Thereupon, at 12:34 p.m., the Senate recessed until 2:15 p.m. and reassembled when called to order by the Presiding Officer (Mr. CARPER).

The PRESIDING OFFICER. The Senator from Connecticut is recognized.

IMPROVING AMERICA'S SECURITY ACT OF 2007—Continued

Mr. LIEBERMAN. Mr. President, I say to my colleagues, on the pending legislation, S. 4, the Senate has now used up all the time postcloture so that what stands—if I could put it in a more negative light than I should—before the Senate and the vote on final passage of this important legislation is disposition of the remaining germane amendments and any other matters that can be passed by consent.

We are working on a managers' amendment which would contain the matters about which there is unanimous consent. We are whittling down the number of germane amendments that will need to be voted on. I say to my colleagues we hope to be able soon to announce when the last few votes on amendments and final passage will occur. But they will definitely occur this afternoon.

I thank the Chair, and pending further developments, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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 President, I ask unanimous consent that the order for the quorum call be rescinded.

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

Mr. BIDEN. Mr. President, I have spoken to the manager of the bill, and I am—with his permission and their permission—going to speak. But as soon as they are ready to reclaim the floor, to close this down, I am prepared to stop at that point, or before.

The PRESIDING OFFICER. Without objection, the Senator is recognized.

AMENDMENT NO. 383

Mr. BIDEN. Mr. President, I know there is not a lot of time, but the amendment that is at the desk, No. 383, that I have—I ask it be called up and be considered.

This is all about rail safety. The Federal Government currently has no say on where 90-ton rail tankers, filled with chlorine or other hazardous chemicals, are shipped around the Nation. The Naval Research Laboratory, at my request, some months ago, issued a report. The context of my inquiry with them was: What would happen if one of these 90-ton chlorine gas tanker cars exploded—for example, where a terrorist put C–2 underneath there in a populated area and blew it up?

What made me think of it was, you may remember almost 2 years ago now, out in North Dakota, one of these tankers leaked, and the end result was a number of adjoining towns, small towns, had to be evacuated because it was so deadly.

So I asked the question of the Naval Research Center. As you know, some of our best scientists in the world are there. I asked: What would happen? What would happen if a 90-ton tanker containing chlorine were to be blown up in a major metropolitan area?

Mr. President, I ask unanimous consent that the report submitted to me be printed in the RECORD.

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

Advanced simulation technology gives us a practical breakthrough for analyzing and treating urban contaminant accidents, pollutant incidents, and in combating Chemical, Biological, and Radiological (CBR) terrorism. Today the nation is striving to develop plans and corresponding procedures to prepare for these contingencies. The ability to construct accurate, easy-to-understand analyses of dangerous contaminant release incidents is an absolutely crucial component of civil defense planning and execution. When decisions have to be made during an actual crisis, essentially infinite speed is required of the predictions and yet the analyses must be performed with high accuracy. When responding to a CBR crisis, waiting even one minute to perform simplified support computations can be far too long for timely situation assessment. State-of-the-art, engineering-quality three-dimensional predictions that one might be more inclined to believe can take hours or days. The answer to this dilemma is to do the most accurate computations possible well ahead of time and then to capture their salient results in a highly compressed database that can be recalled, manipulated, and displayed instantly during a crisis. Dispersion Nomograph™ technology was invented at NRL to provide this capability.

This presentation is based on a portable software tool called CT-Analyst™ that uses dispersion nomographs to combine information from sensors and eyewitness reports to find contaminant sources in an urban maze of buildings, to track airborne contaminant plumes accurately across the city, and to plan evacuation routes. In a crisis, real time users don't have to wait for any of these results because personnel defense plans and strategies can be adapted to current situation assessments with no delay for computing. This presentation uses CT-Analyst to show the evolution of a large contaminant plume caused by the rupture of a railroad tank car adjacent to the Blathersburg Mall.

Detailed, three-dimensional FAST3D–CT simulations (such as shown at left) are compressed by more than a factor of 10,000 to produce compact data structures called Dispersion Nomographs™. These ''nomographs'' allow CT-Analyst™ to make accurate, instantaneous predictions including the effects of buildings (as shown at right). This example shows the situation twenty minutes after a contaminant release occurred at the location marked by the blue star with the wind from 295 degrees at 3 m/s. This CT-Analyst display shows the instantaneous plume at 20 minutes (light red) superimposed on the footprint of the likely contamination region (light gray). The footprint can eventually become contaminated beyond tolerable limits sometime during the scenario. The plume region displayed surrounds the instantaneous plume—with a safety buffer zone. CT-Analyst is in use at a number of locations (see figure), was extended for Operation Iraqi Freedom, and is being modified as a CBR Emergency Assessment System for installation in Navy bases over seas.

Also overlaid on the CT-Analyst display are the results of the backtrack function (sensor readings and observations determining a probable source location as shown in blue and purple). CT-Analyst performs multi-sensor fusion operations based on the very limited information about the contaminant density. A number of sensors are active and operating in automatic (triangles) and manual (circles) modes to register the presence or absence of the agent plume at their location. Red indicates a ''hot'' sensor (something considered dangerous) and blue indicates a ''cold'' reading where the contaminant agent density is below the threshold for detection. Please note that the ''Escape'' function has also been activated in this composite display, projecting optimal evacuation routes. These recommended evacuation routes suggest walking paths for rapid egress from the path of the advancing plume and continue out to the edges of the contamination footprint. This entire assessment takes about 50 milliseconds on a typical windows laptop computer.

The figure above shows the contaminant concentration just three minutes after a railroad tank car accident has occurred along the indicated section of track where the right-of-way turns toward the east as shown by the yellow arrow. A large quantity of contaminant has been released in a couple of minutes. The time is late evening and the brisk breeze, from the southeast in this scenario, blows the cloud up toward a quarter of a million people celebrating Fourth of July on the Mall near the Blatherburg Monument.

The large gray area is the contamination footprint predicted by CT-Analyst™; this area can become highly contaminated in the first half an hour. It is a good idea to get to outside the footprint and stay outside of it until an ''all clear'' is given. The bands of color downwind of the source, originating at the bright blue stars along the track, indicate the contaminant concentration in the cloud moving with the wind toward the upper left. The table tells how to interpret the colors in easily understood terms. The actual numbers, of course, can only be made specific and quantitative when the absolute size of the source is known. Each color marks approximately a factor of two range of concentration values. People breathing yellow green and ''hotter'' colors are in a very deadly situation. Not all colors appear on each figure because the contaminant concentration drops as the plume (cloud) spreads.

The diagonal purple lines in this and the following figures mark general suggested evacuation routes. The gaps in these lines show a kind of ''no man's land'' where the plume will go first and in highest concentration. People should walk briskly away from the center of the advancing plume along the general direction of these evacuation paths skirting around buildings and keeping to reasonable walking routes as required. Don't run and don't get in or stay in a car.

These two figures show the advancing plume at five minutes (left) and ten minutes (right) after the release occurred. Three adjacent blue stars are used to mark the extended region over which this release has occurred from a moving railroad tank car. The yellow arrow indicates the direction of motion along the track and the pink arrow is the prevailing wind direction in each figure. The brisk breeze here is a worst case because slower winds allow much easier evacuation from the affected area and much faster winds dissipate the cloud so quickly that fewer people at any one spot receive critical dosages.

Almost everywhere in the plume after five minutes has elapsed (colored region)

there is a high probability that the contamination will be lethal and almost all of the plume is still lethal at ten minutes. At ten minutes the lethal plume area is spreading at about its maximum rate. If 100,000 people receive critical (lethal) doses in the absence of any defensive action, they are crossing this critical dose threshold at the rate of a hundred people per second. Thus there is an enormous benefit to immediate warning delay and speedy defensive response.

Based on a number of other simulations not shown here and a consistent analytic theory, a warning issued within 3 minutes is possible with an automated sensor network and near complete situation assessment and response should be possible within five minutes. Though many procedural and communication problems remain to be solved, these times should be adopted as goals because so many lives will depend on making these response times as short as possible. Between five minutes and the current goal of issuing a warning in 15 minutes, 60,000 people or more could be critically dosed.

These two figures show the advancing plume in the previous scenario at 15 minutes (left) and 30 minutes (right) after the release has occurred. By 30 minutes the plume has spread laterally about as much as it will but it is still quite toxic and still expanding downwind off the edge of the nomograph. At 30 minutes the plume extends three to four miles downwind, is about 1.5 miles wide at its widest, and is still dangerously toxic as indicated by the large yellow-green region above right. If people are standing or sitting as much as 15 feet apart in all directions at an event on the Mall, there would be well over 100,000 people per square mile. Furthermore, the contaminant plume in this scenario will be dangerous over several square miles. Therefore, in the absence of an early warning and concerted action (rapid evacuation away from the centerline of the plume) over 100,000 people could be seriously harmed or even killed in the first half an hour.

Although this is a dire scenario, the people several miles downwind from the source, in this example a couple miles off the upper left corner of the figures, have plenty of time to walk out of the way of the plume given a warning in five minutes or less. They would have to walk only about ¾ of a mile at most to get completely out of the plume and would have 20 to 25 minutes to do this. Walking is recommended in urban areas since the roadways should be kept open for emergency traffic and will gridlock instantly if everyone tries to leave in their cars at the same time.

The message is clear, walking perpendicular to the wind away from the centerline of the plume is the only effective direction to walk, as indicated automatically by CT-Analyst. There is a wide range of angles, plus or minus 30 degrees, for which this strategy is effective but the effectiveness declines the longer the delay in receiving a warning. For large contaminant sources, simple theory and detailed computer simulations both suggest that 85 to 95% of the people who would otherwise be exposed can avoid exposure, regardless of what the agent is, when the appropriate warning is issued without delay.

What also becomes apparent is that solid information, as well as prompt warning and action, reduces exposure. Knowing the location of the contaminant source, the wind speed, and its direction can save tens of thousands of lives. Combining an integrated city sensor net with accurate models incorporating the unique building/terrain features is the key to defining the centerline of the plume based on source location and thus determining effective escape routes. A CBR Emergency Assessment System must be instantaneous and capable of incorporating changing wind and sensor data as they become available. Only centralized analysis and prompt communication can define the safe routes away from an invisible cloud.

These CBR emergency assessment tools have been used to evaluate and compare a number of possible CBR defense strategies. The model on which this graph is based follows hundreds of thousands of people who begin walking (evacuating) in a specified direction relative to the wind once a warning is issued. The computed contaminant density is integrated to determine each persons dose. This ''warning delay'' is varied to measure the reduced effectiveness of evacuation as the warning delay gets too long. Zero (0) degrees is walking downwind, 90 degrees is across the wind (perpendicular) to the plume centerline, and 180 degrees is walking upwind.

We have shown that plausible accidents or terrorist attacks in an urban environment can put 100,000 people or more at risk in a 15 to 30-minute time span. During this interval several square miles of city can become lethally exposed and people can die at the rate of 100 per second. Clearly there is a very great premium or fast effective response.

The point is—we already have accurate, fast tools based on tested scientific models for computing the detailed airflow and converting these data sets directly to critical civil defense information. An urban CBR Emergency Assessment System (CBREAS) based on this new technology can instantly combine information from eyewitness reports and CBR sensors to locate hidden sources, can estimate regions about to become contaminated, and can predict effective evacuation paths. This new technology faithfully incorporates the 3D structure of urban building mazes and has reasonable sun, wind, and information-display options. The challenge is to harness these tools effectively in the current political climate. If police, fire department personnel, and emergency first responders use this technology to obtain a minute-by-minute situation assessment and implement an action plan, they can reduce exposures, even of large crowds in the open, by 85 to 95% provided that an early warning is issued.

Sales Pitch: The CT-Analyst contaminant transport system is ACCURATE. Plume envelopes are 80–90% as accurate as state-of-the-art 3D computational fluid dynamics. CT-Analyst is VERY FAST with performance 1000 to 10000 times faster than real time. This can make the difference in saving tens of thousands of lives in a real attack. It is also very EASY TO USE. Two hours of training should be adequate. CT-Analyst can also be used for war games, virtual reality training, site defense planning and execution, and sensor network optimization. The CT-Analyst software has stabilized and is very rugged. The software also allows the user to displace plumes by dragging the source across the screen, and can ''backtrack'' to find hidden sources. CT-Analyst will also project optimal evacuation routes.

Mr. BIDEN. Let me summarize the report.

The answer was ''over 100,000 people could be seriously harmed or even killed in the first half an hour.'' Let me say that again. One of these tankers filled with chlorine gas—and there are hundreds, up and down the road, going through major metropolitan areas, from Los Angeles to New York and everywhere in between—what would happen if a terrorist were to explode one of those in a major metropolitan area? The answer was: ''over 100,000 people could be seriously harmed or even killed in the first half an hour.''

Said another way: What happens if one of these is blown up in a freight yard in Philadelphia, PA, right along the Schuylkill River, 10 blocks, 15 blocks from City Hall, the University of Pennsylvania, Drexel University—a very populated area? Within one-half hour, 100,000 people could be seriously harmed or even killed.

How long would it take to evacuate that area? Imagine evacuating downtown New York City, Baltimore, Miami, Seattle—you name the city.

So what is the problem? Well, the problem is—and we have seen in recent reports—insurgents in Iraq are using chlorine in their attacks on civilians. There is little doubt terrorists who are targeting us here at home are paying attention. In these roadside bombs, they are—thank God they have not gotten it down very well yet—but they are injecting chlorine into that carnage they cause because they know the consequence of the dissemination of the highly toxic substance in a populated area.

Nevertheless, we continue to allow these 90-ton—that is a standard: 90-ton—rail tanks containing chlorine and other hazardous chemicals to roll unprotected through the hearts of our largest cities in high-threat areas. We know the rail industry has adamantly opposed any attempt to allow local officials, in conjunction with the Department of Homeland Security and security people, to reroute these tankers.

Now, again, look where this tanker is sitting, as shown in this picture. Do these buildings look familiar to you? This is an actual photograph of a 90-ton chlorine gas tanker car sitting in the direct view—if you look over the top of it, you can see the Hart Building, you can see the Dirksen Building, and you can see the U.S. Capitol.

By the way, I know my friend, the Presiding Officer, a former board member of Amtrak, a guy who has fought very hard to protect Amtrak—we take the train almost every day together back and forth to and from Delaware—I say to my colleagues, go on down to the station this afternoon and follow us down whenever we finish and get on the train. If it is not an Acela, stand in the back car of an Amfleet train. You can look out the back window. Watch as we pull out of the station. Tell me how many cops you see. Tell me how many cameras you see. Tell me how much protection exists there.

Look at this tanker car, shown in this picture, sitting right out there—in the middle of nowhere, in the middle of everywhere.

So, folks, the idea we do not even have as an option the ability of our security people and the mayors and local

officials to suggest these tankers bypass their cities so, God forbid, if something happens, they are not as high a prize of a target—by the way, the less sensational damage able to be done, the less likelihood it will be picked as a target.

Because someone could legitimately argue: BIDEN, you are taking this out of the route—and we have other maps showing the routes of the various alternative routes that could be used to avoid the major cities. Now, they could say: You are going to be going through more rural areas. Yes, serious damage could be done in rural areas, but the prize for the terrorist is much lower. The likelihood of them concluding that instead of coming down from, for example, Newark, NJ, all the way down into Augusta—you can, in fact, reroute these on Norfolk Southern, which goes through much less populated areas.

People legitimately say: Aren't you putting those folks at risk? No matter where these cars are, we are at risk. But again, where is the likely target? Where are terrorists going to risk their lives to be able to go in and do damage? They will do it where the most people are.

So I know the rail industry, as I said, is adamantly opposed to amendment No. 306, and is likely opposed to the updated version we will vote on today. But in the face of such risks, I do not know how we can let their opposition determine whether we go forward.

This amendment is very limited. It simply states the Secretary of Homeland Security, not the rail industry—the rail industry is not the bad guy—should determine the most secure routes for the shipments of the most dangerous chemicals, and that ownership of the track is not to be considered in making this risk-based determination; meaning, if you have something going down on a CSX track that is owned by CSX, they should be able to use and be diverted to a Norfolk Southern track. I could give you examples all across the country, as the Presiding Officer knows.

Again, all I am saying is, let the Department of Homeland Security determine whether the most dangerous chemicals are able to be diverted around the most populated areas in our country. And do not—do not—in fact, use as an impediment the idea the track upon which it is being carried is not owned by the company whose car is on that track.

That is all we are doing, Mr. President. The amendment would apply to only .36 percent—less than a third of a percent—of all the shipments that occur on our rail system. It only applies to through-shipments; it does not apply to the destination city. Some of this stuff goes into large populations, where that is the end point. It doesn't say it cannot go there, but it does say we should reduce the probability of catastrophic damage by allowing them to be rerouted, if that is the judgment of the Department of Homeland Security.

A similar amendment was passed by voice vote in the House Homeland Security Committee today. Not one Republican or Democrat spoke in opposition to this measure. This amendment will ensure that the Senate is on the right side of the issue as well.

Mr. President, I was asked by my colleague from Connecticut, one of the two managers, that he be added as a cosponsor. I ask unanimous consent his name be added.

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

Mr. BIDEN. Mr. President, I understand that a man with whom I hardly disagree, Senator INOUYE, has reservations. I hope he will reconsider those reservations. Again, all we are doing is letting the Department of Homeland Security, in conjunction with local officials, make the judgment whether the risk is so high that it warrants it being rerouted. Of all the cargo on all of the tracks in America, we are talking about .36 of 1 percent, all that is transported on rail. So we are not asking much. The downside of us being mistaken is significant.

I close by quoting from the rail industry's letter opposing this amendment. They say:

> Rerouting would not eliminate the risk, but instead shift it from one population to another.

That is true, but this amendment says the Department of Homeland Security, not the rail industry, should determine how to weigh and respond to this known potentially catastrophic risk. What did we just debate last week on the floor? The allocation of resources for Homeland Security should be going toward the danger lines. There is nothing that is risk free—nothing. It is a little like my friend from Delaware and I have heard so much every time we come up with rail security legislation. We are told we cannot secure every mile of track. That is true, we can't, but there is a big difference with a terrorist taking a single train off a track somewhere in rural America and a terrorist taking a train at 140 miles an hour into the most visited area in Washington, DC, Union Station, at a high speed.

There is a difference between blowing up a tunnel underneath the Chesapeake Bay or the Hudson River and blowing up a tunnel in the middle of some rural area. Terrorists pick targets for the greatest effect. So the idea that we would not reroute—if the Department of Homeland Security determined it made sense—a series of chlorine gas tankers from a major metropolitan area to a more rural area seems to me to be such a silly argument to make.

The idea is, how do we reduce the risk for the most people of the United States of America? Again, I will end where I began. When this was called to my attention some years ago, I went to the Naval Research Laboratory and I asked them—and I have included this in my statement—to tell me what would happen—and, again, it doesn't take much for terrorists to figure out a way to puncture a hole in the bottom or the side of one of these tanks by use of explosives or other devices. The answer was that if that were to occur in a highly populated area, ''over 100,000 could be seriously harmed or even killed in the first half hour.''

Imagine how many people we get to evacuate reasonably so that there is essentially no one left in a half hour. If the gun goes off right now, how long does it take downtown Manhattan or downtown Washington, DC, or Capitol Hill to evacuate people so they are not around? If you don't evacuate—to say it another way—within a half hour, a whole lot more than 100,000 people will be seriously injured or will die.

I know the Senator from Connecticut supports this amendment. I don't know what the view of our colleague from Maine is. I hope they understand how limited this amendment is, how consequential it is. I hope my colleagues, when it comes time to vote, will vote in favor of this amendment.

I thank the Chair and I thank the managers. I yield the floor.

The PRESIDING OFFICER. The Senator from Maine is recognized.

Ms. COLLINS. Mr. President, the amendment offered by the senior Senator from Delaware is actually more under the jurisdiction of the Commerce Committee than the Homeland Security Committee. Nevertheless, in the absence of a member of the Commerce Committee on the Senate floor, I want to express my concern about the amendment.

As I understand it, the effect of the amendment would be to require that hazardous materials on rail cars be routed around high-threat areas, with some exceptions.

The problem is that the Commerce Committee title on rail security already has a section that addresses hazardous materials by requiring a mitigation plan that can include rerouting but only when the homeland security advisory system is at a high or severe level of threat or when specific intelligence indicates that there is a specific or imminent threat.

I think this amendment, while well-intentioned, creates all sorts of practical problems. The Chamber of Commerce, which is rating this as a key vote, lists some of those that I want to read from a letter that we received from the Chamber today. The letter reads:

> The Biden amendment, which would require mandatory rerouting of shipments of hazardous materials around high threat corridors, would not reduce risk to homeland security. It would only reallocate risk among population centers. In fact, the amendment would actually increase risk by either eliminating routes that provide optimal overall safety and security, or by adding hundreds of miles and additional days to the journeys of shipments of hazardous materials via less direct routes.

