMENT.—

“(1) IN GENERAL.—

“(A) STANDING.—A State, through its attorney general (or a designee thereof), or a local government or Indian tribe that levies a tax subject to section 2A(a)(3), through its chief law enforcement officer (or a designee thereof), may bring an action in a United States district court to prevent and restrain violations of this Act by any person (or by any person controlling such person) or to obtain any other appropriate relief from any person (or from any person controlling such person) for violations of this Act, including civil penalties, money damages, and injunctive or other equitable relief.

“(B) SOVEREIGN IMMUNITY.—Nothing in this Act shall be deemed to abrogate or constitute a waiver of any sovereign immunity of a State or local government or Indian tribe against any unconsented lawsuit under this Act, or otherwise to restrict, expand, or modify any sovereign immunity of a State or local government or Indian tribe.

“(2) PROVISION OF INFORMATION.—A State, through its attorney general, or a local government or Indian tribe that levies a tax subject to section 2A(a)(3), through its chief law enforcement officer (or a designee thereof), may provide evidence of a violation of this Act by any person not subject to State, local, or tribal government enforcement actions for violations of this Act to the Attorney General of the United States or a United States attorney, who shall take appropriate actions to enforce the provisions of this Act.

“(3) USE OF PENALTIES COLLECTED.—

“(A) IN GENERAL.—There is established a separate account in the Treasury known as the ‘PACT Anti-Trafficking Fund’. Notwithstanding any other provision of law and subject to subparagraph (B), an amount equal to 50 percent of any criminal and civil penalties collected by the United States Government in enforcing the provisions of this Act shall be transferred into the PACT Anti-Trafficking Fund and shall be available to the Attorney General of the United States for purposes of enforcing the provisions of this Act and other laws relating to contraband tobacco products.

“(B) ALLOCATION OF FUNDS.—Of the amount available to the Attorney General under subparagraph (A), not less than 50 percent shall be made available only to the agencies and offices within the Department of Justice that were responsible for the enforcement actions in which the penalties concerned were imposed or for any underlying investigations.

“(4) NONEXCLUSIVITY OF REMEDY.—

“(A) IN GENERAL.—The remedies available under this section and section 3 are in addition to any other remedies available under Federal, State, local, tribal, or other law.

“(B) STATE COURT PROCEEDINGS.—Nothing in this Act shall be construed to expand, restrict, or otherwise modify any right of an authorized State official to proceed in State court, or take other enforcement actions, on the basis of an alleged violation of State or other law.

“(C) TRIBAL COURT PROCEEDINGS.—Nothing in this Act shall be construed to expand, restrict, or otherwise modify any right of an authorized Indian tribal government official to proceed in tribal court, or take other enforcement actions, on the basis of an alleged violation of tribal law.

“(D) LOCAL GOVERNMENT ENFORCEMENT.—Nothing in this Act shall be construed to expand, restrict, or otherwise modify any right of an authorized local government official to proceed in State court, or take other enforcement actions, on the basis of an alleged violation of local or other law.

“(d) PERSONS DEALING IN TOBACCO PRODUCTS.—Any person who holds a permit under section 5712 of the Internal Revenue Code of 1986 (regarding permitting of manufacturers and importers of tobacco products and export warehouse proprietors) may bring an action in a United States district court to prevent and restrain violations of this Act by any person (or by any person controlling such person) other than a State, local, or tribal government.

“(e) NOTICE.—

“(1) PERSONS DEALING IN TOBACCO PRODUCTS.—Any person who commences a civil action under subsection (d) shall inform the Attorney General of the United States of the action.

“(2) STATE, LOCAL, AND TRIBAL ACTIONS.—It is the sense of Congress that the attorney general of any State, or chief law enforcement officer of any locality or tribe, that commences a civil action under this section should inform the Attorney General of the United States of the action.

“(f) PUBLIC NOTICE.—

“(1) IN GENERAL.—The Attorney General of the United States shall make available to the public, by posting such information on the Internet and by other appropriate means, information regarding all enforcement actions undertaken by the Attorney General or United States attorneys, or reported to the Attorney General, under this section, including information regarding the resolution of such actions and how the Attorney General and the United States attorney have responded to referrals of evidence of violations pursuant to subsection (c)(2).

“(2) REPORTS TO CONGRESS.—The Attorney General shall submit to Congress each year a report containing the information described in paragraph (1).”

SEC. 03. TREATMENT OF CIGARETTES AND SMOKELESS TOBACCO AS NON-MAILABLE MATTER.

Section 1716 of title 18, United States Code, is amended—

(1) by redesignating subsections (j) and (k) as subsections (k) and (l), respectively; and

(2) by inserting after subsection (i) the following:

“(j) TOBACCO PRODUCTS.—

“(1) PROHIBITION.—

“(A) IN GENERAL.—Except as provided in subparagraphs (C) and (C), all cigarettes (as that term is defined in section 1(2) of the Act of October 19, 1949 (15 U.S.C. 375; commonly referred to as the ‘Jenkins Act’)) and smokeless tobacco (as that term is defined in section 1(12) of that Act), are nonmailable and shall not be deposited in or carried through the mails. The United States Postal Service shall not accept for delivery or transmit through the mails any package that it knows or has reasonable cause to believe contains any cigarettes or smokeless tobacco made nonmailable by this subsection.

“(B) REASONABLE CAUSE TO BELIEVE.—For purposes of this section, notification to the United States Postal Service by the Attorney General, a United States attorney, or a State Attorney General that an individual or entity is primarily engaged in the business of transmitting cigarettes or smokeless to-

bacco made nonmailable by this section shall constitute reasonable cause to believe that any packages presented to the United States Postal Service by such individual or entity contain nonmailable cigarettes or smokeless tobacco.

“(C) CIGARS.—Subparagraph (A) shall not apply to cigars (as that term is defined in section 5702(a) of the Internal Revenue Code of 1986).

“(D) GEOGRAPHIC EXCEPTION.—Subparagraph (A) shall not apply to mailings within or into any State that is not contiguous with at least 1 other State of the United States. For purposes of this paragraph, ‘State’ means any of the 50 States or the District of Columbia.

“(2) PACKAGING EXCEPTIONS INAPPLICABLE.—Subsection (b) shall not apply to any tobacco product made nonmailable by this subsection.

“(3) SEIZURE AND FORFEITURE.—Any cigarettes or smokeless tobacco made nonmailable by this subsection that are deposited in the mails shall be subject to seizure and forfeiture, and any tobacco products so seized and forfeited shall either be destroyed or retained by Government officials for the detection or prosecution of crimes or related investigations and then destroyed.

