

SA 401. Mr. BYRD 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 402. Mr. BYRD 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.

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SA 406. Mr. DODD 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 407. Mr. LIEBERMAN 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 408. Mrs. BOXER 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 409. Mrs. CLINTON 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 410. Mrs. CLINTON 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 411. 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 412. 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 413. Mr. INHOFE 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 414. Mr. COLEMAN 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 415. Mr. DODD 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 416. Mr. BIDEN (for himself and Mr. LUGAR) 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 417. Mr. BIDEN (for himself and Mr. LUGAR) 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 418. Mr. DORGAN 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 419. Mr. SCHUMER (for himself and Mrs. CLINTON) 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 420. Mr. BIDEN 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 421. Mr. LAUTENBERG submitted an amendment intended to be proposed to amendment SA 317 proposed by Mr. KYL to the 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 422. Mr. SUNUNU 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 423. Mr. INOUE (for himself, Mr. STEVENS, Mr. DODD, and Mr. LIEBERMAN) 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 424. Mr. INOUE (for himself, Mr. STEVENS, Mr. LIEBERMAN, and Ms. COLLINS) 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 425. Mr. INOUE 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 426. Mr. BOND (for himself, Mr. ROCKEFELLER, Mr. HATCH, Mr. BURR, Mr. WARNER, and Mr. CHAMBLISS) submitted an amendment intended to be proposed by him to the bill S. 4, supra; which was ordered to lie on the table.

SA 427. Ms. LANDRIEU 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 428. Ms. LANDRIEU (for herself and Mr. VITTER) 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 429. Mr. FEINGOLD (for himself and Mr. SUNUNU) 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 430. Mr. LIEBERMAN 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 431. Mr. LIEBERMAN (for himself and Ms. COLLINS) 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 432. 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 433. Mr. STEVENS submitted an amendment intended to be proposed by him to the bill S. 4, supra; which was ordered to lie on the table.

SA 434. Mr. PRYOR (for himself and Mrs. LINCOLN) 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 435. Mr. PRYOR 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 436. Mr. PRYOR (for himself and Mrs. LINCOLN) 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 437. Mr. DODD 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 438. Mr. DODD (for himself and Mr. VOINOVICH) 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 439. Mr. DODD 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 440. 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 441. Mr. FEINGOLD submitted an amendment intended to be proposed to amendment SA 357 proposed by Mr. KYL to the 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 396.** Mr. FEINGOLD 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 20, strike line 13 and all that follows through page 21, line 8, and, insert the following:

“(A) establishing policies that limit the use of any marking or process (including ‘Originator Control’) intended to, or having the effect of, restricting the sharing of information within the scope of the information sharing environment between and among participants in the information sharing environment, so as to encourage the sharing of information and developing procedures to expedite disputes concerning originator controls;

“(B) implementing a standard for the collection, sharing of, and access to information within the scope of the information sharing environment that would

On page 21, line 18, strike “(D)” and insert “(C)”.

**SA 397.** Mr. FEINGOLD 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 23, between lines 5 and 6, insert the following:

“(1) PRIVACY GUIDELINES.—

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

“(A) the information sharing environment, including expansions under the Improving America’s Security Act of 2007, raises significant privacy and civil liberties issues that should be addressed in detailed, written, binding guidelines;

“(B) the guidelines entitled ‘Guidelines to Ensure that the Information Privacy and Other Legal Rights of Americans are Protected in Development and Use of the Information Sharing Environment’ as distributed by the program manager of the information sharing environment on December 4, 2006, direct agencies to consider guidelines on many important privacy issues, but do not themselves provide sufficiently detailed guidelines to adequately protect privacy and civil liberties in the development and use of the information sharing environment; and

“(C) the implementation of detailed, written, binding guidelines to protect privacy and civil liberties is critical to the success of the information sharing environment.

“(2) GUIDELINES.—Not fewer than 270 days after the date of the enactment of the Improving America’s Security Act of 2007, the President shall issue guidelines that shall supplement or supersede, as appropriate, the guidelines referred to in paragraph (1)(B) in order to—

“(A) define the privacy and civil liberties interests that such guidelines seek to protect;

“(B) govern the obtaining or accessing by the Federal Government of information within the information sharing environment from commercial data sources and other public sources as part of the information sharing environment;

“(C) permit information to be shared with an agency, and categories of particular personnel within such agency, only if the purpose for the sharing is within the assigned mission and responsibility of such agency and personnel;

“(D) require each agency to identify (within 90 days of the issuance of the supplemental or superseding guidelines under this paragraph) its data holdings that contain information relating to United States persons to be shared through the information sharing environment;

“(E) provide guidance and standards for agencies to ensure the accuracy, reliability, completeness, timeliness, and retention of their data holdings;

“(F) impose specific physical, technical, and administrative security measures to safeguard information shared through the information sharing environment from unauthorized access, disclosure, modification, use or destruction; and

“(G) incorporate mechanisms for accountability and enforcement, including continuous, real-time, immutable audit capabilities that record, to the maximum extent

practicable, with whom information is shared.

“(3) PUBLIC COMMENT.—The President shall provide an opportunity for public comment in supplementing or superseding under this subsection the guidelines referred to in paragraph (1)(B).

“(4) REPORT ON CERTAIN INFORMATION.—

“(A) REQUIREMENT.—Not later than one year after the date of the enactment of the Improving America’s Security Act of 2007, the Director of National Intelligence shall submit to the congressional intelligence committees a report describing the information identified pursuant to (2)(D).

“(B) CONGRESSIONAL INTELLIGENCE COMMITTEES DEFINED.—In this subsection, the term ‘congressional intelligence committees’ has the meaning given that term in section 3(7) of the National Security Act of 1947 (50 U.S.C. 401a(7)).

On page 23, line 6, strike “(1)” and insert “(m)”.

**SA 398.** Mr. BINGAMAN (for himself, Mr. DOMENICI, and 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:

At the appropriate place, insert the following:

# **TITLE —BORDER LAW ENFORCEMENT RELIEF ACT**

## **SEC. 01. SHORT TITLE.**

This title may be cited as the “Border Law Enforcement Relief Act of 2007”.

## **SEC. 02. FINDINGS.**

Congress finds the following:

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

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

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

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

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

(6) While the Federal Government provides States and localities assistance in covering costs related to the detention of certain

criminal aliens and the prosecution of Federal drug cases, local law enforcement along the border are provided no assistance in covering such expenses and must use their limited resources to combat drug trafficking, human smuggling, kidnappings, the destruction of private property, and other border-related crimes.

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

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

## **SEC. 03. BORDER RELIEF GRANT PROGRAM.**

(a) GRANTS AUTHORIZED.—

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

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

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

(2) DURATION.—Grants may be awarded under this subsection during fiscal years 2008 through 2012.

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

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

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

(i) Canada; or

(ii) Mexico.

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

(1) to obtain equipment;

(2) to hire additional personnel;

(3) to upgrade and maintain law enforcement technology;

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

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

(c) APPLICATION.—

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

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

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

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

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

(1) ELIGIBLE LAW ENFORCEMENT AGENCY.—The term “eligible law enforcement agency”

means a tribal, State, or local law enforcement agency—

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

- (i) Canada; or
- (ii) Mexico; or

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

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

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

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

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

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

(e) **AUTHORIZATION OF APPROPRIATIONS.**—

(1) **IN GENERAL.**—There are authorized to be appropriated \$50,000,000 for each of fiscal years 2008 through 2012 to carry out the provisions of this section.

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

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

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

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

#### SEC. 404. ENFORCEMENT OF FEDERAL IMMIGRATION LAW.

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

**SA 399.** Mr. COLEMAN (for himself and Mr. LEVIN) 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:

Strike section 405 and insert the following:

#### SEC. 405. WESTERN HEMISPHERE TRAVEL INITIATIVE.

Before a final rule is published in the Federal Register for the implementation of the Western Hemisphere Travel Initiative authorized under section 7209 of the Intelligence Reform and Terrorism Prevention Act of 2004 (Public Law 108-458; 8 U.S.C. 1185 note)—

(1) the Secretary of Homeland Security shall conduct a complete cost-benefit analysis of the Western Hemisphere Travel Initiative; and

(2) the Secretary of State shall conduct a study of the mechanisms by which the execution fee for a PASS Card issued under such Initiative could be reduced, considering the potential number of applications for such Cards.

**SA 400.** Mr. BYRD 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 173, strike lines 5 through 18 and insert the following:

et;

“(2) inform the Committee on Homeland Security and Governmental Affairs of the Senate and the Committee on Homeland Security of the House of Representatives not later than—

“(A) 30 days after the Secretary disapproves the senior official’s request for a subpoena under subsection (b)(1)(C) or the Secretary substantively modifies the requested subpoena; or

“(B) 45 days after the senior official’s request for a subpoena under subsection (b)(1)(C), if that subpoena has not either been approved or disapproved by the Secretary; and

“(3) submit every 90 days to the committees of Congress referred to in paragraph (2) a report on the issuance of subpoenas by such senior official under subsection (b)(1)(C) during the preceding 90 days.”.

**SA 401.** Mr. BYRD 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 152, between lines 22 and 23, insert the following:

“(5) **INDEPENDENCE OF TESTIMONY.**—No officer, employee, or agency within the executive branch shall have the authority to require the Board, or any member of the Board—

“(A) to receive permission to testify before Congress; or

“(B) to submit testimony, recommendations on legislation, or other comments to any officer, employee, or agency of the executive branch for approval, comments, or review before the submittal of such testimony, recommendations, or comments to Congress if such testimony, recommendations, or comments include a statement indicating that the views expressed therein are those of the Board and do not necessarily represent the views of the Administration.

**SA 402.** Mr. BYRD 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:

Beginning on page 81, line 20, strike “Office for the Prevention of Terrorism, which shall

be headed” and all that follows through ““(B)” on page 82, line 1, and insert the following: “Office for the Prevention of Terrorism.

“(2) **DIRECTOR.**—

“(A) **APPOINTMENT.**—The head of the Office for the Prevention of Terrorism shall be the Director of the Office for the Prevention of Terrorism, who shall be appointed by the President, by and with the consent of the Senate.

“(B) **REPORTING.**—The Director of the Office for the Prevention of Terrorism shall report directly to the Secretary.

“(C)

**SA 403.** Mr. BYRD 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 48, strike line 20 and all that follows through ““(F)” on line 23 and insert the following:

(E) the Department of State;

(F) law enforcement and intelligence officials from State, local, and tribal governments, as appropriate; and

(G)

**SA 404.** Mr. BYRD 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 133, line 20, strike ““(C)” and insert the following:

(C) in subsection (d), by adding at the end the following: “The Secretary of Homeland Security may not waive any eligibility requirement under this section unless the Secretary notifies the appropriate congressional committees not later than 30 days before the effective date of such waiver.”;

(D)

**SA 405.** Mr. BYRD 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 159, between lines 13 and 14, insert the following:

“(6) **REMOVAL OF MEMBERS.**—

“(A) **IN GENERAL.**—The President may remove a member of the Board only for neglect of duty or malfeasance in office.

“(B) **NOTICE ON REMOVAL.**—The President shall submit notice on the removal of a member of the Board, including the reasons for the removal, to—

“(i) the Committees on Homeland Security and Governmental Affairs and the Judiciary

and the Select Committee on Intelligence of the Senate; and

“(ii) the Committees on Government Reform and the Judiciary and the Permanent Select Committee on Intelligence of the House of Representatives.

**SA 406.** Mr. DODD 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 XV, add the following:  
**SEC. 1505. COMPTROLLER GENERAL REPORT ON PERSONAL SERVICES CONTRACTS UNDER THE DEPARTMENT OF HOMELAND SECURITY.**

(a) **REPORT REQUIRED.**—Not later than one year after the date of the enactment of this Act, the Comptroller General of the United States shall submit to Congress a report on the utilization of personal services contracts by the Department of Homeland Security.

(b) **ELEMENTS.**—The report required by subsection (a) shall include the following:

(1) An assessment of the extent to which the utilization by the Department of Homeland Security of personal services contracts has—

(A) reduced or impaired the ability of the Department to retain core functional capabilities that allow it to properly perform its mission;

(B) inhibited adequate oversight by the Department of functions performed by its contractors;

(C) undermined the integrity of decision-making processes within the Department;

(D) hindered the ability of the Department to meet the critical recommendations of the National Commission on Terrorist Attacks Upon the United States that the Department “regularly assess the types of threats the country faces,” and “assess the readiness of the government to respond to threats that the United States may face”; and

(E) resulted in the outsourcing to private contractors or contracting firms of the ownership and retention of institutional knowledge, expertise, and intellectual property that are essential components of the ability of the Department to implement its basic mission and achieve its policy objectives.

(2) An assessment whether or not the Department is maintaining appropriate controls to prevent conflicts of interest or ethics violations involving personnel under its personal service contracts.

(3) A discussion of the implications of applying to personnel under personal service contracts of the Department the ethics and conflict of interest rules requirements that commonly apply to Federal employees.

(4) A discussion of such other matters (including matters relating to cost, transparency, accountability, and national security) in the utilization by the Department of personal services contracts as the Comptroller General considers appropriate.

**SA 407.** Mr. LIEBERMAN 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:

Beginning on page 135, strike line 16 and all that follows through page 136, line 15, and insert the following:

(2) **IMPROVING THE ACCURACY OF WATCH LISTS.**—In developing the electronic travel authorization system authorized by section 217(h)(3) of the Immigration and Nationality Act, as added by paragraph (1)(D), the Secretary, in consultation with the Secretary of State, shall study the feasibility of using such system to improve the accuracy and reliability of government watch lists and correct erroneous information included in such a list, by—

(A) sharing information with relevant agencies regarding misidentifications caused by inaccurate or incomplete watch list entries;

(B) establishing a redress system for individuals who believe they have been identified erroneously;

(C) instituting performance metrics to track progress; and

(D) implementing other appropriate measures.

(3) **REPORT.**—

(A) **REQUIREMENT.**—Not later than 180 days prior to the date that the Secretary implements the electronic travel authorization system authorized by such section 217(h)(3), the Secretary shall submit to the appropriate congressional committees a report on such system.

(B) **CONTENT.**—The report required by this paragraph shall include—

(i) a privacy impact assessment, as described in section 208(b) of the E-Government Act of 2002 (Public Law 107-347; 44 U.S.C. 3501 note);

(ii) a description of the automated processes, queries, and analyses the Secretary will develop to determine, in advance of travel, the eligibility of an alien to travel to the United States under the Visa Waiver Program established under section 217 of the Immigration and Nationality Act (8 U.S.C. 1187), including—

(I) whether the Secretary will utilize algorithms or other analytic tools to profile or otherwise assess risks posed by aliens whose names are not on any watch list maintained by the Federal Government;

(II) a description of any such algorithm or analytic tool that will be used;

(III) an assessment of the efficacy, or like-ly efficacy, of any such algorithm or analytic tool in providing accurate information; and

(IV) a description of with whom the results of any such algorithm or analytic tool will be shared; and

(iii) a description of—

(I) the results of the study required by paragraph (2); and

(II) any elements of such electronic travel authorization system intended to improve the accuracy and reliability of government watch lists and the process by which any erroneous information included in such a list will be corrected.

(C) **FORM OF REPORT.**—The report required by this paragraph shall be submitted in unclassified form and may include a classified annex.

(D) **APPROPRIATE CONGRESSIONAL COMMITTEES DEFINED.**—In this paragraph, the term “appropriate congressional committees” means—

(i) the Committee on Homeland Security and Governmental Affairs, the Committee on the Judiciary, the Select Committee on Intelligence, and the Committee on Appropriations of the Senate; and

(ii) the Committee on Homeland Security, the Committee on the Judiciary, the Permanent Select Committee on Intelligence, and the Committee on Appropriations of the House of Representatives.

**SA 408.** Mrs. BOXER 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 330, strike lines 11 through 19, and insert the following:

“(i) will make such containers available for use by passenger aircraft operated by air carriers or foreign air carriers in air transportation or intrastate air transportation following the recommendation in the report of the National Commission on Terrorist Attacks Upon the United States that every passenger aircraft carrying cargo shall deploy at least 1 hardened container; and”.

**SA 409.** Mrs. CLINTON 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 46, between lines 15 and 16, insert the following:

**SEC. 123. RISK ASSESSMENT CENTER.**

(a) **IN GENERAL.**—Subtitle A of title II of the Homeland Security Act of 2002 (6 U.S.C. 121 et seq.), as amended by this Act, is amended by adding at the end the following:

“**SEC. 208. RISK ASSESSMENT CENTER.**

“(a) **IN GENERAL.**—There is established the Risk Assessment Center within the Office of the Secretary, which shall be headed by the Risk Assessment Manager.

“(b) **MISSION.**—The Risk Assessment Center shall be the lead component of the Department regarding the assessment of homeland security risk.

“(c) **RESPONSIBILITIES.**—The Risk Assessment Manager shall—

“(1) develop, and assist the Department in implementing, a methodology to analyze the effectiveness of the use of homeland security grant funds in reducing risk;

“(2) coordinate the work of other components of the Department having risk assessment responsibilities;

“(3) establish the national-level strategy for performing homeland security risk assessments;

“(4) proactively determine and assess the dynamic drivers of homeland security risk; and

“(5) lead efforts to collect and analyze the types of data necessary to assess homeland security risk from Federal agencies, State and local governmental authorities, and the private sector, as appropriate.

“(d) **PERSONNEL.**—The Risk Assessment Center shall be staffed with professional analysts who are risk management professionals with—

“(1) graduate degrees in mathematics, economics, or statistics;

“(2) skills in using mathematics, economics, or statistics to study uncertain future events, as those events relate to homeland security; and

“(3) experience working in the Department or another department or agency of the Federal Government in translating risk assessment methods into specific policy directives or resource allocation strategies and decisions.”

(b) TECHNICAL AND CONFORMING AMENDMENT.—The table of contents in section 1(b) of the Homeland Security Act of 2002 (6 U.S.C. 101 et seq.) is amended by inserting after the item relating to section 207, as added by this Act, the following:

“Sec. 208. Risk Assessment Center.”.

**SA 410.** Mrs. CLINTON 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 114, line 12, after “the extent to which” insert “man-made or”.

**SA 411.** 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 nongovernmental organizations working to promote freedom and democracy;

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

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

(9) to strengthen alliances and relationships with other democratic countries in order to better promote and defend shared values and ideals.

**SEC. 1604. DEFINITIONS.**

In this title:

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

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

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

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

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

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

**SEC. 1611. DEMOCRACY LIAISON OFFICERS.**

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

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

(2) Regional public diplomacy centers of the Department.

(3) United States combatant commands.

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

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

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

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

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

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

(d) RELATIONSHIP TO OTHER AUTHORITIES.—Nothing in this section may be construed as

removing any authority or responsibility of a chief of mission or other employee of a diplomatic mission of the United States provided under any other provision of law, including any authority or responsibility for the development or implementation of strategies to promote democracy.