In other words, if we are causing this hazardous material to be on its journey far longer because it is not going by

the more direct route, that could in fact increase the problems or the chances of the hazardous material being attacked. The letter goes on to point out that the railroads have been working with the Federal Government, with chemical manufacturers, and with consumers to explore the use of coordinated routing arrangements to reduce mileage and time in the transit of highly hazardous materials.

This amendment seems to be going in the opposite direction. Another one of my colleagues has raised the issue of chlorine shipments to wastewater treatment plants. Those shipments need to be made. It raises a lot of practical questions about how to move this material. Another colleague raised the issue to me of whether this would result in more trucks on our highways carrying hazardous materials.

So I think that while I agree with the overall intent of the amendment, I am much more comfortable with the approach taken by the Commerce Committee—a committee which, unfortunately, I don't serve on, so I don't have the level of expertise that its members have in talking about this issue. I do expect some members of the Commerce Committee to come to the floor and debate this issue.

I do want my colleagues to know that the distinguished Senator's amendment is controversial, that it may have unintended consequences. Based on my knowledge of the issue, I hope it will be defeated.

Thank you.

The PRESIDING OFFICER. The Senator from Delaware is recognized.

Mr. BIDEN. Mr. President, I appreciate the comments of the Senator from Maine. She may have misunderstood two aspects of the amendment. One, it doesn't mandatorily require rerouting at all. It says the Department of Homeland Security can reroute, if they determine it should be rerouted.

No. 2, the freight industry, where they made the judgment on how much further in distance it would travel if, in fact, you were to reroute, factored in only that it had to be rerouted on their own tracks. So the idea being that they would not be able to—this happens all the time, where other tracks are used; for example, the Chesapeake using Norfolk Southern track.

No. 3, the Chamber of Commerce is opposed because it costs more money. A lot of these things cost more money. Will it cost more money to be able to reroute up to one-third of 1 percent of the freight on rail? Yes. But I ask the rhetorical question: What will it cost if one of these tankers goes off in a populated area? What will the cost then be to the very businesses that are most concerned about it?

Fourth, this doesn't affect destination. If the chlorine gas tanker car is going to a water treatment facility, it still goes to that facility. Nothing changes. What we could have changed is what we did in Delaware, not use chlorine. There are other means by which water can be purified. We have done it in our home State. That is what you should do. But that doesn't stop this car, or any other car, from going to such a facility.

Let me emphasize again that there is no prohibition on end point distribution. If the car is designed to go to a facility in the center of a city, it goes to the center of the city. There is nothing you can do about that. That is very different than—I am making up these numbers for illustration—you may have one of these tankers going in once a month versus 50 going through the same city in a month or 100 in a month. This is all about percentages. You play the percentages. Again, it is true, rerouting may render cities in North Dakota—well, they would not be rerouted in North Dakota, but I referenced the small towns. There was a chlorine gas tanker car going across the top of the Nation and, thank God, what happened was it went off in a rural part of the world. You were able to evacuate the three cities and nobody died. Had that same thing occurred in the middle of Chicago, you would not be able to evacuate the city. We would not have had time.

So, yes, it is true. Are you going to put a different population at risk? Yes, about one-tenth, one-twentieth, one one-hundredth or one one-thousandth of the population, depending on where it is rerouted. So it is a little bit like saying: Why do we spend so much money worrying about the Sears Tower? It is there, it is big, and it is a target. Is it possible that a terrorist would go into a building that is two stories and blow it up? Yes. Can they fly an aircraft into a rural town grain elevator? Yes. But that is not what we are worried about. They are not likely to do that. They are likely to fly a plane, plant a bomb, do something devastating where the most people are.

So I find it to be a totally disingenuous argument. This is about the bottom line. I measure the bottom line—as I suspect all of us would if we thought about it—in human life.

The bottom line, in terms of the dollars, the impact that would occur in a catastrophic circumstance is if there is a town of 1,000 people and a town of 6 million people, there is a phenomenal difference whether that chlorine gas tanker car gets exploded.

Let me summarize. It is indicated by the Department of Homeland Security again that an explosion of a rail tanker carrying chlorine would kill 17,500 individuals, require the hospitalization of another 100,000—and only then if we evacuate within a half an hour. We can evacuate a city of 1,000 people in half an hour. We cannot evacuate a city of 4 million people in half an hour. So it matters.

If this rail tanker goes off in New York City, my friend from New York is going to be on the floor again pointing out the catastrophic impact. If it goes off in rural Delaware, it will be a tragedy for me and my constituency, but there will be a significant magnitude of difference.

So everything we do in terms of allocation of resources goes in this place to deal with protecting the most people who can be protected: The shipment originates or the point of destination is in the high-threat corridor; no practical alternative routes exist. If they don't exist, it doesn't get rerouted. Rerouting would not increase the likelihood of an attack. It would decrease the likelihood of an attack because people attack targets that have the maximum impact. This would not increase the total number of cars on the track. It would allow the potential for homeland security to reroute them away from the places that would do the most damage.

I thank the Chair and yield the floor.

The PRESIDING OFFICER. The Senator from Maine.

Ms. COLLINS. Mr. President, I do expect additional Members on my side of the aisle to come and debate this issue.

I wish to clarify that the language, as I read it, in the Senator's amendment, is not discretionary, it is mandatory. It does allow for some certain significant exceptions for the Department to make findings on, but it clearly says:

> The regulations issued under this section shall—
>
> (1) except as provided in—
>
> The subsections part—
>
> provide that any rail shipment containing high hazard materials be rerouted around any high threat corridor.

So I don't see it as giving the Department great discretion if that determination is made because of the word ''shall,'' which is not permissive, it is mandatory. There are some exceptions later which the Senator has referred to, such as the origination point or point of destination being within the high-threat corridor. But as I read the amendment, it pretty clearly calls for rerouting.

I wanted to clarify that issue. Maybe I misunderstood the Senator from Delaware, but I thought he was saying it did not require rerouting.

Mr. BIDEN. Mr. President, if the Senator will yield, she is correct, but it only requires the Secretary to do it if he or she concludes that there is a safer way to reroute the shipment. If the conclusion made by the Secretary is that in a high-risk corridor the rerouting would not result in an increased safety margin for the shipment, then he or she need not reroute it. But it is correct, the presumption is, in a high-risk corridor we reroute if it is not a point of destination or origin but only if the determination by the Secretary is that the shipment, in fact, would be safer to be rerouted. It is on page 4 of the amendment. It is section 2, subparagraph E, ''Transportation and Storage of High Hazard Materials through High Threat Corridor'' areas. It says:

> In General.—The standards for the Secretary to grant exceptions under section

(d)(4) shall require a finding by the Secretary that—

(A) the shipment originates or the point of destination is in the high threat corridor;

(B) there is no practical alternative route;

(C) there is an unanticipated, temporary emergency that threatens the lives of persons or property in the high threat corridor;

(D) there would be no harm to persons or property beyond the owners or operator of the railroad in the event of a successful terrorist attack on shipment; or

(E) rerouting would increase the likelihood of a terrorist attack on the shipment.

The bottom line is that it should be left to the discretion of the Secretary to decide not to reroute rather than the privately owned railroad. I thank the Senator for her clarification.

I yield the floor.

Ms. COLLINS. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

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

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

Mr. SCHUMER. Mr. President, I will speak briefly because I know the floor leader for the minority side has people coming to speak to respond to the amendment. I am not speaking on the amendment.

The PRESIDING OFFICER. Without objection, the Senator is recognized.

U.S. ATTORNEYS

Mr. SCHUMER. Mr. President, I rise because I heard Attorney General Gonzales speak about the growing, disheartening, and alarming scandal with the U.S. attorneys. I wish to say, first, that this is a serious issue. In every district in America, the U.S. attorney represents the enforcer of the Federal law without fear or favor. U.S. attorneys over decades have built up a reputation of being not part of politics but, rather, enforcing the law, as they say, without fear or favor.

Over every Justice Department office in every corner of the land is the eagle perched on a branch, with her claw holding a bunch of arrows. When you see that symbol, it denotes strength, but it denotes fairness and impartiality. That fairness, that impartiality has received a serious blow—maybe not a mortal blow because of the resilience of our country, but a serious blow—over what has happened in the Justice Department over the last several months.

What we have had in the past is misstatement after misstatement about what has happened. The story has kept changing, we can't get the truth, and that is why we had no choice but to undertake our own investigation.

Let me say that time and time again we have heard falsehoods. We were told that all seven of the eight U.S. attorneys were fired for performance reasons. It now turns out this was false, as their glowing performance evaluations attest.

We were told by the Attorney General he would ''never, ever make a change for political reasons.'' It now turns out all this was false, as the evidence makes clear this approach was based purely on politics to punish prosecutors who were perceived to be too light on Democrats or too tough on Republicans.

We were told by the Attorney General this was ''an overblown personnel matter.'' It now turns out, however, that far from being a low-level personnel matter, this was a longstanding plan to exact political vendettas or make political payoffs.

We were told the White House was not involved in the plan to fire these U.S. attorneys. It now turns out this was a complete falsehood. Harriet Miers was one of the masterminds of this plan, as demonstrated by numerous e-mails made public today. She communicated extensively with Kyle Sampson about firing of U.S. attorneys. In fact, she originally wanted to fire and replace the top prosecutors in all 93 districts in the country.

We were told that Karl Rove had no involvement in getting his protege appointed U.S. attorney in Arkansas. In fact, there is a letter from the Department of Justice:

The Department is not aware of Karl Rove playing any role in the decision to appoint Mr. Griffin.

Mr. Griffin was the attorney whom they appointed. It now turns out this was a falsehood, as demonstrated by Mr. Sampson's e-mail:

Getting him—

Griffin—

was important to Harriet, Karl, et cetera.

We were told the change to the PATRIOT Act was an innocent attempt to fix a legal loophole, to help the war on terrorism, not a cynical strategy to bypass the Senate's role in serving as a check and balance. It now turns out this, too, was a falsehood—another one—as demonstrated by an e-mail from Mr. Sampson:

I strongly recommend that as a matter of administration, we utilize the new statutory provisions that authorize the AG to make USA appointments.

Mr. Sampson specifically argued that by using these provisions, the administration ''can give far less deference to home State Senators and thereby get (1) our preferred person appointed and (2) do it faster and more efficiently at less political cost to the White House.''

So it has been misstatement after misstatement. To put it delicately, prevarication after prevarication, changes in stories, coverups in stories. And the only reason, frankly, we are getting to the truth is we have the majority, and we have the ability to subpoena and have hearings and investigate.

A few minutes ago, Attorney General Gonzales spoke. I have to say I have no animus toward Attorney General Gonzales. In fact, I like the man. He seems to me to be a genuinely nice man. He doesn't seem to me to be one of these hard popular warriors who populate the administration in such large numbers and, frankly, we have seen in Justice Department appointees throughout the Justice Department in far too great a number. But simply being a nice person, being a ''nice guy'' is not enough, particularly when you are not performing your job.

The Attorney General got up and said:

I am ultimately responsible, but simply claiming responsibility is not enough.

He said:

I was not involved in any memos or discussions of what was going on.

That is his quote.

He said:

Many decisions are delegated.

Mr. President, did the Attorney General not know that eight U.S. attorneys were to be fired? If he didn't know, he shouldn't be Attorney General, plain and simple. That is not a minor personnel decision. That is a major act that has now shaken the integrity of the U.S. Attorney's Offices—not only those in question but all of them—to the core.

To simply say decisions were delegated, that is a sorry excuse. And then, of course, if the Attorney General knew, that one doesn't work either.

The Attorney General has said:

I will do the best I can to maintain the confidence of the American people.

Mr. Attorney General, you have already lost that confidence. It has not simply been on this issue, although this is the straw that has broken the camel's back, and when you sat in a room with Senator LEAHY and Senator FEINSTEIN and Senator SPECTER and myself last Thursday and seemed to give this crisis, most considered crisis, the back of your hand and say it is not terribly important and don't worry, we will fix it without caring about it, my total confidence was shaken, and I believe the others in the room felt the same.

This was, as I said, the straw that broke the camel's back. It was hardly the only decision. On issue after issue, the Attorney General has not stood up for the rule of law, which is his foremost duty. On issue after issue, whether it be wiretaps, whether it be national security letters, whether it be the unitary theory of the Executive, allowing the Executive to do everything with no checks and balances, this Secretary has been a rubberstamp for policies that the courts have found repeatedly unconstitutional.

The Attorney General, unfortunately, in my judgment, misconceives his role. The Attorney General misconceives his role because he still sees himself as counsel to the President, his previous job, where he rubberstamped everything the President did. But when you are the President's counsel, your job is to serve the President, period. When you become Attorney General, you have a higher

duty. That duty is the rule of law—to preserve it, to protect it, to defend it. For whatever reason, the Attorney General doesn't see that as his role. His time in office should be over.

The U.S. attorneys scandal and all the other instances where the Attorney General did not protect the rule of law are just too great a weight for the office to bear. To simply say ''I am responsible'' and not tell people what it is all about makes no sense. We just saw Scooter Libby be convicted. Many said he was a fall guy. We are not going to have another Scooter Libby, another fall guy. Kyle Sampson did many wrong things, and it is very possible he broke the criminal law, but, as Harry Truman said, the buck stops at the top. The buck stops with the Attorney General. It defies belief that his chief of staff was making all these major decisions without his knowledge, particularly when it is clear that at least on a few instances he admits he had phone calls from the President and from others about this issue.

I want to say one other thing, because this issue is not going to go away. This issue is going to stay with us until we find out everything that has happened, for the sake of punishing those who did wrong but also, more importantly, to clear the air and restore the good name of the U.S. attorneys who were fired incorrectly and of the U.S. attorneys—a more numerous group—who were not involved in this issue but whose reputations have been called into question. Tomorrow, if someone is indicted by a U.S. attorney who had no involvement in this scandal and their defense attorney says politics was involved, the public may believe it, given what we have seen happen thus far. So it is our obligation, it is our moral imperative to get to the bottom of this, to clear the air, and to restore the reputation of U.S. Attorney's Offices now and into the future, and that is just what we will do.

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

The PRESIDING OFFICER (Mrs. MCCASKILL). The clerk will call the roll.

The bill clerk proceeded to call the roll.

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

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

AMENDMENTS NOS. 441, 357, 448, 337, 389, AND 299, EN BLOC

Mr. LIEBERMAN. Madam President, we are making progress in disposing of the final amendments pending as we head toward final passage of S. 4. So at this time, I would like to propound a unanimous consent request that there are a number of pending amendments which I understand can be considered and agreed to without the necessity of a rollcall vote, and two of these amendments will have second-degree amendments.

I now ask unanimous consent that it be in order for the Senate to proceed en bloc to the consideration of the following amendments, that they be agreed to en bloc, and that the motions to reconsider be laid upon the table:

First, the Kyl amendment, No. 357, with a Feingold second-degree amendment, No. 441.

Second, a Schumer amendment, No. 337, with a modification that is at the desk, and with an Ensign second-degree amendment, No. 448.

Third, a Bond amendment, No. 389, with a modification at the desk.

Fourth, and finally, a Stevens amendment, No. 299.

The PRESIDING OFFICER. Is there objection?

Ms. COLLINS. Madam President, these amendments have been cleared on this side of the aisle, and I do not object.

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

The amendment (No. 441), to amendment No. 357, was agreed to, as follows:

(Purpose: To require appropriate reports regarding data mining by the Federal Government)

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.—

The amendment (No. 357), as modified, as amended, was agreed to.

The amendment (No. 337), as modified, was agreed to, as follows:

On page 86, after line 20,:

(c) EXCEPTION.—The limitations under subparagraph (A) shall not apply to activities permitted under the full-time counterterrorism staffing pilot, as described in the Fiscal Year 2007 Program Guidance of the Department for the Urban Area Security Initiative.

The amendment (No. 448), to amendment No. 337, was agreed to, as follows:

(Purpose: To establish a Law Enforcement Assistance Force in the Department of Homeland Security to facilitate the contributions of retired law enforcement officers during major disasters)

At the appropriate place, insert the following:

SEC. 15 ___. LAW ENFORCEMENT ASSISTANCE FORCE.

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

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

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

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

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

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

(c) LIABILITY; SUPERVISION.—Each eligible participant shall, upon acceptance of an assignment under this section—

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

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

(d) MOBILIZATION.—

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

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

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

(B) 30 days;

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

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

(e) EXPENSES.—

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

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

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

(1) the period of the major disaster; or

(2) 1 year.

(g) DEFINITIONS.—In this section—

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

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

(3) the term ''major disaster'' has the meaning given that term in section 102 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5122).

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

The amendment (No. 337), as modified, as amended, was agreed to.

The amendment (No. 389), as modified, was agreed to, as follows:

At the appropriate place, insert the following:

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

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

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

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

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

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

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

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

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

(3) The 9/11 Commission recommended structural changes to Congress to improve the oversight of intelligence activities.

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

(5) The Senate adopted Senate Resolution 445 in the 108th Congress to address some of the intelligence oversight recommendations of the 9/11 Commission by abolishing term limits for the members of the Select Committee on Intelligence, clarifying jurisdiction for intelligence-related nominations, and streamlining procedures for the referral of intelligence-related legislation, but other aspects of the 9/11 Commission recommendations regarding intelligence oversight have not been implemented.

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

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

(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.

The amendment (No. 299) was agreed to.

AMENDMENT NO. 448

Mr. ENSIGN. Madam President, I speak today about my amendment to create the law enforcement assistance force. This amendment is a commonsense idea and I hope my colleagues would adopt this amendment.

My amendment proposes the creation of a law enforcement assistance force which is a system for retired law enforcement personnel to apply to DHS, and complete the necessary paperwork and training, before a disaster occurs. Then, when disaster happens, DHS would have a pool of qualified first responders who could be called into action. These volunteers would be detailed to a Federal, State, or local law enforcement agency to work side by side with law enforcement located in affected communities. The amendment also provides that DHS would reimburse volunteers for their costs.

The need for properly trained first responders was never greater than it was immediately after Hurricane Katrina. In the wake of this disaster, I toured the gulf region and saw the devastation firsthand. A situation caused by natural disaster was made worse by the way Federal, State and local government responded. I say this not to criticize anyone but to propose a way to improve how America will respond in the future.

In the aftermath of any disaster, there is an acute need for trained rescue and recovery personnel. These needs are often met by volunteers who, having seen their fellow Americans in need, travel across country to answer the call for help. In the aftermath of Katrina, there was no shortage of volunteers who answered this call. Their willingness to help is a testament to the American spirit. Unfortunately, these volunteers were not used in a way that was equal to their spirit or the needs of the people affected by this storm.

As the media reported, FEMA diverted many volunteer first responders to places outside of the disaster area. Some highly skilled emergency response volunteers were sent to Arkansas to prepare paperwork. Others were

diverted to Atlanta to hand out fliers and still others were forced to attend ''sensitivity training'' seminars. Meanwhile, in the hardest hit areas of the gulf region, people suffered. Many needed basic medical care and supplies. The resources of local first responders and government officials were strained. The local responders needed reinforcements, especially when lawlessness broke out. Responding to a disaster is always a difficult job. But like we advise at-risk communities to take steps to prepare for potential disasters, the Federal Government also has an obligation to prepare in advance as well.

My amendment creates a process to enable FEMA and DHS to put qualified first responders in place in the immediate aftermath of disaster. It will ensure a better Federal response by providing State and local communities with the reinforcements they need. I believe there is a willingness on the part of retired law enforcement to volunteer their experience and expertise in times of crisis. In fact, the idea for this amendment was given to me by a friend of mine, Tom Page, who is a retired Las Vegas Metro Police officer. I thank him for this suggestion and I urge my colleagues to adopt the amendment.

AMENDMENT NO. 389

Mr. BOND. Madam President, I would like to commend Senators LIEBERMAN and COLLINS for all their hard work on S. 4 and I would especially like to thank them for their support of my amendment calling for further congressional review and action with regard to the recommendations of the 9/11 Commission.

The 9/11 Commission identified many shortfalls, some in the intelligence community and some in congressional oversight.

We can never ease the pain and anguish of the 9/11 families resulting from the deaths of their loved ones. It is possible, however, to do everything within our power to ensure more American families are not subjected to a similar nightmare.

We owe it to the 9/11 families as well as the American people to adopt reforms that will improve intelligence collection and dissemination, as well as will improve congressional oversight.

Putting our own house in order may not be popular, but it is the right thing to do.

I look forward to working with the chairman and ranking member, as well as the members of the Homeland Security and Governmental Affairs Committee to continue to improve U.S. intelligence and congressional oversight of U.S. intelligence.

In closing, I would also like to thank Ms. Holly Idelson of Senator LIEBERMAN's staff and Mr. Brandon Milhorn of Senator COLLINS's staff for their assistance to me and my staff. Both of these young people went out of their way to assist us, and I am grateful to them for their courteous demeanor and their professional conduct.