“(4) ADDITIONAL PENALTIES.—In addition to any other fines and penalties imposed by this chapter for violations of this section, any person violating this subsection shall be subject to an additional penalty in the amount of 10 times the retail value of the nonmailable cigarettes or smokeless tobacco, including all Federal, State, and local taxes.

“(5) USE OF PENALTIES.—There is established a separate account in the Treasury known as the ‘PACT Postal Service Fund’. Notwithstanding any other provision of law, an amount equal to 50 percent of any criminal and civil fines or monetary penalties collected by the United States Government in enforcing the provisions of this subsection shall be transferred into the PACT Postal Service Fund and shall be available to the Postmaster General for the purpose of enforcing the provisions of this subsection.”

SEC. 04. COMPLIANCE WITH MODEL STATUTE OR QUALIFYING STATUTE.

(a) IN GENERAL.—A Tobacco Product Manufacturer or importer may not sell in, deliver to, or place for delivery sale, or cause to be sold in, delivered to, or placed for delivery sale in a State that is a party to the Master Settlement Agreement, any cigarette manufactured by a Tobacco Product Manufacturer that is not in full compliance with the terms of the Model Statute or Qualifying Statute enacted by such State requiring funds to be placed into a qualified escrow account under specified conditions, or any regulations promulgated pursuant to such statute.

(b) JURISDICTION TO PREVENT AND RESTRAIN VIOLATIONS.—

(1) IN GENERAL.—The United States district courts shall have jurisdiction to prevent and restrain violations of subsection (a) in accordance with this subsection.

(2) INITIATION OF ACTION.—A State, through its attorney general, may bring an action in the United States district courts to prevent and restrain violations of subsection (a) by any person (or by any person controlling such person).

(3) ATTORNEY FEES.—In any action under paragraph (2), a State, through its attorney general, shall be entitled to reasonable attorney fees from a person found to have willfully and knowingly violated subsection (a).

(4) NONEXCLUSIVITY OF REMEDIES.—The remedy available under paragraph (2) is in addition to any other remedies available under Federal, State, or other law. No provision of this title or any other Federal law shall be held or construed to prohibit or pre-

empt the Master Settlement Agreement, the Model Statute (as defined in the Master Settlement Agreement), any legislation amending or complementary to the Model Statute in effect as of June 1, 2006, or any legislation substantially similar to such existing, amending, or complementary legislation hereinafter enacted.

(5) OTHER ENFORCEMENT ACTIONS.—Nothing in this subsection shall be construed to prohibit an authorized State official from proceeding in State court or taking other enforcement actions on the basis of an alleged violation of State or other law.

(6) AUTHORITY OF THE ATTORNEY GENERAL.—The Attorney General of the United States may administer and enforce subsection (a).

(c) DEFINITIONS.—In this section the following definitions apply:

(1) DELIVERY SALE.—The term “delivery sale” means any sale of cigarettes or smokeless tobacco to a consumer if—

(A) the consumer submits the order for such sale by means of a telephone or other method of voice transmission, the mails, or the Internet or other online service, or the seller is otherwise not in the physical presence of the buyer when the request for purchase or order is made; or

(B) the cigarettes or smokeless tobacco are delivered by use of a common carrier, private delivery service, or the mails, or the seller is not in the physical presence of the buyer when the buyer obtains possession of the cigarettes or smokeless tobacco.

(2) IMPORTER.—The term “importer” means each of the following:

(A) SHIPPING OR CONSIGNING.—Any person in the United States to whom nontaxpaid tobacco products manufactured in a foreign country, Puerto Rico, the Virgin Islands, or a possession of the United States are shipped or consigned.

(B) MANUFACTURING WAREHOUSES.—Any person who removes cigars or cigarettes for sale or consumption in the United States from a customs-bonded manufacturing warehouse.

(C) UNLAWFUL IMPORTING.—Any person who smuggles or otherwise unlawfully brings tobacco products into the United States.

(3) MASTER SETTLEMENT AGREEMENT.—The term “Master Settlement Agreement” means the agreement executed November 23, 1998, between the attorneys general of 46 States, the District of Columbia, the Commonwealth of Puerto Rico, and 4 territories of the United States and certain tobacco manufacturers.

(4) MODEL STATUTE; QUALIFYING STATUTE.—The terms “Model Statute” and “Qualifying Statute” means a statute as defined in section IX(d)(2)(e) of the Master Settlement Agreement.

(5) TOBACCO PRODUCT MANUFACTURER.—The term “Tobacco Product Manufacturer” has the meaning given that term in section II(uu) of the Master Settlement Agreement.

SEC. 05. INSPECTION BY BUREAU OF ALCOHOL, TOBACCO, FIREARMS AND EXPLOSIVES OF RECORDS OF CERTAIN CIGARETTE AND SMOKELESS TOBACCO SELLERS.

(a) IN GENERAL.—Any officer of the Bureau of Alcohol, Tobacco, Firearms and Explosives may, during normal business hours, enter the premises of any person described in subsection (b) for the purposes of inspecting—

(1) any records or information required to be maintained by such person under the provisions of law referred to in subsection (d); or

(2) any cigarettes or smokeless tobacco kept or stored by such person at such premises.

(b) COVERED PERSONS.—Subsection (a) applies to any person who engages in a delivery

sale, and who ships, sells, distributes, or receives any quantity in excess of 10,000 cigarettes, or any quantity in excess of 500 single-unit consumer-sized cans or packages of smokeless tobacco, within a single month.

(c) **RELIEF.**—

(1) **IN GENERAL.**—The district courts of the United States shall have the authority in a civil action under this subsection to compel inspections authorized by subsection (a).

(2) **VIOLATIONS.**—Whoever violates subsection (a) or an order issued pursuant to paragraph (1) shall be subject to a civil penalty in an amount not to exceed \$10,000 for each violation.

(d) **COVERED PROVISIONS OF LAW.**—The provisions of law referred to in this subsection are—

(1) the Act of October 19, 1949 (15 U.S.C. 375; commonly referred to as the “Jenkins Act”);

(2) chapter 114 of title 18, United States Code; and

(3) this title.

(e) **DELIVERY SALE DEFINED.**—In this section, the term “delivery sale” has the meaning given that term in 2343(e) of title 18, United States Code, as amended by this title.

SEC. 06. EXCLUSIONS REGARDING INDIAN TRIBES AND TRIBAL MATTERS.