**SEC. 1612. DEMOCRACY FELLOWSHIP PROGRAM.**

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

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

**Subtitle B—Annual Report on Advancing Freedom and Democracy**

**SEC. 1621. ANNUAL REPORT.**

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

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

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

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

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

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

**SEC. 1631. ADVISORY COMMITTEE ON DEMOCRACY PROMOTION.**

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

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

It is the sense of Congress that—

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

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

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

**Subtitle D—Training in Democracy and Human Rights; Promotions**

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

It is the sense of Congress that—

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

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

**SEC. 1642. SENSE OF CONGRESS ON ADVANCE DEMOCRACY AWARD.**

It is the sense of Congress that—

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

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

**SEC. 1643. PROMOTIONS.**

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

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

It is the sense of Congress that each chief of mission should provide input on the actions described in the Advancing Freedom and Democracy Report submitted under section 665(c) of the Foreign Relations Authorization Act, Fiscal Year 2003 (Public Law 107-228; 22 U.S.C. 2151n note), as amended by section 1621, and should intensify democracy and human rights promotion activities.

**Subtitle E—Alliances With Democratic Countries**

**SEC. 1651. ALLIANCES WITH DEMOCRATIC COUNTRIES.**

(a) **ESTABLISHMENT OF AN OFFICE FOR THE COMMUNITY OF DEMOCRACIES.**—The Secretary of State should, and is authorized to, establish an Office for the Community of Democracies with the mission to further develop

and strengthen the institutional structure of the Community of Democracies, develop interministerial projects, enhance the United Nations Democracy Caucus, manage policy development of the United Nations Democracy Fund, and enhance coordination with other regional and multilateral bodies with jurisdiction over democracy issues.

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

**Subtitle F—Funding for Promotion of Democracy**

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

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

**SEC. 1662. THE HUMAN RIGHTS AND DEMOCRACY FUND.**

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

**SA 412.** 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 lie on the table; as follows:

On page 3, after the item relating to section 803, insert the following:

Sec. 804. Model ports-of-entry.

Sec. 805. International registered traveler program.

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

**SEC. 804. 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. 805. 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) **FEE.**—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.”

**SA 413.** Mr. INHOFE 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:

Strike section 1103.

**SA 414.** Mr. COLEMAN 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 202, strike lines 1 through 8, and insert the following:

**SEC. 704. PROMOTION OF STANDARDS FOR PRIVATE SECTOR PREPAREDNESS.**

(a) **SENSE OF THE SENATE.**—It is the sense of Congress that the Secretary or any entity designated under section 522(c)(1)(A) of the Homeland Security Act of 2002, as added by this Act, should promote, where appropriate, efforts to develop a consistent international standard for private sector preparedness.

(b) **DEMONSTRATION PROJECT.**—Not later than 120 days after the date of enactment of this Act, the Secretary shall—

(1) establish a demonstration project to conduct demonstrations of security management systems that—

(A) shall use a management system standards approach; and

(B) may be integrated into quality, safety, environmental and other internationally adopted management systems; and

(2) enter into 1 or more agreements with a private sector entity to conduct such demonstrations of security management systems.

**SA 415.** Mr. DODD 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 233, strike lines 8 through 15.

On page 233, line 16, strike “(c)” and insert “(b)”.

On page 233, line 19, strike “(d)” and insert “(c)”.

On page 234, strike lines 17 through 21 and insert the following:

(2) **CLASSIFIED INFORMATION.**—

(A) **IN GENERAL.**—The Secretary shall submit with each report under this subsection a classified annex containing information required to be submitted under this subsection that cannot be made public.

(B) **RETENTION OF CLASSIFICATION.**—The classification of information required to be provided to Congress, the Department, or any other department or agency under this section by a sector-specific agency, including the assignment of a level of classification of such information, shall be binding on Congress, the Department, and that other Federal agency.

On page 235, line 21, strike “private sector” and all that follows through page 236, line 4 and insert “private sector.”.

On page 236, line 8, insert “a report” after “submit”.

On page 236, beginning on line 11, strike “a report” and insert the following: “, and to each Committee of the Senate and the House of Representatives having jurisdiction over the critical infrastructure or key resource addressed by the report.”.

On page 236, strike lines 18 and 19 and insert the following:

“(2) **CLASSIFIED INFORMATION.**—

“(A) **IN GENERAL.**—The report under this subsection may contain a classified annex.

“(B) **RETENTION OF CLASSIFICATION.**—The classification of information required to be provided to Congress, the Department, or any other department or agency under this section by a sector-specific agency, including the assignment of a level of classification of such information, shall be binding on Congress, the Department, and that other Federal agency.”.

On page 236, after line 23, insert the following:

**SEC. 1004. PRIORITIES AND ALLOCATIONS.**

Not later than 6 months after the last day of fiscal year 2007, and for each year thereafter, the Secretary, in cooperation with the Secretary of Commerce, the Secretary of Transportation, the Secretary of Defense, and the Secretary of Energy shall submit to the Committee on Banking, Housing, and Urban Affairs and the Committee on Homeland Security and Governmental Affairs of the Senate and the Committee on Financial Services and the Committee on Homeland Security of the House of Representatives a report that details the actions taken by the Federal Government to ensure, in accordance with subsections (a) and (c) of section 101 of the Defense Production Act of 1950 (50 U.S.C. App. 2071), the preparedness of industry—

(1) to reduce interruption of critical infrastructure operations during a terrorist attack, natural catastrophe, or other similar national emergency; and

(2) to minimize the impact of such catastrophes, as so described in section 1001(a)(1).

**SA 416.** Mr. BIDEN (for himself and Mr. LUGAR) 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:

Beginning on page 249, strike line 21 and all that follows through page 252, line 23, and insert the following: “cooperative activity for the Department.

“(C) **ACTIVITIES.**—The Director shall facilitate the planning, development, and imple-

mentation of international cooperative activity to address the strategic priorities developed under subparagraph (B) through mechanisms the Under Secretary considers appropriate, including grants, cooperative agreements, or contracts to or with domestic governmental organizations, businesses, federally funded research and development centers, and universities or, with the concurrence of the Secretary of State, foreign public or private entities.

“(D) **IDENTIFICATION OF PARTNERS.**—The Director shall facilitate the matching of United States entities engaged in homeland security research with non-United States entities engaged in homeland security research so that they may partner in homeland security research activities.

“(4) **COORDINATION.**—The Director shall ensure that the activities under this subsection are coordinated with the Office of International Affairs and the Department of State, the Department of Defense, the Department of Energy, and other relevant Federal agencies or interagency bodies. The Director may enter into joint activities with other Federal agencies.

“(c) **MATCHING FUNDING.**—

“(1) **IN GENERAL.**—

“(A) **EQUITABILITY.**—The Director shall ensure that funding and resources expended in international cooperative activity will be equitably matched by the foreign partner government or other entity through direct funding, funding of complementary activities, or through the provision of staff, facilities, material, or equipment.

“(B) **GRANT MATCHING AND REPAYMENT.**—

“(i) **IN GENERAL.**—The Secretary may require a recipient of a grant under this section—

“(I) to make a matching contribution of not more than 50 percent of the total cost of the proposed project for which the grant is awarded; and

“(II) to repay to the Secretary the amount of the grant (or a portion thereof), interest on such amount at an appropriate rate, and such charges for administration of the grant as the Secretary determines appropriate.

“(ii) **MAXIMUM AMOUNT.**—The Secretary may not require that repayment under clause (i)(II) be more than 150 percent of the amount of the grant, adjusted for inflation on the basis of the Consumer Price Index.

“(2) **FOREIGN PARTNERS.**—Partners may include Israel, the United Kingdom, Canada, Australia, Singapore, and other allies in the global war on terrorism, as determined by the Secretary of State.

“(d) **FUNDING.**—Funding for all activities under this section shall be paid from discretionary funds appropriated to the Department.

“(e) **FOREIGN REIMBURSEMENTS.**—If the Science and Technology Homeland Security International Cooperative Programs Office participates in an international cooperative activity with a foreign partner on a cost-sharing basis, any reimbursements or contributions received from that foreign partner to meet the share of that foreign partner of the project may be credited to appropriate appropriations accounts of the Directorate of Science and Technology.

“(f) **CONSTRUCTION; AUTHORITIES OF THE SECRETARY OF STATE.**—Nothing in this section shall be construed to alter or affect the following provisions of law:

“(1) Title V of the Foreign Relations Authorization Act, Fiscal Year 1979 (22 U.S.C. 2656a et seq.).

“(2) Section 112b(c) of title 1, United States Code.

“(3) Section 1(e)(2) of the State Department Basic Authorities Act of 1956 (22 U.S.C. 2651a(e)(2)).

“(4) Sections 2 and 27 of the Arms Export Control Act (22 U.S.C. 2752 and 22 U.S.C. 2767).

“(5) Section 622(c) of the Foreign Assistance Act of 1961 (22 U.S.C. 2382(c)).”.

**SA 417.** Mr. BIDEN (for himself, and Mr. LUGAR) 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—UNITED STATES FOREIGN POLICY**

**Subtitle A—Public Diplomacy**

**SEC. 1601. MIDDLE EAST FOUNDATION.**

(a) **PURPOSES.**—The purposes of this section are to support, through the provision of grants, technical assistance, training, and other programs, in the countries of the Middle East, the expansion of—

- (1) civil society;
- (2) opportunities for political participation for all citizens;
- (3) protections for internationally recognized human rights, including the rights of women;
- (4) educational system reforms;
- (5) independent media;
- (6) policies that promote economic opportunities for citizens;
- (7) the rule of law; and
- (8) democratic processes of government.

(b) **MIDDLE EAST FOUNDATION.**—

(1) **DESIGNATION.**—The Secretary of State is authorized to designate an appropriate private, nonprofit organization that is organized or incorporated under the laws of the United States, or of a State, as the Middle East Foundation (referred to in this section as the “Foundation”).

(2) **FUNDING.**—The Secretary of State is authorized to provide funding to the Foundation through the Middle East Partnership Initiative of the Department of State. The Foundation shall use amounts provided under this paragraph to carry out the purposes specified in subsection (a), including through making grants and providing other assistance to entities to carry out programs for such purposes.

(3) **NOTIFICATION TO CONGRESSIONAL COMMITTEES.**—The Secretary of State shall notify the appropriate congressional committees before designating an appropriate organization as the Foundation.

(c) **GRANTS FOR PROJECTS.**—

(1) **FOUNDATION TO MAKE GRANTS.**—The Secretary of State shall enter into an agreement with the Foundation that requires the Foundation to use the funds provided under subsection (b)(2) to make grants to persons or entities (other than governments or government entities) located in the Middle East or working with local partners based in the Middle East to carry out projects that support the purposes specified in subsection (a).

(2) **CENTER FOR PUBLIC POLICY.**—Under the agreement described in paragraph (1), the Foundation may make a grant to an institution of higher education located in the Middle East to create a center for public policy for the purpose of permitting scholars and professionals from the countries of the Middle East and from other countries, including the United States, to carry out research, training programs, and other activities to in-

form public policymaking in the Middle East and to promote broad economic, social, and political reform for the people of the Middle East.

(3) **APPLICATIONS FOR GRANTS.**—An entity seeking a grant from the Foundation under this section shall submit an application to the head of the Foundation at such time, in such manner, and containing such information as the head of the Foundation may reasonably require.

(d) **PRIVATE CHARACTER OF THE FOUNDATION.**—Nothing in this section shall be construed—

(1) to make the Foundation an agency or establishment of the United States Government, or to make the officers or employees of the Foundation officers or employees of the United States for purposes of title 5, United States Code; or

(2) to impose any restriction on the Foundation's acceptance of funds from private and public sources in support of its activities consistent with the purposes specified in subsection (a).

(e) **LIMITATION ON PAYMENTS TO FOUNDATION PERSONNEL.**—No part of the funds provided to the Foundation under this section shall inure to the benefit of any officer or employee of the Foundation, except as salary or reasonable compensation for services.

(f) **RETENTION OF INTEREST.**—The Foundation may hold funds provided under this section in interest-bearing accounts prior to the disbursement of such funds to carry out the purposes specified in subsection (a), and, only to the extent and in the amounts provided for in advance in appropriations Acts, may retain for use for such purposes any interest earned without returning such interest to the Treasury of the United States.

(g) **FINANCIAL ACCOUNTABILITY.**—

(1) **INDEPENDENT PRIVATE AUDITS OF THE FOUNDATION.**—The accounts of the Foundation shall be audited annually in accordance with generally accepted auditing standards by independent certified public accountants or independent licensed public accountants certified or licensed by a regulatory authority of a State or other political subdivision of the United States. The report of the independent audit shall be included in the annual report required by subsection (h).

(2) **GAO AUDITS.**—The financial transactions undertaken pursuant to this section by the Foundation may be audited by the Government Accountability Office in accordance with such principles and procedures and under such rules and regulations as may be prescribed by the Comptroller General of the United States.

(3) **AUDITS OF GRANT RECIPIENTS.**—

(A) **IN GENERAL.**—A recipient of a grant from the Foundation shall agree to permit an audit of the books and records of such recipient related to the use of the grant funds.

(B) **RECORDKEEPING.**—Such recipient shall maintain appropriate books and records to facilitate an audit referred to in subparagraph (A), including—

- (i) separate accounts with respect to the grant funds;
- (ii) records that fully disclose the use of the grant funds;
- (iii) records describing the total cost of any project carried out using grant funds; and
- (iv) the amount and nature of any funds received from other sources that were combined with the grant funds to carry out a project.

(h) **ANNUAL REPORTS.**—Not later than January 31, 2008, and annually thereafter, the Foundation shall submit to the appropriate congressional committees and make available to the public a report that includes, for the fiscal year prior to the fiscal year in which the report is submitted, a comprehensive and detailed description of—

(1) the operations and activities of the Foundation that were carried out using funds provided under this section;

(2) grants made by the Foundation to other entities with funds provided under this section;

(3) other activities of the Foundation to further the purposes specified in subsection (a); and

(4) the financial condition of the Foundation.

(i) **APPROPRIATE CONGRESSIONAL COMMITTEES DEFINED.**—In this section, the term “appropriate congressional committees” means the Committee on Foreign Affairs and the Committee on Appropriations of the House of Representatives and the Committee on Foreign Relations and the Committee on Appropriations of the Senate.

(j) **REPEAL.**—Section 534(k) of Public Law 109–102 is repealed.

**Subtitle B—Reconstruction and Stabilization**

**SEC. 1611. SHORT TITLE.**

This subtitle may be cited as the “Reconstruction and Stabilization Civilian Management Act of 2007”.

**SEC. 1612. FINDING; PURPOSE.**

(a) **FINDING.**—Congress finds that the resources of the United States Armed Forces have been burdened by having to undertake stabilization and reconstruction tasks in the Balkans, Afghanistan, Iraq, and other countries of the world that could have been performed by civilians, which has resulted in lengthy deployments for Armed Forces personnel.

(b) **PURPOSE.**—The purpose of this subtitle is to provide for the continued development, as a core mission of the Department of State and the United States Agency for International Development, of an effective expert civilian response capability to carry out reconstruction and stabilization activities in a country or region that is at risk of, is in, or is in transition from conflict or civil strife.

**SEC. 1613. DEFINITIONS.**

In this subtitle:

(1) **ADMINISTRATOR.**—The term “Administrator” means the Administrator of the United States Agency for International Development.

(2) **DEPARTMENT.**—Except as otherwise provided in this subtitle, the term “Department” means the Department of State.

(3) **EXECUTIVE AGENCY.**—The term “Executive agency” has the meaning given that term in section 105 of title 5, United States Code.

(4) **SECRETARY.**—Except as otherwise provided in this subtitle, the term “Secretary” means the Secretary of State.

**SEC. 1614. SENSE OF CONGRESS.**

It is the sense of Congress that—

(1) the civilian element of United States joint civilian-military operations should be strengthened in order to enhance the execution of current and future reconstruction and stabilization activities in foreign countries or regions that are at risk of, are in, or are in transition from conflict or civil strife;

(2) the capability of civilian agencies of the United States Government to carry out reconstruction and stabilization activities in such countries or regions should also be enhanced through a new rapid response corps of civilian experts supported by the establishment of a new system of planning, organization, personnel policies, and education and training, and the provision of adequate resources;

(3) the international community, including nongovernmental organizations, and the United Nations and its specialized agencies should be further encouraged to participate in planning and organizing reconstruction and stabilization activities in such countries or regions;



(4) the executive branch has taken a number of steps to strengthen civilian capability, including the establishment of an office headed by a Coordinator for Reconstruction and Stabilization in the Department, the Presidential designation of the Secretary as the interagency coordinator and leader of reconstruction and stabilization efforts, and Department of Defense directives to the military to support the Office of Reconstruction and Stabilization and to work closely with counterparts in the Department of State and other civilian agencies to develop and enhance personnel, training, planning, and analysis;

(5) the Secretary and the Administrator should work with the Secretary of Defense to augment existing personnel exchange programs among the Department, the United States Agency for International Development, and the Department of Defense, including the regional commands and the Joint Staff, to enhance the stabilization and reconstruction skills of military and civilian personnel and their ability to undertake joint operations; and

(6) the heads of other Executive agencies should establish personnel exchange programs that are designed to enhance the stabilization and reconstruction skills of military and civilian personnel.

**SEC. 1615. AUTHORITY TO PROVIDE ASSISTANCE FOR RECONSTRUCTION AND STABILIZATION CRISES.**

Chapter 1 of part III of the Foreign Assistance Act of 1961 (22 U.S.C. 2351 et seq.) is amended by inserting after section 617 the following new section:

**“SEC. 618. ASSISTANCE TO ALLEVIATE A RECONSTRUCTION AND STABILIZATION CRISIS.**

“(a) ASSISTANCE.—

“(1) IN GENERAL.—If the President determines that it is important to the national interests of the United States for United States civilian agencies or non-Federal employees to assist in stabilizing and reconstructing a country or region that is at risk of, is in, or is in transition from conflict or civil strife, the President may, in accordance with the provisions set forth in section 614(a)(3), notwithstanding any other provision of law, and on such terms and conditions as the President may determine, furnish assistance to respond to the crisis using funds referred to in paragraph (2).

“(2) FUNDS.—The funds referred to in this paragraph are as follows:

“(A) Funds made available under this section, including funds authorized to be appropriated by subsection (d).

“(B) Funds made available under other provisions of this Act and transferred or reprogrammed for purposes of this section.

“(b) SPECIAL AUTHORITIES.—In furtherance of a determination made under subsection (a), the President may exercise the authorities contained in sections 552(c)(2) and 610 without regard to the percentage and aggregate dollar limitations contained in such sections.

“(c) AVAILABILITY OF FUNDS FOR RESPONSE READINESS CORPS.—Of the funds made available for this section in any fiscal year, including funds authorized to be appropriated by subsection (d) and funds made available under other provisions of this Act and transferred or reprogrammed for purposes of this section, \$25,000,000 may be made available for expenses related to the development, training, and operations of the Response Readiness Corps established under section 61(c) of the State Department Basic Authorities Act of 1956.

“(d) AUTHORIZATION OF APPROPRIATIONS.—

“(1) AUTHORIZATION.—There is authorized to be appropriated \$75,000,000 to provide assistance authorized in subsection (a) and, to

the extent authorized in subsection (c), for the purpose described in subsection (c). Such amount is in addition to amounts otherwise made available for purposes of this section, including funds made available under other provisions of this Act and transferred or reprogrammed for purposes of this section.

“(2) REPLENISHMENT.—There is authorized to be appropriated each fiscal year such sums as may be necessary to replenish funds expended under this section.

“(3) AVAILABILITY.—Funds authorized to be appropriated under this subsection shall be available without fiscal year limitation.”.