Mr. CHAMBLISS. Madam President, I rise today in support of Senate amendment No. 389 offered by my colleague from Missouri, Senator BOND. It is appropriate that this amendment be offered to the 9/11 bill as it is a first step in implementing one of the few outstanding recommendations made by the 9/11 Commission—to reform congressional oversight of the intelligence community. I am proud to be a cosponsor of this important amendment and thank Senator BOND for his leadership on this issue.

The 9/11 Commission suggested that the rules of the House of Representatives and the Senate lack the power, influence and sustained capability to effectuate oversight of the intelligence community. As such, they recommended that Congress establish one committee in each House of Congress with both authorizing and appropriation authority for the intelligence community or create a joint committee based on the model of the old Joint Committee on Atomic Energy.

Just this year, the House of Representatives amended their rules to create a new panel on the Appropriations Committee with members of both the Intelligence Committee and the Appropriations Committee. While the House provision does not meet the 9/11 Commission recommendation in full, the Senate has not acted at all. As every Member of this body knows, reforming Congress, especially the Senate, can be difficult and will face much resistance. However, the Senate should not be an exception to government reform after September 11, 2001. We should lead by example. We owe the American public and the families of those lost on September 11, 2001 to continue to improve intelligence collection and coordination as well as to improve congressional oversight.

I know many have ideas on reform in the Senate, and we should explore those. We need to find the most effective way to conduct vital, and often difficult, intelligence oversight. That is why this amendment is so important—it asks the Senate Select Committee on Intelligence and the Homeland Security and Governmental Affairs Committee to each review the 9/11 Commission's recommendation. Members of the Senate with expertise in reform and intelligence will review the oversight process and develop recommendations on the most valuable reforms.

In conclusion, I hope all my colleagues will support this amendment and work with the committees in the Senate to improve the congressional oversight process.

Mr. HATCH. Madam President, we certainly know how complicated and even vexing the process of reforming the intelligence community is. On the one hand, we now have in place a new structure, with an overarching office of the Director of National Intelligence, that is responsible for addressing many of the institutional and structural impediments that led to our intelligence community's underperformance in the last years of the 20th century, leaving us more vulnerable to the attacks of September 11. The second and recently confirmed Director of the Office of National Intelligence, Mike McConnell, assumes leadership in a structure that is up and running, if still on its shakedown cruise. In Mike McConnell we have a leader that will take the DNI to the levels of authority and accomplishment we in Congress who created the Office of the DNI intended.

Throughout the IC we have seen many promising developments. Agencies are infused with resources and focus, and they are addressing our priority and hard targets like no other time during my 30 years in the Senate. Mike Hayden at CIA is providing leadership to an organization that is truly beginning to reach out of its petrified structures and mindset of the past to bravely and creatively take on the intelligence challenges of today and tomorrow. As a member of the Intelligence Committee, I make every effort to commend and encourage all of these positive developments, and I know I am joined by most of my colleagues.

That is the good news. The bad news is that intelligence reform has many unfinished aspects. There are still deep cultural problems with the way certain IC organizations, particularly the CIA, work. We still have far to go and addressing the challenge of hard targets, like North Korea and Iran. All of these challenges will take time and leadership to address.

The 9/11 Commission's report on the intelligence failures leading to September 11 also focused how Congress needed to change. The report stated:

> Under the terms of existing rules and resolutions the House and Senate intelligence committees lack the power, influence, and sustained capability to meet this challenge.

The Commission recommended:

> Either Congress should create a joint committee for intelligence . . . or it should create House and Senate committees with combined authorizing and appropriations powers.

We began to improve congressional oversight with S. Res. 445, passed immediately after the Intelligence Reform and Terrorism Prevention Act of 2004. We removed term limits, raised the stature of the committee to an A Committee, and returned to the use of designated staff. But this was tinkering in comparison to the 9/11 Commission's recommendation.

I recognize this is a difficult question, for all of the reasons of congressional resistance and established prerogatives. But I think that we should not abandon addressing the very substantive question of the current structure that greatly limits intelligence committee control over intelligence community appropriations.

Therefore, I am pleased that amendment No. 389 has been accepted to S. 4, and I commend the author of this amendment, the vice chairman of the Senate Select Committee on Intelligence, Senator BOND. I am pleased to

note that this amendment has the cosponsorship of the chairman of the committee, Senator ROCKEFELLER. This amendment requests a joint review of this question be conducted by both the Intelligence and the Homeland Security Committees, and be presented by year's end. This is not a radical proposal, in and of itself, but keeps the Senate focused on an unresolved question, a question whose importance to the question of congressional oversight of our intelligence community cannot be underestimated.

Intelligence reform is an ongoing process. I happen to believe that, when our institutional will flags or is diverted, we should remind ourselves of the costs of intelligence failure, and steel ourselves to the fact that intelligence will play a larger role in our national defense for the foreseeable future. And we should never abandon our oversight of intelligence reform, our dedication to supporting the most dynamic intelligence community, and our responsibility to conducting this oversight in the most effective manner possible.

Mr. LIEBERMAN. Madam President, I thank the Chair and my friend from Maine, and I notify our colleagues that we are working very hard to eliminate the remaining objections on components of the managers' amendment. We anticipate at least one more rollcall vote on one of the pending amendments and then final passage, and hopefully that will happen soon.

Pending that, Madam President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. GREGG. Madam President, I ask unanimous consent the order for the quorum call be rescinded.

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

The Senator from New Hampshire is recognized.

Mr. GREGG. Madam President, while we are waiting here to line up a vote on this amendment and this bill, I will speak briefly relative to my thoughts on how this bill is evolving. Like everyone, I was very impressed with the work of the 9/11 Commission. I think they did a superb job of pointing out what were, unfortunately, very significant problems which we have as a nation relative to our preparedness to fight terrorism. I had the good fortune to chair the Homeland Security Subcommittee of the Appropriations Committee for the last 2 years and spent a considerable time before that working on the accounts of the FBI. We worked hard, honestly, to try to address some of the issues which were raised by the 9/11 Commission and, as a practical matter, the great majority of the issues raised by the 9/11 Commission have been addressed and are moving forward, hopefully, to a constructive resolution.

This bill, although it has the 9/11 Commission imprimatur on it as its name, is more of a clutter—a collection of various ideas, some of which the 9/11 Commission agrees with, some of which I suspect they never even thought of discussing and, as a practical matter, the bill as a whole, in my humble opinion, in its present form would actually end up undermining rather than improving our safety as a nation. There are a number of reasons for that, but at the moment the most significant reason is the unionization language in this bill which essentially says the TSA will become a unionized organization.

When we originally set up the TSA, which was a matter of considerable debate on this floor, that issue was at the essence, at the center, of the discussion as to why and how we were going to set up the TSA. The belief was at the time we set up the TSA and the commitment was at that time that we would not create a unionized organization.

Why was that? It is not that unions do not do good work. Unions do extraordinary work. They have been one of the great forces in American culture for producing and mainstreaming many Americans, from the standpoint of income and social activity, having a group to participate with. They have been an extraordinarily positive force. But the belief was—and it is an accurate belief arrived at after considerable thought and a great deal of debate—that unionizing TSA would be like unionizing the military, to give an example.

The TSA is the front line of our defense relative to protecting airplanes that fly in America today. We know air traffic is the No. 1 source for attack from the al-Qaida interests. We know that they, in their handbooks and their training manuals, constantly come back to the use of aircraft as a weapon, and unfortunately we saw them use it on 9/11.

Having a secure transportation industry, especially in the aircraft area, is absolutely critical to our protecting our Nation from acts of terrorism. That is why we put in place the TSA. They are the front line of securing our air transportation system in this country. They are like a military force. Their purpose is to be moved around quickly to areas of weakness. Their purpose is to make sure they execute efficiently the review of people getting on aircraft to make sure those people are appropriately screened.

You cannot have incompetence. You can't have inefficiency. You can't have poorly trained people or people who do not sort of get with the program. You must have a very disciplined, focused group of individuals managing the security at our airports. That is the goal we were hoping to accomplish with the TSA.

It was fully understood, because I was involved in the debate, that when we set up the TSA it would not be unionized because union rules inherently create delay and they create stricture and straitjackets and make it very difficult to manage different issues that have to be managed aggressively and with fluidity by the leadership of the TSA and the TSA teams on the ground.

To create a unionized TSA will take away that flexibility, that efficiency. It will take away the ability to assure the people who are doing the screening will be the best we can get and they are doing it in the most effective way that can be done. In my opinion, putting this language in this bill, if it were to pass, would undermine security generally.

There are other issues with this bill which I can assure you, in my reading of the 9/11 Commission report, they did not think of in the terms this bill is structured: specifically, the formula for the distribution of funds. I chaired the Appropriations subcommittee which had responsibility for distributing funds relative to terrorist activity in this country. We do have this pool of funds which is distributed to all the States and all the regions in this country under a formula. My opinion is if you want to effectively use that money, it should be threat based. That should be the No. 1 priority and the No. 1 criterion. Is the money going where the threat is highest?

We know there are certain targets in this country which are high-threat areas: New York City, the subway system specifically, but a lot of parts of New York City; Los Angeles; Washington, DC. These are clearly high-priority targets when you are talking about terrorists. Terrorists have goals. One of their goals is to destroy our culture and kill as many Americans as they can, according to al-Qaida, but another is to make a statement internationally. That is why they picked the World Trade Center. That was a recognized international symbol.

I know there are places in New Hampshire that are probably susceptible to terrorist attack. I am sure they are. But the fact is, it is unlikely, if you are ordering priorities, that most of them are going to be very high on a priority list for terror attack—certainly one structured by an al-Qaida type organization. They may be from domestic terrorism; that is different—domestic terrorism such as hit Oklahoma City. But if there were a structured terrorist attack from an Islamic fundamentalist group, we can prioritize what is the terrorist threat and what is not the terrorist threat.

The money should go to the threat. Now how does that affect New Hampshire? It means New Hampshire would get less money. As the chairman of an Appropriations subcommittee, I had responsibility for this area up until this year, when I switched over to foreign affairs accounts. I strongly promoted the program of putting the money where the threat was, to the disadvantage of New Hampshire, because I felt that was the way it should be done.

Now this bill comes along and tries to reorder that in a way that essentially says every State, every community will get, for lack of a better word,

''walking around money'' for purposes of buying security, to the detriment of the high-threat areas. We only have so much money.

Once we have secured the high-threat areas and we are fairly comfortable, then we can start distributing it maybe more broadly and without any accountability for threat. But initially the distribution should be based on threat.

Yes, every State should get some, but it should not be under the formula that is in this bill. It should be a much lower absolute commitment of dollars and a much higher commitment of dollars in the threat area. This is what bothers me about this bill.

In addition, there is the ability of people to get access to classified intelligence briefings and materials. This is playing with fire when we start significantly expanding access to this type of material. Because it is this material falling into the wrong hands by accident, which it might be, or just oversight, because it is in so many hands, because it is expanded by this bill and going into so many hands, that if it falls into the wrong places, people can trace the source, and protecting these sources of where we get intelligence is absolutely the most critical thing we have to do. If we have a good source of intelligence on how people want to attack us, protecting that source is absolutely essential.

Some of the intelligence material that will be released under this bill—with good intentions, but, unfortunately, the Congress tends to be a sieve, and no matter how aggressively people try to protect that information, it seems to get out—could easily expand the number of people available who have access to this information to a point where the security of the administration will come into question.

So these are very serious issues relative to this bill. The most serious is the unionization of a nonunion, lean, effective organization which would protect our transportation system, especially air traffic; the failure to put the money on the target which is threatened; and the issue of expanding the availability of very sensitive intelligence information in a way that might undermine the sources of that information.

Those are the reservations I have about this bill. That is why I will not be able to support the bill when it comes up for final passage should it be in its present form.

I yield the floor.

The PRESIDING OFFICER. The Senator from Connecticut.

Mr. LIEBERMAN. Madam President, we are coming to the moment when we adopt the managers' amendment and proceed to final passage. I want to respond to some of the things said by my friend from New Hampshire.

The PRESIDING OFFICER. Without objection, the Senator may proceed.

Mr. LIEBERMAN. In response to my friend from New Hampshire, two things: One is, S. 4 is a direct response not just to the original 9/11 Commission in 2004, which was the basis of the Intelligence Reform Terrorism Prevention Act of that year, but it is a response directly to the appeal the 9/11 Commission issued in December of 2005 that there was unfinished business.

That appeal was not only seconded but echoed and amplified by the various organizations representing families who lost loved ones on 9/11 in the terrorist attack of that day.

So this legislation before the Senate now, about to go to final amendment consideration and adoption, includes improvements in information sharing—the critical question of connecting the dots before the terrorists can strike us so we can stop them from doing so. It creates a new dedicated grant fund to support interoperable communications equipment—complicated words which simply mean whether in a crisis, a potential terrorist attack, or a natural disaster such as Katrina, our firefighters, our police officers, our emergency responders can talk to each other as they were not able to do on 9/11.

This is a balanced, progressive recommendation to solve once and for all by legislation the ongoing dispute about how to distribute homeland security grant funding. We have improved the security requirements of the so-called visa waiver program. We have strengthened the Privacy and Civil Liberties Board and done much else. There is a lot constructive here. One of the parts of this legislation that I believe still should be the least controversial and, frankly, not the most important but an act of fairness consistent with our effort to improve homeland security, was simply to give the transportation security officers at the Transportation Security Agency, who now can join a union but cannot collectively bargain, the same right to collectively bargain in very limited areas without the right to strike, the same rights that most other employees at the Department of Homeland Security, including law enforcement personnel, have and continue to have, without impeding their carrying out of their law enforcement public safety functions. That includes the Border Patrol, obviously at the Capitol that includes our Capitol Police, and throughout America it includes firefighters and police officers.

It is unfortunate that is so much the focus of discussion about this bill because this bill is a direct response to the appeals of the 9/11 Commissioners and the 9/11 families to take constructive action to respond to the statements that the Commission itself made in 2004 and again in 2005: America is safer than it was on 9/11/01 but not yet safe enough.

This bill, which is not controversial and ought to receive nonpartisan support, will make the people of America, in an age of terrorism, safer yet than they have been before. It is why I strongly urge my colleagues across party lines to support final passage of the legislation.

I hope soon to be able to propound a series of unanimous consent agreements. I am waiting for final clearance from my ranking member. As soon as that happens I will rise to do so.

AMENDMENT NO. 448

I ask unanimous consent that notwithstanding its adoption, the Ensign amendment No. 448 be considered a first-degree amendment, agreed to, and that it be inserted at the appropriate place in the bill.

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

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

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

REQUESTED RESIGNATIONS OF SEVEN UNITED STATES ATTORNEYS

Mr. SPECTER. Madam President, I have sought recognition to comment about the events in the Department of Justice over the course of the past 10 days, with respect to the request for the resignations of seven United States attorneys and the disclosures that the FBI was improperly using national security letters.

With respect to the matter about the request for resignations of the United States attorneys, I believe it is important for the Judiciary Committee to proceed with its inquiry to find out exactly what happened. There is no doubt—I think it is undisputed—that the Attorney General has the authority to replace United States attorneys. There is a serious question if they are replaced for improper motives.

We know when President Clinton was elected, one of his first acts in early 1993, when he took office, was to replace all 93 of the United States attorneys. I had the occasion recently to discuss this with the Attorney General of Pennsylvania, Tom Corbett, who was a U.S. attorney at that time for the Western District of Pennsylvania. In 1993, he had the position in the United States attorneys organization to make those telephone calls. That was handled in due course, and nobody challenged the President's authority to replace United States attorneys.

Now, questions have arisen as to whether United States attorneys were replaced improperly—for example, the question has been raised as to U.S. Attorney Lam in the Southern District of California, in San Diego, and whether she was replaced because of her conviction of former Congressman Duke Cunningham, now serving an 8-year sentence, and whether she was about to investigate other people who were politically powerful.

Ms. Lam was questioned about that. I asked her whether she considered the

request for her resignation to be inappropriate. She said she was surprised by it. I pressed her for her own conclusion. I think we may need more by way of inquiry to examine what her performance ratings were to see if there was a basis for her being asked to resign.

We had a situation with Mr. Cummins, who was a U.S. attorney in the Eastern District of Arkansas. He received a telephone call, which he then relayed to other dismissed United States attorneys, and he did it by e-mail very shortly after the telephone call. The question I had for Mr. Cummins was, what was said? The e-mail did not contain the language of the caller from the Department of Justice. It had Mr. Cummins' sense, or feelings, that it was a warning. After little discussion, one lawyer to another, he said it may have been friendly advice. Well, that perhaps requires a little more analysis, if not a little more inquiry.

Then we have the situation with the U.S. attorney from New Mexico, where, according to the news reports—and we have to find this out from the actual witnesses—there had been concerns expressed by people in New Mexico as to whether he was doing his job properly. On those concerns—at least according to the press—we have to find this out from the witnesses. Those calls, according to members of the press, or according to what has been reported in the press, were relayed to White House officials, and they passed them on to the Department of Justice.

We have to look at that and ask ourselves the question of whether there is impropriety in that. If the Department of Justice is to evaluate whether a United States attorney ought to be retained, is it relevant as to what people think about him or her? The comments may require that we look at whether he was doing the job. Those are matters we have yet to determine. So when we have declarations made on the Senate floor that are conclusory, condemning the Department of Justice for what it has done, I say that is premature.

When the issue came up about the hearing that was a week ago today, in my capacity as ranking member of the committee, I was asked to waive the 7-day rule, and I agreed to do so. I agreed to do so because I thought it was important to move ahead promptly. When Senator LEAHY has raised the issue about other witnesses coming in, I think he is correct on that. The issue was raised about bringing in former White House Counsel Harriet Miers, issues were raised about bringing in people from the Department of Justice and other people in the office of the White House Counsel. I think that ought to be done. I do not think it is necessary to subpoena them. We will see.

Before subpoenas ought to be issued, or before there even ought to be an issue raised about subpoenas, we ought to make a determination as to whether people are willing to come in voluntarily. When you talk about subpoenas, the first public reaction is: Why do they have to be subpoenaed? Why don't they come in voluntarily? Do they have something to hide? The next inference or question is: Are they guilty of something that they have to be subpoenaed?

So let us proceed in the regular course of business. I was a district attorney for some 8 years and an assistant DA before that, and I have been on the Judiciary Committee for 27 years. The regular way to do business is to ask people to come in. If they refuse, then you can talk about subpoenas and you can get tough if it is necessary to do that.

I regret I could not be here when Senator SCHUMER was on the floor earlier today. He has made public statements about the Attorney General politicizing the office. Well, that may be Senator SCHUMER's opinion, his judgment. But let's get down to specific facts as to what is involved in the politicization. We are all working here in a political field. I, frankly, have a concern to see Senator PETE DOMENICI on the Web site of the Democratic Senate Campaign Committee. I have a little concern about some of the statements that have been made by Members of this body, rushing to judgment, before we have had these witnesses in.

There has been a request for witnesses from the administration, from the White House. Well, why condemn the parties and condemn the Department until we have found out what the facts are? My view, as I expressed last Thursday in the Judiciary Committee's executive session, has been to tone down the rhetoric. We are now on the heels of the issue of the request for resignations of the United States attorneys.

We have the disclosures that the Federal Bureau of Investigation had misused the national security letters. We gave them broader powers in the PATRIOT Act. We broadened the powers from cases involving foreign powers to national security matters generally. We put in a provision as to exigent circumstances, which means an emergency. Until we find, at least preliminarily, that the FBI used the exigent category more broadly—in some situations, they were to get statements on probable cause for the judicial authorization. In giving the FBI these broader powers under the—Madam President, the Senate is not in order.

The PRESIDING OFFICER. The Senate will be in order.

Mr. SPECTER. We gave the FBI these broader powers under the PATRIOT Act because of the importance of fighting terrorism, and that is a major problem of the United States today, an enormous problem worldwide. We are concerned that where the FBI exercises these greater powers there has to be an appropriate regard for civil liberties and for constitutional rights. If it weren't for the fact we inserted in the reauthorization the authority of the inspector general to make these audits, we would not have found out what was going on.

So then in evaluating what the Department of Justice has done, I think it is important to look thoroughly at the issues raised by the inspector general. It is a thick volume. We are going to need oversight hearings. Senator LEAHY, chairman of the Judiciary Committee, already announced that. I think we may have to go further and consider changing the authority of the FBI under the PATRIOT Act. If they do not use the powers within the confines the Congress has prescribed and the President authorized, then we may have to limit their power.

There are serious issues that confront the Department of Justice at this time and the Judiciary Committee, in its oversight capacity and investigative capacity, has the full authority of power to find out what the facts are, and we will speak plainly. I will have no hesitation in making a factually based judgment if they have acted improperly.

Let us see the background of the firing of these U.S. attorneys, and let us see what the details are on the national security letters and what the Department of Justice does to correct the situation.

I yield the floor.