(a) **IN GENERAL.**—Nothing in this title or the amendments made by this title is intended nor shall be construed to affect, amend, or modify—

(1) any agreements, compacts, or other intergovernmental arrangements between any State or local government and any government of an Indian tribe (as that term is defined in section 4(e) of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450b(e)) relating to the collection of taxes on cigarettes or smokeless tobacco sold in Indian country (as that term is defined in section 1151 of title 18, United States Code);

(2) any State laws that authorize or otherwise pertain to any such intergovernmental arrangements or create special rules or procedures for the collection of State, local, or tribal taxes on cigarettes or smokeless tobacco sold in Indian country;

(3) any limitations under existing Federal law, including Federal common law and treaties, on State, local, and tribal tax and regulatory authority with respect to the sale, use, or distribution of cigarettes and smokeless tobacco by or to Indian tribes or tribal members or in Indian country;

(4) any existing Federal law, including Federal common law and treaties, regarding State jurisdiction, or lack thereof, over any tribe, tribal members, or tribal reservations; and

(5) any existing State or local government authority to bring enforcement actions against persons located in Indian country.

(b) **COORDINATION OF LAW ENFORCEMENT.**—Nothing in this title or the amendments made by this title shall be construed to inhibit or otherwise affect any coordinated law enforcement effort by 1 or more States or other jurisdictions, including Indian tribes, through interstate compact or otherwise, that—

(1) provides for the administration of tobacco product laws or laws pertaining to interstate sales or other sales of tobacco products;

(2) provides for the seizure of tobacco products or other property related to a violation of such laws; or

(3) establishes cooperative programs for the administration of such laws.

(c) **TREATMENT OF STATE AND LOCAL GOVERNMENTS.**—Nothing in this title or the amendments made by this title is intended, and shall not be construed to, authorize, deputize, or commission States or local governments as instrumentalities of the United States.

(d) **ENFORCEMENT WITHIN INDIAN COUNTRY.**—Nothing in this title or the amendments made by this title is intended to prohibit, limit, or restrict enforcement by the Attorney General of the United States of the provisions herein within Indian country.

(e) **AMBIGUITY.**—Any ambiguity between the language of this section or its application and any other provision of this title shall be resolved in favor of this section.

SEC. 07. EFFECTIVE DATE.

(a) **IN GENERAL.**—Except as provided in subsection (b), this title shall take effect on the date that is 90 days after the date of enactment of this Act.

(b) **BATFE AUTHORITY.**—Section 05 shall take effect on the date of enactment of this Act.

SEC. 08. SEVERABILITY.

If any provision of this title, or an amendment made by this title, or the application thereof to any person or circumstance is held invalid, the remainder of the title and the application of it to any other person or circumstance shall not be affected thereby.

SA 363. Mr. ENSIGN proposed an amendment to amendment SA 275 proposed by Mr. REID (for himself, Mr. LIEBERMAN, and Ms. COLLINS) to the bill S. 4, to make the United States more secure by implementing unfinished recommendations of the 9/11 Commission to fight the war on terror more effectively, to improve homeland security, and for other purposes; as follows:

On page 389, after line 13, add the following:

SEC. 15. LAW ENFORCEMENT ASSISTANCE FORCE.

(a) **ESTABLISHMENT.**—The Secretary shall establish a Law Enforcement Assistance Force to facilitate the contributions of retired law enforcement officers and agents during major disasters.

(b) **ELIGIBLE PARTICIPANTS.**—An individual may participate in the Law Enforcement Assistance Force if that individual—

(1) has experience working as an officer or agent for a public law enforcement agency and left that agency in good standing;

(2) holds current certifications for firearms, first aid, and such other skills determined necessary by the Secretary;

(3) submits to the Secretary an application, at such time, in such manner, and accompanied by such information as the Secretary may reasonably require, that authorizes the Secretary to review the law enforcement service record of that individual; and

(4) meets such other qualifications as the Secretary may require.

(c) **LIABILITY; SUPERVISION.**—Each eligible participant shall—

(1) be protected from civil liability to the same extent as employees of the Department; and

(2) upon acceptance of an assignment under this section—

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

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

(C) notwithstanding any State or local law requiring specific qualifications for law enforcement officers, be deputized to perform the duties of a law enforcement officer.

(d) **MOBILIZATION.**—

(1) **IN GENERAL.**—In the event of a major disaster, the Secretary, after consultation with appropriate Federal, State, and local government law enforcement agencies, may request eligible participants to volunteer to assist the efforts of those agencies responding to such emergency and assign each will-

ing participant to a specific law enforcement agency.

(2) **ACCEPTANCE.**—If the eligible participant accepts an assignment under this subsection, that eligible participant shall agree to remain in such assignment for a period equal to not less than the shorter of—

(A) the period during which the law enforcement agency needs the services of such participant; or

(B) 30 days; or

(C) such other period of time agreed to between the Secretary and the eligible participant.

(3) **REFUSAL.**—An eligible participant may refuse an assignment under this subsection without any adverse consequences.

(e) **EXPENSES.**—

(1) **IN GENERAL.**—Each eligible participant shall be allowed travel expenses, including per diem in lieu of subsistence, at rates authorized for employees of agencies under subchapter I of chapter 57 of title 5, United States Code, while carrying out an assignment under subsection (d).

(2) **SOURCE OF FUNDS.**—Expenses incurred under paragraph (1) shall be paid from amounts appropriated to the Federal Emergency Management Agency.

(f) **TERMINATION OF ASSISTANCE.**—The availability of eligible participants of the Law Enforcement Assistance Force shall continue for a period equal to the shorter of—

(1) the period of the major disaster; or

(2) 1 year.

(g) **DEFINITIONS.**—In this section—

(1) the term “eligible participant” means an individual participating in the Law Enforcement Assistance Force;

(2) the term “Law Enforcement Assistance Force” means the Law Enforcement Assistance Force established under subsection (a); and

(3) the term “major disaster” has the meaning given that term in section 102 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5122).

(h) **AUTHORIZATION OF APPROPRIATIONS.**—There are authorized to be appropriated such sums as may be necessary to carry out this section.

SA 364. Mrs. HUTCHISON submitted an amendment intended to be proposed to amendment SA 275 proposed by Mr. REID (for himself, Mr. LIEBERMAN, and Ms. COLLINS) to the bill S. 4, to make the United States more secure by implementing unfinished recommendations of the 9/11 Commission to fight the war on terror more effectively, to improve homeland security, and for other purposes; which was ordered to lie on the table; as follows:

On page 138, between lines 6 and 7, insert the following:

SEC. 401A. INCREASING THE DOMESTIC SUPPLY OF NURSES AND PHYSICAL THERAPISTS.