**SEC. 1616. OFFICE OF THE COORDINATOR FOR RECONSTRUCTION AND STABILIZATION.**

Title I of the State Department Basic Authorities Act of 1956 (22 U.S.C. 2651 et seq.) is amended by adding at the end the following new section:

**“SEC. 61. RECONSTRUCTION AND STABILIZATION.**

“(a) OFFICE OF THE COORDINATOR FOR RECONSTRUCTION AND STABILIZATION.—

“(1) ESTABLISHMENT.—There is established within the Department of State the Office of the Coordinator for Reconstruction and Stabilization.

“(2) COORDINATOR FOR RECONSTRUCTION AND STABILIZATION.—The head of the Office shall be the Coordinator for Reconstruction and Stabilization, who shall be appointed by the President, by and with the advice and consent of the Senate. The Coordinator shall report directly to the Secretary and shall have the rank and status of Ambassador at Large.

“(3) FUNCTIONS.—The functions of the Office of the Coordinator for Reconstruction and Stabilization shall include the following:

“(A) Monitoring, in coordination with relevant bureaus within the Department of State, political and economic instability worldwide to anticipate the need for mobilizing United States and international assistance for the stabilization and reconstruction of countries or regions that are at risk of, are in, or are in transition from conflict or civil strife.

“(B) Assessing the various types of stabilization and reconstruction crises that could occur and cataloging and monitoring the non-military resources and capabilities of Executive agencies that are available to address such crises.

“(C) Planning to address requirements, such as demobilization, policing, human rights monitoring, and public information, that commonly arise in stabilization and reconstruction crises.

“(D) Coordinating with relevant Executive agencies to develop interagency contingency plans to mobilize and deploy civilian personnel to address the various types of such crises.

“(E) Entering into appropriate arrangements with other Executive agencies to carry out activities under this section and the Reconstruction and Stabilization Civilian Management Act of 2007.

“(F) Identifying personnel in State and local governments and in the private sector who are available to participate in the Response Readiness Corps established under subsection (c) or to otherwise participate in or contribute to stabilization and reconstruction activities.

“(G) Taking steps to ensure that training of civilian personnel to perform such stabilization and reconstruction activities is adequate and, as appropriate, includes security training that involves exercises and simulations with the Armed Forces, including the regional commands.

“(H) Sharing information and coordinating plans for stabilization and reconstruction activities, as appropriate, with the United Nations and its specialized agencies, the North

Atlantic Treaty Organization, nongovernmental organizations, and other foreign national and international organizations.

“(I) Coordinating plans and procedures for joint civilian-military operations with respect to stabilization and reconstruction activities.

“(J) Maintaining the capacity to field on short notice an evaluation team to undertake on-site needs assessment.

“(b) RESPONSE TO STABILIZATION AND RECONSTRUCTION CRISIS.—If the President makes a determination regarding a stabilization and reconstruction crisis under section 618 of the Foreign Assistance Act of 1961, the President may designate the Coordinator, or such other individual as the President may determine appropriate, as the coordinator of the United States response. The individual so designated, or, in the event the President does not make such a designation, the Coordinator for Reconstruction and Stabilization, shall—

“(1) assess the immediate and long-term need for resources and civilian personnel;

“(2) identify and mobilize non-military resources to respond to the crisis; and

“(3) coordinate the activities of the other individuals or management team, if any, designated by the President to manage the United States response.”.

**SEC. 1617. RESPONSE READINESS CORPS.**

(a) IN GENERAL.—Section 61 of the State Department Basic Authorities Act of 1956 (as added by section 1616) is amended by adding at the end the following new subsections:

“(c) RESPONSE READINESS CORPS.—

“(1) IN GENERAL.—The Secretary, in consultation with the Administrator of the United States Agency for International Development and the heads of other appropriate departments and agencies of the United States Government, is authorized to establish and maintain a Response Readiness Corps (hereafter referred to in this subsection as the ‘Corps’) to provide assistance in support of stabilization and reconstruction activities in foreign countries or regions that are at risk of, are in, or are in transition from conflict or civil strife.

“(2) FEDERAL COMPONENTS.—

“(A) ACTIVE AND STANDBY COMPONENTS.—The Corps shall have active and standby components consisting of United States Government personnel as follows:

“(i) An active component, consisting of not more than 250 personnel who are recruited, employed, and trained in accordance with this paragraph.

“(ii) A standby component, consisting of not more than 2000 personnel who are recruited and trained in accordance with this paragraph.

“(B) AUTHORIZED MEMBERS OF STANDBY COMPONENT.—Personnel in the standby component of the Corps may include employees of the Department of State (including Foreign Service Nationals), employees of the United States Agency for International Development, employees of any other Executive agency, and employees of the legislative branch and judicial branch of Government—

“(i) who are assigned to the standby component by the Secretary following nomination for such assignment by the head of the department or agency of the United States Government concerned or by an appropriate official of the legislative or judicial branch of Government, as applicable; and

“(ii) who—

“(I) have the training and skills necessary to contribute to stabilization and reconstruction activities; and

“(II) have volunteered for deployment to carry out stabilization and reconstruction activities.

“(C) RECRUITMENT AND EMPLOYMENT.—The recruitment and employment of personnel to

the Corps shall be carried out by the Secretary, the Administrator of the United States Agency for International Development, and the heads of the other departments and agencies of the United States Government participating in the establishment and maintenance of the Corps.

“(D) TRAINING.—The Secretary is authorized to train the members of the Corps under this paragraph to perform services necessary to carry out the purpose of the Corps under paragraph (1).

“(E) COMPENSATION.—Members of the active component of the Corps under subparagraph (A)(i) shall be compensated in accordance with the appropriate salary class for the Foreign Service, as set forth in sections 402 and 403 of the Foreign Service Act of 1980 (22 U.S.C. 3962, 3963), or in accordance with the relevant authority under sections 3101 and 3392 of title 5, United States Code.

“(3) CIVILIAN RESERVE.—

“(A) CIVILIAN RESERVE.—The Corps shall have a reserve (hereafter referred to in this subsection as the ‘Civilian Reserve’) of non-United States Government personnel who are trained and available as needed to perform services necessary to carry out the purpose of the Corps under paragraph (1). The Civilian Reserve shall be established by the Secretary, in consultation with the Administrator of the United States Agency for International Development and the heads of other appropriate departments and agencies of the United States Government.

“(B) COMPOSITION.—Beginning not later than one year after the date of the enactment of the Reconstruction and Stabilization Civilian Management Act of 2007, the Civilian Reserve shall include at least 500 personnel, who may include retired employees of the United States Government, contractor personnel, nongovernmental organization personnel, State and local government employees, and individuals from the private sector, who—

“(i) have the training and skills necessary to enable them to contribute to stabilization and reconstruction activities;

“(ii) have volunteered to carry out stabilization and reconstruction activities; and

“(iii) are available for training and deployment to carry out the purpose of the Corps under paragraph (1).

“(4) USE OF RESPONSE READINESS CORPS.—

“(A) FEDERAL ACTIVE COMPONENT.—Members of the active component of the Corps under paragraph (2)(A)(i) are authorized to be available—

“(i) for activities in direct support of stabilization and reconstruction activities; and

“(ii) if not engaged in activities described in clause (i), for assignment in the United States, United States diplomatic missions, and United States Agency for International Development missions.

“(B) FEDERAL STANDBY COMPONENT AND CIVILIAN RESERVE.—The Secretary may deploy members of the Federal standby component of the Corps under paragraph (2)(A)(ii), and members of the Civilian Reserve under paragraph (3), in support of stabilization and reconstruction activities in a foreign country or region if the President makes a determination regarding a stabilization and reconstruction crisis under section 618 of the Foreign Assistance Act of 1961.

“(d) EXECUTIVE AGENCY DEFINED.—In this section, the term ‘Executive agency’ has the meaning given the term in section 105 of title 5, United States Code.”

(b) EMPLOYMENT AUTHORITY.—The full-time personnel in the active component of the Response Readiness Corps under section 61(c)(2)(A)(i) of the State Department Basic Authorities Act of 1956 (as added by subsection (a)) are in addition to any other full-time personnel of the Department or the

United States Agency for International Development authorized to be employed under any other provision of law.

(c) REPORT.—Not later than 180 days after the date of the enactment of this Act, the Secretary shall submit to the Committee on Foreign Relations of the Senate and the Committee on Foreign Affairs of the House of Representatives a report on the status of efforts to establish the Response Readiness Corps under this section. The report should include recommendations for any legislation necessary to implement section 61(c) of the State Department Basic Authorities Act of 1956 (as so added).

#### SEC. 1618. STABILIZATION AND RECONSTRUCTION TRAINING AND EDUCATION.

Section 701 of the Foreign Service Act of 1980 (22 U.S.C. 4021) is amended—

(1) by redesignating subsection (g) as subsection (h); and

(2) by inserting after subsection (f) the following new subsection:

“(g) STABILIZATION AND RECONSTRUCTION CURRICULUM.—

“(1) ESTABLISHMENT AND MISSION.—The Secretary, in cooperation with the Secretary of Defense and the Secretary of the Army, is authorized to establish a stabilization and reconstruction curriculum for use in programs of the Foreign Service Institute, the National Defense University, and the United States Army War College.

“(2) CURRICULUM CONTENT.—The curriculum should include the following:

“(A) An overview of the global security environment, including an assessment of transnational threats and an analysis of United States policy options to address such threats.

“(B) A review of lessons learned from previous United States and international experiences in stabilization and reconstruction activities.

“(C) An overview of the relevant responsibilities, capabilities, and limitations of various Executive agencies (as that term is defined in section 105 of title 5, United States Code) and the interactions among them.

“(D) A discussion of the international resources available to address stabilization and reconstruction requirements, including resources of the United Nations and its specialized agencies, nongovernmental organizations, private and voluntary organizations, and foreign governments, together with an examination of the successes and failures experienced by the United States in working with such entities.

“(E) A study of the United States inter-agency system.

“(F) Foreign language training.

“(G) Training and simulation exercises for joint civilian-military emergency response operations.”

#### SEC. 1619. SERVICE RELATED TO STABILIZATION AND RECONSTRUCTION.

(a) PROMOTION PURPOSES.—Service in stabilization and reconstruction operations overseas, membership in the Response Readiness Corps under section 61(c) of the State Department Basic Authorities Act of 1956 (as added by section 1617), and education and training in the stabilization and reconstruction curriculum established under section 701(g) of the Foreign Service Act of 1980 (as added by section 1618) should be considered among the favorable factors for the promotion of employees of Executive agencies.

(b) PERSONNEL TRAINING AND PROMOTION.—The Secretary and the Administrator should take steps to ensure that, not later than 3 years after the date of the enactment of this Act, at least 10 percent of the employees of the Department and the United States Agency for International Development in the United States are members of the Response

Readiness Corps or are trained in the activities of, or identified for potential deployment in support of, the Response Readiness Corps. The Secretary should provide such training as needed to Ambassadors and Deputy Chiefs of Mission.

(c) OTHER INCENTIVES AND BENEFITS.—The Secretary and the Administrator may establish and administer a system of awards and other incentives and benefits to confer appropriate recognition on and reward any individual who is assigned, detailed, or deployed to carry out stabilization or reconstruction activities in accordance with this subtitle.

#### SEC. 1620. AUTHORITIES RELATED TO PERSONNEL.

(a) CONTRACTING AUTHORITY.—

(1) IN GENERAL.—The Secretary, or the Administrator with the concurrence of the Secretary, may enter into contracts to procure the services of nationals of the United States (as defined in section 101(a)(22) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(22))) or aliens authorized to be employed in the United States as personal services contractors for the purpose of carrying out this subtitle, without regard to Civil Service or classification laws, for service in the Office of the Coordinator for Reconstruction and Stabilization or for service in foreign countries to assist in stabilizing and reconstructing a country or region that is at risk of, is in, or is in transition from conflict or civil strife.

(2) NOT EMPLOYEES.—Individuals performing services under contracts described in paragraph (1) shall not by virtue of performing such services be considered to be employees of the United States Government for purposes of any law administered by the Office of Personnel Management (except that the Secretary or Administrator may determine the applicability to such individuals of any law administered by the Secretary or Administrator concerning the performance of such services by such individuals).

(b) EXPERTS AND CONSULTANTS.—The Secretary and the Administrator may, to the extent necessary to obtain services without delay, employ experts and consultants under section 3109 of title 5, United States Code, for the purpose of carrying out this subtitle, without requiring compliance with any otherwise applicable requirements for that employment as the Secretary or Administrator may determine, except that such employment shall be terminated after 60 days if by that time the applicable requirements are not complied with.

(c) AUTHORITY TO ACCEPT AND ASSIGN DETAILS.—The Secretary is authorized to accept details or assignments of employees of Executive agencies, members of the uniformed services, and employees of State or local governments on a reimbursable or non-reimbursable basis for the purpose of carrying out this subtitle. The assignment of an employee of a State or local government under this subsection shall be consistent with subchapter VI of chapter 33 of title 5, United States Code.

(d) DUAL COMPENSATION WAIVER.—

(1) ANNUITANTS UNDER CIVIL SERVICE RETIREMENT SYSTEM OR FEDERAL EMPLOYEES RETIREMENT SYSTEM.—Notwithstanding sections 8344(i) and 8468(f) of title 5, United States Code, the Secretary or the head of another Executive agency, as authorized by the Secretary, may waive the application of subsections (a) through (h) of such section 8344 and subsections (a) through (e) of such section 8468 with respect to annuitants under the Civil Service Retirement System or the Federal Employees Retirement System who are assigned, detailed, or deployed to assist in stabilizing and reconstructing a country or region that is at risk of, is in, or is in

transition from conflict or civil strife during the period of their reemployment.

(2) **ANNUITANTS UNDER FOREIGN SERVICE RETIREMENT AND DISABILITY SYSTEM OR FOREIGN SERVICE PENSION SYSTEM.**—The Secretary may waive the application of subsections (a) through (d) of section 824 of the Foreign Service Act (22 U.S.C. 4064) for annuitants under the Foreign Service Retirement and Disability System or the Foreign Service Pension System who are reemployed on a temporary basis in order to be assigned, detailed, or deployed to assist in stabilization and reconstruction activities under this subtitle.

(e) **INCREASE IN PREMIUM PAY CAP.**—The Secretary, or the head of another Executive agency as authorized by the Secretary, may compensate an employee detailed, assigned, or deployed to assist in stabilizing and reconstructing a country or region that is at risk of, is in, or is in transition from conflict or civil strife, without regard to the limitations on premium pay set forth in section 5547 of title 5, United States Code, to the extent that the aggregate of the basic pay and premium pay of such employee for a year does not exceed the annual rate payable for level II of the Executive Schedule.

(f) **EXTENSION OF CERTAIN FOREIGN SERVICE BENEFITS.**—The Secretary, or the head of another Executive agency as authorized by the Secretary, may extend to any individuals assigned, detailed, or deployed to carry out stabilization and reconstruction activities in accordance with this subtitle, the benefits or privileges set forth in sections 412, 413, 704, and 901 of the Foreign Service Act of 1980 (22 U.S.C. 3972, 22 U.S.C. 3973, 22 U.S.C. 4024, and 22 U.S.C. 4081) to the same extent and manner that such benefits and privileges are extended to members of the Foreign Service.

(g) **COMPENSATORY TIME.**—Notwithstanding any other provision of law, the Secretary may, subject to the consent of an individual who is assigned, detailed, or deployed to carry out stabilization and reconstruction activities in accordance with this subtitle, grant such individual compensatory time off for an equal amount of time spent in regularly or irregularly scheduled overtime work. Credit for compensatory time off earned shall not form the basis for any additional compensation. Any such compensatory time not used within 26 pay periods shall be forfeited.

(h) **ACCEPTANCE OF VOLUNTEER SERVICES.**—

(1) **IN GENERAL.**—The Secretary may accept volunteer services for the purpose of carrying out this subtitle without regard to section 1342 of title 31, United States Code.

(2) **TYPES OF VOLUNTEERS.**—Donors of voluntary services accepted for purposes of this section may include—

- (A) advisors;
- (B) experts;
- (C) consultants; and

(D) persons performing services in any other capacity determined appropriate by the Secretary.

(3) **SUPERVISION.**—The Secretary shall—

(A) ensure that each person performing voluntary services accepted under this section is notified of the scope of the voluntary services accepted;

(B) supervise the volunteer to the same extent as employees receiving compensation for similar services; and

(C) ensure that the volunteer has appropriate credentials or is otherwise qualified to perform in each capacity for which the volunteer's services are accepted.

(4) **APPLICABILITY OF LAW RELATING TO FEDERAL GOVERNMENT EMPLOYEES.**—A person providing volunteer services accepted under this section shall not be considered an employee of the Federal Government in the performance of those services, except for the purposes of the following provisions of law:

(A) Chapter 81 of title 5, United States Code, relating to compensation for work-related injuries.

(B) Chapter 11 of title 18, United States Code, relating to conflicts of interest.

(5) **APPLICABILITY OF LAW RELATING TO VOLUNTEER LIABILITY PROTECTION.**—

(A) **IN GENERAL.**—A person providing volunteer services accepted under this section shall be deemed to be a volunteer of a non-profit organization or governmental entity, with respect to the accepted services, for purposes of the Volunteer Protection Act of 1997 (42 U.S.C. 14501 et seq.).

(B) **INAPPLICABILITY OF EXCEPTIONS TO VOLUNTEER LIABILITY PROTECTION.**—Section 4(d) of such Act (42 U.S.C. 14503(d)) shall not apply with respect to the liability of a person with respect to services of such person that are accepted under this section.

(i) **AUTHORITY FOR OUTSIDE ADVISORS.**—

(1) **IN GENERAL.**—The Secretary may establish temporary advisory commissions composed of individuals with appropriate expertise to facilitate the carrying out of this subtitle.

(2) **INAPPLICABILITY OF FACA.**—The requirements of the Federal Advisory Committee Act (5 U.S.C. App.) shall not apply to the activities of a commission established under this subsection.

#### **SEC. 1621. AUTHORIZATION OF APPROPRIATIONS.**

There is authorized to be appropriated for each fiscal year \$80,000,000 for personnel, education and training, equipment, and travel costs for purposes of carrying out this subtitle and the amendments made by this subtitle (other than the amendment made by section 1615).

#### **Subtitle C—Nuclear Nonproliferation Programs**

#### **SEC. 1631. ANNUAL REPORT ON NUCLEAR MATERIAL THREAT MITIGATION.**

(a) **ANNUAL REPORT.**—

(1) **IN GENERAL.**—Not later than March 1, 2008, and annually thereafter, the President shall submit to the appropriate congressional committees a report on United States Government efforts, for the year ending December 31 of the preceding calendar year, to mitigate the threats caused by high-risk, proliferation-attractive fissile materials, radiological materials, and related equipment located at sites potentially vulnerable to theft or diversion.

(2) **CONTENT.**—The report required under paragraph (1) shall include the following:

(A) A description of the progress achieved during the preceding calendar year and of the impediments to further progress in securing and reducing nuclear materials worldwide, taking into account the priority accorded to various sites and the plan set forth in the report submitted pursuant to paragraph (2) of section 3132(d) of the Ronald W. Reagan National Defense Authorization Act for Fiscal Year 2005 (50 U.S.C. 2569(d)(2)), as updated pursuant to subsection (c)(1).

(B) Any needed adjustments to such plan or any updates to the plan.

(b) **STRATEGIES REQUIRED FOR 2007 REPORT.**—The report required under subsection (a) for the year ending December 31, 2007, shall also include the following strategies:

(1) A strategy for sustaining and building on the progress regarding nuclear material security that United States assistance has helped bring about in the independent states of the former Soviet Union and elsewhere.