The PRESIDING OFFICER. The Senator from Connecticut is recognized.

AMENDMENT NO. 291; AMENDMENT NO. 293, AS MODIFIED; AMENDMENT NO. 341; AMENDMENT NO. 323; AMENDMENT NO. 290, AS FURTHER MODIFIED; AMENDMENT NO. 368; AMENDMENT NO. 392; AMENDMENT NO. 332, AS MODIFIED; AMENDMENT NO. 391; AMENDMENT NO. 431; AMENDMENT NO. 348; AMENDMENT NO. 404; AMENDMENT NO. 388, AS MODIFIED; AMENDMENT NO. 411, AS MODIFIED; AMENDMENT NO. 456; AMENDMENT NO. 414, AS MODIFIED; AMENDMENT NO. 412, AS MODIFIED; AMENDMENT NO. 354, AS MODIFIED

Mr. LIEBERMAN. Madam President, I am very happy to indicate to our colleagues we have reached agreement on a series of unanimous consent requests that will allow us to move to final passage.

I ask unanimous consent that the pending amendment be set aside and the Senate proceed to the consideration of a series of amendments, which have been cleared on our side and by Senator COLLINS on her side. The amendments are as follows:

Sununu amendment No. 291; Grassley amendment No. 293, with a modification; Coleman amendment No. 341; Feinstein amendment No. 323; Salazar amendment No. 290, with a further modification; Carper amendment No. 368; Akaka amendment No. 392; Lieberman amendment No. 332, with a modification; Lieberman-Collins amendment No. 391; Lieberman-Collins amendment No. 431; Wyden-Bond amendment No. 348; Byrd amendment No. 404; Pryor amendment No. 388, with a modification; Lieberman-McCain amendment No. 411, with a modification; Landrieu amendment No. 456;

Coleman amendment No. 414, with a modification; Inouye-Stevens-Lieberman amendment No. 412, with a modification; Menendez amendment No. 354, with a modification.

I ask unanimous consent that these amendments be agreed to en bloc; that the motions to reconsider be laid on the table, en bloc; that any statements thereon be printed in the RECORD as if read; and that consideration of these items appear separately in the RECORD.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

The amendments were agreed to, as follows:

AMENDMENT NO. 291

(Purpose: To ensure that the emergency communications and interoperability communications grant program does not exclude Internet Protocol-based interoperable solutions)

On page 121, between lines 2 and 3, insert the following:

''(k) RULE OF CONSTRUCTION.—Nothing in this section shall be construed or interpreted to preclude the use of funds under this section by a State for interim or long-term Internet Protocol-based interoperable solutions, notwithstanding compliance with the Project 25 standard.''.

AMENDMENT NO. 293, AS MODIFIED

At the end, add the following:

TITLE __MODERNIZATION OF THE AMERICAN NATIONAL RED CROSS

SEC. __01. SHORT TITLE.

This title may be cited as the ''The American National Red Cross Governance Modernization Act of 2007''.

SEC. __02. FINDINGS; SENSE OF CONGRESS.

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

(1) Substantive changes to the Congressional Charter of The American National Red Cross have not been made since 1947.

(2) In February 2006, the board of governors of The American National Red Cross (the ''Board of Governors'') commissioned an independent review and analysis of the Board of Governors' role, composition, size, relationship with management, governance relationship with chartered units of The American National Red Cross, and whistleblower and audit functions.

(3) In an October 2006 report of the Board of Governors, entitled ''American Red Cross Governance for the 21st Century'' (the ''Governance Report''), the Board of Governors recommended changes to the Congressional Charter, bylaws, and other governing documents of The American National Red Cross to modernize and enhance the effectiveness of the Board of Governors and governance structure of The American National Red Cross.

(4) It is in the national interest to create a more efficient governance structure of The American National Red Cross and to enhance the Board of Governors' ability to support the critical mission of The American National Red Cross in the 21st century.

(5) It is in the national interest to clarify the role of the Board of Governors as a governance and strategic oversight board and for The American National Red Cross to amend its bylaws, consistent with the recommendations described in the Governance Report, to clarify the role of the Board of Governors and to outline the areas of its responsibility, including—

(A) reviewing and approving the mission statement for The American National Red Cross;

(B) approving and overseeing the corporation's strategic plan and maintaining strategic oversight of operational matters;

(C) selecting, evaluating, and determining the level of compensation of the corporation's chief executive officer;

(D) evaluating the performance and establishing the compensation of the senior leadership team and providing for management succession;

(E) overseeing the financial reporting and audit process, internal controls, and legal compliance;

(F) holding management accountable for performance;

(G) providing oversight of the financial stability of the corporation;

(H) ensuring the inclusiveness and diversity of the corporation;

(I) providing oversight of the protection of the brand of the corporation; and

(J) assisting with fundraising on behalf of the corporation.

(6)(A) The selection of members of the Board of Governors is a critical component of effective governance for The American National Red Cross, and, as such, it is in the national interest that The American National Red Cross amend its bylaws to provide a method of selection consistent with that described in the Governance Report.

(B) The new method of selection should replace the current process by which—

(i) 30 chartered unit-elected members of the Board of Governors are selected by a non-Board committee which includes 2 members of the Board of Governors and other individuals elected by the chartered units themselves;

(ii) 12 at-large members of the Board of Governors are nominated by a Board committee and elected by the Board of Governors; and

(iii) 8 members of the Board of Governors are appointed by the President of the United States.

(C) The new method of selection described in the Governance Report reflects the single category of members of the Board of Governors that will result from the implementation of this title:

(i) All Board members (except for the chairman of the Board of Governors) would be nominated by a single committee of the Board of Governors taking into account the criteria outlined in the Governance Report to assure the expertise, skills, and experience of a governing board.

(ii) The nominated members would be considered for approval by the full Board of Governors and then submitted to The American National Red Cross annual meeting of delegates for election, in keeping with the standard corporate practice whereby shareholders of a corporation elect members of a board of directors at its annual meeting.

(7) The United States Supreme Court held The American National Red Cross to be an instrumentality of the United States, and it is in the national interest that the Congressional Charter confirm that status and that any changes to the Congressional Charter do not affect the rights and obligations of The American National Red Cross to carry out its purposes.

(8) Given the role of The American National Red Cross in carrying out its services, programs, and activities, and meeting its various obligations, the effectiveness of The American National Red Cross will be promoted by the creation of an organizational ombudsman who—

(A) will be a neutral or impartial dispute resolution practitioner whose major function will be to provide confidential and informal assistance to the many internal and external stakeholders of The American National Red Cross;

(B) will report to the chief executive officer and the audit committee of the Board of Governors; and

(C) will have access to anyone and any documents in The American National Red Cross.

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

(1) charitable organizations are an indispensable part of American society, but these organizations can only fulfill their important roles by maintaining the trust of the American public;

(2) trust is fostered by effective governance and transparency, which are the principal goals of the recommendations of the Board of Governors in the Governance Report and this title;

(3) Federal and State action play an important role in ensuring effective governance and transparency by setting standards, rooting out violations, and informing the public; and

(4) while The American National Red Cross is and will remain a Federally chartered instrumentality of the United States, and it has the rights and obligations consistent with that status, The American National Red Cross nevertheless should maintain appropriate communications with State regulators of charitable organizations and should cooperate with them as appropriate in specific matters as they arise from time to time.

SEC. __03. ORGANIZATION.

Section 300101 of title 36, United States Code, is amended—

(1) in subsection (a), by inserting ''a Federally chartered instrumentality of the United States and'' before ''a body corporate and politic''; and

(2) in subsection (b), by inserting at the end the following new sentence: ''The corporation may conduct its business and affairs, and otherwise hold itself out, as the 'American Red Cross' in any jurisdiction.''.

SEC. __04. PURPOSES.

Section 300102 of title 36, United States Code, is amended—

(1) by striking ''and'' at the end of paragraph (3);

(2) by striking the period at the end of paragraph (4) and inserting ''; and''; and

(3) by adding at the end the following paragraph:

''(5) to conduct other activities consistent with the foregoing purposes.''.

SEC. __05. MEMBERSHIP AND CHAPTERS.

Section 300103 of title 36, United States Code, is amended—

(1) in subsection (a), by inserting '', or as otherwise provided,'' before ''in the bylaws'';

(2) in subsection (b)(1)—

(A) by striking ''board of governors'' and inserting ''corporation''; and

(B) by inserting ''policies and'' before ''regulations related''; and

(3) in subsection (b)(2)—

(A) by inserting ''policies and'' before ''regulations shall require''; and

(B) by striking ''national convention'' and inserting ''annual meeting''.

SEC. __06. BOARD OF GOVERNORS.

Section 300104 of title 36, United States Code, is amended to read as follows:

''§ 300104. Board of governors

''(a) BOARD OF GOVERNORS.—

''(1) IN GENERAL.—The board of governors is the governing body of the corporation with all powers of governing and directing, and of overseeing the management of the business and affairs of, the corporation.

''(2) NUMBER.—The board of governors shall fix by resolution, from time to time, the number of members constituting the entire board of governors, provided that—

''(A) as of March 31, 2009, and thereafter, there shall be no fewer than 12 and no more than 25 members; and

''(B) as of March 31, 2012, and thereafter, there shall be no fewer than 12 and no more than 20 members constituting the entire board.

Procedures to implement the preceding sentence shall be provided in the bylaws.

''(3) APPOINTMENT.—The governors shall be appointed or elected in the following manner:

''(A) CHAIRMAN.—

''(i) IN GENERAL.—The board of governors, in accordance with procedures provided in the bylaws, shall recommend to the President an individual to serve as chairman of the board of governors. If such recommendation is approved by the President, the President shall appoint such individual to serve as chairman of the board of governors.

''(ii) VACANCIES.—Vacancies in the office of the chairman, including vacancies resulting from the resignation, death, or removal by the President of the chairman, shall be filled in the same manner described in clause (i).

''(iii) DUTIES.—The chairman shall be a member of the board of governors and, when present, shall preside at meetings of the board of governors and shall have such other duties and responsibilities as may be provided in the bylaws or a resolution of the board of governors.

''(B) OTHER MEMBERS.—

''(i) IN GENERAL.—Members of the board of governors other than the chairman shall be elected at the annual meeting of the corporation in accordance with such procedures as may be provided in the bylaws.

''(ii) VACANCIES.—Vacancies in any such elected board position and in any newly created board position may be filled by a vote of the remaining members of the board of governors in accordance with such procedures as may be provided in the bylaws.

''(b) TERMS OF OFFICE.—

''(1) IN GENERAL.—The term of office of each member of the board of governors shall be 3 years, except that—

''(A) the board of governors may provide under the bylaws that the terms of office of members of the board of governors elected to the board of governors before March 31, 2012, may be less than 3 years in order to implement the provisions of subparagraphs (A) and (B) of subsection (a)(2); and

''(B) any member of the board of governors elected by the board to fill a vacancy in a board position arising before the expiration of its term may, as determined by the board, serve for the remainder of that term or until the next annual meeting of the corporation.

''(2) STAGGERED TERMS.—The terms of office of members of the board of governors (other than the chairman) shall be staggered such that, by March 31, 2012, and thereafter, ⅓ of the entire board (or as near to ⅓ as practicable) shall be elected at each successive annual meeting of the corporation with the term of office of each member of the board of governors elected at an annual meeting expiring at the third annual meeting following the annual meeting at which such member was elected.

''(3) TERM LIMITS.—No person may serve as a member of the board of governors for more than such number of terms of office or years as may be provided in the bylaws.

''(c) COMMITTEES AND OFFICERS.—The board—

''(1) may appoint, from its own members, an executive committee to exercise such powers of the board when the board is not in session as may be provided in the bylaws;

''(2) may appoint such other committees or advisory councils with such powers as may be provided in the bylaws or a resolution of the board of governors;

''(3) shall appoint such officers of the corporation, including a chief executive officer, with such duties, responsibilities, and terms of office as may be provided in the bylaws or a resolution of the board of governors; and

''(4) may remove members of the board of governors (other than the chairman), officers, and employees under such procedures as may be provided in the bylaws or a resolution of the board of governors.

''(d) ADVISORY COUNCIL.—

''(1) ESTABLISHMENT.—There shall be an advisory council to the board of governors.

''(2) MEMBERSHIP; APPOINTMENT BY PRESIDENT.—

''(A) IN GENERAL.—The advisory council shall be composed of no fewer than 8 and no more than 10 members, each of whom shall be appointed by the President from principal officers of the executive departments and senior officers of the Armed Forces whose positions and interests qualify them to contribute to carrying out the programs and purposes of the corporation.

''(B) MEMBERS FROM THE ARMED FORCES.—At least 1, but not more than 3, of the members of the advisory council shall be selected from the Armed Forces.

''(3) DUTIES.—The advisory council shall advise, report directly to, and meet, at least 1 time per year with the board of governors, and shall have such name, functions and be subject to such procedures as may be provided in the bylaws.

''(e) ACTION WITHOUT MEETING.—Any action required or permitted to be taken at any meeting of the board of governors or of any committee thereof may be taken without a meeting if all members of the board or committee, as the case may be, consent thereto in writing, or by electronic transmission and the writing or writings or electronic transmission or transmissions are filed with the minutes of proceedings of the board or committee. Such filing shall be in paper form if the minutes are maintained in paper form and shall be in electronic form if the minutes are maintained in electronic form.

''(f) VOTING BY PROXY.—

''(1) IN GENERAL.—Voting by proxy is not allowed at any meeting of the board, at the annual meeting, or at any meeting of a chapter.

''(2) EXCEPTION.—The board may allow the election of governors by proxy during any emergency.

''(g) BYLAWS.—

''(1) IN GENERAL.—The board of governors may—

''(A) at any time adopt bylaws; and

''(B) at any time adopt bylaws to be effective only in an emergency.

''(2) EMERGENCY BYLAWS.—Any bylaws adopted pursuant to paragraph (1)(B) may provide special procedures necessary for managing the corporation during the emergency. All provisions of the regular bylaws consistent with the emergency bylaws remain effective during the emergency.

''(h) DEFINITIONS.—For purposes of this section—

''(1) the term 'entire board' means the total number of members of the board of governors that the corporation would have if there were no vacancies; and

''(2) the term 'emergency' shall have such meaning as may be provided in the bylaws.''.

SEC. __07. POWERS.

Paragraph (a)(1) of section 300105 of title 36, United States Code, is amended by striking ''bylaws'' and inserting ''policies''.

SEC. __08. ANNUAL MEETING.

Section 300107 of title 36, United States Code, is amended to read as follows:

''§ 300107. Annual meeting

''(a) IN GENERAL.—The annual meeting of the corporation is the annual meeting of delegates of the chapters.

''(b) TIME OF MEETING.—The annual meeting shall be held as determined by the board of governors.

''(c) PLACE OF MEETING.—The board of governors is authorized to determine that the annual meeting shall not be held at any place, but may instead be held solely by means of remote communication subject to such procedures as are provided in the bylaws.

''(d) VOTING.—

''(1) IN GENERAL.—In matters requiring a vote at the annual meeting, each chapter is entitled to at least 1 vote, and voting on all matters may be conducted by mail, telephone, telegram, cablegram, electronic mail, or any other means of electronic or telephone transmission, provided that the person voting shall state, or submit information from which it can be determined, that the method of voting chosen was authorized by such person.

''(2) ESTABLISHMENT OF NUMBER OF VOTES.—

''(A) IN GENERAL.—The board of governors shall determine on an equitable basis the number of votes that each chapter is entitled to cast, taking into consideration the size of the membership of the chapters, the populations served by the chapters, and such other factors as may be determined by the board.

''(B) PERIODIC REVIEW.—The board of governors shall review the allocation of votes at least every 5 years.''.

SEC. __09. ENDOWMENT FUND.

Section 300109 of title 36, United States Code is amended—

(1) by striking ''nine'' from the first sentence thereof; and

(2) by striking the second sentence and inserting the following: ''The corporation shall prescribe policies and regulations on terms and tenure of office, accountability, and expenses of the board of trustees.''.

SEC. __10. ANNUAL REPORT AND AUDIT.

Subsection (a) of section 300110 of title 36, United States Code, is amended to read as follows:

''(a) SUBMISSION OF REPORT.—As soon as practicable after the end of the corporation's fiscal year, which may be changed from time to time by the board of governors, the corporation shall submit a report to the Secretary of Defense on the activities of the corporation during such fiscal year, including a complete, itemized report of all receipts and expenditures.''.

SEC. __11. COMPTROLLER GENERAL OF THE UNITED STATES AND OFFICE OF THE OMBUDSMAN.

(a) IN GENERAL.—Chapter 3001 of title 36, United States Code, is amended by redesignating section 300111 as section 300113 and by inserting after section 300110 the following new sections:

''§ 300111. Authority of the Comptroller General of the United States

''The Comptroller General of the United States is authorized to review the corporation's involvement in any Federal program or activity the Government carries out under law.

''§ 300112. Office of the Ombudsman

''(a) ESTABLISHMENT.—The corporation shall establish an Office of the Ombudsman with such duties and responsibilities as may be provided in the bylaws or a resolution of the board of governors.

''(b) REPORT.—

''(1) IN GENERAL.—The Office of the Ombudsman shall submit annually to the appropriate Congressional committees a report

concerning any trends and systemic matters that the Office of the Ombudsman has identified as confronting the corporation.

''(2) APPROPRIATE CONGRESSIONAL COMMITTEES.—For purposes of paragraph (1), the appropriate Congressional committees are the following committees of Congress:

''(A) SENATE COMMITTEES.—The appropriate Congressional committees of the Senate are—

''(i) the Committee on Finance;

''(ii) the Committee on Foreign Relations;

''(iii) the Committee on Health, Education, Labor, and Pensions;

''(iv) the Committee on Homeland Security and Governmental Affairs; and

''(v) the Committee on the Judiciary.

''(B) HOUSE COMMITTEES.—The appropriate Congressional committees of the House of Representatives are—

''(i) the Committee on Energy and Commerce;

''(ii) the Committee on Foreign Affairs;

''(iii) the Committee on Homeland Security;

''(iv) the Committee on the Judiciary; and

''(v) the Committee on Ways and Means.''.

(b) CLERICAL AMENDMENT.—The table of sections for chapter 3001 of title 36, United States Code, is amended by striking the item relating to section 300111 and inserting the following:

''300111. Authority of the Comptroller General of the United States.
''300112. Office of the Ombudsman.
''300113. Reservation of right to amend or repeal.''.

AMENDMENT NO. 341

(Purpose: To provide for an additional program requirement for the border interoperability demonstration project)

On page 124, line 16, strike ''and'' after the semicolon.

On page 124, line 18, strike the period and insert ''; and''.

On page 124, between lines 18 and 19, insert the following:

(9) identify solutions to facilitate communications between emergency response providers in communities of differing population densities.

AMENDMENT NO. 290, AS MODIFIED FURTHER

At the appropriate place, insert the following:

SEC. ___. QUADRENNIAL HOMELAND SECURITY REVIEW.

(a) IN GENERAL.—

(1) ESTABLISHMENT.—Not later than the end of fiscal year 2008, the Secretary shall establish a national homeland security strategy.

(2) REVIEW.—Four years after the establishment of the national homeland security strategy, and every 4 years thereafter, the Secretary shall conduct a comprehensive examination of the national homeland security strategy.

(3) SCOPE.—In establishing or reviewing the national homeland security strategy under this subsection, the Secretary shall conduct a comprehensive examination of interagency cooperation, preparedness of Federal response assets, infrastructure, budget plan, and other elements of the homeland security program and policies of the United States with a view toward determining and expressing the homeland security strategy of the United States and establishing a homeland security program for the 20 years following that examination.

(4) REFERENCE.—The establishment or review of the national homeland security strategy under this subsection shall be known as the ''quadrennial homeland security review''.

(5) CONSULTATION.—Each quadrennial homeland security review under this subsection shall be conducted in consultation with the Attorney General of the United States, the Secretary of State, the Secretary of Defense, the Secretary of Health and Human Services, and the Secretary of the Treasury.

(b) CONTENTS OF REVIEW.—Each quadrennial homeland security review shall—

(1) delineate a national homeland security strategy consistent with the most recent National Response Plan prepared under Homeland Security Presidential Directive-5 or any directive meant to replace or augment that directive;

(2) describe the interagency cooperation, preparedness of Federal response assets, infrastructure, budget plan, and other elements of the homeland security program and policies of the United States associated with the national homeland security strategy required to execute successfully the full range of missions called for in the national homeland security strategy delineated under paragraph (1); and

(3) identify—

(A) the budget plan required to provide sufficient resources to successfully execute the full range of missions called for in that national homeland security strategy at a low-to-moderate level of risk; and

(B) any additional resources required to achieve such a level of risk.

(c) LEVEL OF RISK.—The assessment of the level of risk for purposes of subsection (b)(3) shall be conducted by the Director of National Intelligence.