(a) **REPORT.**—

(1) **IN GENERAL.**—Not later than January 1, 2008, the Secretary of Health and Human Services shall submit to Congress a report on the shortage of nurses and physical therapists educated in the United States.

(2) **CONTENTS.**—The report required by paragraph (1) shall—

(A) include information from the most recent 3 years for which data are available;

(B) provide separate data for each occupation and for each State;

(C) separately identify the nurses and physical therapists receiving initial licenses in each State and the nurses and physical therapists licensed by endorsement from other States;

(D) identify, from among the nurses and physical therapists receiving initial licenses in each year, the number of such nurses and physical therapists who received professional educations in the United States and the number of such nurses and physical therapists who received professional educations outside the United States;

(E) to the extent possible, identify, by State of residence and the country in which each nurse or physical therapist received a professional education, the number of nurses and physical therapists who received professional educations in any of the 5 countries from which the highest number of nurses and physical therapists emigrated to the United States;

(F) identify the barriers to increasing the supply of nursing faculty in the United States, domestically trained nurses, and domestically trained physical therapists;

(G) recommend strategies for Federal and State governments to reduce such barriers, including strategies that address barriers that prevent health care workers, such as home health aides and nurse's assistants, from advancing to become registered nurses;

(H) recommend amendments to Federal law to reduce the barriers identified in subparagraph (F);

(I) recommend Federal grants, loans, and other incentives that would increase the supply of nursing faculty and training facilities for nurses in the United States, and recommend other steps to increase the number of nurses and physical therapists who receive professional educations in the United States;

(J) identify the effects of emigration by nurses on the health care systems in the countries of origin of such nurses;

(K) recommend amendments to Federal law to minimize the effects of shortages of nurses in the countries of origin of nurses who immigrate to the United States; and

(L) report on the level of Federal investment determined under subsection (b)(1) to be necessary to eliminate the shortage of nurses and physical therapists in the United States.

(b) CONSULTATION.—The Secretary of Health and Human Services shall—

(1) enter into a contract with the Institute of Medicine of the National Academies to determine the level of Federal investment under titles VII and VIII of the Public Health Service Act (42 U.S.C. 292 et seq.) that would be necessary to eliminate the shortage of nurses and physical therapists in the United States by January 1, 2015; and

(2) consult with other agencies in working with ministers of health or other appropriate officials of the 5 countries from which the highest number of nurses and physical therapists emigrated, as reported under subsection (a)(2)(E), to—

(A) address shortages of nurses and physical therapists in such countries caused by emigration; and

(B) provide the technical assistance needed to reduce further shortages of nurses and physical therapists in such countries.

(c) RECAPTURE OF UNUSED EMPLOYMENT-BASED IMMIGRANT VISAS.—Section 106(d) of the American Competitiveness in the Twenty-first Century Act of 2000 (Public Law 106-313; 8 U.S.C. 1153 note) is amended—

(1) in paragraph (1)—

(A) by inserting “1996, 1997,” after “available in fiscal year”; and

(B) by inserting “group I,” after “schedule A.”;

(2) in paragraph (2)(A), by inserting “1996, 1997, and” after “available in fiscal years”; and

(3) by adding at the end the following:

“(4) PETITIONS.—The Secretary of Homeland Security shall provide a process for reviewing and acting upon petitions with re-

spect to immigrants described in schedule A not later than 30 days after the date on which a completed petition has been filed.”.

SA 365. Mr. SCHUMER submitted an amendment intended to be proposed to amendment SA 275 proposed by Mr. REID (for himself, Mr. LIEBERMAN, and Ms. COLLINS) to the bill S. 4, to make the United States more secure by implementing unfinished recommendations of the 9/11 Commission to fight the war on terror more effectively, to improve homeland security, and for other purposes; which was ordered to lie on the table; as follows:

On page 148, between lines 7 and 8, insert the following:

SEC. 406. IMPLEMENTATION OF THE WESTERN HEMISPHERE TRAVEL INITIATIVE.

(a) IMPLEMENTATION OF THE WESTERN HEMISPHERE TRAVEL INITIATIVE AFTER JUNE 1, 2009.—Section 7209(b)(1)(A) of the Intelligence Reform and Terrorism Prevention Act of 2004 (Public Law 108-458; 8 U.S.C. 1185 note) is amended—

(1) by striking “not later than three months” and inserting “not earlier than 6 months”;

(2) by striking “subsection (B)” and inserting “subparagraph (B)”;

(3) by striking “whichever is earlier” and inserting “whichever is later”.

(b) ISO STANDARDS FOR CARD READERS.—Section 7209(b)(1)(B) of the Intelligence Reform and Terrorism Prevention Act of 2004 (Public Law 108-458; 8 U.S.C. 1185 note) is amended—

(1) in clause (vi), by striking “and”;

(2) in clause (vii), by striking the period and inserting “; and”;

(3) by inserting after clause (vii) the following new clause:

“(viii) the National Institute of Standards and Technology certifies that the Departments of Homeland Security and State have selected card readers that meet or exceed such security standards as the International Organization for Standardization may establish.”.

(c) APPLICATION OF THE WESTERN HEMISPHERE TRAVEL INITIATIVE TO CHILDREN.—Section 7209(b)(2) of the Intelligence Reform and Terrorism Prevention Act of 2004 (Public Law 108-458; 8 U.S.C. 1185 note) is amended—

(1) by striking “The plan” and inserting the following:

“(A) IN GENERAL.—Except as provided in subparagraph (B), the plan”;

(2) by inserting after subparagraph (A), as redesignated, the following new subparagraph:

“(B) APPLICATION TO CHILDREN.—The plan developed under paragraph (1) shall allow a citizen of the United States or Canada to travel from Canada into the United States without carrying or producing the documents described in paragraph (1) if such citizen—

“(i) carries and produces a certified copy of such citizen's birth certificate; and

“(ii) either—

“(I) has not attained age 16 and is traveling with the consent of such citizen's parent or guardian; or

“(II) has attained age 16, but has not attained age 19, and is traveling—

“(aa) with the consent of such citizen's parent or guardian;

“(bb) with a group of other such citizens who have attained age 16, but have not attained age 19, including a public or private school group, a religious group, a social or cultural organization, or a youth athletics organization; and

“(cc) under the supervision of an adult carrying the documents described in paragraph (1) for such adult.”.