(2) A strategy for integrating programmatic United States nonproliferation activities with the Proliferation Security Initiative, the G8 Global Partnership Against the Spread of Weapons of Mass Destruction, the Global Initiative to Combat Nuclear Terrorism, worldwide implementation of relevant United Nations Security

Council resolutions, notably United Nations Security Council Resolution 1540 (2004), and other United States diplomatic and military nonproliferation and counterproliferation activities.

(c) **BIENNIAL UPDATES.**—The report required by subsection (a) for the year ending December 31, 2008, and for each even-numbered year thereafter, shall include—

(1) an update of the list of sites and the plan submitted pursuant to section 3132(d)(2) of the Ronald W. Reagan National Defense Authorization Act for Fiscal Year 2005 (50 U.S.C. 2569(d)(2)); and

(2) an update of the strategies submitted pursuant to subsection (b).

(d) **LATER DEADLINE APPLICABLE TO CERTAIN ANNUAL REPORTS.**—The report required by subsection (a) for the year ending December 31, 2008, and for every fourth year thereafter, shall be submitted by May 15 of the succeeding year.

(e) **INTEGRATION OF OTHER REPORTS.**—

(1) **POST-INAUGURATION REPORT ON NONPROLIFERATION AND THREAT REDUCTION OBJECTIVES OF THE PRESIDENT.**—The report required by section 1339(a) of the Foreign Relations Authorization Act, Fiscal Year 2003 (50 U.S.C. 2357g(a)) may be integrated into the report submitted under subsection (d).

(2) **INFORMATION IN COOPERATIVE THREAT REDUCTION ANNUAL REPORT.**—

(A) **CITATION BY REFERENCE.**—Information relevant to a report required under this section that is already contained in an annual report on activities and assistance under Cooperative Threat Reduction programs submitted to Congress under section 1308 of the Floyd D. Spence National Defense Authorization Act for Fiscal Year 2001 (Public Law 106-398; 114 Stat. 1654A-341) for the fiscal year during which the report required under this section is submitted may be cited by reference in the report required under this section.

(B) **INCLUSION IN APPENDIX.**—Information described under subparagraph (A) that is cited by reference in a report required under this section shall be reprinted in an appendix to the report.

(f) **FORM.**—The report required by subsection (a) shall be submitted in unclassified form, but may be accompanied by classified appendices.

(g) **APPROPRIATE CONGRESSIONAL COMMITTEES DEFINED.**—In this section, the term “appropriate congressional committees” means—

(1) the Committee on Foreign Relations, the Committee on Armed Services, and the Committee on Appropriations of the Senate; and

(2) the Committee on Foreign Affairs, the Committee on Armed Services, and the Committee on Appropriations of the House of Representatives.

#### **SEC. 1632. NUCLEAR NONPROLIFERATION BUDGET REPORT.**

(a) **REPORT.**—In connection with the budget submitted to Congress under section 1105(a) of title 31, United States Code, the President shall submit to the appropriate congressional committees a report setting forth the nuclear nonproliferation budget of the Federal Government.

(b) **COMPONENTS.**—

(1) **PROGRAMS.**—The report required under subsection (a) shall include relevant programs of the Department of Defense, the Department of State, and the Department of Energy, such as the following:

(A) Within the Department of Defense: Cooperative Threat Reduction, WMD Proliferation Prevention Initiatives, and International Counter-Proliferation.

(B) Within the Department of State: International Science and Technology Centers

and other elements of the Global Threat Reduction Program, Nonproliferation and Disarmament Fund, Export Control and Related Border Security, Proliferation Security Initiative, and support for the International Monitoring System of the CTBTO Preparatory Commission.

(C) Within the Department of Energy: Nonproliferation and Verification Research and Development, Nonproliferation and International Security, International Nuclear Materials Protection and Cooperation, Global Threat Reduction Initiative, HEU Transparency Implementation, Elimination of Weapons-Grade Plutonium Production, and Fissile Materials Disposition.

(2) RELATED ACTIVITIES.—The report required under subsection (a) shall include activities of the Department of Commerce, the Department of Homeland Security, and other departments or agencies that are of the same type as, or are undertaken pursuant to, the programs described in paragraph (1).

(c) NONPROLIFERATION OBJECTIVES.—The report required under subsection (a) shall set forth—

(1) the objectives of the executive branch regarding nuclear nonproliferation;

(2) the contribution of each program to those objectives;

(3) the planned coordination of the programs in the upcoming fiscal year;

(4) the proposed budget for each program;

(5) the planned use of funds by each program; and

(6) the milestones that each program is expected to achieve.

(d) INFORMATION IN COOPERATIVE THREAT REDUCTION ANNUAL REPORT.—

(1) CITATION BY REFERENCE.—Information relevant to paragraphs (4), (5), and (6) of subsection (c) that is already contained in an annual report on activities and assistance under Cooperative Threat Reduction programs submitted to Congress under section 1308 of the Floyd D. Spence National Defense Authorization Act for Fiscal Year 2001 (Public Law 106-398; 114 Stat. 1654A-341) may be cited by reference in the report required under subsection (a).

(2) INCLUSION IN APPENDIX.—Information described under paragraph (1) that is cited by reference in a report required under subsection (a) shall be reprinted in an appendix to the report.

(e) APPROPRIATE CONGRESSIONAL COMMITTEES DEFINED.—In this section, the term “appropriate congressional committees” means—

(1) the Committee on Foreign Relations, the Committee on Armed Services, the Committee on Homeland Security and Government Affairs, and the Committee on Appropriations of the Senate; and

(2) the Committee on Foreign Affairs, the Committee on Armed Services, the Committee on Homeland Security, and the Committee on Appropriations of the House of Representatives.

#### SEC. 1633. NUCLEAR COMPLIANCE CONTINGENCY RESERVE.

Chapter 9 of part II of the Foreign Assistance Act of 1961 (22 U.S.C. 2349bb et seq.) is amended by inserting after section 584 the following new section:

#### “SEC. 584A. NUCLEAR COMPLIANCE CONTINGENCY RESERVE.

“(a) ESTABLISHMENT.—The Secretary of State shall establish a contingency reserve within the Nonproliferation and Disarmament Fund established pursuant to section 504 of the FREEDOM Support Act (22 U.S.C. 5854) for use in securing and verifying the compliance of North Korea and Iran with separate agreements under which each country is obligated to suspend or abandon sensitive nuclear activities, facilities, and materials.

“(b) APPLICATION OF EXISTING LAW AND PROCEDURES.—The contingency reserve established under subsection (a) shall be subject to the provisions of sections 504, 507, and 508 of the FREEDOM Support Act (22 U.S.C. 5854, 5857, and 5858) and shall be administered using the financial release procedures of the Nonproliferation and Disarmament Fund.

“(c) CERTIFICATION REQUIREMENT.—Each report regarding the contingency reserve established pursuant to subsection (a) that is submitted pursuant to subsection 508(a) of the FREEDOM Support Act (22 U.S.C. 5858(a)) shall include a certification that—

“(1) a qualifying agreement described under such subsection is in force; and

“(2) full use is being made, as appropriate, of the Cooperative Threat Reduction Program of the Department of Defense, pursuant to section 1308 of the National Defense Authorization Act for Fiscal Year 2004 (22 U.S.C. 5963).

“(d) AUTHORIZATION OF APPROPRIATIONS.—

“(1) IN GENERAL.—There are authorized to be appropriated, in addition to other funds authorized to be appropriated for such purposes, \$100,000,000 for each of fiscal years 2008, 2009, 2010, 2011, and 2012.

“(2) AVAILABILITY OF FUNDS.—Amounts appropriated pursuant to the authorization of appropriations under paragraph (1) are authorized to remain available until expended.”.

#### SEC. 1634. INCREASED PROTECTION AGAINST RADIOLOGICAL THREATS.

(a) SENSE OF CONGRESS.—It is the sense of Congress that the Nuclear Regulatory Commission should promulgate new regulations applicable to Nuclear Regulatory Commission licensees and licensees of Nuclear Regulatory Commission Agreement States to reduce the risk that isotopes of elements such as americium, californium, plutonium, and polonium will be used as weapons of murder or assassination.

(b) RISK STUDY.—Not later than 180 days after the date of the enactment of this Act, the Chairman of the Nuclear Regulatory Commission shall submit to Congress a study of the risk that isotopes of elements such as americium, californium, plutonium, and polonium will be used as weapons of murder or assassination and the feasibility of promulgating regulations to reduce that risk.

(c) CONSULTATION.—In conducting the study required by subsection (b) of this section, the Chairman of the Nuclear Regulatory Commission shall consult with appropriate members of the Nuclear and Radiation Studies Board of the National Academies.

#### Subtitle D—Global Pathogen Surveillance and Combating of Bioterrorism and Avian Influenza

##### PART I—GLOBAL PATHOGEN SURVEILLANCE

#### SEC. 1641. SHORT TITLE.

This part may be cited as the “Global Pathogen Surveillance Act of 2007”.

#### SEC. 1642. FINDINGS; PURPOSE.

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

(1) The frequency of the occurrence of biological events that could threaten the national security of the United States has increased and is likely increasing. The threat to the United States from such events includes threats from diseases that infect humans, animals, or plants regardless of whether such diseases are introduced naturally, accidentally, or intentionally.

(2) The United States lacks an effective and real-time system to detect, identify, contain, and respond to global threats and also lacks an effective mechanism to disseminate information to the national response community if such threats arise.

(3) Bioterrorism poses a grave national security threat to the United States. The insidious nature of a bioterrorist attack, the likelihood that the recognition of such an attack would be delayed, and the underpreparedness of the domestic public health infrastructure to respond to such an attack could result in catastrophic consequences following a biological weapons attack against the United States.

(4) The ability to recognize that a country or organization is carrying out a covert biological weapons program is dependent on a number of indications and warnings. A critical component of this recognition is the timely detection of sentinel events such as laboratory accidents and community-level outbreaks that could be the earliest indication of an emerging bioterrorist program in a foreign country. Early detection of such events may enable earlier counterproliferation intervention.

(5) A contagious pathogen engineered as a biological weapon and developed, tested, produced, or released in a foreign country could quickly spread to the United States. Considering the realities of international travel, trade, and migration patterns, a dangerous pathogen appearing naturally, accidentally, or intentionally anywhere in the world can spread to the United States in a matter of days, before any effective quarantine or isolation measures could be implemented.

(6) To combat bioterrorism effectively and ensure that the United States is fully prepared to prevent, recognize, and contain a biological weapons attack or emerging infectious disease, measures to strengthen the domestic public health infrastructure and improve domestic event detection, surveillance, and response, while absolutely essential, are not sufficient.

(7) The United States should enhance cooperation with the World Health Organization, regional international health organizations, and individual countries, including data sharing with appropriate agencies and departments of the United States, to help detect and quickly contain infectious disease outbreaks or a bioterrorism agent before such a disease or agent is spread.

(8) The World Health Organization has done an impressive job in monitoring infectious disease outbreaks around the world, particularly with the establishment in April 2000 of the Global Outbreak Alert and Response Network.

(9) The capabilities of the World Health Organization depend on the quality of the data and information the Organization receives from the countries that are members of the Organization and is further limited by the narrow list of diseases (such as plague, cholera, and yellow fever) on which such surveillance and monitoring is based and by the consensus process used by the Organization to add new diseases to the list. Developing countries, in particular, often are unable to devote the necessary resources to build and maintain public health infrastructures.

(10) In particular, developing countries could benefit from—

(A) better trained public health professionals and epidemiologists to recognize disease patterns;

(B) appropriate laboratory equipment for diagnosis of pathogens;

(C) disease reporting systems that—

(i) are based on disease and syndrome surveillance; and

(ii) could enable an effective response to a biological event to begin at the earliest possible opportunity;

(D) a narrowing of the existing technology gap in disease and syndrome surveillance capabilities, based on reported symptoms, and real-time information dissemination to public health officials; and

(E) appropriate communications equipment and information technology to efficiently transmit information and data within national, international regional, and international health networks, including inexpensive, Internet-based Geographic Information Systems (GIS) and relevant telephone-based systems for early recognition and diagnosis of diseases.

(11) An effective international capability to detect, monitor, and quickly diagnose infectious disease outbreaks will offer dividends not only in the event of biological weapons development, testing, production, and attack, but also in the more likely cases of naturally occurring infectious disease outbreaks that could threaten the United States. Furthermore, a robust surveillance system will serve to deter, prevent, or contain terrorist use of biological weapons, mitigating the intended effects of such malevolent uses.

(b) **PURPOSES.**—The purposes of this part are as follows:

(1) To provide the United States with an effective and real-time system to detect biological threats that—

(A) utilizes classified and unclassified information to detect such threats; and

(B) may be utilized by the human or the agricultural domestic disease response community.

(2) To enhance the capability of the international community, through the World Health Organization and individual countries, to detect, identify, and contain infectious disease outbreaks, whether the cause of those outbreaks is intentional human action or natural in origin.

(3) To enhance the training of public health professionals and epidemiologists from eligible developing countries in advanced Internet-based disease and syndrome surveillance systems, in addition to traditional epidemiology methods, so that such professionals and epidemiologists may better detect, diagnose, and contain infectious disease outbreaks, especially such outbreaks caused by the pathogens that may be likely to be used in a biological weapons attack.

(4) To provide assistance to developing countries to purchase appropriate communications equipment and information technology to detect, analyze, and report biological threats, including—

(A) relevant computer equipment, Internet connectivity mechanisms, and telephone-based applications to effectively gather, analyze, and transmit public health information for infectious disease surveillance and diagnosis; and

(B) appropriate computer equipment and Internet connectivity mechanisms—

(i) to facilitate the exchange of Geographic Information Systems-based disease and syndrome surveillance information; and

(ii) to effectively gather, analyze, and transmit public health information for infectious disease surveillance and diagnosis.

(5) To make available greater numbers of public health professionals who are employed by the Government of the United States to international regional and international health organizations, international regional and international health networks, and United States diplomatic missions, as appropriate.

(6) To expand the training and outreach activities of United States laboratories located in foreign countries, including the Centers for Disease Control and Prevention or Department of Defense laboratories, to enhance the public health capabilities of developing countries.

(7) To provide appropriate technical assistance to existing international regional and international health networks and, as appro-

priate, seed money for new international regional and international networks.

#### SEC. 1643. DEFINITIONS.

In this part:

(1) **ELIGIBLE DEVELOPING COUNTRY.**—The term “eligible developing country” means any developing country that—

(A) has agreed to the objective of fully complying with requirements of the World Health Organization on reporting public health information on outbreaks of infectious diseases;

(B) has not been determined by the Secretary, for purposes of section 40 of the Arms Export Control Act (22 U.S.C. 2780), section 620A of the Foreign Assistance Act of 1961 (22 U.S.C. 2371), or section 6(j) of the Export Administration Act of 1979 (as in effect pursuant to the International Emergency Economic Powers Act; 50 U.S.C. 1701 et seq.), to have repeatedly provided support for acts of international terrorism, unless the Secretary exercises a waiver certifying that it is in the national interest of the United States to provide assistance under the provisions of this part; and

(C) is a party to the Convention on the Prohibition of the Development, Production and Stockpiling of Bacteriological (Biological) and Toxin Weapons and on Their Destruction, done at Washington, London, and Moscow April 10, 1972 (26 UST 583).

(2) **ELIGIBLE NATIONAL.**—The term “eligible national” means any citizen or national of an eligible developing country who—

(A) does not have a criminal background;

(B) is not on any immigration or other United States watch list; and

(C) is not affiliated with any foreign terrorist organization.

(3) **INTERNATIONAL HEALTH ORGANIZATION.**—The term “international health organization” includes such international organizations as the World Health Organization, regional offices of such organizations, and such regional international health organizations as the Pan American Health Organization.

(4) **LABORATORY.**—The term “laboratory” means a facility for the biological, microbiological, serological, chemical, immunohematological, hematological, biophysical, cytological, pathological, or other medical examination of materials derived from the human body for the purpose of providing information for the diagnosis, prevention, or treatment of any disease or impairment of, or the assessment of the health of, human beings.

(5) **SECRETARY.**—Unless otherwise provided, the term “Secretary” means the Secretary of State.

(6) **DISEASE AND SYNDROME SURVEILLANCE.**—The term “disease and syndrome surveillance” means the recording of clinician-reported symptoms (patient complaints) and signs (derived from physical examination and laboratory data) combined with simple geographic locators to track the emergence of a disease in a population.

#### SEC. 1644. ELIGIBILITY FOR ASSISTANCE.

(a) **IN GENERAL.**—Except as provided in subsection (b), assistance may be provided to an eligible developing country under any provision of this part only if the government of the eligible developing country—

(1) permits personnel from the World Health Organization and the Centers for Disease Control and Prevention to investigate outbreaks of infectious diseases within the borders of such country; and

(2) provides pathogen surveillance data to the appropriate agencies and departments of the United States and to international health organizations.

(b) **WAIVER.**—The Secretary may waive the prohibition set out in subsection (a) if the Secretary determines that it is in the na-

tional interest of the United States to provide such a waiver.

#### SEC. 1645. RESTRICTION.

(a) **IN GENERAL.**—Notwithstanding any other provision of this part, no foreign national participating in a program authorized under this part shall have access, during the course of such participation, to a select agent or toxin described in section 73.4 of title 42, Code of Federal Regulations (or any corresponding similar regulation) or an overlap select agent or toxin described in section 73.5 of such title (or any corresponding similar regulation) that may be used as, or in, a biological weapon, except in a supervised and controlled setting.

(b) **RELATIONSHIP TO REGULATIONS.**—The restriction set out in subsection (a) may not be construed to limit the ability of the Secretary of Health and Human Services to prescribe, through regulation, standards for the handling of a select agent or toxin or an overlap select agent or toxin described in such subsection.

#### SEC. 1646. FELLOWSHIP PROGRAM.

(a) **ESTABLISHMENT.**—There is established a fellowship program under which the Secretary, in consultation with the Secretary of Health and Human Services and subject to the availability of appropriations, shall award fellowships to eligible nationals to pursue public health education or training, as follows:

(1) **MASTER OF PUBLIC HEALTH DEGREE.**—Graduate courses of study leading to a master of public health degree with a concentration in epidemiology from an institution of higher education in the United States with a Center for Public Health Preparedness, as determined by the Director of the Centers for Disease Control and Prevention.

(2) **ADVANCED PUBLIC HEALTH EPIDEMIOLOGY TRAINING.**—Advanced public health training in epidemiology for public health professionals from eligible developing countries to be carried out at the Centers for Disease Control and Prevention, an appropriate facility of a State, or an appropriate facility of another agency or department of the United States (other than a facility of the Department of Defense or a national laboratory of the Department of Energy) for a period of not less than 6 months or more than 12 months.

(b) **SPECIALIZATION IN BIOTERRORISM.**—In addition to the education or training specified in subsection (a), each recipient of a fellowship under this section (in this section referred to as a “fellow”) may take courses of study at the Centers for Disease Control and Prevention or at an equivalent facility on diagnosis and containment of likely bioterrorism agents.