(d) REPORTING.—

(1) IN GENERAL.—The Secretary shall submit a report regarding each quadrennial homeland security review to Congress and shall make the report publicly available on the Internet. Each such report shall be submitted and made available on the Internet not later than September 30 of the year in which the review is conducted.

(2) CONTENTS OF REPORT.—Each report submitted under paragraph (1) shall include—

(A) the results of the quadrennial homeland security review;

(B) the threats to the assumed or defined national homeland security interests of the United States that were examined for the purposes of the review and the scenarios developed in the examination of those threats;

(C) the status of cooperation among Federal agencies in the effort to promote national homeland security;

(D) the status of cooperation between the Federal Government and State governments in preparing for emergency response to threats to national homeland security; and

(E) any other matter the Secretary considers appropriate.

(e) RESOURCE PLAN.—Not later than 30 days after the date of enactment of this Act, the Secretary shall provide to Congress and make publicly available on the Internet a detailed resource plan specifying the estimated budget and number of staff members that will be required for preparation of the initial quadrennial homeland security review.

AMENDMENT NO. 323

(Purpose: To provide for the inclusion of executive level training in certain curriculum for training)

On page 23, strike lines 11 through 15, and insert the following:

(a) CURRICULUM.—The Secretary, acting through the Chief Intelligence Officer, shall—

(1) develop curriculum for the training of State, local, and tribal government officials relating to the handling, review, and development of intelligence material; and

(2) ensure that the curriculum includes executive level training.

AMENDMENT NO. 368

(Purpose: To make funds available for the activities of the Public Interest Declassification Board)

At the end of title XI, add the following:

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

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

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

AMENDMENT NO. 392

(Purpose: To provide for the Secretary to ensure that chemical, biological, radiological, and nuclear detection equipment and technologies are integrated as appropriate with other border security systems and detection technologies, and for other purposes)

At the end of title XV, add the following:

SEC. _____. INTEGRATION OF DETECTION EQUIPMENT AND TECHNOLOGIES.

(a) IN GENERAL.—The Secretary shall have responsibility for ensuring that chemical, biological, radiological, and nuclear detection equipment and technologies are integrated as appropriate with other border security systems and detection technologies.

(b) REPORT.—Not later than 6 months after the date of enactment of this Act, the Secretary shall submit a report to Congress that contains a plan to develop a departmental technology assessment process to determine and certify the technology readiness levels of chemical, biological, radiological, and nuclear detection technologies before the full deployment of such technologies within the United States.

AMENDMENT NO. 332, AS MODIFIED

On page 54, strike line 5 and all that follows through page 57, line 9, and insert the following:

''(a) GRANTS AUTHORIZED.—The Secretary, through the Administrator, may award grants to State, local, and tribal governments for the purposes of this title.

''(b) PROGRAMS NOT AFFECTED.—This title shall not be construed to affect any authority to award grants under any of the following Federal programs:

''(1) The firefighter assistance programs authorized under section 33 and 34 of the Federal Fire Prevention and Control Act of 1974 (15 U.S.C. 2229 and 2229a).

''(2) The Urban Search and Rescue Grant Program authorized under the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5121 et seq.).

''(3) Grants to protect critical infrastructure, including port security grants authorized under section 70107 of title 46, United States Code, and the grants authorized in title XIII and XIV of the Improving America's Security Act of 2007.

''(4) The Metropolitan Medical Response System authorized under section 635 of the Post-Katrina Emergency Management Reform Act of 2006 (6 U.S.C. 723).

''(5) Grant programs other than those administered by the Department.

''(c) RELATIONSHIP TO OTHER LAWS.—

''(1) IN GENERAL.—The grant programs authorized under this title shall supercede all grant programs authorized under section 1014 of the USA PATRIOT Act (42 U.S.C. 3714).

''(2) PROGRAM INTEGRITY.—Each grant program under this title, section 1809 of this

Act, or section 662 of the Post-Katrina Emergency Management Reform Act of 2006 (6 U.S.C. 763) shall include, consistent with the Improper Payments Information Act of 2002 (31 U.S.C. 3321 note), policies and procedures for—

''(A) identifying activities funded under any such grant program that are susceptible to significant improper payments; and

''(B) reporting the incidence of improper payments to the Department.

''(3) ALLOCATION.—Except as provided under paragraph (2) of this subsection, the allocation of grants authorized under this title shall be governed by the terms of this title and not by any other provision of law.

''(d) MINIMUM PERFORMANCE REQUIREMENTS.—

''(1) IN GENERAL.—The Administrator shall—

''(A) establish minimum performance requirements for entities that receive homeland security grants;

''(B) conduct, in coordination with State, regional, local, and tribal governments receiving grants under this title, section 1809 of this Act, or section 662 of the Post-Katrina Emergency Management Reform Act of 2006 (6 U.S.C. 763), simulations and exercises to test the minimum performance requirements established under subparagraph (A) for—

On page 66, between lines 19 and 20, insert the following:

''(h) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated for grants under this section—

''(1) for fiscal year 2007, such sums as are necessary;

''(2) for each of fiscal years 2008, 2009, and 2010, $1,278,639,000; and

''(3) for fiscal year 2011, and each fiscal year thereafter, such sums as are necessary.

On page 77, strike line 3 and all that follows through page 80, line 7, and insert the following:

''(j) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated for grants under this section—

''(1) for fiscal year 2007, such sums as are necessary;

''(2) for each of fiscal years 2008, 2009, and 2010, $913,180,500; and

''(3) for fiscal year 2011, and each fiscal year thereafter, such sums as are necessary.

''SEC. 2005. TERRORISM PREVENTION.

On page 84, strike line 19 and insert the following:

''SEC. 2006. RESTRICTIONS ON USE OF FUNDS.

On page 85, line 25, strike ''611(j)(8)'' and insert ''611(j)(9)''.

On page 86, line 2, strike ''5196(j)(8))'' and insert ''5196(j)(9))''.

On page 87, strike line 22 and insert the following:

''SEC. 2007. ADMINISTRATION AND COORDINATION.

On page 89, line 7, strike ''under this title'' and insert ''under section 2003 or 2004''.

On page 91, strike line 16 and insert the following:

''SEC. 2008. ACCOUNTABILITY.

On page 94, lines 13 and 14, strike ''the Homeland Security Grant Program'' and insert ''grants made under this title''.

On page 97, strike lines 7 and 8 and insert the following:

''SEC. 2009. AUDITING.

''(a) AUDITS OF GRANTS.—

On page 104, strike line 7 and all that follows through page 105, line 9, and insert the following:

''(d) DEFINITION.—In this section, the term 'Emergency Management Performance Grants Program' means the Emergency Management Performance Grants Program under section 662 of the Post-Katrina Emergency Management Reform Act of 2006 (6 U.S.C. 763; Public Law 109-295).

''SEC. 2010. SENSE OF THE SENATE.

''It is the sense of the Senate that, in order to ensure that the Nation is most effectively able to prevent, prepare for, protect against, respond to, recovery from, and mitigate against all hazards, including natural disasters, acts of terrorism, and other man-made disasters—

''(1) the Department should administer a coherent and coordinated system of both terrorism-focused and all-hazards grants, the essential building blocks of which include—

''(A) the Urban Area Security Initiative and State Homeland Security Grant Program established under this title (including funds dedicated to law enforcement terrorism prevention activities);

''(B) the Emergency Communications Operability and Interoperable Communications Grants established under section 1809; and

''(C) the Emergency Management Performance Grants Program authorized under section 662 of the Post-Katrina Emergency Management Reform Act of 2006 (6 U.S.C. 763); and

''(2) to ensure a continuing and appropriate balance between terrorism-focused and all-hazards preparedness, the amounts appropriated for grants under the Urban Area Security Initiative, State Homeland Security Grant Program, and Emergency Management Performance Grants Program in any fiscal year should be in direct proportion to the amounts authorized for those programs for fiscal year 2008 under the amendments made by titles II and IV, as applicable, of the Improving America's Security Act of 2007.''.

On page 106, strike lines 1 through 9, and insert the following:

(b) TABLE OF CONTENTS.—The table of contents in section 1(b) of the Homeland Security Act of 2002 (6 U.S.C. 101 note) is amended by striking the items relating to title XVIII and sections 1801 through 1806, as added by the SAFE Port Act (Public Law 109–347; 120 Stat. 1884), and inserting the following:

''TITLE XIX—DOMESTIC NUCLEAR DETECTION OFFICE

''Sec. 1901. Domestic Nuclear Detection Office.
''Sec. 1902. Mission of Office.
''Sec. 1903. Hiring authority.
''Sec. 1904. Testing authority.
''Sec. 1905. Relationship to other Department entities and Federal agencies.
''Sec. 1906. Contracting and grant making authorities.

''TITLE XX—HOMELAND SECURITY GRANTS

''Sec. 2001. Definitions.
''Sec. 2002. Homeland Security Grant Program.
''Sec. 2003. Urban Area Security Initiative.
''Sec. 2004. State Homeland Security Grant Program.
''Sec. 2005. Terrorism prevention.
''Sec. 2006. Restrictions on use of funds.
''Sec. 2007. Administration and coordination.
''Sec. 2008. Accountability.
''Sec. 2009. Auditing.
''Sec. 2010. Sense of the Senate.''.

TITLE III—COMMUNICATIONS OPERABILITY AND INTEROPERABILITY

On page 126, between lines 14 and 15, insert the following:

TITLE IV—EMERGENCY MANAGEMENT PERFORMANCE GRANTS PROGRAM

SEC. 401. EMERGENCY MANAGEMENT PERFORMANCE GRANTS PROGRAM.

Section 622 of the Post-Katrina Emergency Management Reform Act of 2006 (6 U.S.C. 763) is amended to read as follows:

''SEC. 622. EMERGENCY MANAGEMENT PERFORMANCE GRANTS PROGRAM.

''(a) DEFINITIONS.—In this section:

''(1) POPULATION.—The term 'population' means population according to the most recent United States census population estimates available at the start of the relevant fiscal year.

''(2) STATE.—The term 'State' has the meaning given that term in section 101 of the Homeland Security Act of 2002 (6 U.S.C. 101).

''(b) IN GENERAL.—There is an Emergency Management Performance Grants Program to make grants to States to assist State, local, and tribal governments in preparing for, responding to, recovering from, and mitigating against all hazards.

''(c) APPLICATION.—

''(1) IN GENERAL.—Each State may apply for a grant under this section, and shall submit such information in support of an application as the Administrator may reasonably require.

''(2) ANNUAL APPLICATIONS.—Applicants for grants under this section shall apply or reapply on an annual basis for grants distributed under the program.

''(d) ALLOCATION.—Funds available under the Emergency Management Performance Grants Program shall be allocated as follows:

''(1) BASELINE AMOUNT.—

''(A) IN GENERAL.—Except as provided in subparagraph (B), each State shall receive an amount equal to 0.75 percent of the total funds appropriated for grants under this section.

''(B) TERRITORIES.—American Samoa, the Commonwealth of the Northern Mariana Islands, Guam, and the Virgin Islands each shall receive an amount equal to 0.25 percent of the amounts appropriated for grants under this section.

''(2) PER CAPITA ALLOCATION.—The funds remaining for grants under this section after allocation of the baseline amounts under paragraph (1) shall be allocated to each State in proportion to its population.

''(3) CONSISTENCY IN ALLOCATION.—Notwithstanding paragraphs (1) and (2), in any fiscal year in which the appropriation for grants under this section is equal to or greater than the appropriation for Emergency Management Performance Grants in fiscal year 2007, no State shall receive an amount under this section for that fiscal year less than the amount that State received in fiscal year 2007.

''(e) ALLOWABLE USES.—Grants awarded under this section may be used to prepare for, respond to, recover from, and mitigate against all hazards through—

''(1) any activity authorized under title VI or section 201 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5195 et seq. and 5131);

''(2) any activity permitted under the Fiscal Year 2007 Program Guidance of the Department for Emergency Management Performance Grants; and

''(3) any other activity approved by the Administrator that will improve the emergency management capacity of State, local, or tribal governments to coordinate, integrate, and enhance preparedness for, response to, recovery from, or mitigation against all-hazards.

''(f) COST SHARING.—

''(1) IN GENERAL.—Except as provided in subsection (i), the Federal share of the costs of an activity carried out with a grant under this section shall not exceed 50 percent.

''(2) IN-KIND MATCHING.—Each recipient of a grant under this section may meet the matching requirement under paragraph (1) by making in-kind contributions of goods or services that are directly linked with the purpose for which the grant is made.

''(g) DISTRIBUTION OF FUNDS.—The Administrator shall not delay distribution of grant funds to States under this section solely because of delays in or timing of awards of other grants administered by the Department.

''(h) LOCAL AND TRIBAL GOVERNMENTS.—

''(1) IN GENERAL.—In allocating grant funds received under this section, a State shall take into account the needs of local and tribal governments.

''(2) INDIAN TRIBES.—States shall be responsible for allocating grant funds received under this section to tribal governments in order to help those tribal communities improve their capabilities in preparing for, responding to, recovering from, or mitigating against all hazards. Tribal governments shall be eligible for funding directly from the States, and shall not be required to seek funding from any local government.

''(i) EMERGENCY OPERATIONS CENTERS IMPROVEMENT PROGRAM.—

''(1) IN GENERAL.—The Administrator may award grants to States under this section to plan for, equip, upgrade, or construct all-hazards State, local, or regional emergency operations centers.

''(2) REQUIREMENTS.—No grant awards under this section (including for the activities specified under this subsection) shall be used for construction unless such construction occurs under terms and conditions consistent with the requirements under section 611(j)(9) of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5196(j)(9).

''(3) COST SHARING.—

''(A) IN GENERAL.—The Federal share of the costs of an activity carried out with a grant under this subsection shall not exceed 75 percent.

''(B) IN KIND MATCHING.—Each recipient of a grant for an activity under this section may meet the matching requirement under subparagraph (A) by making in-kind contributions of goods or services that are directly linked with the purpose for which the grant is made.

''(j) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated for grants under this section—

''(1) for fiscal year 2007, such sums as are necessary;

''(2) for each of fiscal years 2008, 2009, and 2010, $913,180,500; and

''(3) for fiscal year 2011, and each fiscal year thereafter, such sums as are necessary.''.

AMENDMENT NO. 391

(Purpose: To improve the guidelines for fusion centers operated by State or local governments, to improve the awarding and administration of homeland security grants, and for other purposes)

On page 37, line 5, strike ''within the scope'' and all that follows through ''(6 U.S.C. 485)'' on line 8 and insert ''and intelligence''.

On page 37, lines 9 and 10, strike ''local emergency response providers'' and insert ''local government agencies (including emergency response providers)''.

On page 37, line 25, strike ''and''.

On page 38, line 3, strike the period and insert ''; and''.

On page 38, between lines 3 and 4, insert the following:

''(9) incorporate emergency response providers, and, as appropriate, the private sector, into all relevant phases of the intelligence and fusion process through full time representatives or liaison officers.

On page 63, line 13, before the semicolon, insert the following: ''the inclusion of which will enhance regional efforts to prevent, prepare for, protect against, respond to, and recover from acts of terrorism''.

On page 66, strike lines 3 through 8 and insert the following:

''(2) STATE DISTRIBUTION OF FUNDS.—

''(A) IN GENERAL.—Each State shall provide the eligible metropolitan area not less than 80 percent of the grant funds. Any funds retained by a State shall be expended on items or services approved by the Administrator that benefit the eligible metropolitan area.

''(B) FUNDS RETAINED.—A State shall provide each relevant eligible metropolitan area with an accounting of the items or services on which any funds retained by the State under subparagraph (A) were expended.

On page 82, line 4, strike ''or other'' and insert ''and other''.

On page 83, line 15, before the semicolon, insert the following: '', including through review of budget requests for those programs''.

On page 90, between lines 4 and 5, insert the following:

''(3) EXISTING PLANNING COMMITTEES.—Nothing in this subsection may be construed to require that any State or metropolitan area create a planning committee if that State or metropolitan area has established and uses a multijurisdictional planning committee or commission that meets the requirements of this subsection.

AMENDMENT NO. 431

(Purpose: To clarify the coordination of the accreditation and certification program for the private sector, and for other purposes)

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.

AMENDMENT NO. 348

(Purpose: To require that a redacted version of the Executive Summary of the Office of Inspector General Report on Central Intelligence Agency Accountability Regarding Findings and Conclusions of the Joint Inquiry into Intelligence Community Activities Before and After the Terrorist Attacks of September 11, 2001 is made available to the public)

At the appropriate place, insert the following:

SEC. _____. AVAILABILITY OF THE EXECUTIVE SUMMARY OF THE REPORT ON CENTRAL INTELLIGENCE AGENCY ACCOUNTABILITY REGARDING THE TERRORIST ATTACKS OF SEPTEMBER 11, 2001.

(a) PUBLIC AVAILABILITY.—Not later than 30 days after the date of the enactment of this Act, the Director of the Central Intelligence Agency shall prepare and make available to the public a version of the Executive Summary of the report entitled the ''Office of Inspector General Report on Central Intelligence Agency Accountability Regarding Findings and Conclusions of the Joint Inquiry into Intelligence Community Activities Before and After the Terrorist Attacks of September 11, 2001'' issued in June 2005 that is declassified to the maximum extent possible, consistent with national security.

(b) REPORT TO CONGRESS.—The Director of the Central Intelligence Agency shall submit to Congress a classified annex to the redacted Executive Summary made available under subsection (a) that explains the reason that any redacted material in the Executive Summary was withheld from the public.

AMENDMENT NO. 404

(Purpose: To require the Secretary of Homeland Security to notify Congress not later than 30 days before waiving any eligibility requirement under the visa waiver program established under section 217 of the Immigration and Nationality Act)

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)

AMENDMENT NO. 388, AS MODIFIED

On page 105, after line 9, insert the following:

SEC. 203. EQUIPMENT TECHNICAL ASSISTANCE TRAINING

(a) SENSE OF THE SENATE.—It is the Sense of the Senate that the Department of Homeland Security shall conduct no fewer than 7,500 trainings annually through the Domestic Preparedness Equipment Technical Assistance Program.

(b) REPORT.—The Secretary of Homeland Security shall report no later than September 30 annually to the Senate Homeland Security and Governmental Affairs Committee, the House Homeland Security Committee, Senate Appropriations Subcommittee on Homeland Security, and the

House Appropriations Subcommittee on Homeland Security—

(1) on the number of trainings conducted that year through the Domestic Preparedness Equipment Technical Assistance Program; and

(2) if the number of trainings conducted that year is less than 7,500, an explanation of why fewer trainings were needed.

AMENDMENT NO. 411, AS MODIFIED

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.

(c) EXCEPTION.—A Democracy Fellow may not be assigned to any congressional office until the Secretary of Defense certifies to the Committee on Armed Services and the Committee on Foreign Relations of the Senate and the Committee on Armed Services and the Committee on Foreign Affairs of the House of Representatives that the request of the Commander of the United States Central Command for the Department of State for personnel and foreign service officers has been fulfilled.

SEC. 1613. TRANSPARENCY OF UNITED STATES BROADCASTING TO ASSIST IN OVERSIGHT AND ENSURE PROMOTION OF HUMAN RIGHTS AND DEMOCRACY IN INTERNATIONAL BROADCASTS.

(a) TRANSCRIPTS.—The Broadcasting Board of Governors shall transcribe into English all original broadcasting content.

(b) PUBLIC TRANSPARENCY.—The Broadcasting Board of Governors shall post all English transcripts from its broadcasting content on a publicly available website within 30 days of the original broadcast.

(c) BROADCASTING CONTENT DEFINED.—In this section, the term ''broadcasting content'' includes programming produced or broadcast by United State international broadcasters, including—

(1) Voice of America;

(2) Alhurra;

(3) Radio Sawa;

(4) Radio Farda;

(5) Radio Free Europe/Radio Liberty;

(6) Radio Free Asia; and

(7) The Office of Cuba Broadcasting.

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.

AMENDMENT NO. 456

(Purpose: To require the Secretary of Homeland Security to include levees in the list of critical infrastructure sectors)

At the appropriate place, insert ''The Secretary shall include levees in the Department's list of critical infrastructure sectors.

AMENDMENT NO. 414, AS MODIFIED

Insert at the appropriate place:

(a) 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.

AMENDMENT NO. 412, AS MODIFIED

(Purpose: To provide for model ports of entry and modify the international registered traveler program)

On page 2, after the item relating to section 405, insert the following:

Sec. 406. Model ports-of-entry.

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

SEC. 406. 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 welcoming international arrival process in order to facilitate and promote business and tourist travel to the United States, while also improving security; and

(2) implement the program initially at the 20 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) assistance for foreign travelers once they have been admitted to the United States, in consultation, as appropriate, with relevant governmental and nongovernmental entities; 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 PROTECTION OFFICERS FOR HIGH VOLUME PORTS.—Subject to the availability of appropriations, before the end of fiscal year 2008 the Secretary of Homeland Security shall employ not less than an additional 200 Customs and Border Protection officers to address staff shortages at the 20 United States international airports with the highest average number of foreign visitors arriving annually.