(d) IMPROVING REGISTERED TRAVELER PROGRAM.—

(1) CREATION OF REMOTE ENROLLMENT CENTERS.—The Secretary of Homeland Security, in consultation with appropriate representatives of the Government of Canada, shall create a minimum of 6 remote enrollment centers for the registered traveler program authorized under section 286(q) of the Immigration and Nationality Act (8 U.S.C. 1356(q)), commonly referred to as the NEXUS program.

(2) CREATION OF MOBILE ENROLLMENT CENTERS.—The Secretary of Homeland Security, in consultation with appropriate representatives of the Government of Canada, shall create a minimum of 4 mobile enrollment centers for the program described in paragraph (1). Such mobile enrollment centers shall be used to accept and process applications in areas currently underserved by such programs. The Secretary shall work with State and local authorities in determining the locations of such mobile enrollment centers.

(3) ONLINE APPLICATION PROCESS.—The Secretary of Homeland Security shall design an online application process for the program described in paragraph (1). Such process shall permit individuals to securely submit their applications online and schedule a security interview at the nearest enrollment center.

(4) PROMOTING ENROLLMENT.—

(A) CREATING INCENTIVES FOR ENROLLMENT.—In order to encourage applications for the program described in paragraph (1), the Secretary of Homeland Security shall develop a plan to charge participants a fee that is as low as practicable for each card issued. The fee for the first renewal application for participation in such program shall be waived. The Secretary shall submit to the Committee on Homeland Security of the House of Representatives and the Committee on Homeland Security and Governmental Affairs of the Senate a report that explains the reasons for the fee that is established.

(B) PUBLICITY CAMPAIGN.—The Secretary shall carry out a program to educate the public regarding the benefits of the program described in paragraph (1).

(5) TRAVEL DOCUMENT FOR TRAVEL INTO UNITED STATES.—For purposes of the plan required under section 7209(b) of the Intelligence Reform and Terrorism Prevention Act of 2004 (Public Law 108-458; 8 U.S.C. 1185 note), an identification card issued to a participant in the program described in paragraph (1) shall be considered a document sufficient on its own when produced to denote identity and citizenship for travel into the United States by United States citizens and by categories of individuals for whom documentation requirements have previously been waived under section 212(d)(4)(B) of the Immigration and Nationality Act (8 U.S.C. 1182(d)(4)(B)).

SA 366. Mr. SCHUMER submitted an amendment intended to be proposed to amendment SA 275 proposed by Mr. REID (for himself, Mr. LIEBERMAN, and Ms. COLLINS) to the bill S. 4, to make the United States more secure by implementing unfinished recommendations of the 9/11 Commission to fight the war on terror more effectively, to improve homeland security, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ____ MEDICAL ISOTOPE PRODUCTION.

Section 134 b. of the Atomic Energy Act of 1954 (42 U.S.C. 2160d(b)) is amended—

(1) in paragraph (1), by striking subparagraph (D);

(2) by striking paragraph (2);

(3) in paragraph (3), by striking “paragraph (2)” and inserting “this section”;

(4) in paragraph (4)—

(A) in subparagraph (A)(iv), by striking “cost differential in medical isotope production in the reactors and target processing facilities if the products” and inserting “cost differential of radiopharmaceuticals to patients if the radiopharmaceuticals”; and

(B) by striking subparagraph (B) and inserting the following:

“(B) **FEASIBILITY.**—For the purpose of this subsection, the use of low enriched uranium to produce medical isotopes shall be determined to be feasible if it could be accomplished without a large percentage increase in the cost of radiopharmaceuticals to patients.”;

(5) in paragraph (5), by striking “(4)(B)(iii)” and inserting “(4)(B)”;

(6) in paragraph (6), by striking “(4)(B)(iii)” and inserting “(4)(B)”;

(7) in paragraph (7), by striking “subsection” and inserting “section for highly enriched uranium for medical isotope production”.

SA 367. Mr. SCHUMER submitted an amendment intended to be proposed to amendment SA 275 proposed by Mr. REID (for himself, Mr. LIEBERMAN, and Ms. COLLINS) to the bill S. 4, to make the United States more secure by implementing unfinished recommendations of the 9/11 Commission to fight the war on terror more effectively, to improve homeland security, and for other purposes; which was ordered to lie on the table; as follows:

On page 303, strike line 12 and all that follows through page 305, line 18, and insert the following:

of Transportation, shall develop a program to facilitate the tracking of motor carrier shipments of high hazard materials, as defined in this title, and to equip vehicles used in such shipments with technology that provides—

(A) frequent or continuous communications;

(B) vehicle position location and tracking capabilities;

(C) a feature that allows a driver of such vehicles to broadcast an emergency message; and

(D) a feature that can be concealed and installed by a motor carrier on a commercial motor vehicle and can be activated by a law enforcement authority to disable the vehicle and alert emergency response resources to locate and recover high hazard materials in the event of loss or theft of such materials.

(2) **CONSIDERATIONS.**—In developing the program required by paragraph (1), the Secretary shall—

(A) consult with the Secretary of Transportation to coordinate the program with any ongoing or planned efforts for motor carrier or high hazardous materials tracking at the Department of Transportation;

(B) take into consideration the recommendations and findings of the report on the Hazardous Material Safety and Security Operation Field Test released by the Federal Motor Carrier Safety Administration on November 11, 2004; and

(C) evaluate—

(i) any new information related to the cost and benefits of deploying and utilizing tracking technology for motor carriers transporting high hazard materials not included in the Hazardous Material Safety and Security Operation Field Test Report released by

the Federal Motor Carrier Safety Administration on November 11, 2004;

(ii) the ability of tracking technology to resist tampering and disabling;

(iii) the capability of tracking technology to collect, display, and store information regarding the movement of shipments of high hazard materials by commercial motor vehicles; and

(iv) the appropriate range of contact intervals between the tracking technology and a commercial motor vehicle transporting high hazard materials.

(b) **REGULATIONS.**—Not later than 1 year after the date of the enactment of this Act, the Secretary, through the Transportation Security Administration, shall promulgate regulations to carry out the provisions of subsection (a).

(c) **FUNDING.**—There are authorized to be appropriated to the Secretary to carry out this section, \$7,000,000 for each of fiscal years 2008, 2009, and 2010, of which—

(1) \$3,000,000 per year may be used for equipment; and

(2) \$1,000,000 per year may be used for operations.