(c) **FELLOWSHIP AGREEMENT.**—

(1) **IN GENERAL.**—A fellow shall enter into an agreement with the Secretary under which the fellow agrees—

(A) to maintain satisfactory academic progress, as determined in accordance with regulations issued by the Secretary and confirmed in regularly scheduled updates to the Secretary from the institution providing the education or training on the progress of the fellow's education or training;

(B) upon completion of such education or training, to return to the fellow's country of nationality or last habitual residence (so long as it is an eligible developing country) and complete at least 4 years of employment in a public health position in the government or a nongovernmental, not-for-profit entity in that country or, with the approval of the Secretary, complete part or all of this requirement through service with an international health organization without geographic restriction; and

(C) that, if the fellow is unable to meet the requirements described in subparagraph (A)

or (B), the fellow shall reimburse the United States for the value of the assistance provided to the fellow under the fellowship program, together with interest at a rate that—

(i) is determined in accordance with regulations issued by the Secretary; and

(ii) is not higher than the rate generally applied in connection with other Federal loans.

(2) **WAIVERS.**—The Secretary may waive the application of subparagraph (B) or (C) of paragraph (1) if the Secretary determines that it is in the national interest of the United States to provide such a waiver.

(d) **AGREEMENT.**—The Secretary, in consultation with the Secretary of Health and Human Services, is authorized to enter into an agreement with the government of an eligible developing country under which such government agrees—

(1) to establish a procedure for the nomination of eligible nationals for fellowships under this section;

(2) to guarantee that a fellow will be offered a professional public health position within the developing country upon completion of the fellow's studies; and

(3) to submit to the Secretary a certification stating that a fellow has concluded the minimum period of employment in a public health position required by the fellowship agreement, including an explanation of how the requirement was met.

(e) **PARTICIPATION OF UNITED STATES CITIZENS.**—On a case-by-case basis, the Secretary may provide for the participation of a citizen of the United States in the fellowship program under the provisions of this section if—

(1) the Secretary determines that it is in the national interest of the United States to provide for such participation; and

(2) the citizen of the United States agrees to complete, at the conclusion of such participation, at least 5 years of employment in a public health position in an eligible developing country or at an international health organization.

(f) **USE OF EXISTING PROGRAMS.**—The Secretary, with the concurrence of the Secretary of Health and Human Services, may elect to use existing programs of the Department of Health and Human Services to provide the education and training described in subsection (a) if the requirements of subsections (b), (c), and (d) will be substantially met under such existing programs.

#### **SEC. 1647. IN-COUNTRY TRAINING IN LABORATORY TECHNIQUES AND DISEASE AND SYNDROME SURVEILLANCE.**

(a) **LABORATORY TECHNIQUES.**—

(1) **IN GENERAL.**—The Secretary, after consultation with the Secretary of Health and Human Services and in conjunction with the Director of the Centers for Disease Control and Prevention and the Secretary of Defense, and subject to the availability of appropriations, shall provide assistance for short training courses for eligible nationals who are laboratory technicians or other public health personnel in laboratory techniques relating to the identification, diagnosis, and tracking of pathogens responsible for possible infectious disease outbreaks.

(2) **LOCATION.**—The training described in paragraph (1) shall be held outside the United States and may be conducted in facilities of the Centers for Disease Control and Prevention located in foreign countries or in Overseas Medical Research Units of the Department of Defense, as appropriate.

(3) **COORDINATION WITH EXISTING PROGRAMS.**—The Secretary shall coordinate the training described in paragraph (1), where appropriate, with existing programs and activities of international health organizations.

(b) **DISEASE AND SYNDROME SURVEILLANCE.**—

(1) **IN GENERAL.**—The Secretary, after consultation with the Secretary of Health and Human Services and in conjunction with the Director of the Centers for Disease Control and Prevention and the Secretary of Defense and subject to the availability of appropriations, shall establish and provide assistance for short training courses for eligible nationals who are health care providers or other public health personnel in techniques of disease and syndrome surveillance reporting and rapid analysis of syndrome information using Geographic Information System (GIS) tools.

(2) **LOCATION.**—The training described in paragraph (1) shall be conducted via the Internet or in appropriate facilities located in a foreign country, as determined by the Secretary.

(3) **COORDINATION WITH EXISTING PROGRAMS.**—The Secretary shall coordinate the training described in paragraph (1), where appropriate, with existing programs and activities of international regional and international health organizations.

#### **SEC. 1648. ASSISTANCE FOR THE PURCHASE AND MAINTENANCE OF PUBLIC HEALTH LABORATORY EQUIPMENT AND SUPPLIES.**

(a) **AUTHORIZATION.**—The President is authorized to provide, on such terms and conditions as the President may determine, assistance to eligible developing countries to purchase and maintain the public health laboratory equipment and supplies described in subsection (b).

(b) **EQUIPMENT AND SUPPLIES COVERED.**—The equipment and supplies described in this subsection are equipment and supplies that are—

(1) appropriate, to the extent possible, for use in the intended geographic area;

(2) necessary to collect, analyze, and identify expeditiously a broad array of pathogens, including mutant strains, which may cause disease outbreaks or may be used in a biological weapon;

(3) compatible with general standards set forth by the World Health Organization and, as appropriate, the Centers for Disease Control and Prevention, to ensure interoperability with international regional and international public health networks; and

(4) not defense articles, defense services, or training, as such terms are defined in the Arms Export Control Act (22 U.S.C. 2751 et seq.).

(c) **RULE OF CONSTRUCTION.**—Nothing in this section shall be construed to exempt the exporting of goods and technology from compliance with applicable provisions of the Export Administration Act of 1979 (as in effect pursuant to the International Emergency Economic Powers Act; 50 U.S.C. 1701 et seq.).

(d) **LIMITATION.**—Amounts appropriated to carry out this section shall not be made available for the purchase from a foreign country of equipment or supplies that, if made in the United States, would be subject to the Arms Export Control Act (22 U.S.C. 2751 et seq.) or likely be barred or subject to special conditions under the Export Administration Act of 1979 (as in effect pursuant to the International Emergency Economic Powers Act; 50 U.S.C. 1701 et seq.).

(e) **PROCUREMENT PREFERENCE.**—In the use of grant funds authorized under subsection (a), preference should be given to the purchase of equipment and supplies of United States manufacture. The use of amounts appropriated to carry out this section shall be subject to section 604 of the Foreign Assistance Act of 1961 (22 U.S.C. 2354).

(f) **COUNTRY COMMITMENTS.**—The assistance provided under this section for equipment and supplies may be provided only if the eligible developing country that receives such equipment and supplies agrees to provide the

infrastructure, technical personnel, and other resources required to house, maintain, support, secure, and maximize use of such equipment and supplies.

#### **SEC. 1649. ASSISTANCE FOR IMPROVED COMMUNICATION OF PUBLIC HEALTH INFORMATION.**

(a) **ASSISTANCE FOR PURCHASE OF COMMUNICATION EQUIPMENT AND INFORMATION TECHNOLOGY.**—The President is authorized to provide, on such terms and conditions as the President may determine, assistance to eligible developing countries to purchase and maintain the communications equipment and information technology described in subsection (b), and the supporting equipment, necessary to effectively collect, analyze, and transmit public health information.

(b) **COVERED EQUIPMENT.**—The communications equipment and information technology described in this subsection are communications equipment and information technology that—

(1) are suitable for use under the particular conditions of the area of intended use;

(2) meet the standards set forth by the World Health Organization and, as appropriate, the Secretary of Health and Human Services, to ensure interoperability with like equipment of other countries and international organizations; and

(3) are not defense articles, defense services, or training, as those terms are defined in the Arms Export Control Act (22 U.S.C. 2751 et seq.).

(c) **RULE OF CONSTRUCTION.**—Nothing in this section shall be construed to exempt the exporting of goods and technology from compliance with applicable provisions of the Export Administration Act of 1979 (as in effect pursuant to the International Emergency Economic Powers Act; 50 U.S.C. 1701 et seq.).

(d) **LIMITATION.**—Amounts appropriated to carry out this section shall not be made available for the purchase from a foreign country of communications equipment or information technology that, if made in the United States, would be subject to the Arms Export Control Act (22 U.S.C. 2751 et seq.) or likely be barred or subject to special conditions under the Export Administration Act of 1979 (as in effect pursuant to the International Emergency Economic Powers Act; 50 U.S.C. 1701 et seq.).

(e) **PROCUREMENT PREFERENCE.**—In the use of grant funds under subsection (a), preference should be given to the purchase of communications equipment and information technology of United States manufacture. The use of amounts appropriated to carry out this section shall be subject to section 604 of the Foreign Assistance Act of 1961 (22 U.S.C. 2354).

(f) **ASSISTANCE FOR STANDARDIZATION OF REPORTING.**—The President is authorized to provide, on such terms and conditions as the President may determine, technical assistance and grant assistance to international health organizations to facilitate standardization in the reporting of public health information between and among developing countries and international health organizations.

(g) **COUNTRY COMMITMENTS.**—The assistance provided under this section for communications equipment and information technology may be provided only if the eligible developing country that receives such equipment and technology agrees to provide the infrastructure, technical personnel, and other resources required to house, maintain, support, secure, and maximize use of such equipment and technology.

#### **SEC. 1650. ASSIGNMENT OF PUBLIC HEALTH PERSONNEL TO UNITED STATES MISSIONS AND INTERNATIONAL HEALTH ORGANIZATIONS.**

(a) **IN GENERAL.**—Upon the request of the chief of a diplomatic mission of the United



States or of the head of an international health organization, and with the concurrence of the Secretary and of the employee concerned, the head of an agency or department of the United States may assign to the mission or the organization any officer or employee of the agency or department that occupies a public health position within the agency or department for the purpose of enhancing disease and pathogen surveillance efforts in developing countries.

(b) REIMBURSEMENT.—The costs incurred by an agency or department of the United States by reason of the detail of personnel under subsection (a) may be reimbursed to that agency or department out of the applicable appropriations account of the Department of State if the Secretary determines that the agency or department may otherwise be unable to assign such personnel on a non-reimbursable basis.

**SEC. 1651. EXPANSION OF CERTAIN UNITED STATES GOVERNMENT LABORATORIES ABROAD.**

(a) IN GENERAL.—Subject to the availability of appropriations, the Director of the Centers for Disease Control and Prevention and the Secretary of Defense shall each—

(1) increase the number of personnel assigned to laboratories of the Centers for Disease Control and Prevention or the Department of Defense, as appropriate, located in eligible developing countries that conduct research and other activities with respect to infectious diseases; and

(2) expand the operations of such laboratories, especially with respect to the implementation of on-site training of foreign nationals and activities affecting the region in which the country is located.

(b) COOPERATION AND COORDINATION BETWEEN LABORATORIES.—Subsection (a) shall be carried out in such a manner as to foster cooperation and avoid duplication between and among laboratories.

(c) RELATION TO CORE MISSIONS AND SECURITY.—The expansion of the operations of the laboratories of the Centers for Disease Control and Prevention or the Department of Defense located in foreign countries under this section may not—

(1) detract from the established core missions of the laboratories; or

(2) compromise the security of those laboratories, as well as their research, equipment, expertise, and materials.

**SEC. 1652. ASSISTANCE FOR INTERNATIONAL HEALTH NETWORKS AND EXPANSION OF FIELD EPIDEMIOLOGY TRAINING PROGRAMS.**

(a) AUTHORITY.—The President is authorized, on such terms and conditions as the President may determine, to provide assistance for the purposes of—

(1) enhancing the surveillance and reporting capabilities for the World Health Organization and existing international regional and international health networks; and

(2) developing new international regional and international health networks.

(b) EXPANSION OF FIELD EPIDEMIOLOGY TRAINING PROGRAMS.—The Secretary of Health and Human Services is authorized to establish new country or regional international Field Epidemiology Training Programs in eligible developing countries.

**SEC. 1653. FOREIGN BIOLOGICAL THREAT DETECTION AND WARNING.**

(a) IN GENERAL.—The President is authorized to establish a capability for foreign biological threat detection and warning within either the Department of Defense, the Department of Homeland Security, the Central Intelligence Agency, or the Centers for Disease Control and Prevention with the technical ability to conduct event detection and rapid threat assessment related to biological threats in foreign countries.

(b) PURPOSES.—The purposes of the capability under subsection (a) shall be—

(1) to integrate public health, medical, agricultural, societal, and intelligence indications and warnings to identify in advance the emergence of a transnational biological threat;

(2) to provide rapid threat assessment capability to the appropriate agencies or departments of the United States that is not dependent on access to—

(A) a specific biological agent;

(B) the area in which such agent is present; or

(C) information related to the means of introduction of such agent; and

(3) to build the information visibility and decision support activities required for appropriate and timely information distribution and threat response.

(c) TECHNOLOGY.—The capability under subsection (a) shall employ technologies similar to, but no less capable than, those used by the Intelligence Technology Innovation Center (ITIC) within the Directorate of Science and Technology of the Central Intelligence Agency to conduct real-time, prospective, automated threat assessments that employ social disruption factors.

(d) EVENT DETECTION DEFINED.—In this section, the term “event detection” refers to the real-time and rapid recognition of a possible biological event that has appeared in a community and that could have national security implications, regardless of whether the event is caused by natural, accidental, or intentional means and includes scrutiny of such possible biological event by analysts utilizing classified and unclassified information.

**SEC. 1654. REPORTS.**

Not later than 90 days after the date of enactment of this Act, the Secretary, in conjunction with the Secretary of Health and Human Services, the Secretary of Homeland Security, and the Secretary of Defense, shall submit to Congress a report on the implementation of programs under this part, including an estimate of the level of funding required to carry out such programs at a sufficient level.

**SEC. 1655. AUTHORIZATION OF APPROPRIATIONS.**

(a) AUTHORIZATION OF APPROPRIATIONS.—Subject to subsection (c), there are authorized to be appropriated for the purpose of carrying out activities under this part the following amounts:

(1) \$40,000,000 for fiscal year 2008.

(2) \$75,000,000 for each of fiscal years 2009, 2010, 2011, and 2012.

(b) AVAILABILITY OF FUNDS.—The amounts appropriated pursuant to subsection (a) are authorized to remain available until expended.

(c) LIMITATION ON OBLIGATION OF FUNDS.—Of the amount authorized to be appropriated under this section for fiscal year 2008, not more than \$4,000,000 may be obligated before the date on which a report is submitted under section 1654.

**PART II—COMBATING BIOTERRORISM AND AVIAN INFLUENZA**

**SEC. 1661. COMBATING BIOTERRORISM AND AVIAN INFLUENZA.**

(a) SENSE OF CONGRESS.—It is the sense of Congress that training provided by the United States Government for the purpose of improving worldwide capabilities to detect, identify, and combat avian influenza should also include, whenever feasible, training to detect, identify, and combat agents that might be used in an act of biological terrorism.

(b) PROGRAM FOR COMBATING BIOTERRORISM.—The Secretary of State, in coordination with the Secretary of Health and Human Services, the Secretary of Homeland

Security, and the President of the Institute of Medicine of the National Academies, shall establish a program to promote national, international, and private-sector actions to reduce the danger of bioterrorism and assist countries in compliance with United Nations Security Council Resolution 1540 (2004) by criminalizing bioterrorist activity, developing regulations governing the transfer and handling of disease samples, and developing and implementing agreed standards for biotechnology security and ethics.

(c) PLAN.—Not later than 180 days after the date of the enactment of this Act, the Secretary of State shall submit to the Congress a report setting forth a 5-year plan of action for this program and indicating what funding would be required to implement the plan. The plan shall include a discussion of the feasibility of providing assistance in developing a biosecurity handbook that could gain international acceptance and implementation.

(d) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Secretary of State to carry out activities under this section the following amounts:

(1) \$5,000,000 for fiscal year 2008, of which not more than \$1,000,000 may be expended on the report required under subsection (c).

(2) \$5,000,000 for each of fiscal years 2009, 2010, 2011, and 2012.

**SEC. 1662. GLOBAL PATHOGEN SECURITY PROGRAM.**

Chapter 9 of Part II of the Foreign Assistance Act of 1961 (22 U.S.C. 2349bb et seq.) is amended by inserting after section 584A (as added by section 1633 of this title) the following new section:

**“SEC. 584B GLOBAL PATHOGEN SECURITY PROGRAM.**

“(a) ESTABLISHMENT.—The Secretary of State shall establish a program to combat bioterrorism world-wide by providing training, equipment, and financial and technical (including legal) assistance in such areas as biosecurity, biosafety, pathogen surveillance, and timely response to outbreaks of infectious disease, and by providing increased opportunity for former biological weapons scientists to engage in remunerative careers that promote public health and safety.

“(b) ACTIVITIES INCLUDED.—Activities in the program established pursuant to subsection (a) shall include administration of the programs authorized by subtitle D of title XVI of the Improving America's Security Act of 2007 and may also include such activities as the Pathogen Security Program and the Biosecurity Engagement Program of the Office of Cooperative Threat Reduction in the Department of State.”.

**SA 418.** Mr. DORGAN 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 section 401, add the following:

(f) REPORT ON PROCESSING OF VISA APPLICATIONS.—Not later than 180 days after the date of the enactment of this Act, the Secretary of State shall submit a report to Congress that includes the following information with respect to each visa-issuing post operated by the Department of State where, during the preceding twelve months, the length of time

between the submission of a request for a personal interview for a non-immigrant visa and the date of the personal interview of the applicant:

(1) The number of visa applications submitted to the Department in each of the 3 preceding fiscal years, including information regarding each type of visa applied for.

(2) The number of visa applications that were approved in each of the 3 preceding fiscal years, including information regarding the number of each type of visa approved.

(3) The number of visa applications in each of the 3 preceding fiscal years that were subject to a Security Advisory Opinion or similar specialized review.

(4) The length of time between the submission of a visa application and the personal interview of the applicant in each of the 3 preceding fiscal years, including information regarding the type of visa applied for.

(5) The percentage of visa applicants who were refused a visa in each of the 3 preceding fiscal years, including information regarding the type of visa applied for.

(6) The number of consular officers processing visa applications in each of the 3 preceding fiscal years.

(7) A description of each new program designed to improve the processing of visa applications that was implemented in each of the 3 preceding fiscal years.

(8) A description of construction or improvement of facilities for processing visa applications in each of the 3 preceding fiscal years.

(9) A description of particular communication initiatives undertaken to communicate the visa application process to potential or actual visa applicants.

(10) An analysis of the facilities, personnel, information systems, and other factors affecting the duration of time between the submission of a visa application and the personal interview of the applicant and the quality of the review of the application, including specific recommendations as to any additional facilities, personnel, information systems, or other requirements that would allow the personal interview, where appropriate, to occur not more than 30 days following the submission of a visa application.

**SA 419.** Mr. SCHUMER (for himself and Mrs. CLINTON) 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 86, strike lines 6 through 20, and insert the following:

“(2) **USE OF GRANT FUNDS FOR PERSONNEL COSTS.**—The Secretary may not provide for any limitation on the percentage or amount of any grant awarded under the Homeland Security Grant Program which may be used for personnel costs, including overtime or backfill costs.

**SA 420.** Mr. BIDEN 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 80, between lines 6 and 7, insert the following:

**“SEC. 2006. COMMERCIAL EQUIPMENT DIRECT ASSISTANCE PROGRAM.**

“(a) **IN GENERAL.**—There is established a Commercial Equipment Direct Assistance Program to provide equipment, technology and technical assistance to law enforcement agencies and other emergency response providers of local governments.

“(b) **APPLICATION.**—Law enforcement agencies or other emergency response providers of a local government desiring to be provided equipment, technology, or technical assistance under this section shall submit an application at such time, in such manner, and accompanied by such information as the Administrator shall establish.