AMENDMENT NO. 354, AS MODIFIED

Beginning with line 1 on page 1, strike through the end of the amendment and insert the following:

At the appropriate place, insert the following:

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

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

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

''(1) IN GENERAL.—Not later'';

(2) by resetting the left margin of the text thereof 2 ems from the left margin; and

(3) by inserting at the end thereof the following:

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

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

''(B) PLAN CONTENTS.—The plan under subparagraph (A) shall include—

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

''(ii) annual increases in the benchmarks described in clause (i) until 100 percent of the cargo containers destined for the United States are scanned before arriving in the United States, unless the Secretary explains in writing to the appropriate congressional committees that inadequate progress has been made in meeting the criteria in section 232(b) for expanded scanning to be practical or feasible;

''(iii) an analysis of how to effectively incorporate existing programs, including the Container Security Initiative established by section 205 and the Customs-Trade Partnership Against Terrorism established by subtitle B, to reach the benchmarks described in clause (i); and

''(iv) an analysis of the scanning equipment, personnel, and technology necessary to reach the goal of 100 percent scanning of cargo containers.

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

AMENDMENTS NOS. 423, 424, 340, 307, 358, 359, 394, 415, AND 371 EN BLOC

Mr. LIEBERMAN. Madam President, on behalf of the Commerce Committee, I ask unanimous consent that the pending amendment be set aside and the Senate proceed en bloc to the consideration of a series of amendments which have been cleared by the chair and ranking member of the Commerce Committee, Senators INOUYE and STEVENS.

The amendments are as follows: Inouye-Stevens amendment No. 423 with a modification; Inouye-Stevens amendment No. 424 with a modification; Rockefeller amendment No. 340; Kerry amendment No. 307; Murray amendment No. 358 with a modification; Lautenberg amendment No. 359 with a modification; Cardin amendment No. 394.

On behalf of the Banking Committee, Senators DODD and SHELBY, I ask that the following amendments within their jurisdiction which they have cleared also be considered: Dodd amendment No. 415, Kohl amendment No. 371 with a modification.

Madam President, I ask unanimous consent that these amendments be agreed to en bloc, the motions to reconsider be laid upon the table, en bloc, that any statements thereon be printed in the RECORD, and that the consideration of these amendments appear separately in the RECORD.

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

The amendments (Nos. 340, 307, 394, and 415) were agreed to, as follows:

AMENDMENT NO. 340 TO AMENDMENT NO. 275

(Purpose: To reinstate the State registration fee system for commercial motor vehicles until the Unified Carrier Registration System Plan Agreement is fully implemented)

On page 4, strike the item relating to section 1336 and insert the following:

Sec. 1336. Unified carrier registration system plan agreement.

Sec. 1337. Authorization of appropriations.

On page 298, strike line 8 and insert the following:

SEC. 1336. UNIFIED CARRIER REGISTRATION SYSTEM PLAN AGREEMENT.

(a) IN GENERAL.—Notwithstanding section 4305(a) of the SAFETEA–LU Act (Public Law 109–59)—

(1) section 14504 of title 49, United States Code, as that section was in effect on December 31, 2006, is re-enacted, effective as of January 1, 2007; and

(2) no fee shall be collected pursuant to section 14504a of title 49, United States Code, until 30 days after the date, as determined by the Secretary of Transportation, on which—

(A) the unified carrier registration system plan and agreement required by that section has been fully implemented; and

(B) the fees have been set by the Secretary under subsection (d)(7)(B) of that section.

(b) REPEAL OF SECTION 14504.—Section 14504 of title 49, United States Code, as re-enacted by this Act, is repealed effective on the date on which fees may be collected under section 14504a of title 49, United States Code, pursuant to subsection (a)(2) of this section.

SEC. 1337. AUTHORIZATION OF APPROPRIATIONS.

AMENDMEND NO. 307 TO AMENDMENT NO. 275

(Purpose: To modify the criteria that the Secretary of Homeland Security will use to develop a hazardous material tracking pilot program for motor carriers)

On page 305, strike lines 8 through 15 and insert the following:

(v) technology that allows the installation by a motor carrier of concealed electronic devices on commercial motor vehicles that can be activated by law enforcement authorities and alert emergency response resources to locate and recover high hazard materials in the event of loss or theft of such materials and consider the addition of this type of technology to the required communications technology attributes under paragraph (1).

AMENDMENT NO. 394 TO AMENDMENT NO. 275

(Purpose: To require Amtrak contracts and leases involving the State of Maryland to be governed by the laws of the District of Columbia)

On page 299, between lines 2 and 3, insert the following:

SEC. 1337. APPLICABILITY OF DISTRICT OF COLUMBIA LAW TO CERTAIN AMTRAK CONTRACTS.

Section 24301 of title 49, United States Code, is amended by adding at the end the following:

''(o) APPLICABILITY OF DISTRICT OF COLUMBIA LAW.—Any lease or contract entered into between the National Railroad Passenger Corporation and the State of Maryland, or any department or agency of the State of Maryland, after the date of the enactment of this subsection shall be governed by the laws of the District of Columbia.''.

AMENDMENT NO. 415 TO AMENDMENT NO. 275

(Purpose: To amend title X, with respect to critical infrastructure protection efforts by Federal departments and agencies)

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).

The amendment (No. 423), as modified, was agreed to, as follows:

AMENDMENT NO. 423 AS MODIFIED

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'';

(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.

''(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.

The amendment (No. 424), as modified, was agreed to as follows:

AMENDMENT NO. 424, AS MODIFIED

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.

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.

(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 preemployment 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 services 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 Terrorist 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 1341(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.

The amendment (No. 358), as modified, was agreed to as follows:

AMENDMENT NO. 358, AS MODIFIED

At the appropriate place, insert the following:

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

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

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

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

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

(c) REPORTS.—

(1) INITIAL BRIEFING.—Not later than 180 days after the enactment of this Act, the Administrator shall conduct a briefing to the congressional committees set forth in paragraph (3) that describes—

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

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

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

(D) the expected financial contribution from each airport.

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

(A) the security measures deployed;

(B) the projected cost savings; and

(C) the efficacy of the program and its applicability to other airports in the United States.

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

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

(B) the Committee on Appropriations of the Senate;

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

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

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

(d) USE OF EXISTING FUNDS.—Provisions contained within this section will be executed using existing funds.

The amendment (No. 359), as modified, was agreed to as follows:

AMENDMENT NO. 359, AS MODIFIED

At the appropriate place, insert the following:

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

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

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

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

(A) infrastructure protection;

(B) training;

(C) equipment;

(D) educational materials;

(E) program administration;

(E) marketing; and

(F) other functions.

The amendment (No. 371), as modified, was agreed to as follows:

AMENDMENT NO. 371, AS MODIFIED, TO AMENDMENT NO. 275

On page 370, line 10, after ''workers'', insert ''the elderly''.

AMENDMENTS NOS. 321 AND 336, WITHDRAWN

AMENDMENT NO. 367, AS FURTHER MODIFIED

Mr. LIEBERMAN. Madam President, I now ask unanimous consent that amendments Nos. 321 and 336 be withdrawn and that amendment No. 367 be further modified with the changes at the desk and that the amendment be considered and agreed to and the motion to reconsider be laid upon the table.

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

The amendment (No. 367), as further modified, was agreed to as follows:

On page 303, strike line 12 and all that follows through page 305, line 18, and insert the following:
of Transportation, shall develop a program to facilitate the tracking of motor carrier shipments of high hazard materials, as defined in this title, and to equip vehicles used in such shipments with technology that provides—

(A) frequent or continuous communications;

(B) vehicle position location and tracking capabilities; and

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

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

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

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

(C) evaluate—

(i) any new information related to the costs and benefits of deploying, equipping, and utilizing tracking technology, including portable tracking technology, for motor carriers transporting high hazard materials not included in the Hazardous Material Safety and Security Operation Field Test Report released by the Federal Motor Carrier Safety Administration on November 11, 2004;

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

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

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

(v) technology that allows the installation by a motor carrier of concealed and portable electronic devices on commercial motor vehicles that can be activated by law enforcement authorities to disable the vehicle and alert emergency response resources to locate and recover high hazard materials in the event of loss or theft of such materials; and

(vi) whether installation of the technology described in clause (v) should be incorporated into the program under paragraph (1);

(vii) the cost, benefit, and practicality of such technology described in (v) in the context of the overall benefit to national security, including commerce in transportation; and

(viii) other systems the secretary determined appropriate.

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

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

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

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

(d) REPORT.—Within 1 year after the issuance of regulations under subsection (b), the Secretary shall issue a report to the Senate Committee on Commerce, Science, and Transportation, the Senate Committee on Homeland Security and Governmental Affairs and the House Committee on Homeland Security on the program developed and evaluation carried out under this section.

(e) LIMITATION.—The Secretary may not mandate the installation or utilization of the technology described under (a)(2)(C)(v) without additional congressional action on that matter.

Mr. LIEBERMAN. Madam President, I now ask unanimous consent that following adoption of the substitute amendment and the bill has been read a third time, there then be 20 minutes for debate prior to the vote on passage of the bill, and that each of the following be afforded 5 minutes: Senators COLLINS, LIEBERMAN, MCCONNELL, and REID.

The PRESIDING OFFICER. Is there objection?

Ms. COLLINS. Reserving the right to object, I may have missed the complete unanimous-consent request because I did not have that final page of the agreement. Will the Senator inform me whether there is a vote ordered on the Biden amendment.

Mr. LIEBERMAN. Yes, Madam President. I thank my friend from Maine. I am sorry she didn't get this page. What I will do after this unanimous-consent request, hopefully, is agreed to, setting 20 minutes of debate and final passage, is to ask what the pending business is, which is the Biden amendment, and then I will urge action on the amendment.

The PRESIDING OFFICER. Is there objection?

Ms. COLLINS. I have no objection.

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

AMENDMENT NO. 383

Mr. LIEBERMAN. Madam President, what is the pending amendment?

The PRESIDING OFFICER. Amendment No. 383 offered by Senator BIDEN.

Mr. LIEBERMAN. I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

Ms. COLLINS. Madam President, I move to table the Biden amendment.

The PRESIDING OFFICER. First, is there a sufficient second?

There appears to be a sufficient second.

The yeas and nays were ordered.

Ms. COLLINS. Madam President, I move to table the Biden amendment, and I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second on the motion to table?

There appears to be a sufficient second.

The question is on agreeing to the motion. The clerk will call the roll.

The legislative clerk called the roll.

Mr. DURBIN. I announce that the Senator from South Dakota (Mr. JOHNSON) is necessarily absent.

Mr. LOTT. The following Senator was necessarily absent: the Senator from Arizona (Mr. MCCAIN).

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 73, nays 25, as follows:

[Rollcall Vote No. 72 Leg.]

YEAS—73

Akaka	Bingaman	Cantwell
Alexander	Bond	Cardin
Allard	Brownback	Chambliss
Baucus	Bunning	Clinton
Bennett	Burr	Coburn
Cochran	Hutchison	Salazar
Coleman	Inhofe	Sanders
Collins	Inouye	Schumer
Conrad	Isakson	Sessions
Corker	Kyl	Shelby
Cornyn	Landrieu	Smith
Craig	Leahy	Snowe
Crapo	Lincoln	Stabenow
DeMint	Lott	Stevens
Dole	Lugar	Sununu
Domenici	Martinez	Tester
Dorgan	McConnell	Thomas
Ensign	Mikulski	Thune
Enzi	Murkowski	Vitter
Graham	Murray	Voinovich
Grassley	Nelson (FL)	Warner
Gregg	Nelson (NE)	Webb
Hagel	Pryor	Wyden
Harkin	Roberts	
Hatch	Rockefeller	

NAYS—25

Bayh	Feingold	McCaskill
Biden	Feinstein	Menendez
Boxer	Kennedy	Obama
Brown	Kerry	Reed
Byrd	Klobuchar	Reid
Carper	Kohl	Specter
Casey	Lautenberg	Whitehouse
Dodd	Levin	
Durbin	Lieberman	

NOT VOTING—2

Johnson	McCain

The motion was agreed to.

Mr. LIEBERMAN. Madam President, I move to reconsider the vote, and I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. Without objection, the substitute amendment, as amended, is agreed to.

The substitute amendment (No. 275), as amended, was agreed to.

The PRESIDING OFFICER. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed for a third reading and was read the third time.

IMPLEMENTED RECOMMENDATION

Mr. BAUCUS. Madam President, I note that the underlying legislation contains a sense of the Senate resolution that the Senate should implement the recommendation of the 9/11 Commission to ''create a single, principal point of oversight and review for homeland security.'' This provision was added during committee markup by the Homeland Security and Governmental Affairs Committee. I would ask my colleague, hasn't the Senate already implemented this recommendation?

Mr. GRASSLEY. Indeed, we have. Near the end of the 108th Congress we passed S. Res. 445, which created the Committee on Homeland Security and Governmental Affairs as the principal point of oversight and review for homeland security in the Senate.

Mr. BAUCUS. I appreciate the Senator's recollection. S. Res. 445 established the Committee on Homeland Security and Governmental Affairs. It also provided that the newly established committee would have referral and oversight of all matters relating to the Department of Homeland Security, with certain exceptions. One of those exceptions was with respect to functional oversight of customs revenue or commercial functions performed by any personnel of the Department of Homeland Security. Does the Senator recall the basis for that exception?

Mr. GRASSLEY. Indeed, I do. This is an issue that goes back to the creation of the Department of Homeland Security and passage of the Homeland Security Act of 2002. The Finance Committee held a hearing in July 2002, followed by a letter to the chairman and ranking member of the Governmental Affairs Committee. We stressed the importance of preserving the revenue collection and trade facilitation functions of the U.S. Customs Service, even as that agency moved into the Department of Homeland Security with an added national security focus.

Mr. BAUCUS. I appreciate the Senator's recollection of our efforts on this issue. I would add that following that hearing and our letter, we worked closely with the Committee on Governmental Affairs to develop text that would keep intact the commercial functions of the Customs Service. Under the final legislation, authorities vested in the Secretary of the Treasury relating to customs revenue functions remained with the Secretary of the Treasury unless delegated to the Secretary of Homeland Security. By order of the Secretary, dated May 15, 2003, Treasury Order 100–16, the Secretary of the Treasury delegated to the Secretary of Homeland Security general authority over customs revenue functions, subject to certain exceptions that preserved Treasury's oversight of the Customs Service with respect to policy matters and the authority to issue regulations and determinations. That delegation of authority remains in place to this day.

Mr. GRASSLEY. Yes. And I believe we can both agree that our efforts were successful in preserving the revenue functions, commercial functions, and commercial operations of the Customs Service within the Department of Homeland Security, including oversight of those functions and commercial operations within the Committee on Finance.

Mr. BAUCUS. I concur entirely. And those efforts served as the context for the retention of Finance Committee oversight of customs revenue functions and commercial operations in S. Res. 445. The Finance Committee has exercised oversight of those functions for almost 200 years, and we as a nation continue to benefit from that accumulated expertise.

Mr. GRASSLEY. That is right. In fact, we can point to the enactment of the Security and Accountability For Every Port Act of 2006, otherwise known as the SAFE Port Act, as an example of that.

Mr. BAUCUS. I agree. The SAFE Port Act demonstrated that the Finance Committee and Homeland Security and Governmental Affairs Committee, together with the Commerce Committee, could work together to enact strong legislation to secure our borders and protect the trade-based economic security of our country. That legislation is strong precisely because it was the product of the Finance Committee's focus on customs functions and commercial operations, coupled with the Homeland Security and Governmental Affairs Committee's focus on border security and the Commerce Committee's expertise relating to our Nation's seaports.

Mr. GRASSLEY. Indeed. The enactment of that legislation demonstrates that the retention of Finance Committee jurisdiction over customs revenue functions and commercial operations does not in any way diminish the effective oversight of other functions within the Department of Homeland Security by the Committee on Homeland Security and Governmental Affairs, nor does it detract from the Homeland Security and Governmental Affairs Committee as the principal point of oversight and review for homeland security matters in the U.S. Senate. In fact, by drawing on the focus and expertise of both committees, we improve overall Senate oversight of the homeland security interests and economic security interests of the United States.

Mr. BAUCUS. I agree entirely. Consequently, I must note for the record that I don't see any need to include the sense of the Senate resolution that has been added to the underlying legislation by the Committee on Homeland Security and Governmental Affairs.

Mr. GRASSLEY. I agree with my colleague and note the same. However, since it is merely a sense-of-the-Senate resolution, and is not binding in any way, I think it is sufficient to note our objections for the record at this time. The provision is not worth objecting to any more than that. We have already established a principal point of oversight and review for homeland security in the U.S. Senate. The current balance reflected in S. Res. 445 has been proven to work and need not be disturbed.

Mr. BAUCUS. I agree.

CARGO SECURITY ON PASSENGER PLANES

Mrs. BOXER. Madam President, I am pleased that in this new Congress, we are able to take up and pass a bill that implements the 9/11 Commission recommendations. Even though aviation security has improved greatly in the last 5 years, there are still holes in the system—as we discovered last summer with the aviation terrorist plot uncovered by the British authorities. Therefore, implementing these recommendations is crucial.

Mr. INOUYE. I agree with the Senator from California that implementing these recommendations is crucial to continuing to increase aviation security, to prevent our Nation from experiencing a tragedy like 9/11 again.

Mrs. BOXER. Madam President, one hole in aviation security is the cargo that is carried on passenger planes. The bill does strengthen security for cargo on passenger planes. First, the bill requires screening of all of the cargo going on passenger aircraft. Second, the bill requires the Transportation Security Administration to implement a program—either random or risked-based—to place blast-resistant containers on passenger planes. However, the program does not implement the 9/11 Commission recommendation to require one blast-resistant cargo container on every plane.

The 9/11 Commission recommended, ''TSA should require that every passenger aircraft carrying cargo deploy at least one hardened container to carry any suspect cargo.'' Therefore, all passenger planes should have at least one blast-resistant container for cargo.

Mr. INOUYE. I expect that TSA would examine this recommendation when developing a plan to deploy blast-resistant cargo containers on airplanes.

Mrs. BOXER. I thank the Senator for his support. We owe this to the American people. We cannot allow terrorists to exploit holes in our aviation security system.

OVERSIGHT

Mr. INOUYE. Madam Pesident, the expertise exhibited under the Commerce Committee's jurisdiction is reflected in the substitute amendment to S. 4, before us today, which incorporates three Commerce Committee reported bills: S. 184, the Surface Transportation and Rail Security Act of 2007; S. 509, the Aviation Security Improvement Act; and S. 385, the Interoperable Emergency Communications Act. Prior to the reorgnization of the Senate Homeland Security and Governmental Affairs Committees, HSGAC, and thereafter, the Commerce Committee's jurisdiction under the Senate rules over all aspects of transportation safety and security issues encompassing maritime, Coast Guard, aviation, rail, pipeline, and trucking, and telecommunications matters, remain untouched.

Some unfairly claim that problems we are having improving our national security result from an outdated committee system. I respectfully disagree. This claim is simply a sound bite that ignores the truth and short changes the potential for real solutions. The real problem is the result of creating a new department from scratch by merging 22 Federal agencies with varying missions, without any true realignment for non-security related missions, into one mammoth Federal department and then refusing to fully fund the necessary initiatives.

I am surprised that a few of my colleagues would suggest that through oversight through several committees of the Department, its Agencies, and the $34.8 billion in programs weakens DHS. To the contrary, using the several committees, each with its own significant expertise, actually improves the quality and scope of congressional oversight, and therefore, the effectiveness and accountability of the Department itself. It is the failure to conduct agency oversight that causes the most harm, as we have seen at DHS over the past few years. Well coordinated and responsible engagement with DHS by

committees will only further the Senate's oversight responsibilities for and the public's understanding of the critical work now being done by the Department and of the numerous challenges that remain.

S. Res. 445 embraced that approach, and S. 4 which will pass the Senate today demonstrates the success of that approach. In fact, the SAFE Ports Act, Public Law 109–347, and S. 4 are a reflection of the positive progress Congress can make when committees work together in our respective fields of expertise to conduct oversight and craft legislation to address identified vulnerabilities.

Mr. STEVENS. I concur with my chairman, Senator INOUYE. The Commerce Committee has worked for over a decade to improve transportation security and has had to deal with the inertia of the Federal Government as well as fight entrenched interests to change the way we secure our transportation system. As far back as 1996 we began discussing the security advantages of transferring security functions from the airline industry to the Federal Government. Similarly, we initiated action on the Maritime Transportation Security Act of 2002 prior to 9/11 in order to address a broad range of criminal activity at our ports. The attacks of 9/11 created sufficient public pressure for Congress to fundamentally change the way the Federal Government secures our aviation system and ports.