SA 368. Mr. CARPER submitted an amendment intended to be proposed to amendment SA 275 proposed by Mr. REID (for himself, Mr. LIEBERMAN, and Ms. COLLINS) to the bill S. 4, to make the United States more secure by implementing unfinished recommendations of the 9/11 Commission to fight the war on terror more effectively, to improve homeland security, and for other purposes; which was ordered to lie on the table; as follows:

At the end of title XI, add the following:

SEC. 1104. AVAILABILITY OF FUNDS FOR THE PUBLIC INTEREST DECLASSIFICATION BOARD.

Section 21067 of the Continuing Appropriations Resolution, 2007 (division B of Public Law 109-289; 120 Stat. 1311), as amended by Public Law 109-369 (120 Stat. 2642), Public Law 109-383 (120 Stat. 2678), and Public Law 110-5, is amended by adding at the end the following new subsection:

“(c) From the amount provided by this section, the National Archives and Records Administration may obligate monies necessary to carry out the activities of the Public Interest Declassification Board.”.

SA 369. Mr. CARPER submitted an amendment intended to be proposed to amendment SA 275 proposed by Mr. REID (for himself, Mr. LIEBERMAN, and Ms. COLLINS) to the bill S. 4, to make the United States more secure by implementing unfinished recommendations of the 9/11 Commission to fight the war on terror more effectively, to improve homeland security, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

TITLE —PROTECTION OF FIREFIGHTERS

SEC. 01. SHORT TITLE.

This title may be cited as the “Volunteer Firefighter and EMS Personnel Job Protection Act”.

SEC. 02. DEFINITIONS.

In this title:

(1) **EMERGENCY.**—The term “emergency” has the meaning given such term in section 102 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5122).

(2) **MAJOR DISASTER.**—The term “major disaster” has the meanings given such term in section 102 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5122).

(3) **QUALIFIED VOLUNTEER FIRE DEPARTMENT.**—The term “qualified volunteer fire department” has the meaning given such term in section 150(e) of the Internal Revenue Code of 1986.

(4) **VOLUNTEER EMERGENCY MEDICAL SERVICES.**—The term “volunteer emergency medical services” means emergency medical services performed on a voluntary basis for a fire department or other emergency organization.

(5) **VOLUNTEER FIREFIGHTER.**—The term “volunteer firefighter” means an individual who is a member in good standing of a qualified volunteer fire department.

SEC. 03. TERMINATION OF EMPLOYMENT OF VOLUNTEER FIREFIGHTERS AND EMERGENCY MEDICAL PERSONNEL PROHIBITED.

(a) **TERMINATION PROHIBITED.**—No employee may be terminated, demoted, or in any other manner discriminated against in the terms and conditions of employment because such employee is absent from or late to the employee’s employment for the purpose of serving as a volunteer firefighter or providing volunteer emergency medical services as part of a response to an emergency or major disaster.

(b) **DEPLOYMENT.**—The prohibition in subsection (a) shall apply to an employee serving as a volunteer firefighter or providing volunteer emergency medical services if such employee—

(1) is specifically deployed to respond to the emergency or major disaster in accordance with a coordinated national deployment system such as the Emergency Management Assistance Compact or a pre-existing mutual aid agreement; or

(2) is a volunteer firefighter who—

(A) is a member of a qualified volunteer fire department that is located in the State in which the emergency or major disaster occurred;

(B) is not a member of a qualified fire department that has a mutual aid agreement with a community affected by such emergency or major disaster; and

(C) has been deployed by the emergency management agency of such State to respond to such emergency or major disaster.

(c) **LIMITATIONS.**—The prohibition in subsection (a) shall not apply to an employee who—

(1) is absent from the employee’s employment for the purpose described in subsection (a) for more than 14 days per calendar year;

(2) responds on the emergency or major disaster without being officially deployed as described in subsection (b); or

(3) fails to provide the written verification described in subsection (e) within a reasonable period of time.

(d) **WITHHOLDING OF PAY.**—An employer may reduce an employee’s regular pay for any time that the employee is absent from the employee’s employment for the purpose described in subsection (a).

(e) **VERIFICATION.**—An employer may require an employee to provide a written verification from the official of the Federal Emergency Management Agency supervising the Federal response to the emergency or major disaster or a local or State official managing the local or State response to the emergency or major disaster that states—

(1) the employee responded to the emergency or major disaster in an official capacity; and

(2) the schedule and dates of the employee’s participation in such response.

(f) **REASONABLE NOTICE REQUIRED.**—An employee who may be absent from or late to the

employee's employment for the purpose described in subsection (a) shall—

- (1) make a reasonable effort to notify the employee's employer of such absence; and
- (2) continue to provide reasonable notifications over the course of such absence.

SEC. 04. RIGHT OF ACTION.

(a) **RIGHT OF ACTION.**—An individual who has been terminated, demoted, or in any other manner discriminated against in the terms and conditions of employment in violation of the prohibition described in section 03 may bring, in a district court of the United States of appropriate jurisdiction, a civil action against individual's employer seeking—

- (1) reinstatement of the individual's former employment;
- (2) payment of back wages;
- (3) reinstatement of fringe benefits; and
- (4) if the employment granted seniority rights, reinstatement of seniority rights.

(b) **LIMITATION.**—The individual shall commence a civil action under this section not later than 1 year after the date of the violation of the prohibition described in section 03.

SEC. 05. STUDY AND REPORT.

(a) **STUDY.**—The Secretary of Labor shall conduct a study on the impact that this title could have on the employers of volunteer firefighters or individuals who provide volunteer emergency medical services and who may be called on to respond to an emergency or major disaster.

(b) **REPORT.**—Not later than 12 months after the date of the enactment of this Act, the Secretary of Labor shall submit to the appropriate congressional committees a report on the study conducted under subsection (a).

(c) **APPROPRIATE CONGRESSIONAL COMMITTEES.**—In this section, the term "appropriate congressional committees" means the Committee on Health, Education, Labor, and Pensions and the Committee on Small Business and Entrepreneurship of the Senate and the Committee on Education and the Workforce and the Committee on Small Business of the House of Representatives.

SA. 370. Mr. BOND submitted an amendment intended to be proposed to amendment SA 275 proposed by Mr. REID (for himself, Mr. LIEBERMAN, and Ms. COLLINS) to the bill S. 4, to make the United States more secure by implementing unfinished recommendations of the 9/11 Commission to fight the war on terror more effectively, to improve homeland security, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ____ . SENSE OF THE SENATE REGARDING A REPORT ON THE 9/11 COMMISSION RECOMMENDATIONS WITH RESPECT TO INTELLIGENCE REFORM AND CONGRESSIONAL INTELLIGENCE OVERSIGHT REFORM.