“(c) **TRAINING AND INFORMATION.**—The Administrator shall—

“(1) in consultation with law enforcement agencies and other emergency response providers of local governments, and other entities determined appropriate by the Administrator, develop and maintain a comprehensive list of counterterrorism technologies, equipment, and information; and

“(2) provide appropriate training to law enforcement agencies and other emergency response providers of local governments on the use of such technology, equipment, and information.

“(d) In order to be eligible for assistance under this section, applicants must certify that they have not been able to obtain such assistance through other grant programs administered by the Department, including The State Homeland Security Grant Program and The Urban Area Security. . . .

“(e) **AUTHORIZATION OF APPROPRIATIONS.**—There are authorized to be appropriated to carry out this section—

“(1) \$75,000,000 for each of fiscal years 2008 and 2009; and

“(2) such sums as are necessary for fiscal years 2010 through 2013.

**SA 421.** Mr. LAUTENBERG submitted an amendment intended to be proposed to amendment SA 317 proposed by Mr. KYL to the 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 amendment, insert the following:

**SEC. \_\_\_\_ . JUSTICE FOR AMERICAN VICTIMS OF TERRORISM ACT.**

(a) **SHORT TITLE.**—This section may be cited as the “Justice for American Victims of Terrorism Act”.

(b) **TERRORISM EXCEPTION TO IMMUNITY.**—

(1) **IN GENERAL.**—Chapter 97 of title 28, United States Code, is amended by inserting after section 1605 the following:

**“§ 1605A. Terrorism exception to the jurisdictional immunity of a foreign state**

“(a) **IN GENERAL.**—A foreign state shall not be immune from the jurisdiction of courts of the United States or of the States in any case not otherwise covered by this section in which money damages are sought against a foreign state for personal injury or death damage that was caused by an act of torture,

extrajudicial killing, aircraft sabotage, hostage taking, or the provision of material support or resources (as defined in section 2339A of title 18) for such an act if such act or provision of material support is engaged in by an official, employee, or agent of such foreign state while acting within the scope of his or her office, employment, or agency, except that the court shall decline to hear a claim under this subsection—

“(1) if the foreign state was not designated as a state sponsor of terrorism under section 6(j) of the Export Administration Act of 1979 (50 U.S.C. App. 2405 (j)) or section 620A of the Foreign Assistance Act of 1961 (22 U.S.C. 2371) at the time the act occurred, unless later designated as a result of such act; and

“(2) even if the foreign state is or was so designated, if—

“(A) the act occurred in the foreign state against which the claim has been brought and the claimant has not afforded the foreign state a reasonable opportunity to arbitrate the claim in accordance with accepted international rules of arbitration; or

“(B) neither the claimant nor the victim was a national of the United States (as that term is defined in section 101(a)(22) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(22)), was a member of the Armed Forces of the United States (as that term is defined in section 976 of title 10), or was otherwise an employee of the government of the United States or one of its contractors acting within the scope of their when the act upon which the claim is based occurred.

“(b) **DEFINITION.**—For purposes of this section—

“(1) the terms ‘torture’ and ‘extrajudicial killing’ have the meaning given those terms in section 3 of the Torture Victim Protection Act of 1991 (28 U.S.C. 1350);

“(2) the term ‘hostage taking’ has the meaning given that term in Article 1 of the International Convention Against the Taking of Hostages; and

“(3) the term ‘aircraft sabotage’ has the meaning given that term in Article 1 of the Convention for the Suppression of Unlawful Acts Against the Safety of Civil Aviation.

“(c) **TIME LIMIT.**—An action may not be brought under this section unless the action is commenced not later than the latter of—

“(1) 10 years after the April 24, 1996; or

“(2) 10 years from the date on which the cause of action arose.

“(d) **PRIVATE RIGHT OF ACTION.**—A private cause of action may be brought against a foreign state designated under section 6(j) of the Export Administration Act of 1979 (50 U.S.C. 2405(j)), and any official, employee, or agent of said foreign state while acting within the scope of his or her office, employment, or agency which shall be liable to a national of the United States (as that term is defined in section 101(a)(22) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(22)), a member of the Armed Forces of the United States (as that term is defined in section 976 of title 10), or was otherwise an employee of the government of the United States or one of its contractors acting within the scope of their employment or the legal representative of such a person for personal injury or death caused by acts of that foreign state or its official, employee, or agent for which the courts of the United States may maintain jurisdiction under this section for money damages which may include economic damages, solatium, pain, and suffering, and punitive damages if the acts were among those described in this section. A foreign state shall be vicariously liable for the actions of its officials, employees, or agents.

“(e) **ADDITIONAL DAMAGES.**—After an action has been brought under subsection (d), actions may also be brought for reasonably foreseeable property loss and life insurance policy loss claims.

“(f) SPECIAL MASTERS.—

“(1) IN GENERAL.—The Courts of the United States may from time to time appoint special masters to hear damages claims brought under this section.

“(2) TRANSFER OF FUNDS.—The Attorney General shall transfer, from funds available for the program under sections 1404C of the Victims Crime Act of 1984 (42 U.S.C. 10603c) to the Administrator of the United States District Court in which any case is pending which has been brought pursuant to section 1605(a)(7) such funds as may be required to carry out the Orders of that United States District Court appointing Special Masters in any case under this section. Any amount paid in compensation to any such Special Master shall constitute an item of court costs.

“(g) APPEAL.—An appeal in the courts of the United States in an action brought under this section may be made—

“(1) only from a final decision under section 1291 of this title, and then only if filed with the clerk of the district court within 30 days after the entry of such final decision; and

“(2) in the case of an appeal from an order denying the immunity of a foreign state, a political subdivision thereof, or an agency of instrumentality of a foreign state, only if filed under section 1292 of this title.

“(h) PROPERTY DISPOSITION.—In every action filed in a United States district court in which jurisdiction is alleged under this section, the filing of a notice of pending action pursuant to such section, to which is attached a copy of the complaint filed in the action, shall have the effect of establishing a lien of *lis pendens* upon any real property or tangible personal property located within that judicial district that is titled in the name of any defendant, or titled in the name of any entity controlled by any such defendant if such notice contains a statement listing those controlled entities. A notice of pending action pursuant to this section shall be filed by the clerk of the district court in the same manner as any pending action and shall be indexed by listing as defendants all named defendants and all entities listed as controlled by any defendant. Liens established by reason of this subsection shall be enforceable as provided in chapter 111 of this title.

“(i) DISCLOSURE.—All evidence filed in any action brought under this section, whether or not filed under seal, shall be disclosed to the Attorney General of the United States or his designee. The Attorney General shall promulgate such regulations as may be reasonably required to carry out the purposes of this subsection.”

(2) AMENDMENT TO CHAPTER ANALYSIS.—The chapter analysis for chapter 97 of title 28, United States Code, is amended by inserting after the item for section 1605 the following:

“1605A. Terrorism exception to the jurisdictional immunity of a foreign state.”

(c) CONFORMING AMENDMENTS.—

(1) PROPERTY INTERESTS.—Section 1610 of title 28, United States Code, is amended by adding at the end the following:

“(g) PROPERTY INTERESTS IN CERTAIN ACTIONS.—

“(1) IN GENERAL.—A property interest of a foreign state, or agency or instrumentality of a foreign state, against which a judgment is entered under this section, including a property interest that is a separate juridical entity, is subject to execution upon that judgment as provided in this section, regardless of—

“(A) the level of economic control over the property interest by the government of the foreign state;

“(B) whether the profits of the property interest go to that government;

“(C) the degree to which officials of that government manage the property interest or otherwise control its daily affairs;

“(D) whether that government is the real beneficiary of the conduct of the property interest; or

“(E) whether establishing the property interest as a separate entity would entitle the foreign state to benefits in United States courts while avoiding its obligations.

“(2) UNITED STATES SOVEREIGN IMMUNITY INAPPLICABLE.—Any property interest of a foreign state, or agency or instrumentality of a foreign state, to which paragraph (1) applies shall not be immune from execution upon a judgment entered under this section because the property interest is regulated by the United States Government by reason of action taken against that foreign state under the Trading With the Enemy Act or the International Emergency Economic Powers Act.”

(2) VICTIMS OF CRIME ACT.—Section 1404C(a)(3) of the Victims of Crime Act of 1984 (42 U.S.C. 10603c(a)(3)) is amended by striking “December 21, 1988, with respect to which an investigation or” and inserting “October 23, 1983, with respect to which an investigation or civil or criminal”.

(3) GENERAL EXCEPTION.—Section 1605 of title 18, United States Code, is amended—

(A) in subsection (a)—

(i) in paragraph (5)(B), by inserting “or” after the semicolon;

(ii) in paragraph (6)(D), by striking “; or” and inserting a period; and

(iii) by striking paragraph (7); and (B) by striking subsections (e) and (f).

(d) APPLICATION TO PENDING CASES.—

(1) IN GENERAL.—The amendments made by this section shall apply to any claim for which a foreign state is not immune under this section 1605 of title 28, United States Code, arising before, on, or after the date of the enactment of this Act.

(2) PRIOR ACTIONS.—Any judgment or action brought under section 1605(a)(7) of title 28, United States Code, or section 101(c) of Public Law 104-208 after the effective date of such provisions relying on either of these provisions as creating a cause of action, which has been adversely affected on the grounds that either or both of these provisions fail to create a cause of action opposable against the state, and which is still before the courts in any form, including appeal or motion under Federal Rule of Civil Procedure 60(b), shall, on motion made to the Federal District Court where the judgment or action was initially entered, be given effect as the Congress intended. The defenses of res judicata, collateral estoppel and limitation period are waived in any re-filed action described in this paragraph and based on the such claim. Any such motion or re-filing must be made not later than 60 days after enactment of this section.

**SA 422.** Mr. SUNUNU 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 XV, add the following:

## SEC. 15. RESTORATION OF HABEAS CORPUS FOR THOSE DETAINED BY THE UNITED STATES.

(a) IN GENERAL.—Section 2241 of title 28, United States Code, is amended by striking subsection (e) and inserting the following:

“(e) ALIEN ENEMY COMBATANTS.—

“(1) RESTORATION OF HABEAS CORPUS AND LIMITATION OF NONHABEAS CLAIMS.—Except for an application for a writ of habeas corpus to challenge the legality of executive detention filed in United States District Court for the District of Columbia or an appeal pursuant to paragraphs (2) and (3) of section 1005(e) of the Detainee Treatment Act of 2005 (10 U.S.C. 801 note), and subject to paragraph (2) of this subsection, no court, justice, or judge shall have jurisdiction to hear or consider any other action against the United States or its agents relating to any aspect of the detention, transfer, treatment, trial, or conditions of confinement of an alien who is or was detained by the United States and has been determined by the United States to have been properly detained as an enemy combatant or is awaiting such determination.

“(2) APPLICATION.—

“(A) IN GENERAL.—Notwithstanding any other provision of law, no court, justice, or judge shall have jurisdiction to hear or consider any action against the United States or its agents filed by or on behalf of an alien enemy combatant detained and held in custody outside the United States regarding the legality of the detention of that alien enemy combatant if the alien enemy combatant—

“(i) has been duly determined to be held and treated as an enemy prisoner of war pursuant to Army Regulation 190-8;

“(ii) is being detained in a territory in which there is an ongoing armed conflict; or

“(iii) except as provided in subparagraph (B), is facing a pending charge for an offense triable by a military commission or is under sentence of a military commission.

“(B) EXCEPTION.—Subparagraph (A)(iii) shall not limit jurisdiction for—

“(i) an appeal under the provisions of chapter 47A of title 10;

“(ii) an appeal under paragraph (2) or (3) of section 1005(e) of the Detainee Treatment Act of 2005 (10 U.S.C. 801 note); or

“(iii) an application for of a writ of habeas corpus to challenge the legality of military commission procedures or to challenge executive detention if the alien enemy combatant—

“(I) is detained in excess of the term of imprisonment of that alien enemy combatant;

“(II) is detained after being acquitted by the military commission for all charges; or

“(III) after being charged with an offense, is detained for 300 days or more without a military commission trial.

“(3) SECOND OR SUCCESSIVE APPLICATIONS FOR A WRIT OF HABEAS CORPUS.—

“(A) IN GENERAL.—No court, justice, or judge shall have jurisdiction to hear or consider a second or successive application for a writ of habeas corpus under paragraph (1).

“(B) CONSTRUCTION.—Nothing in this subsection shall be construed to deprive a court, justice, or judge or jurisdiction to hear a single application for writ of habeas corpus (but not a second or successive such application) that is filed—

“(i) to reassert claims raised in an application that was dismissed for lack of jurisdiction prior to the date of enactment of the Improving America's Security Act of 2007; or

“(ii) under the exception described in paragraph (2)(B).

“(4) DEFINITIONS.—In this subsection—

“(A) the term ‘alien enemy combatant’ means an individual other than a United States citizen who has been duly determined by the United States to be an unlawful

enemy combatant (as defined in 10 U.S.C. 948(a)(1));

“(B) the term ‘ongoing armed conflict’ means that there is ongoing armed violence between organized armed groups, between a government and an organized armed group, or between governments; and

“(C) the term ‘United States’, when used in a geographic sense, has the meaning given that term in section 1005(g) of the Detainee Treatment Act of 2005.”

(b) CONFORMING AMENDMENT.—Section 950j of title 10, United States Code, is amended by striking subsection (b) and inserting the following:

“(b) LIMITED REVIEW OF MILITARY COMMISSION PROCEDURES AND ACTIONS.—Except as otherwise provided in this chapter or in section 2241 of title 28, and notwithstanding any other provision of law, no court, justice, or judge shall have jurisdiction to hear or consider any claim or cause of action, including any action pending on or filed after the date of the enactment of the Military Commissions Act of 2006, relating to the prosecution, trial, or judgment of a military commission under this chapter, including challenges to the lawfulness of procedures of military commissions under this chapter.”

(c) EFFECTIVE DATE.—The amendments made by this section shall take effect on the date of enactment of this Act, and shall apply to all cases, without exception, that are pending on or after the date of enactment of this Act.

**SA 423.** Mr. INOUE (for himself, Mr. STEVENS, Mr. DODD, and Mr. LIEBERMAN) 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 203, beginning with line 4, strike through line 5 on page 215 and insert the following:

**SEC. 801. TRANSPORTATION SECURITY STRATEGIC PLANNING.**

(a) IN GENERAL.—Section 114(t)(1)(B) of title 49, United States Code, is amended to read as follows:

“(B) transportation modal and intermodal security plans addressing risks, threats, and vulnerabilities for aviation, bridge, tunnel, commuter rail and ferry, highway, maritime, pipeline, rail, mass transit, over-the-road bus, and other public transportation infrastructure assets.”

(b) CONTENTS OF THE NATIONAL STRATEGY FOR TRANSPORTATION SECURITY.—Section 114(t)(3) of such title is amended—

(1) in subparagraph (B), by inserting “, based on risk assessments conducted by the Secretary of Homeland Security (including assessments conducted under section 1321 or 1403 of the Improving America’s Security Act of 2007 or any provision of law amended by such title),” after “risk based priorities”;

(2) in subparagraph (D)—

(A) by striking “and local” and inserting “, local, and tribal”; and

(B) by striking “private sector cooperation and participation” and inserting “cooperation and participation by private sector entities and nonprofit employee labor organizations”;

(3) in subparagraph (E)—

(A) by striking “response” and inserting “prevention, response,”; and

(B) by inserting “and threatened and executed acts of terrorism outside the United States to the extent such acts affect United States transportation systems” before the period at the end;

(4) in subparagraph (F), by adding at the end the following: “Transportation security research and development projects shall be based, to the extent practicable, on such prioritization. Nothing in the preceding sentence shall be construed to require the termination of any research or development project initiated by the Secretary of Homeland Security before the date of enactment of the Improving America’s Security Act of 2007.”; and

(5) by adding at the end the following:

“(G) Short- and long-term budget recommendations for Federal transportation security programs, which reflect the priorities of the National Strategy for Transportation Security.

“(H) Methods for linking the individual transportation modal security plans and the programs contained therein, and a plan for addressing the security needs of intermodal transportation hubs.

“(I) Transportation security modal and intermodal plans, including operational recovery plans to expedite, to the maximum extent practicable, the return to operation of an adversely affected transportation system following a major terrorist attack on that system or another catastrophe. These plans shall be coordinated with the resumption of trade protocols required under section 202 of the SAFE Port Act (6 U.S.C. 942).”

(c) PERIODIC PROGRESS REPORTS.—Section 114(t)(4) of such title is amended—

(1) in subparagraph (C)—

(A) in clause (i), by inserting “, including the transportation modal security plans” before the period at the end; and

(B) by striking clause (ii) and inserting the following:

“(ii) CONTENT.—Each progress report submitted under this subparagraph shall include the following:

“(I) Recommendations for improving and implementing the National Strategy for Transportation Security and the transportation modal and intermodal security plans that the Secretary of Homeland Security, in consultation with the Secretary of Transportation, considers appropriate.

“(II) An accounting of all grants for transportation security, including grants for research and development, distributed by the Secretary of Homeland Security in the most recently concluded fiscal year and a description of how such grants accomplished the goals of the National Strategy for Transportation Security.

“(III) An accounting of all—

“(aa) funds requested in the President’s budget submitted pursuant to section 1105 of title 31 for the most recently concluded fiscal year for transportation security, by mode; and

“(bb) personnel working on transportation security by mode, including the number of contractors.

“(iii) WRITTEN EXPLANATION OF TRANSPORTATION SECURITY ACTIVITIES NOT DELINEATED IN THE NATIONAL STRATEGY FOR TRANSPORTATION SECURITY.—At the end of each year, the Secretary of Homeland Security shall submit to the appropriate congressional committees a written explanation of any activity inconsistent with, or not clearly delineated in, the National Strategy for Transportation Security, including the amount of funds to be expended for the activity and the number of personnel involved.”; and

(2) in subparagraph (E), by striking “Select”.

(d) PRIORITY STATUS.—Section 114(t)(5)(B) of such title is amended—

(1) in clause (iii), by striking “and” at the end;

(2) by redesignating clause (iv) as clause (v); and

(3) by inserting after clause (iii) the following:

“(iv) the transportation sector specific plan required under Homeland Security Presidential Directive-7; and”.

(e) COORDINATION AND PLAN DISTRIBUTION.—Section 114(t) of such title is amended by adding at the end the following:

“(6) COORDINATION.—In carrying out the responsibilities under this section, the Secretary of Homeland Security, in consultation with the Secretary of Transportation, shall consult, as appropriate, with Federal, State, and local agencies, tribal governments, private sector entities (including nonprofit employee labor organizations), institutions of higher learning, and other entities.

“(7) PLAN DISTRIBUTION.—The Secretary of Homeland Security shall make available an unclassified version of the National Strategy for Transportation Security, including its component transportation modal security plans, to Federal, State, regional, local and tribal authorities, transportation system owners or operators, private sector stakeholders (including non-profit employee labor organizations), institutions of higher learning, and other appropriate entities.”

**SEC. 802. TRANSPORTATION SECURITY INFORMATION SHARING.**

(a) IN GENERAL.—Section 114 of title 49, United States Code, is amended by adding at the end the following:

“(u) TRANSPORTATION SECURITY INFORMATION SHARING PLAN.—

“(1) ESTABLISHMENT OF PLAN.—The Secretary of Homeland Security, in consultation with the program manager of the information sharing environment established under section 1016 of the Intelligence Reform and Terrorism Prevention Act of 2004 (6 U.S.C. 485), the Secretary of Transportation, and public and private stakeholders, shall establish a Transportation Security Information Sharing Plan. In establishing the plan, the Secretary shall gather input on the development of the Plan from private and public stakeholders and the program manager of the information sharing environment established under section 1016 of the Intelligence Reform and Terrorism Prevention Act of 2004 (6 U.S.C. 485).