In particular, Aviation and Transportation Security Act, ATSA, Public Law 107–71, established the Transportation Security Administration, TSA, within the Department of Transportation to be ''responsible for security in all modes of transportation, including: carrying out chapter 449, relating to civil aviation security, and related research and development activities; and security responsibilities over other modes of transportation that are exercised by the Department of Transportation.''

The creation of the Department of Homeland Security, DHS, and the Senate Homeland Security and Governmental Affairs Committee, HSGAC, did not alter TSA's authority or the Commerce Committee's subject matter jurisdiction. The Senate engaged in a healthy debate on the floor and made clear that the authority being transferred to the HSGAC under S. Res. 445 did not affect the Commerce Committee's jurisdictional authority over transportation security programs, the Coast Guard and communications matters conducted through the Federal Communications Commission, FCC, and the Department of Commerce. In large part, the debate focused on the difficulty of separating transportation safety issues from transportation security issues. It is difficult, if not impossible, to separate safety and security issues from general transportation policy. To consider security without understanding the impacts of the safety and market position of a mode of transportation could lead to unrealistic, contradictory, and counterproductive policies. Those tasked with the responsibilities of securing our transportation system need to understand the complexity of the systems operations from safety standards to market place realities. The two cannot be separated and the Senate vote effectively affirmed those arguments.

Mr. INOUYE. I agree. Without such context, security decisions will be made in a vacuum that, at best, might produce misguided or extraneous efforts, and, at worst, could cripple the transportation modes that ensure the free flow of commerce and travel that our Nation has been built upon. The Commerce Committee has passed three of the most significant transportation security bills considered since 9/11 and has been successful because of its understanding of the industry and past work on safety and security issues. The distinguished majority leader and Senator MCCONNELL recognized this when crafting S. Res 445 and the Senate approved.

Mr. REID. My colleagues from the Senate Commerce Committee are correct. S. Res. 445, as introduced by me and Senator MCCONNELL and as passed by the Senate, proposed continued oversight of transportation security by the Commerce Committee.

Mr. INOUYE. The Department consists of 22 separate agencies. These agencies are responsible for everything from international trade to animal health inspection. It would be unwise for the Senate to suggest that a single committee should manage oversight of those 22 agencies and each of their multiple missions just because the Secretary does not like to travel to the Hill and testify. The Senate cannot abdicated its oversight responsibilities because the Department thinks it takes up too much time.

And so, I respectfully but deeply disagree with the nonbinding measure in the underlying bill suggesting that this Senate should neglect its oversight duty—and put aside much of its longstanding expertise—because the Department is too busy to come tell us what they are doing. While I and many of my colleagues discussed striking this provision from the underlying bill, the majority leader noted that it was simply the work product of one committee. I would like to ask the majority leader if it is intention to continue to operate under S. Res. 445 given the recent success of legislation like Public Law 109–347 and S. 4.

Mr. REID. The Senator is correct. S. Res. 445 determines Senate oversight and jurisdictional authorities.

TRANSIT SECURITY

Mr. DODD. Madam President, I thank the majority leader for this colloquy and for his work with the chairmen and ranking members of many of the committees who have been involved in putting together the legislation to implement the recommendations of the 9/11 Commission. The Banking Committee took this task very seriously. I am pleased to report that the committee unanimously reported S. 763, the Public Transportation Terrorism Prevention Act of 2007, which has been incorporated into the 9/11 legislation as title XIV. Transit security has long been a focus of the Banking Committee, where we have held several hearings and reported similar legislation in each of the last two Congresses. While the Banking Committee's previous legislation also passed the Senate, once as a free-standing bill and as title VII of the SAFE Port Act, it has yet to become law. I will continue to work very closely with Senator SHELBY, who was a leader on this issue as chairman of the Banking Committee, to work through the conference process with our counterparts in the House of Representatives to make this provision law. I appreciate the leader's support and commitment to having the Banking Committee continue to take responsibility on this title.

Transportation security was also addressed more broadly in title VIII of this legislation. As title VIII called for national transportation security and information plans, I worked very closely with my fellow chairmen and ranking members from the Commerce Committee, Senators INOUYE and STEVENS, who have jurisdiction over other modes of transportation security besides public transportation. Together we reached an agreement, represented in the Inouye amendment, No. 423, between the Commerce, Banking, and Homeland Security Committees. I am very pleased that this amendment was agreed to, and it is my intention to continue our close working relationship on these issues throughout the conference process.

The Banking Committee was also very engaged in other areas of the bill that involved the committee's jurisdiction. Since 9/11, we have worked with and overseen the Federal financial regulators as they have implemented sophisticated preparedness requirements for the institutions under their jurisdiction. Title VII, as proposed, authorized the Secretary of the Department of Homeland Security to create another series of requirements. Although these requirements are voluntary, Federal financial regulators and the financial services industry have expressed concerns about the impact of these requirements, and I share their concerns. A letter from the Board of Governors of the Federal Reserve System staff dated March 1, 2007 explains that the ''voluntary standards [of Title VII are] not appropriate to meet the objective of greater preparedness and resiliency.'' The letter states that it would ''be desirable that Title VII reflect the unique relationships that already exist within the banking and finance sector and not impose any new requirements that duplicate actions that have already been

taken by the Federal financial institutions regulators.'' The American Bankers Association in a letter dated February 28, 2007, stated ''ABA is concerned that this program would be redundant to and potential conflict with the existing process by which the banking industry develops business continuity standards, as well as with existing business continuity regulatory requirements.'' Also, the Office of Management and Budget issued a Statement of Administration Policy on February 28, 2007, that stated, ''These standards may increase the regulatory burden.''

I have proposed amendments intended to address these concerns, working with Chairman LIEBERMAN and Ranking Member COLLINS. The final legislation will include an amendment to clarify that institutions in a sector, such as financial services, must obey their sector regulators and to emphasize that this program is voluntary and does not supersede the institutions' responsibilities to maintain the high standards required by their regulators.

Another amendment that I authored pertains to title X of the underlying bill. I commend Senators LIEBERMAN and COLLINS for their efforts in addressing an important issue under this title—to ensure that the Department of Homeland Security thoroughly discerns the risks to America's critical infrastructure. As originally drafted, however, I was concerned that the bill would not ensure that DHS adequately consults with the Federal agencies best equipped to assess and prioritize risks in specific sectors of the economy. From the perspective of the Banking, Housing, and Urban Affairs Committee, I can tell you, for example, that no one has greater expertise or technical resources for assessing the vulnerabilities of our financial infrastructure than our Federal financial regulators. It is for that reason that my amendment effectively removed language that would place limits on the DHS' use of information from sector-specific agencies in the formulation of their risk assessments and prioritized lists. It is my belief that we need to encourage greater coordination between these specialized agencies and the Department of Homeland Security, not restrict it. This is true in areas outside of the financial services sector. In matters of public health, DHS should consult the Department of Health and Human Services. In manners of farming and food development, the Department of Agriculture should be consulted. In matters related to drinking water and water treatment systems, the Environmental Protection Agency should be consulted. That is why my amendment endeavors to better integrate our efforts to understand critical infrastructure vulnerabilities and hopefully develop protections in all of these areas. In addition, my amendment ensures that the agencies most familiar with the sensitive data shared with DHS and Congress determine the relative classification levels of this information. Without this provision, I am afraid someone at DHS or elsewhere, who is unfamiliar with the sensitivities of a specific sector of the economy, might unintentionally divulge critical information that could be harmful to U.S. infrastructure.

Finally, although it pertains to the assessment of U.S. critical infrastructure, title X does not include any reporting requirement on the government's ability to ensure that U.S. industry reduces interruption of critical infrastructure operations during a national emergency and minimizes the impact of such a catastrophe. My amendment requires reports to the Committees on Banking, Housing and Urban Affairs as well as to Homeland Security and Governmental Affairs, along with their House committee counterparts, on compliance with subsections (a) and (c) of section 101 of the Defense Production Act of 1950 to meet this requirement. As chairman of the Committee with jurisdiction over this law, it is important to me that we oversee appropriate U.S. industrial preparedness to meet critical infrastructure needs in times of national emergency. I appreciate the cooperation of my colleagues in the development of all of these important provisions.

Once again, I thank the majority leader for his excellent work in bringing all of these committees together and fashioning an excellent bill. This demonstrates that the jurisdictional lines established in S. Res. 445 continue to work.

Mr. REID I thank the Senator from Connecticut. The Senator is correct that S. Res. 445 determines Senate oversight and jurisdictional authorities, and I acknowledge the important role that the Banking Committee has played and will continue to play on this legislation.

Mr. CHAMBLISS. Madam President I rise today in opposition to this final bill because I believe one of the provisions included will greatly undermine our homeland security efforts. Specifically, the provision would mandate that the Transportation Security Administration have the ability to collectively bargain with Government unions representing airport security screeners. This will create unnecessary red tape and bureaucracy and tie the hands of our security personnel. While this provision may be beneficial to the union bosses, it is not beneficial to Georgians and the American people.

TSA must have the flexibility to respond when our security is threatened. In this current era of unpredictable threats, TSA must be able to continually change its systems to meet the changing security environment. If we mandate that TSA must negotiate with the unions for every change in circumstance, it will negate the agency's ability to respond quickly to terrorist threats and other emergencies. I just don't think that is common sense.

In fact, when TSA was created, the agency was given the authority to decide whether to engage in collective bargaining with airport baggage screeners, and TSA concluded that such negotiations would weaken its ability to protect the American people. This authority was not recommended in the 9/11 Commission Report.

Now let's be clear—the issue here is not whether TSA employees should be allowed to join a union but whether TSA must collectively bargain with Government unions before it changes personnel and policies. At the present time, airport screeners may voluntarily join a union and TSA will withhold union dues at an employee's request. The union, however, has no standing to negotiate with TSA on behalf of their members.

I would just note that this restriction is not unique to TSA. Other Federal agencies that collect and respond to intelligence in an effort to address homeland security, such as the FBI, CIA, and Secret Service, all have the same restriction. This is done as an acknowledgement that highly sensitive security information should only be released on a need-to-know basis. Collective bargaining, conversely, would require the release of sensitive information to external negotiators and arbitrators, which would increase the risk of sensitive information getting in the wrong hands.

TSA must be able to quickly shift employees based on intelligence and airport traffic demands while modifying procedures at a moment's notice. For example, this past August, following an attempted United Kingdom airline bombing, TSA overhauled its procedures in less than 12 hours to prevent terrorists from smuggling liquid explosives onto any U.S. flights. Not only did this flexibility ensure that no U.S. flights were cancelled due to the change, most importantly, it ensured the safety and security of the United States. This past December, during a major snowstorm in Denver, local TSA employees were unable to get to the airport. However, due to the current policies, TSA was able to deploy officers from Salt Lake City, Las Vegas, and Colorado Springs to the Denver airport. This deployment allowed TSA to open every security lane in Denver around the clock at the airport until they were back to normal operations. So in circumstances like these, TSA cannot spend days, weeks, or months negotiating over officer assignments and new schedules before implementing them.

We should remember that TSA exists to protect American lives, and its focus must remain on homeland security and not on labor negotiations. I am extremely concerned that the provision included in this bill will lead to a change in culture within the agency, and I just don't think our hard-working TSA employees gain much from this.

I am proud of our dedicated TSA employees in Georgia, and we already have a ''pay for performance'' system in place that weeds out nonperformers.

The system is based upon technical competence, readiness for duty, and operational performance. But under the proposed changes, the most effective security employees will be punished by the change in pay practices.

Finally, we should be concerned about what this means to passengers and the American taxpayers. The collective bargaining system would not reward good screening performance or customer service. Additionally, implementing the infrastructure for collective bargaining would cost hundreds of millions of dollars and TSA would be forced to relocate thousands of personnel. For Georgians, fewer personnel means fewer screening lanes and longer lines at airports like Hartsfield-Jackson International Airport in Atlanta.

Our national security is too important to risk. It is no accident that we have not had a terrorist attack on domestic soil since September 11, 2001. But that is not to say that it can't happen again. The terrorists only have to get it right once. But we have to get it right every time. So let's not hinder our ability to do that. Our homeland security infrastructure must be able to operate in real time. We should not tie the very hands we rely upon to protect us here at home. It is disappointing that this provision is included in this bill, and I urge my colleagues to oppose final passage.

Mr. KOHL. Madam President, I rise today to discuss three proposed amendments to S. 4, Improving America's Security by Implementing Unfinished Recommendations of the 9/11 Commission Act. I thank Senators LIEBERMAN, COLLINS, DODD and SHELBY for working with me and my staff on provisions to protect seniors in the event of an emergency. Unfortunately, two important provisions were pulled at the behest of Republicans to limit the number of amendments offered by Democrats.

It has been almost 2 years since our Nation reeled from the tragic and shameful images of seniors abandoned during the aftermath of Hurricane Katrina. Sadly, we now know that 71 percent of the people who died were older than 60. Last year, as the ranking member of the Special Committee on Aging, we held a hearing to examine how prepared the Nation is to care for our seniors in the event of a national emergency. What we learned was disheartening.

We learned that our Nation is woefully unprepared to meet the unique needs of our seniors in the event of a terrorist attack, natural disaster, or other emergency. Cookie cutter emergency plans are of little use to seniors, especially those who depend on others for assistance in their daily lives. We need specific plans, programs, and information for all seniors facing emergencies.

That is why Senators WYDEN, COLEMAN and I offered several amendments to the 9/11 legislation to ensure that the Department of Homeland Security place seniors on the forefront of its emergency planning agenda. The first amendment, which is supported by the American Public Health Association, is an important step towards ensuring that seniors are protected when the next national emergency occurs.

This amendment would ensure that any recipient of a homeland security grant, under title II, will include in its State, local, or tribal homeland security plan the evacuation, transportation, and health care needs of the elderly.

It would also require that the needs of the elderly are incorporated into any preparedness exercises or trainings for emergency responders to ensure they are adequately prepared to safeguard our seniors in the event of an emergency.

This amendment would have sent a strong signal to States and communities that are engaged in emergency planning that seniors must be a priority. Unfortunately, this is one of the amendments pulled from a manager's package of approved amendments at the last minute.

I am also pleased to be an original cosponsor of Senator WYDEN's amendment to establish a Special Needs Registry Pilot Project, which is supported by the National Association of Area Agencies on Aging. One of the most useful recommendations from our Aging Committee hearing last year was to follow the lead of counties like Miami-Dade in Florida. They have successfully set up a voluntary registry where seniors can list where they live, their transportation limitations, their health needs, and whether they may need help getting food and other supplies during an emergency.

It's clear that more cities and counties could benefit from these kinds of special needs registries. That's why this amendment would have created a pilot project for local emergency management agencies to set up and test these registries, allowing first responders to locate and care for seniors before and during emergencies. It was our hope that this pilot project would have helped spark a nationwide effort to establish special needs registries; unfortunately this amendment was also pulled at the last minute.

On a brighter note, I thank Chairman DODD and Ranking Member SHELBY again for working with me and Senator COLEMAN to successfully include a provision, supported by the American Public Health Association, in title XIV that would ensure that public transportation workers are trained to meet the evacuation needs of seniors in the event of a crisis. This is particularly important since so many of our seniors utilize public transportation for access to their everyday needs. Furthermore, only public transportation has the capacity to move millions of people and provide first responders with critical support in major evacuations of urban areas.

This provision will go a long way to ensure that our seniors are taken care of if we have another emergency or disaster. Unfortunately, two crucial provisions intended to safeguard the needs of seniors were not included in the final bill due to partisan efforts to limit Democratic amendments. Hurricanes Katrina and Rita taught us many painful lessons that should never be forgotten. I will not forget and I intend to pursue legislation aimed at explicitly safeguarding the needs of America's seniors in the event of an emergency. The time to act to protect our seniors is now.

Mr. REED. Madam President, today the Senate will vote on a matter of utmost importance—enacting the remaining 9/11 Commission recommendations. Since their publication 2½ years ago, roughly half of the recommendations have been left unaddressed, while many that have been adopted into law have not been effectively implemented. S. 4, the Improving America's Security Act, is a critical step to ensuring our Nation's safety.

This bill includes an important new interoperability grant program. Tragedies such as September 11, the Station Fire in my home State of Rhode Island, and Hurricane Katrina have demonstrated the need for interoperable communications equipment among first responders. More communities require access to funding to create interoperable communications networks, and I have long supported increasing accessibility for interoperability grants to local and state governments.

I am also pleased that this bill includes a transit security program that I helped author as a member of the Banking, Housing, and Urban Affairs Committee. The committee has been well aware of the need for this legislation since the tragic events of 9/11, spending significant time and effort to improve our Nation's transit security system. The Senate has passed transit security legislation in the last two Congresses, only to have them each stall prior to enactment. While our Nation acted quickly after 9/11 to secure airports and airplanes against terrorists, major vulnerabilities remain in surface transportation. As the 9/11 Commission concluded, ''opportunities to do harm are as great, or greater, in maritime and surface transportation'' as in commercial aviation. The time to act is now.

Transit is vital to providing mobility for millions of Americans and offers tremendous economic benefits to our Nation. In the United States, people use public transportation over 32 million times each weekday compared to 2 million passengers who fly daily. Paradoxically, it is the very openness of the system that makes it vulnerable to terrorism. When one considers this and the fact that roughly $7 per passenger is invested in aviation security, but less than one cent is invested in the security of each transit passenger, the need for an authorized transit security program is clear.

In addition, the bill provides important protections for Transportation Security Officers at the Transportation Security Administration that have been long absent, including whistleblower protections, the right to appeal to the Merit Systems Protection Board, and certain collective bargaining rights.

Lastly, while Providence is now 1 of 39 urban areas eligible for the Urban Area Security Initiative grants, something that I have long sought, believing the city faces risks from terrorism, I was disappointed that Senator LEAHY's amendment to restore the minimum allocation to 0.75 percent for States under the State Homeland Security Grant Program failed. With this funding, Rhode Island has been able to make critical improvements, but adequate funding is still needed, and it is my hope that the highest minimum funding level will prevail in conference with the House of Representatives.

Implementing the final recommendations of the 9/11 Commission builds and improves on the work that has been done since the attacks of September 11, and I am pleased to support this bill.

Mr. FEINGOLD. Madam President, I want to add my thoughts to the debate on the Improving America's Security Act of 2007.

First, I preface my remarks by applauding the chairman and ranking member of the Homeland Security and Governmental Affairs Committee for their work on this important bill. This bill makes crucial and long overdue improvements in transportation security, critical infrastructure protection, and emergency response capabilities. There is no higher priority than protecting homeland security, and this bill is a key component in that effort.

Nearly 6 years since the horrific attacks of September 11, we are still struggling to give our first responders, law enforcement officers, and the employees of the Department of Homeland Security the resources they need to keep us safe. I thank these brave men and women who work daily to protect this Nation. They are on the front lines of the fight against terrorism. They are the ones who are called on to stop and respond to any future attack upon our Nation. This bill includes important resources these brave men and women need to perform their critical tasks.

I am pleased that the Senate has increased funding for State homeland security grants, emergency management performance grants, emergency communications and the Urban Area Security Initiative. I have long advocated for greater funding of emergency management grants because they are crucial in assisting State and local officials in preparing for all-hazards emergencies. These grants provide emergency managers with the resources they need to increase coordination and planning so that if an emergency occurs, State and local officials will respond much more efficiently and effectively.

It is my hope that this bill represents a lasting shift in priorities, a shift towards an enhanced focus on the most pressing threats facing our country. We are still spending almost twice as much on Iraq as is allocated for homeland security, diplomacy, and international assistance combined. The billions we spend each month in Iraq could be invested in the protection of critical infrastructure and our system of national preparedness and response that failed in the wake of Hurricane Katrina. As we consider the budget resolution and the defense and homeland security appropriations bills this year, I encourage my colleagues to take a broader view when it comes to our national security priorities and make the tradeoffs that must be made.

I am particularly pleased that the Federal Agency Data Mining Reporting Act is included in this bill as section 504. I have been working on this legislation for a number of years with Senator SUNUNU, Senator LEAHY, and Senator AKAKA. I am glad that Senator SUNUNU and Senator AKAKA successfully offered the legislation as an amendment to S. 4 when it was before the Homeland Security and Governmental Affairs Committee.

Many law-abiding Americans are understandably concerned about the specter of secret government programs analyzing vast quantities of public and private data about their pursuits, in search of patterns of suspicious activity. Four years after we first learned about the Defense Department's program called Total Information Awareness, there is still much Congress does not know about the Federal Government's work on data mining. This bill is an important step in allowing Congress to conduct oversight of any such programs or related research development efforts.

The Federal Agency Data Mining Reporting Act would require Federal agencies to report annually on their development and use of data mining technologies to discover predictive or anomalous patterns indicating criminal or terrorist activity the types of pattern-based data analysis that raise the most serious privacy concerns. As amended on the floor, it would also allow classified information, law enforcement sensitive information, trade secrets, and proprietary business information to be provided to the relevant committees separately, in a nonpublic form, under appropriate security measures.