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

(1) The National Commission on Terrorist Attacks Upon the United States (referred to in this section as the "9/11 Commission") conducted a lengthy review of the facts and circumstances relating to the terrorist attacks of September 11, 2001, including those relating to the intelligence community, law enforcement agencies, and the role of congressional oversight and resource allocation.

(2) In its final report, the 9/11 Commission found that—

(A) congressional oversight of the intelligence activities of the United States is dysfunctional;

(B) under the rules of the Senate and the House of Representatives in effect at the time the report was completed, the committees of Congress charged with oversight of the intelligence activities lacked the power, influence, and sustained capability to meet the daunting challenges faced by the intelligence community of the United States;

(C) as long as such oversight is governed by such rules of the Senate and the House of Representatives, the people of the United States will not get the security they want and need;

(D) a strong, stable, and capable congressional committee structure is needed to give the intelligence community of the United States appropriate oversight, support, and leadership; and

(E) the reforms recommended by the 9/11 Commission in its final report will not succeed if congressional oversight of the intelligence community in the United States is not changed.

(3) The 9/11 Commission recommended structural changes to Congress, including recommending that the committees of Congress that are charged with oversight of the intelligence community be provided with the authority to authorize and appropriate funds for intelligence activities.

(4) Congress has enacted some of the recommendations made by the 9/11 Commission and is considering implementing additional recommendations of the 9/11 Commission.

(5) The House of Representatives, under the leadership of the Speaker of the House, has implemented structural changes within that body with respect to oversight of intelligence.

(6) The Senate has not passed a resolution that expressly grants and carefully limits the authority of the Select Committee on Intelligence of the Senate to both authorize and appropriate funds for activities carried out by the intelligence community, as recommended by the 9/11 Commission.

(b) **SENSE OF THE SENATE.**—It is the sense of the Senate that the Committee on Homeland Security and Governmental Affairs and the Select Committee on Intelligence of the Senate each should—

(1) undertake a review of the recommendations made in the final report of the 9/11 Commission with respect to intelligence reform and congressional intelligence oversight reform; and

(2) not later than December 21, 2007, submit to the Senate a report that includes the recommendations of the Committee, if any, for carrying out such reforms.

SA. 371. Mr. KOHL submitted an amendment intended to be proposed to amendment SA 275 proposed by Mr. REID (for himself, Mr. LIEBERMAN, and Ms. COLLINS) to the bill S. 4, to make the United States more secure by implementing unfinished recommendations of the 9/11 Commission to fight the war on terror more effectively, to improve homeland security, and for other purposes; which was ordered to be on the table; as follows:

On page 91, between lines 15 and 16, insert the following:

"(f) **EMERGENCY PLANNING FOR THE ELDERLY.**—

"(1) **DEFINITION.**—In this subsection, the term 'emergency' has meaning given that term in section 102 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5122).

"(2) **PLANNING.**—

"(A) **IN GENERAL.**—The Secretary shall ensure that any emergency planning program or activity that receives funds under a grant

administered by the Department specifically takes into account the evacuation, transportation, health care needs, and other needs of the elderly in the event of an emergency or major disaster.

"(B) **CONSIDERATIONS.**—In carrying out subparagraph (A), the Secretary shall consider—

"(i) the input of geriatricians and other gerontology experts; and

"(ii) congressional hearing records on emergency planning for the elderly.

"(3) **TRAINING.**—The Secretary shall ensure that any program or activity to train emergency response providers (including law enforcement officers) regarding responding to an emergency or major disaster that receives funds under a grant administered by the Department includes specific training components on the needs of the elderly.

"(4) **EXERCISES.**—The Secretary shall ensure that each exercise designed to prepare for responding to an emergency or major disaster conducted with funds received under a grant administered by the Department includes, as a component of the exercise, responding to the needs of the elderly.

"(5) **EDUCATION.**—The Secretary shall—

"(A) develop consumer education materials specifically designed to assist the elderly in preparing themselves for any sort of emergency; and

"(B) develop and distribute templates to local governments (including emergency management agencies and community-based service providers) that can be tailored to each community.

SA. 372. Mr. FEINGOLD (for himself, Mr. CRAIG, Ms. MURKOWSKI, Mr. SPECTER, Mr. SALAZAR, Mr. DURBIN, Mr. SUNUNU, Mr. LEAHY, and Mr. HAGEL) submitted an amendment intended to be proposed to amendment SA 275 proposed by Mr. REID (for himself, Mr. LIEBERMAN, and Ms. COLLINS) to the bill S. 4, to make the United States more secure by implementing unfinished recommendations of the 9/11 Commission to fight the war on terror more effectively, to improve homeland security, and for other purposes; which was ordered to lie on the table; as follows:

At the end of the bill, add the following:

TITLE ____ —WARRANTS, ORDERS, AND NATIONAL SECURITY LETTERS

SEC. ____ 01. LIMITATION ON REASONABLE PERIOD FOR DELAY.

Section 3103a(b)(3) of title 18, United States Code, is amended by striking "30 days" and inserting "7 days".

SEC. ____ 02. JUDICIAL REVIEW OF FISA ORDERS AND NATIONAL SECURITY LETTERS.

(a) **FISA.**—Section 501(f)(2) of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1861(f)(2)) is amended—

(1) in subparagraph (A)—

(A) in clause (i)—

(i) by striking "a production order" the first place that term appears and inserting "a production order or nondisclosure order"; and

(ii) by striking "Not less than 1 year" and all that follows through the end of the clause; and

(B) in clause (ii), by striking "production order or nondisclosure"; and

(2) in subparagraph (C), by striking clause (ii) and redesignating clause (iii) as clause (ii).

(b) **JUDICIAL REVIEW OF NATIONAL SECURITY LETTERS.**—Section 3511(b) of title 18, United States Code, is amended—

(1) in paragraph (2), by striking "If, at the time of the petition," and all that follows through the end of the paragraph; and

(2) in paragraph (3), by striking "If the recertification that disclosure may" and all that follows through "made in bad faith."

SEC. — 03. FACTUAL BASIS FOR REQUESTED ORDER.