“(2) PURPOSE OF PLAN.—The Plan shall promote sharing of transportation security information between the Department of Homeland Security and public and private stakeholders.

“(3) CONTENT OF PLAN.—The Plan shall include—

“(A) a description of how intelligence analysts within the Department of Homeland Security will coordinate their activities within the Department and with other Federal, State, and local agencies, and tribal governments, including coordination with existing modal information sharing centers and the center established under section 1406 of the Improving America’s Security Act of 2007;

“(B) the establishment of a point of contact, which may be a single point of contact, for each mode of transportation within the Department of Homeland Security for its sharing of transportation security information with public and private stakeholders, including an explanation and justification to the appropriate congressional committees if the point of contact established pursuant to this subparagraph differs from the agency within the Department that has the primary authority, or has been delegated such authority by the Secretary, to regulate the security of that transportation mode;

“(C) a reasonable deadline by which the Plan will be implemented; and

“(D) a description of resource needs for fulfilling the Plan.

“(4) COORDINATION WITH THE INFORMATION SHARING ENVIRONMENT.—The Plan shall be—

“(A) implemented in coordination with the program manager for the information sharing environment established under section 1016 of the Intelligence Reform and Terrorism Prevention Act of 2004 (6 U.S.C. 485); and

“(B) consistent with the establishment of that environment, and any policies, guidelines, procedures, instructions, or standards established by the President or the program manager for the implementation and management of that environment.

“(5) REPORTS TO CONGRESS.—

“(A) IN GENERAL.—Not later than 180 days after the date of enactment of this subsection, the Secretary shall submit to the appropriate congressional committees a report containing the Plan.

“(B) ANNUAL REPORT.—Not later than 1 year after the date of enactment of this subsection, the Secretary shall submit to the appropriate congressional committees an annual report on updates to and the implementation of the Plan.

“(6) SURVEY.—

“(A) IN GENERAL.—The Secretary shall conduct a biennial survey of the satisfaction of the recipients of transportation intelligence reports disseminated under the Plan, and include the results of the survey as part of the annual report to be submitted under paragraph (5)(B).

“(B) INFORMATION SOUGHT.—The survey conducted under subparagraph (A) shall seek information about the quality, speed, regularity, and classification of the transportation security information products disseminated from the Department of Homeland Security to public and private stakeholders.

“(7) SECURITY CLEARANCES.—The Secretary shall, to the greatest extent practicable, take steps to expedite the security clearances needed for public and private stakeholders to receive and obtain access to classified information distributed under this section as appropriate.

“(8) CLASSIFICATION OF MATERIAL.—The Secretary, to the greatest extent practicable, shall provide public and private stakeholders with specific and actionable information in an unclassified format.

“(9) DEFINITIONS.—In this subsection:

“(A) APPROPRIATE CONGRESSIONAL COMMITTEES.—The term ‘appropriate congressional committees’ has the meaning given that term in subsection (t), but shall also include the Senate Committee on Banking, Housing, and Urban Development.

“(B) PLAN.—The term ‘Plan’ means the Transportation Security Information Sharing Plan established under paragraph (1).

“(C) PUBLIC AND PRIVATE STAKEHOLDERS.—The term ‘public and private stakeholders’ means Federal, State, and local agencies, tribal governments, and appropriate private entities, including nonprofit employee labor organizations.

“(D) SECRETARY.—The term ‘Secretary’ means the Secretary of Homeland Security.

“(E) TRANSPORTATION SECURITY INFORMATION.—The term ‘transportation security information’ means information relating to the risks to transportation modes, including aviation, bridge and tunnel, mass transit, passenger and freight rail, ferry, highway, maritime, pipeline, and over-the-road bus transportation.”

(b) CONGRESSIONAL OVERSIGHT OF SECURITY ASSURANCE FOR PUBLIC AND PRIVATE STAKEHOLDERS.—

(1) IN GENERAL.—Except as provided in paragraph (2), the Secretary shall provide a semiannual report to the Committee on Homeland Security and Governmental Affairs, the Committee on Commerce, Science, and Transportation, and the Committee on Banking, Housing, and Urban Development of the Senate and the Committee on Homeland Security and the Committee on Transportation and Infrastructure of the House of Representatives that—

(A) identifies the job titles and descriptions of the persons with whom such information is to be shared under the transportation security information sharing plan established under section 114(u) of title 49, United States Code, as added by this Act, and explains the reason for sharing the information with such persons;

(B) describes the measures the Secretary has taken, under section 114(u)(7) of that title, or otherwise, to ensure proper treatment and security for any classified information to be shared with the public and private stakeholders under the plan; and

(C) explains the reason for the denial of transportation security information to any stakeholder who had previously received such information.

(2) NO REPORT REQUIRED IF NO CHANGES IN STAKEHOLDERS.—The Secretary is not required to provide a semiannual report under paragraph (1) if no stakeholders have been added to or removed from the group of persons with whom transportation security information is shared under the plan since the end of the period covered by the last preceding semiannual report.

**SA 424.** Mr. INOUE (for himself, Mr. STEVENS, Mr. LIEBERMAN, and Ms. COLLINS) 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 4, strike the item relating to section 1366 and insert the following:

Sec. 1366. In-line baggage system deployment.

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

Sec. 1377. Law enforcement biometric credential.

Sec. 1378. Employee retention internship program.

On page 5, after the item relating to section 1384, insert the following:

Sec. 1385. Requiring reports to be submitted to certain committees.

On page 254, line 11, strike “Administration,” and insert “Administration and other agencies within the Department.”

On page 254, line 12, insert “Federal” after “appropriate”.

On page 267, line 11, strike “through the” and insert “in consultation with”.

On page 267, line 19, strike “and, through the Secretary of Transportation, to Amtrak,” and insert “and to Amtrak”

On page 269, strike lines 20 through 23 and insert the following:

(d) CONDITIONS.—Grants awarded by the Secretary to Amtrak under subsection (a) shall be disbursed to Amtrak through the Secretary of Transportation. The Secretary of Transportation may not disburse such

funds unless Amtrak meets the conditions set forth in section 1322(b) of this title.

On page 269, line 19, after the period insert “Not later than 240 days after the date of enactment of this Act, the Secretary shall provide a report to the Committees on Commerce, Science and Transportation and Homeland Security and Governmental Affairs in the Senate and the Committee on Homeland Security in the House on the feasibility and appropriateness of requiring a non-federal match for the grants authorized in subsection (a).”

On page 281, beginning in line 24, strike “terrorists,” and insert “terrorists, including observation and analysis.”

On page 286, line 7, strike the closing quotation marks and the second period.

On page 286, between lines 7 and 8, insert the following:

“(f) PROCESS FOR REPORTING PROBLEMS.—

“(1) ESTABLISHMENT OF REPORTING PROCESS.—The Secretary shall establish, and provide information to the public regarding, a process by which any person may submit a report to the Secretary regarding railroad security problems, deficiencies, or vulnerabilities.

“(2) CONFIDENTIALITY.—The Secretary shall keep confidential the identity of a person who submits a report under paragraph (1) and any such report shall be treated as a record containing protected information to the extent that it does not consist of publicly available information.

“(3) ACKNOWLEDGMENT OF RECEIPT.—If a report submitted under paragraph (1) identifies the person making the report, the Secretary shall respond promptly to such person and acknowledge receipt of the report.

“(4) STEPS TO ADDRESS PROBLEMS.—The Secretary shall review and consider the information provided in any report submitted under paragraph (1) and shall take appropriate steps under this title to address any problems or deficiencies identified.

“(5) RETALIATION PROHIBITED.—No employer may discharge any employee or otherwise discriminate against any employee with respect to the compensation to, or terms, conditions, or privileges of the employment of, such employee because the employee (or a person acting pursuant to a request of the employee) made a report under paragraph (1).”

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

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

**SEC. 1366. IN-LINE BAGGAGE SYSTEM DEPLOYMENT.**

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

On page 338, strike lines 1 through 4 and insert the following:

“(1) ESTABLISHMENT.—The Secretary shall establish an Office of Appeals and Redress to implement, coordinate, and execute the process established by the Secretary pursuant to subsection (a). The Office shall include representatives from the Transportation Security Administration, U.S. Customs and Border Protection, and other agencies or offices as appropriate.

On page 338, line 19, strike “and”.

On page 339, line 3, strike “positives.” and insert “positives; and”.

On page 339, between lines 3 and 4, insert the following:

“(C) require air carriers and foreign air carriers take action to properly and automatically identify passengers determined, under the process established under subsection (a), to have been wrongly identified.”

On page 339, line 21, strike “utilizing appropriate records in” and insert “as well as”.

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

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

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

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

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

(a) IN GENERAL.—

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

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

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

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

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

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

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

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

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

(c) DEPLOYMENT.—The Secretary—

(1) shall use the additional explosives detection canine teams as part of the Department’s layers of enhanced mobile security across the Nation’s transportation network and to support other homeland security programs, as deemed appropriate by the Secretary; and

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

(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. 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. 1378. EMPLOYEE RETENTION INTERNSHIP PROGRAM.**

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

On page 361, after line 22, insert the following:

**SEC. 1385. REQUIRING REPORTS TO BE SUBMITTED TO CERTAIN COMMITTEES.**

(a) SENATE COMMERCE, SCIENCE, AND TRANSPORTATION COMMITTEE.—The Committee on Commerce, Science, and Transportation of the Senate shall receive the reports required by the following provisions of law in the same manner and to the same extent that the reports are to be received by the Committee on Homeland Security and Governmental Affairs of the Senate:

(1) Section 1016(j)(1) of the Intelligence Reform and Terrorism Prevention Act of 2004 (6 U.S.C. 485(j)(1)).

(2) Section 121(c) of this Act.

(3) Section 2002(e)(3) of the Homeland Security Act of 2002, as added by section 202 of this Act.

(4) Subsections (a) and (b)(2)(B)(ii) of section 2009 of the Homeland Security Act of 2002, as added by section 202 of this Act.

(5) Section 302(d) of this Act.

(6) Section 7215(d) of the Intelligence Reform and Terrorism Prevention Act of 2004 (6 U.S.C. 123(d)).

(7) Section 7209(b)(1)(C) of the Intelligence Reform and Terrorism Prevention Act of 2004 (8 U.S.C. 1185 note).

(8) Section 504(c) of this Act.

(9) Section 705 of this Act.

(10) Section 803(d) of this Act.

(11) Section 510(a)(7) of the Homeland Security Act of 2002 (6 U.S.C. 320(a)(7)).

(12) Section 510(b)(7) of the Homeland Security Act of 2002 (6 U.S.C. 320(b)(7)).

(13) Section 1002(b) of this Act.

(b) SENATE COMMITTEE ON HOMELAND SECURITY AND GOVERNMENTAL AFFAIRS.—The Committee on Homeland Security and Governmental Affairs of the Senate shall receive the reports required by the following provisions of law in the same manner and to the same extent that the reports are to be received by the Committee on Commerce, Science, and Transportation of the Senate:

(1) Section 1321(c) of this Act.

(2) Section 1323(f)(3)(A) of this Act.

(3) Section 1328 of this Act.

(4) Section 1329(d) of this Act.

(5) Section 114(v)(4)(A)(i) of title 49, United States Code.

(6) Section 1341(a)(7) of this Act.

(7) Section 1347(b)(2) of this Act.

(8) Section 1345 of this Act.

(9) Section 1346(f) of this Act.

(10) Section 1347(f)(1) of this Act.

(11) Section 1348(d)(1) of this Act.

(12) Section 1366(b)(3) of this Act.

(13) Section 1372(b) of this Act.

(14) Section 1375 of this Act.

(15) Section 3006(i) of the Digital Television Transition and Public Safety Act of 2005 (47 U.S.C. 309 note).

(16) Section 1381(c) of this Act.



(17) Subsections (a) and (b) of section 1383 of this Act.

**SA 425.** Mr. INOUE 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 324, after line 22, insert the following:

PART III—FISCAL YEAR 2007  
AUTHORIZATION

**SEC. 1355. FISCAL YEAR 2007 AUTHORIZATION**

(a) IN GENERAL.—There are authorized to be appropriated for fiscal year 2007 such sums as may be necessary to carry out this subtitle.

(b) AMENDMENT OF 49 U.S.C. 114(u).—Section 114(u) of title 49, United States Code, as added by section 1336 of this subtitle, is amended—

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

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

“(1) such sums as may be necessary for fiscal year 2007;”.

**SA 426.** Mr. BOND (for himself, Mr. ROCKEFELLER, Mr. HATCH, Mr. BURR, Mr. WARNER, and Mr. CHAMBLISS) submitted an amendment intended to be proposed by him 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:

The Committee on Homeland Security and Governmental Affairs and the Select Committee on Intelligence of the Senate each, or jointly, shall—

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

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

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

**SA 427.** Ms. LANDRIEU 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 361, after line 20, insert the following:

**SEC. 1385. COORDINATION OF EVACUATION AND SHELTERING PLANS.**

(a) REGIONAL EVACUATION PLANS.—

(1) IN GENERAL.—Not later than 180 days after the date of the enactment of this Act, the Secretary, using the findings contained in the report analyzing catastrophic hurricane evacuation plans, which was submitted to Congress pursuant to section 10204(d) of SAFETEA-LU (Public Law 109-59), in cooperation with the Secretary of Transportation and the Secretary of Defense, and in coordination with the plans established pursuant to subsection (b), shall establish, in coordination with state and local governments and submit to Congress, regional evacuation plans that—

(A) are nationally coordinated;

(B) incorporate all modes of transportation, including interstate rail, commercial rail, commercial air, military air, and commercial bus; and

(C) clearly define the roles and responsibilities that each Federal, State, or local government agency should undertake to prepare for major evacuations.

(2) PROVISION OF EVACUATION AND SHELTERING SERVICES.—The Director of the Federal Emergency Management Agency, in coordination with States, units of local government, nonprofit organization, and other private entities, shall be prepared to provide regionally-coordinated evacuation and sheltering services for individuals affected by large-scale disasters.

(b) REGIONAL SHELTERING PLANS.—Not later than 90 days after the date of the enactment of this Act, the Secretary, using the findings described in subsection (a), in cooperation with the Secretary of Transportation and the Secretary of Health and Human Services, and in coordination with the plans established pursuant to subsection (a), shall—

(1) establish, and submit to Congress, regional sheltering plans that—

(A) are nationally coordinated; and

(B) identify regional and national shelters capable of housing evacuees and victims of a catastrophic natural disaster or terrorist attack in any part of the country; and

(2) develop a national sheltering database that can be shared with States and units of local government during a catastrophic event.

(c) IMPLEMENTATION.—Not later than 120 days after the evacuation and sheltering plans are submitted under this section, the Secretary, the Secretary of Transportation, the Secretary of Defense, and the Secretary of Health and Human Services, shall—

(1) finalize procedures to implement the plans established pursuant to subsections (a) and (b); and

(2) report to Congress regarding whether additional authorities or resources are needed to facilitate the implementation of such plans.

(d) COST-BENEFIT ANALYSIS.—

(1) IN GENERAL.—The Secretary, in consultation with the Secretary of Transportation, shall conduct an analysis comparing the costs and benefits of evacuating the people of New Orleans during a natural disaster or terrorist attack compared to the costs and benefits of sheltering such people in the region.

(2) CONSIDERATIONS.—In conducting the analysis under paragraph (1), the Secretaries shall consider—

(A) the 20,000 to 30,000 people in New Orleans with special needs; and

(B) the absence of shelters in Orleans Parish.

(3) TECHNICAL ASSISTANCE.—The Secretary and the Secretary of Transportation shall provide technical assistance to State and units of local government that are establishing evacuation and sheltering plans, which identify and utilize regional shelters, manpower, logistics, physical facilities, and

modes of transportation to be used to evacuate and shelter large groups of people.

**SA 428.** Ms. LANDRIEU (for herself and Mr. VITTER) 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 XV, add the following:

**SEC. \_\_\_\_\_ . REPAYMENT OF LOANS.**

(a) IN GENERAL.—For any loan under section 417 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5184) to a local government made with covered funds, the Administrator of the Federal Emergency Management Agency shall repay all or part of that loan from covered amounts to the extent that revenues of that local government during the 3 full fiscal year period following Hurricane Katrina of 2005 or Hurricane Rita of 2005, as the case may be for that loan, are insufficient to meet the operating budget of that local government, including additional disaster-related expenses of a municipal operation character.

(b) DETERMINATION.—The determination of whether revenues of a local government are insufficient to meet the operating budget of that local government under subsection (a) shall be made in accordance with the regulations issued under section 417 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5184), as in effect on March 8, 2007.

(c) DEFINITIONS.—In this section—

(1) the term “covered amounts” means amounts made available—

(A) under the heading “DISASTER RELIEF” in the Emergency Supplemental Appropriations Act to Meet Immediate Needs Arising from the Consequences of Hurricane Katrina, 2005 (Public Law 109-61; 119 Stat. 1989);

(B) under the heading “DISASTER RELIEF” in the Second Emergency Supplemental Appropriations Act to Meet Immediate Needs Arising From the Consequences of Hurricane Katrina, 2005 (Public Law 109-62; 119 Stat. 1991); or

(C) under the heading “DISASTER RELIEF” under chapter 4 of title II of the Emergency Supplemental Appropriations Act for Defense, the Global War on Terror, and Hurricane Recovery, 2006 (Public Law 109-234; 120 Stat. 459); and

(2) the term “covered funds” means funds made available—

(A) under section 2(a) of the Community Disaster Loan Act of 2005 (Public Law 109-88; 119 Stat. 2061); or

(B) under the heading “DISASTER ASSISTANCE DIRECT LOAN PROGRAM ACCOUNT” under chapter 4 of title II of the Emergency Supplemental Appropriations Act for Defense, the Global War on Terror, and Hurricane Recovery, 2006 (Public Law 109-234; 120 Stat. 459).

**SA 429.** Mr. FEINGOLD (for himself and Mr. SUNUNU) 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 174, strike line 1 and all that follows through page 177, line 20, and insert the following:

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

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

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

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

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

(ii) the security of a Government computer system.

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

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

(1) **REQUIREMENT FOR REPORT.**—The head of each department or agency of the Federal Government that is engaged in any activity to use or develop data mining shall submit a report to Congress on all such activities of the department or agency under the jurisdiction of that official. The report shall be produced in coordination with the privacy officer of that department or agency, if applicable, and shall be made available to the public, except for an annex described in paragraph (3).

(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 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.

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

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

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

(F) A list and analysis of the laws and regulations that govern the information being or to be collected, reviewed, gathered, analyzed, or used in conjunction with the data

mining activity, to the extent applicable in the context of the data mining activity.

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

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

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

(3) **ANNEX.**—

(A) **IN GENERAL.**—A report under paragraph (1) shall include in an annex any necessary—

(i) classified information;

(ii) law enforcement sensitive information;

(iii) proprietary business information; or

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

(B) **AVAILABILITY.**—Any annex described in subparagraph (A)—

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

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

(4) **TIME FOR REPORT.**—Each report required under paragraph (1) shall be—

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

(B) updated not less frequently than annually thereafter, to include any activity to use or develop data mining engaged in after the date of the prior report submitted under paragraph (1).