Section 501(b)(2)(A) of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1861(b)(2)(A)) is amended to read as follows:

"(A) a statement of facts showing that there are reasonable grounds to believe that the records or other things sought—

"(i) are relevant to an authorized investigation (other than a threat assessment) conducted in accordance with subsection (a)(2) to obtain foreign intelligence information not concerning a United States person or to protect against international terrorism or clandestine intelligence activities; and

"(ii) either—

"(I) pertain to a foreign power or an agent of a foreign power;

"(II) are relevant to the activities of a suspected agent of a foreign power who is the subject of such authorized investigation; or

"(III) pertain to an individual in contact with, or known to, a suspected agent of a foreign power; and"

SEC. — 04. NATIONAL SECURITY LETTER SUNSET.

Section 102 of the USA PATRIOT Improvement and Reauthorization Act of 2005 (Public Law 109-177; 120 Stat. 194) is amended by adding at the end the following:

"(c) OTHER SUNSETS.—

"(1) IN GENERAL.—Effective December 31, 2009, the following provisions are amended so that they read as they read on February 27, 2006:

"(A) Section 2709 of title 18, United States Code.

"(B) Sections 626 and 627 of the Fair Credit Reporting Act (15 U.S.C. 1681u and 1681v).

"(C) Section 1114 of the Right to Financial Privacy Act (12 U.S.C. 3414).

"(D) Section 802 of the National Security Act of 1947 (50 U.S.C. 436).

"(2) EXCEPTION.—With respect to any particular foreign intelligence investigation that began before the date on which the provisions referred to in paragraph (1) cease to have effect, or with respect to any particular offense or potential offense that began or occurred before the date on which such provisions cease to have effect, such provisions shall continue in effect."

NOTICES OF HEARINGS/MEETINGS

COMMITTEE ON SMALL BUSINESS AND ENTREPRENEURSHIP

Mr. KERRY. Mr. President, I would like to inform Members that the Committee will hold a hearing entitled "Small Business Solutions for Combating Climate Change," on Thursday, March 8, 2007 at 10 a.m. in Russell 428A.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON AGRICULTURE, NUTRITION, AND FORESTRY

Mr. LIEBERMAN. Mr. President, I ask unanimous consent that the Committee on Agriculture, Nutrition, and Forestry be authorized to conduct a hearing during the session of the Senate on Tuesday, March 6, 2007, at 9:30 a.m. in SH-216, Senate Hart Office Building. The subject of this committee hearing will be "Child Nutrition and the School Setting."

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

COMMITTEE ON ARMED SERVICES

Mr. LIEBERMAN. Mr. President, I ask unanimous consent that the Committee on Armed Services be authorized to meet during the session of the Senate on Tuesday, March 6, at 9:30 a.m., in open session to receive testimony on care, living conditions, and administration of outpatients at Walter Reed Army Medical Center.

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

COMMITTEE ON COMMERCE, SCIENCE, AND TRANSPORTATION

Mr. LIEBERMAN. Mr. President, I ask unanimous consent that the Committee on Commerce, Science, and Transportation be authorized to hold a hearing during the session of the Senate on Tuesday, March 6, 2007, at 10:30 a.m., in room 253 of the Russell Senate Office Building. The purpose of the hearing is to review the Corporate Average Fuel Economy Program.

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

COMMITTEE ON FOREIGN RELATIONS

Mr. LIEBERMAN. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the Senate on Tuesday, March 6, 2007, at 2:15 p.m. to hold a business meeting.

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

COMMITTEE ON HEALTH, EDUCATION, LABOR, AND PENSIONS

Mr. LIEBERMAN. Mr. President, I ask unanimous consent that the Committee on Health, Education, Labor, and Pensions be authorized to hold a hearing during the session of the Senate on Tuesday, March 6, 2007 at 10 a.m. in SD-430.

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

COMMITTEE ON THE JUDICIARY

Mr. LIEBERMAN. Mr. President, I ask unanimous consent that the Committee on the Judiciary be authorized to meet to conduct a hearing on "Preserving Prosecutorial Independence: Is the Department of Justice Politicizing the Hiring and Firing of U.S. Attorneys?—Part II" on Tuesday, March 6, 2007 at 10 a.m. in Dirksen Senate Office Building Room 226.

Witness List:

H.E. "Bud" Cummins, III, Former U.S. Attorney, Eastern District of Arkansas, Little Rock, AR.

David C. Iglesias, Former U.S. Attorney, District of New Mexico, Albuquerque, NM.

Carol Lam, Former U.S. Attorney, Southern District of California, San Diego, CA.

John McKay, Former U.S. Attorney, Western District of Washington, Seattle, WA.

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

COMMITTEE ON VETERANS' AFFAIRS

Mr. LIEBERMAN. Mr. President, I ask unanimous consent the Committee on Veterans' Affairs be authorized to meet during the session of the Senate

on Tuesday, March 6, 2007 at 9:30 a.m. in the Cannon Caucus Room, to hear the legislative presentation of the Veterans of Foreign Wars.

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

SELECT COMMITTEE ON INTELLIGENCE

Mr. LIEBERMAN. Mr. President, I ask unanimous consent that the Select Committee on Intelligence be authorized to meet during the session of the Senate on March 6, 2007 at 2:30 p.m. to hold a closed hearing.

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

EXECUTIVE SESSION

Mr. REID. Mr. President, I ask unanimous consent that the Senate proceed to executive session to consider the nomination of Ryan C. Crocker to be Ambassador to Iraq. This was reported out of the Foreign Relations Committee earlier today. I ask unanimous consent that the nomination be confirmed, a motion to reconsider be laid upon the table, that any statements be printed at the appropriate place in the RECORD, the President be immediately notified of the Senate's action, and that the Senate return to legislative session.

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

The nomination considered and confirmed is as follows:

Ryan C. Crocker, of Washington, a Career Member of the Senior Foreign Service with the Personal Rank of Career Ambassador, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Republic of Iraq.

LEGISLATIVE SESSION

The PRESIDING OFFICER. The Senate will now return to legislative session.

RELATIVE TO THE DEATH OF THOMAS F. EAGLETON

Mr. REID. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of S. Res. 97 submitted earlier today.

The PRESIDING OFFICER. The clerk will report the resolution by title.

The assistant legislative clerk read as follows:

A resolution (S. Res. 97) relative to the death of Thomas F. Eagleton, former United States Senator for the State of Missouri.

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

Mr. REID. I ask unanimous consent that the resolution be agreed to, the preamble be agreed to, the motion to reconsider be laid upon table, and any statements be printed at the appropriate place in the RECORD as if given, with no intervening action or debate.

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

The resolution (S. Res. 97) was agreed to.