**SA 430.** Mr. LIEBERMAN 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 XV, add the following:

**SEC. 15. NONPROFIT COORDINATOR.**

Section 103 of the Homeland Security Act of 2002 (6 U.S.C. 113) is amended by adding at the end the following:

“(g) **NONPROFIT COORDINATOR.**—

“(1) **IN GENERAL.**—The Secretary shall designate an employee of the Department to serve as a point of contact for nonprofit organizations.

“(2) **RESPONSIBILITIES.**—The employee designated under paragraph (1) shall—

“(A) promote and encourage the integration of nonprofit organizations into the mission of the Department;

“(B) serve as—

“(i) a guide and resource for nonprofit organizations; and

“(ii) a facilitator between nonprofit organizations and the Department; and

“(C) advance, and disseminate to nonprofit organizations, programs, initiatives, re-

sources, strategies, and opportunities to improve security for, and the preparedness of, nonprofit organizations.”.

**SA 431.** Mr. LIEBERMAN (for himself and Ms. COLLINS) 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 194, lines 18 and 19, strike “and each private sector advisory council created under section 102(f)(4)” and insert “each private sector advisory council created under section 102(f)(4), and appropriate private sector advisory groups such as sector coordinating councils and information sharing and analysis centers”.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

**SEC. 706. RULE OF CONSTRUCTION.**

Nothing in this title may be construed to supercede any preparedness or business continuity standards, requirements, or best practices established—

(1) under any other provision of Federal law; or

(2) by any sector-specific agency, as defined under Homeland Security Presidential Directive-7.

**SA 432.** 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 lie on the table; as follows:

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

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

(a) IN GENERAL.—

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

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

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

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

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

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

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

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

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

(c) DEPLOYMENT.—The Secretary—

(1) shall use the additional explosives detection canine teams as part of the Department's layers of enhanced mobile security across the Nation's transportation network and to support other homeland security programs, as deemed appropriate by the Secretary; and

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

(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.

**SA 433.** Mr. STEVENS submitted an amendment intended to be proposed by him 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 section 1375 insert the following:

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

( ) 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—

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

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

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

( ) PROGRAM REQUIREMENTS.—The program shall—

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

( ) 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;

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

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

( ) 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.

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

( ) 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;

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

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

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

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

( ) 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 imple-

ment 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.

**SA 434.** Mr. PRYOR (for himself and Mrs. LINCOLN) 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 XV, add the following:

**SEC. \_\_\_\_ . TEMPORARY HOUSING ASSISTANCE FOR VICTIMS OF NATURAL DISASTERS.**

Notwithstanding any provision of the Robert T. Stafford Disaster Relief and Emergency Assistance Act or any other provision of law, the Secretary may distribute any assets of the Department for the purposes of providing temporary housing to victims of natural disasters.

**SA 435.** Mr. PRYOR 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 80, between lines 6 and 7, insert the following:

**“SEC. 2006. NONPROFIT SECURITY INITIATIVE.**

“(a) DEFINITION.—In this section, the term ‘eligible nonprofit organization’ means an organization—

“(1) described under section 501(c)(3) of the Internal Revenue Code of 1986 and exempt from tax under section 501(a) of such code; and

“(2) determined by the Secretary to be at-risk of terrorist attack.

“(b) ESTABLISHMENT.—There is established a Nonprofit Security Initiative, to make grants to eligible nonprofit organizations.

“(c) APPLICATION; ADMINISTRATION.—An eligible nonprofit organization desiring a grant under this section shall submit an application to the Secretary that includes—

“(1) a certification that no State or local government is making funds distributed under this title available to that eligible nonprofit organization for allowable physical security enhancements; and

“(2) such other information as the Secretary may require.

“(d) ALLOWABLE USES.—A grant under this section shall be used to enhance security by purchasing and installing equipment and enhancements approved by the Department, and providing related training.

“(e) DISTRIBUTION OF AWARDS.—

“(1) IN GENERAL.—In allocating grants under this section, the Secretary shall consider the relative threat, vulnerability, and consequences faced by the eligible nonprofit organization from a terrorist attack, including consideration of—

“(A) threats from any organization designated as an international terrorist organization by the Department of State or of unaffiliated radical extremists (within or outside the United States) against any group of United States citizens who operate or are the principal beneficiaries or users of that eligible nonprofit organization;

“(B) any prior attack by such an organization (within or outside the United States) against that eligible nonprofit organization or entities associated with or similarly situated as that eligible nonprofit organization;

“(C) the symbolic value or historic nature of that eligible nonprofit organization as a possible target of such an organization;

“(D) the role of that eligible nonprofit organization in emergency response and preparedness;

“(E) threat or vulnerability assessments relating to that eligible nonprofit organization;

“(F) increased threat to specific sectors or areas; and

“(G) any other relevant homeland security information the Secretary may consider as appropriate.

“(2) INFORMATION.—In allocating grants under this section, the Secretary may seek information and assistance from officials of State, regional, or local government.

“(f) NONEXCLUSIVITY.—An eligible nonprofit organization shall not be ineligible to participate in other allowable program activities (including planning, training, exercise, or equipment) under the Homeland Security Grant Program because that eligible nonprofit organization receives a grant under this section.

“(g) FUNDING.—Notwithstanding section 2011, for each fiscal year, the Secretary shall use not less than \$25,000,000 of the total funds appropriated for the Homeland Security Grant Program for grants under this section.

“(h) REPORT TO CONGRESS.—Not later than the end of the first full fiscal year after the date of enactment of the Improving America's Security Act of 2007, and each fiscal year thereafter, the Secretary shall submit to the Committee on Homeland Security and Government Affairs of the Senate and the Committee on Homeland Security of the House of Representatives a report describing—

“(1) the performance of grantees under this section; and

“(2) the efforts of the Secretary to improve the integration of nonprofit organizations into allowable program activities under the Homeland Security Grant Program and the efficacy of those efforts, particularly physical security enhancement activities under the Homeland Security Grant Program.

**SA 436.** Mr. PRYOR (for himself and Mrs. LINCOLN) 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 XV, add the following:  
**SEC. \_\_\_\_ . DISASTER ASSISTANCE FOR DAMAGES FROM TORNADOS WHICH OCCURRED IN DESHA COUNTY, ARKANSAS.**

For purposes of the Robert T. Stafford Disaster Relief and Emergency Assistance Act, the tornados which occurred in Desha County, Arkansas during the period of February

23, 2005 through March 2, 2005, shall be a major disaster as defined under section 102(2) of that Act.

**SA 437.** Mr. DODD 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 196, beginning on line 21, strike “and” and all that follows through page 202, line 24, and insert the following:

“(B) ensure the program accommodates those needs where appropriate and feasible to assist such entities in providing discounts or other benefits, as deemed appropriate by those entities;

“(C) consider the unique nature of various sectors within the private sector, including preparedness, business continuity standards, or best practices, established under any provision of federal law or those established by a sector-specific agency, as defined in and in accordance with Homeland Security Presidential Directive-7 (or any successor thereto); and

“(D) coordinate the program with other private sector related programs of the Department, as well as preparedness and business programs in other Federal agencies, as appropriate.

“(c) ACCREDITATION AND CERTIFICATION PROCESSES.—

“(1) AGREEMENT.—

“(A) IN GENERAL.—Not later than 120 days after the date of enactment of this section, the Secretary shall enter into 1 or more agreements with the American National Standards Institute or other similarly qualified nongovernmental or other private sector entities to carry out accreditations and oversee the certification process under this section.

“(B) CONTENTS.—Any selected entity shall manage the accreditation process and oversee the certification process in accordance with the program established under this section and accredit qualified third parties to carry out the certification program established under this section.

“(2) PROCEDURES AND REQUIREMENTS FOR ACCREDITATION AND CERTIFICATION.—

“(A) IN GENERAL.—The selected entities shall collaborate to develop procedures and requirements for the accreditation and certification processes under this section, in accordance with the program established under this section and guidelines developed under subsection (b)(1)(B).

“(B) CONTENTS AND USE.—The procedures and requirements developed under subparagraph (A) shall—

“(i) ensure reasonable uniformity in the accreditation and certification processes if there is more than 1 selected entity; and

“(ii) be used by any selected entity in conducting accreditations and overseeing the certification process under this section.

“(C) DISAGREEMENT.—Any disagreement among selected entities in developing procedures under subparagraph (A) shall be resolved by the Secretary.

“(3) DESIGNATION.—A selected entity may accredit any qualified third party to carry out the certification process under this section.

“(4) THIRD PARTIES.—To be accredited under paragraph (3), a third party shall—

“(A) demonstrate that the third party has the ability to certify private sector entities

in accordance with the procedures and requirements developed under paragraph (2);

“(B) agree to perform certifications in accordance with such procedures and requirements;

“(C) agree not to have any beneficial interest in or any direct or indirect control over—

“(i) a private sector entity for which that third party conducts a certification under this section; or

“(ii) any organization that provides preparedness consulting services to private sector entities;

“(D) agree not to have any other conflict of interest with respect to any private sector entity for which that third party conducts a certification under this section;

“(E) maintain liability insurance coverage at policy limits in accordance with the requirements developed under paragraph (2); and

“(F) enter into an agreement with the selected entity accrediting that third party to protect any proprietary information of a private sector entity obtained under this section.

“(5) MONITORING.—

“(A) IN GENERAL.—The Secretary and any selected entity shall regularly monitor and inspect the operations of any third party conducting certifications under this section to ensure that third party is complying with the procedures and requirements established under paragraph (2) and all other applicable requirements.

“(B) REVOCATION.—If the Secretary or any selected entity determines that a third party is not meeting the procedures or requirements established under paragraph (2), the appropriate selected entity shall—

“(i) revoke the accreditation of that third party to conduct certifications under this section; and

“(ii) review any certification conducted by that third party, as necessary and appropriate.

“(d) ANNUAL REVIEW.—

“(1) IN GENERAL.—The Secretary, in consultation with representatives of the organizations that coordinate or facilitate the development of and use of voluntary consensus standards, appropriate voluntary consensus standards development organizations, and each private sector advisory council created under section 102(f)(4), shall annually review the voluntary accreditation and certification program established under this section to ensure the effectiveness of such program and make improvements and adjustments to the program as necessary and appropriate.

“(2) REVIEW OF STANDARDS.—Each review under paragraph (1) shall include an assessment of the voluntary national preparedness standards used in the program under this section.

“(e) VOLUNTARY PARTICIPATION.—Certification under this section shall be voluntary for any private sector entity.

“(f) PUBLIC LISTING.—The Secretary shall maintain and make public a listing of any private sector entity certified as being in compliance with the program established under this section, if that private sector entity consents to such listing.

“(g) DEFINITION.—In this section, the term ‘selected entity’ means any entity entering an agreement with the Secretary under subsection (c)(1)(A).”.

(b) TECHNICAL AND CONFORMING AMENDMENT.—The table of contents in section 1(b) of the Homeland Security Act of 2002 (6 U.S.C. 101 et seq.) is amended by inserting after the item relating to section 521 the following:

“Sec. 522. Voluntary national preparedness standards compliance; accreditation and certification program for the private sector.”.

**SEC. 704. SENSE OF CONGRESS REGARDING PROMOTING AN INTERNATIONAL STANDARD FOR PRIVATE SECTOR PREPAREDNESS.**

It is the sense of Congress that the Secretary or any entity designated under section 522(c)(1)(A) of the Homeland Security Act of 2002, as added by this Act, should promote, where appropriate, efforts to develop a consistent international standard for private sector preparedness.

**SEC. 705. REPORT TO CONGRESS.**

Not later than 180 days after the date of enactment of this Act, the Secretary shall submit to the Committee on Homeland Security and Governmental Affairs of the Senate and the Committee on Homeland Security of the House of Representatives a report detailing—

(1) any action taken to implement this title or an amendment made by this title; and

(2) the status, as of the date of that report, of the implementation of this title and the amendments made by this title.

**SEC. 706. RULE OF CONSTRUCTION.**

Nothing in this title may be construed to supercede any preparedness or business continuity standards, requirements, or best practices established under any other provision of Federal law, or those established by any sector-specific agency, as defined in and in accordance with Homeland Security Presidential Directive-7 (or any successor thereto). Any entity seeking certification under section 522 of the Homeland Security Act of 2002, as added by this title, shall comply with all applicable provisions of law, rule, regulations, directives, and policies in establishing a program to meet certification requirements.

**SA 438.** Mr. DODD (for himself and Mr. VOINOVICH) 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 191, strike line 19 and all that follows through page 202, line 24.

**SA 439.** Mr. DODD 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 202, strike lines 20 through 24 and insert the following:

**SEC. 706. RULE OF CONSTRUCTION.**

(a) IN GENERAL.—Nothing in this title may be construed—

(1) to supersede any preparedness or business continuity standards or requirements established under any other provision of Federal law, or those established by any sector-specific agency, as defined in and in accordance with Homeland Security Presidential Directive-7 (or any successor thereto); or

(2) to authorize the Secretary or any other entity to apply any voluntary national pre-

paredness standards compliance procedures or accreditation and certification program procedures or requirements under this title or an amendment made by this title to any company, financial institution, Federal credit union, State credit union, insurance company, or other entity, the activities of which are subject to regulation by any Federal banking agency, the National Credit Union Administration, the Securities and Exchange Commission, or the insurance commissioner (or the equivalent) of a State.

(b) DEFINITIONS.—In this section—

(1) the term “Federal banking agency” has the meaning given that term in section 3 of the Federal Deposit Insurance Act (12 U.S.C. 1813); and

(2) the terms “Federal credit union” and “State credit union” have the meanings given those terms in section 101 of the Federal Credit Union Act (12 U.S.C. 1752).

**SA 440.** 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 lie 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 under title II, III, XIII, or XIV of the Improving America’s Security Act of 2007, or an amendment made by any such title, specifically takes into account the communication, 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 under title II, III, XIII, or XIV of the Improving America’s Security Act of 2007, or an amendment made by any such title, 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 under title II, III, XIII, or XIV of the Improving America’s Security Act of 2007, or an amendment made by any such title, 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 441.** Mr. FEINGOLD submitted an amendment intended to be proposed to amendment SA 357 proposed by Mr. KYL to the 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 1, strike ““(1) DATA-MINING.—” and all that follows through ““(c) Reports on Data Mining Activities by Federal Agencies.—” on page 2, and insert the following:

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

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

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

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

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

(ii) the security of a Government computer system.

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

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

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

(2) REPORTS.—

(A) REQUIREMENT FOR REPORT.—The head of each department or agency of the Federal Government that is engaged in any activity to use or develop data mining shall submit a report to Congress on all such activities of the department or agency under the jurisdiction of that official. The report shall be produced in coordination with the privacy officer of that department or agency, if applicable, and shall be made available to the public, except for an annex described in subparagraph (C).

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

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

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

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

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

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

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

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

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

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

(C) ANNEX.—

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

(I) classified information;

(II) law enforcement sensitive information;

(III) proprietary business information; or

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

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

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

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

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

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

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

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

## NOTICES OF HEARINGS/MEETINGS

### COMMITTEE ON RULES AND ADMINISTRATION

Mrs. FEINSTEIN. Mr. President, I wish to announce that the Committee on Rules and Administration will meet on Wednesday, March 14, 2007, at 10 a.m., to conduct a hearing on S. 223, the Senate Campaign Disclosure Parity Act.

For further information regarding this hearing, please contact Howard Gantman at the Rules and Administration Committee on 224-6352.

### COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. BINGAMAN. Mr. President, I would like to announce for the information of the Senate and the public that a hearing has been scheduled before the Subcommittee on National Parks of the Committee on Energy and Natural Resources.

The hearing will be held on Tuesday, March 20, 2007, at 2:30 p.m. in room SD-366 of the Dirksen Senate Office Building.

The purpose of the hearing is to receive testimony on the following bills: S. 126, to modify the boundary of Mesa Verde National Park, and for other purposes; S. 257, to direct the Secretary of the Interior to conduct a study to determine the feasibility of establishing the Columbia-Pacific National Heritage Area in the States of Washington and Oregon, and for other purposes; S. 289, to establish the Journey Through Hallowed Ground National Heritage Area, and for other purposes; S. 443, to establish the Sangre de Cristo National Heritage Area in the State of Colorado, and for other purposes; S. 444, to establish the South Park National Heritage Area in the State of Colorado, and for other purposes; S. 500 and H.R. 512, to establish the Commission to Study the Potential Creation of the National Museum of the American Latino, to develop a plan of action for the establishment and maintenance of a National Museum of the American Latino in Washington, D.C., and for other purposes; S. 637, to direct the Secretary of the Interior to study the suitability and feasibility of establishing the Chattahoochee Trace National Heritage Corridor in Alabama and Georgia, and for other purposes; S. 817, to amend the Omnibus Parks and Public Lands Management Act of 1996 to provide additional authorizations for certain National Heritage Areas, and for other purposes; and S. Con. Res. 6, Expressing the sense of Congress that the National Museum of Wildlife Art, located in Jackson, WY, should be designated as the "National Museum of Wildlife Art of the United States."

Because of the limited time available for the hearing, witnesses may testify by invitation only. However, those wishing to submit written testimony for the hearing record should send it to the Committee on Energy and Natural Resources, Subcommittee on National Parks, United States Senate, Washington, DC 20510-6150, or by email to [rachel\\_pasternack@energy.senate.gov](mailto:rachel_pasternack@energy.senate.gov).

For further information, please contact David Brooks at (202) 224-9863 or Rachel Pasternack at (202) 224-0883.

### COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. BINGAMAN. Mr. President, I would like to announce for the information of the Senate and the public that a Roundtable Discussion has been

scheduled before the Committee on Energy and Natural Resources.

The Roundtable Discussion will be held on Monday, March 26, 2007, at 2 p.m. in room SD-G50 of the Dirksen Senate Office Building.

The purpose of the Roundtable is to discuss the progress of the European Union's Emissions Trading Scheme and to receive information on lessons learned for policymakers who want to better understand how a market-based trading program could operate efficiently and effectively in the United States.

Because of the limited time available for the Roundtable, participation is by invitation only. However, those wishing to submit written statements for the record should send two copies of their statement to the Committee on Energy and Natural Resources, United States Senate, Washington, DC 20510-6150.

For further information, please contact Jonathan Black 202-224-6722 or Gina Weinstock at 202-224-9313.

## AUTHORITY FOR COMMITTEES TO MEET

### 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 March 8, 2007, at 9:30 a.m., in open session to consider the following nominations: ADM. Timothy J. Keating, USN, for reappointment to the grade of Admiral and to be Commander, U.S. Pacific Command; LT. GEN. Victor E. Renuart, Jr., USAF, for appointment to be General and Commander, U.S. Northern Command/Commander, North American Aerospace Defense Command; and LT. GEN. Robert L. Van Antwerp, USA, for reappointment to the grade of Lieutenant General and to be Chief of Engineers/Commanding General, U.S. Army Corps of Engineers.

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 Thursday, March 8, 2007, at 9:30 a.m., in room 253 of the Russell Senate Office Building. The purpose of the hearing is to review the Administration's proposal to reauthorize the Federal Aviation Administration.

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

### COMMITTEE ON FINANCE

Mr. LIEBERMAN. Mr. President, I ask unanimous consent that the Committee on Finance be authorized to meet during the session on Thursday, March 8, 2007, at 10 a.m., in 215 Dirksen Senate Office Building, to hear testimony on "Perspectives on the 2007 Trade Agenda."