Intelligence and law enforcement agencies would not be doing their job if they did not take advantage of new technologies. But when it comes to pattern-based data mining, Congress needs to understand whether it can be effective in identifying terrorists, and Congress needs to consider the privacy and civil liberties implications of deploying such technology domestically. I hope these reports will help Congress—and to the extent possible, the public—finally understand what is going on behind the closed doors of the executive branch, so that we can start to have the policy discussion about data mining that is long overdue.

I am concerned about the ongoing development of the Information Sharing Environment without adequate privacy and civil liberties guidelines. In the Intelligence Reform and Terrorism Prevention Act of 2004, Congress mandated that the President create an Information Sharing Environment, ISE, for the sharing of terrorism information among Federal agencies, State and local governments, and the private sector. This is a critical goal in our counterterrorism efforts. But that legislation also required that the President issue privacy guidelines for the ISE, in recognition of the serious privacy and civil liberties implications of facilitating more sharing of information among these entities. Those privacy guidelines were issued in December, but in my view are wholly inadequate. They touch on the most significant privacy issues and provide a framework for agencies to think about the privacy issues that might arise, but they do not include specific guidelines and rules for protecting privacy. That is why I filed an amendment to S. 4 that would have provided more direction to the ISE program manager about what should be included in these privacy guidelines and the need for more specific government-wide rules for the ISE. I was disappointed that my amendment was not included, but will continue to work to ensure that the guidelines for implementation of the ISE are sufficient to protect the privacy of Americans.

The bill mandates the declassification of the aggregate amount of the intelligence budget. This reform has a long history going back to the Church and Pike Commissions. It is supported by the current Senate Select Committee on Intelligence. It was also one of the recommendations of the 9/11 Commission, which stated that ''when even aggregate categorical numbers remain hidden it is hard to judge priorities and foster accountability.'' I concur with the Commission, that aggregate budget figures ''provid[e] little insight into U.S. intelligence sources and methods.'' Sharing this information with the American people will, however, provide a greater level of transparency and accountability and in the end make us more secure.

I was pleased to support Senator MCCASKILL's amendment to ensure that workers at the Transportation Security Administration are afforded the same workplace protections as other DHS employees. The low retention rate at TSA resulting in part from lack of workers' rights threatens our security. This amendment will address this concern while giving administrators the flexibility they need to respond to imminent threats.

I am pleased that this bill includes provisions to ensure proper oversight of homeland security grants. I am deeply troubled by reports of improper

oversight of expenditures at DHS, including an article in the Washington Post last November stating that the Department was unable to locate one-third of the files needed to perform an audit of its contracts. I therefore supported Senator COBURN's amendment to require DHS to perform audits on homeland security grants. While I understand concerns that this requirement could have led to delays in the issuance of grants in fiscal year 2008, I did not think it was unreasonable to require DHS to conduct the audits required in a timely manner. I will continue to work with my colleagues to improve oversight of homeland security funding.

I supported several amendments that would have added funding for critical security needs not fully addressed in this bill. I do not take lightly a decision to vote in favor of spending more money. Fiscal responsibility is one of my highest priorities, but it is imperative that we provide the resources needed to combat terrorism.

I voted for this bill because it makes key changes to address security needs. However, our Nation's vulnerabilities demand more and I will continue to work to ensure that our vital homeland security needs are met.

Mr. LEVIN. Madam President, I support the Improving America's Security Act of 2007 because it takes a giant step in implementing the recommendations of the 9/11 Commission. Keeping America safe requires more than expensive weapons and war funding; it also requires a commitment to homeland security. This legislation shows that commitment.

We learned on September 11 and during Hurricane Katrina how important it is for our first responders to be able to communicate with each other. For years, I have been urging the Department of Homeland Security to establish a dedicated funding source for interoperable communications equipment. I am pleased that this legislation creates a grant program dedicated to improving operability and interoperability at local, regional, State and Federal levels.

I am also pleased that this legislation moves us closer to the equitable distribution of homeland security grant funding. For 5 years, the largest homeland security grant programs have distributed funds using a formula that arbitrarily sets aside a large portion of funds to be divided equally among the States, regardless of size or need. The current ''small State formula'' has severely disadvantaged States such as Michigan with high populations. In addition, it reduces the amount of funding that can be allocated to States with highest risks. Although I am disappointed that the Senate failed to pass two amendments that I supported that would have lowered the minimum funding level even further, the .45 percent minimum in the underlying bill is an improvement from the current .75 percent base funding amount.

The legislation also includes language that I authored that directs the Secretary of Homeland Security to establish international border community interoperable communications demonstration projects on the northern and southern borders to improve collaboration and help identify common frequencies for cross border communications. These interoperable communications demonstration projects will address the interoperable communications needs of police officers, firefighters, emergency medical technicians, National Guard, and other emergency response providers at our borders by identifying common international cross-border frequencies for communications equipment; fostering the standardization of interoperable communications equipment; identifying solutions that will expeditiously facilitate communications interoperability across national borders; ensuring that emergency response providers can communicate with one another and the public at disaster sites or in the event of a terrorist attack or other catastrophic event; and providing training and equipment for relevant personnel to enable those units to deal with threats and contingencies in a variety of environments.

Also included in the legislation is language that I authored that will require the Department of Homeland Security to conduct a cost-benefit analysis of the Western Hemisphere Travel Initiative, WHTI, before publishing the final rule. The WHTI will require individuals from the United States, Canada, and Mexico to present a passport or other document proving citizenship before entering the United States. Although we all share the goals of the Western Hemisphere Travel Initiative to make our borders as secure as they can be, we need to make sure that we are achieving that goal in a way that will not cause economic harm to our States. I am also pleased that language was included in the bill that I worked with Senator COLEMAN on to require the Department of Homeland Security to sign a memorandum of understanding with one or more States to conduct a pilot project to see whether secure driver's licenses could be used as a form of documentation for travel between the U.S. and Canada under the WHTI. The amendment also provides that DHS must evaluate the pilot project and map out next steps, including an expansion if appropriate.

This legislation also takes important steps to shore up rail, transit and cargo security in the United States. The legislation establishes a grant fund for system wide Amtrak security improvements and much needed infrastructure upgrades as well as authorizes an existing grant program for improving intercity bus and bus terminal security. It establishes a grant program for freight and passenger rail security upgrades and requires railroads shipping high-hazard materials to create threat mitigation plans. It authorizes studies to find ways to improve passenger and baggage security screening on passenger rail service between the U.S. and Canada. The bill will hopefully move us closer to addressing something I have been trying to get implemented at our northern car and truck border crossings for years: establishing a preclearance system. The study is required to identify what exactly is needed to perform prescreening of rail passengers on the northern border.

I am pleased that the Senate retained language that will require that TSA screeners finally come under an unambiguous personnel system. A further amendment that I supported will finally give Transportation Security Administration screeners the whistleblower protections afforded to most other Federal workers, including law enforcement officers. It also gives them the right to appeal suspensions and to collectively bargain, just like their counterparts in the Border Control, FEMA and the Capitol Police.

The bill also requires studies on how to improve the safety of transporting radioactive and hazardous materials and shipments of explosives and radioactive materials on our highways. I am pleased that this legislation requires the screening of all cargo carried on passenger airplanes within 3 years.

The intelligence failures before the Iraq war were, to a significant degree, the result of the CIA shaping intelligence to support administration policy. The CIA's errors were all in one direction, making the Iraqi threat clearer, sharper and more imminent, thereby promoting the decision to remove Saddam from power. Nuances, qualifications and caveats were dropped. ''Slam dunk'' was the assessment.

Among the most important things we can do to keep this from happening again is to strengthen congressional oversight to ensure that intelligence community assessments are objective and uninfluenced by the policy judgments of whatever administration is in power. The 9/11 Commission agreed, stating in its report that ''Of all our recommendations, strengthening congressional oversight may be among the most difficult and important.'' Section 1102 of S. 4 bill is directed at that goal.

Too often Congress is stonewalled or slow-walked by the executive branch in accessing intelligence information necessary to make policy and conduct oversight of the intelligence community. Section 1102 of this bill adds a new section 508 to the National Security Act that will ensure Congress has access to intelligence information critical to do its job.

Section 508 requires elements of the intelligence community to provide, upon request from congressional committees of jurisdiction, timely access to intelligence information. The requirement would apply unless the President certified that the requested documents were not being provided because the President was asserting a constitutional privilege. Requiring the

intelligence community to respond to requests for information from the vice chairman and ranking member of the Senate and House intelligence committees, respectively, will encourage rigorous oversight regardless of which party controls the Congress.

In addition to providing information in a timely manner, we expect the intelligence community to provide Congress its assessment of intelligence matters uninfluenced by the policy goals of the administration. However, an Office of Management and Budget—OMB—memorandum directs executive branch agencies to clear, through OMB, legislative proposals, agency reports, and testimony on pending legislation. The memo also states that ''If agencies are asked by Congressional Committees to report or testify on pending legislation or wish to volunteer a report, similar clearance procedures are followed.''

Our intelligence agencies should not have to get permission from the OMB, or any other executive branch official to share their views with the Congress. Section 1102 of the bill adds a new section 508 (d) to the National Security Act that says no executive branch official can require the intelligence community to get permission to testify or to submit testimony, legislative recommendations or comments to the Congress. Section 508 (d) is based on authority that exists for numerous other executive branch agencies, including the Securities and Exchange Commission, the Board of Governors of the Federal Reserve, the Federal Deposit Insurance Corporation, the Comptroller of the Currency, the Director of the Office of Thrift Supervision, the Federal Housing Finance Board, and the National Credit Union Administration.

A CRS legal review of direct reporting requirements like the one created by section 508 (d) states that ''direct reporting provisions are well within the Congress's constitutional authority to inform itself in order to perform its legislative function which has been consistently acknowledged by Supreme Court decisions, and dates back to the early enactments of the First Congress in 1789.'' The CRS review calls Department of Justice objections to direct reporting requirements ''without substantial merit.''

Finally, it is important for whistleblowers to know that they can come directly to Congress if they have evidence that someone has made a false statement to the Congress. And the Congress has a right to that information—even if it is classified.

Section 1102 of the bill adds a new section 509 to the National Security Act making it clear that intelligence community employees and contractors can report classified information directly to appropriate Members of Congress and cleared staff if the employee reasonably believes that the information provides direct and specific evidence of a false or inaccurate statement to Congress contained in an intelligence assessment, report or estimate.

Section 509 is substantively the same as section 225 of the Senate-passed version of the intelligence reform legislation. Section 225 was stripped from the intelligence reform bill in conference. Section 509 is also similar to a provision that passed the Senate twice previously. Once as part of the fiscal year 1998 Intelligence Authorization Act and once as a stand alone measure S. 1668, in the 105th Congress. S. 1668 passed the Senate 93–1.

Section 509 is also consistent with congressional findings passed in the 105th Congress as part of the Intelligence Community Whistleblower Protection Act of 1998 and incorporated by reference into the intelligence reform bill. Those findings state among other things that:

> Congress, as a co-equal branch of Government, is empowered by the Constitution to serve as a check on the executive branch; in that capacity, it has a ''need to know'' of allegations of wrongdoing within the executive branch, including allegations of wrongdoing in the Intelligence Community; . . .
>
> (N)o basis in law exists for requiring prior authorization of disclosures to the intelligence committees of Congress by employees of the executive branch of classified information about wrongdoing within the Intelligence Community . . .

I am pleased that the Senate will soon pass this legislation, for the families and friends of those we lost on September 11, 2001, and for the safety and security of our Nation.

Mr. LEAHY. Madam President, I will vote today in favor of final passage of the Improving America's Security by Implementing Unfinished Recommendations of the 9/11 Commission Act of 2007, S. 4, but I do so with a heavy heart.

I am truly disappointed that the chairman and ranking member of the Committee on Homeland Security and Governmental Affairs, Senators LIEBERMAN and COLLINS, decided to arbitrarily lower the minimum allocation for States under the State Homeland Security Grant Program and the Law Enforcement Terrorism Prevention Program from the 0.75 percent that has existed for the past 5 years to 0.45 percent. Not only would this change to the formula result in the loss of millions in homeland security funding for the fire, police, and rescue departments in small- and medium-sized States, like Vermont, Connecticut, and Maine, it also would deal a crippling blow to their efforts to launch federally mandated multiyear plans to build and sustain their terrorism preparedness.

During the Senate floor debate on S. 4, I offered with Senators THOMAS, STEVENS, ROBERTS, PRYOR, SANDERS, ENZI, HATCH, WHITEHOUSE, and LINCOLN an amendment to restore the minimum allocation for States under the State Homeland Security Grant Program from 0.45 percent, which is proposed by the underlying bill, to 0.75 percent, which is current law. As with current law, the State minimum under our amendment would have continued to apply only to 40 percent of the overall funding under this program. The majority of the funds would continue to be allocated based on risk assessment criteria, as are the funds under the several separate discretionary programs that Congress has established for solely urban and high-risk areas, which also are governed by risk assessment calculations.

Unfortunately, this amendment lost by a vote of 49 yeas to 50 nays. This is a marked change from just last year, when the 0.75 percent minimum allocation was overwhelmingly defended when 64 Senators voted against an amendment that would have lowered the minimum to 0.25 percent. Fifteen Senators changed their votes from last year, including HSGAC Chairman LIEBERMAN and Ranking Member COLLINS, whose States stand to lose the most from the decreased minimum.

The bill that passed the Senate today would reduce the all-State minimum for SHSGP and the Law Enforcement Terrorism Prevention Program to 0.45 percent. The House bill reduces it even further to 0.25 percent. Due to the formula differences, there is no guarantee that the minimum will not be even further reduced during conference negotiations. Small- and medium-sized States face the loss of millions of dollars for our first responders if the minimum is lowered.

By reducing the all-State minimum to 0.45 percent, the underlying bill would reduce the guaranteed dollar amount for each State by 40 percent. With appropriations for formula grants having been cut by 60 percent since 2003—from $2.3 billion in 2003, to $900 million in fiscal year 2007—further reductions in first responder funding would hamper even more each State's efforts to prevent and deal with potential terrorist attacks.

In fiscal year 2007, State Homeland Security and Law Enforcement Terrorism grants were funded at $525 million and $375 million, respectively, for a total of $900 million. Under the current all-State minimum of 0.75 percent, the base amount States receive is $6.75 million. Based on fiscal year 2007 levels, each State would face a loss of an estimated $2.7 million, or 40 percent, under the new 0.45 percent formula, which would be a real blow to our first responders.

And the cuts will be even deeper should the President's budget request for next year be approved. The President has requested only $250 million for these two important first responder grant programs.

My colleagues from our largest States—and apparently some small- and medium-sized States—seem to forget that the terrorist attacks of 9/11 added to the responsibilities and risks of first responders nationwide. I wrote the current all-State minimum formula as part of the USA PATRIOT Act

of 2001 to guarantee that each State receives at least 0.75 percent of the national allotment to help meet their national domestic security needs.

Every State—rural or urban, small or large—has basic domestic security needs and deserves to receive Federal funds under this partnership to meet both those needs and the new homeland security responsibilities the Federal Government demands. Of course, high-density urban areas and high-risk centers have even greater needs, which is why this year alone we provided $1.3 billion for homeland security programs for which only a small number of urban areas are eligible to apply. All of these needs deserve and need to be met. I have worked hard over the years to help address the needs of larger States and high-density areas, and I have opposed the Bush Administration's efforts to pit our States against each other, as they have tried to mask their efforts to cut overall funding for first responders.

Smaller States, especially, would never be able to fulfill those essential duties on top of their daily responsibilities without Federal support, especially given that DHS is currently suggesting that States will pay for REAL ID implementation, an estimated $16 billion, with first responder grants. My colleagues should be warned that if the minimum drops further—compounded by substantial drops in overall first responder funding—then small- and medium-sized States will not be able to meet those Federal mandates for terrorism prevention, preparedness, and response.

Some from urban States argue that Federal money to fight terrorism is being sent to areas that do not need it and is ''wasted'' in small towns. They claim the formula is highly politicized and insists on the redirection of funds to urban areas that they believe face heightened threat of terrorist attacks.

What critics of the all-State minimum seem to forget since the September 11 terrorist attacks, the Federal Government has asked all State and local first responders to defend us as never before on the front lines in the war against terrorism. Emergency responders in one State have been given the same obligation as those in any other State to provide enhanced protection, preparedness, and response against terrorists.

The attacks of 9/11 added to the responsibilities and risks of first responders across the country. In recent years, due to the 0.75 percent all-State minimum allocation for formula grants that has existed in law, first responders have received resources to help them meet their new responsibilities and have made our neighborhoods safer and our communities better prepared.

There is much left undone in securing our Nation. I hope that the Senate's conferees will resist calls for further needless reductions to the all-State minimum base and risk the preparedness efforts in small States like their own. I trust they will do all they can during conference negotiations to ensure continued support and resources for our police, fire, and EMS services in every State if we expect them to continue protecting us from terrorist or responding to terrorist attacks, as well as carrying out their ongoing responsibilities in helping to keep our communities safe and prepared.

Mr. DURBIN. Madam President, now is the time to implement the unfinished recommendations of the 9/11 Commission.

I commend Senators LIEBERMAN and COLLINS for their leadership and the Senate Homeland Security and Governmental Affairs Committee for its work on this important legislation. More than 5 years after 9/11 despite tens of billions of dollars spent America's ports, rails, airports, borders, nuclear powerplants and chemical plants still are not completely safe. It has been more than 2 years since the 9/11 Commission issued its final recommendations, and here we are, today, still debating the same issues.

This legislation builds upon previous efforts to enhance homeland security and includes several critical provisions to allocate homeland security resources based on risk, ensure that first responders have interoperable communications equipment, and improve government-wide information sharing.

I especially am pleased to note three provisions included in this bill that I have championed for some time. This legislation specifies that States can use Federal grants to design, conduct, and evaluate mass evacuation plans and exercises. While most cities and States have evacuation plans, the lack of training drills and exercises makes it difficult to address problems and work out solutions before lives are at risk in a real emergency. As we learned from Hurricanes Katrina and Rita, there is no substitute for being prepared. We may only have one chance to get it right.

In addition, this legislation makes important structural changes to strengthen the Privacy and Civil Liberties Oversight Board. Again, I commend Senators LIEBERMAN and COLLINS for including a broad statutory mandate and subpoena power for the Board. This bill also would require Senate confirmation for the chair and the vice-chair of the Board, as well as mandatory public reporting by the Board and reports for Congress. These provisions are key to ensuring the integrity of the Privacy and Civil Liberties Oversight Board.

Finally, this bill improves intelligence and information sharing within the Federal Government and with State and local governments. I am pleased that the bill we consider today would make the program manager for the Information Sharing Environment, ISE, permanent and authorize additional funds and staff to accomplish the ISE mission. The bill also requires additional reports to Congress on the status of ISE development. These comprehensive new requirements would improve and strengthen government information sharing structures, which will mean a more integrated intelligence network and a more secure Nation.

The 9/11 Commission gave Congress a critically important job by charging us with making structural changes to close the gaps in America's homeland security defenses. This legislation responds to that challenge, and I support its final passage.

The PRESIDING OFFICER. Under the previous order, there will be 20 minutes of debate divided between the managers and the leaders.

The Senator from Maine is recognized.

Ms. COLLINS. Madam President, I first want to thank our colleagues for their cooperation in moving forward this very important piece of legislation. When the 9/11 Commission completed its report and made its findings to Congress, the Homeland Security Committee, which I chaired at the time, worked very hard to produce a major overhaul of our intelligence community—in fact, the most sweeping changes in more than 50 years.

That legislation, for example, created the Director of National Intelligence and also established the National Counterterrorism Center, which brings together analysts from the 15 agencies involved in intelligence gathering and analysis. We took a major step forward.

Now we are on the verge of finishing the job. I salute the chairman of the committee, Senator LIEBERMAN, for making this legislation the top priority of our committee under his chairmanship. The legislation is going to help implement the unfinished recommendations of the 9/11 Commission. As I said, most of the recommendations were included in the 2004 Intelligence Reform and Terrorism Prevention Act. But there were some significant ones that were not completed. Thus, this legislation improves intelligence and information sharing, and it authorizes the Homeland Security Grant Program, which has been so important in improving the capabilities of our communities and States which are, after all, our partners in improving homeland security.

We worked very hard, the chairman and I and the rest of the committee members, to devise a formula that would be fair to all States, that would allocate the majority of the funding based on an analysis of risk, vulnerability, and consequences but also ensure that each and every State receive a predictable, steady level of funding so that each State can be improved and have a basic preparedness level.

I think we struck the right balance in that area. This bill would authorize a bit over $3 billion for each of the next 3 years for this new Homeland Security Grant Program. Included in that program is an emphasis on prevention. We

all are very focused on recovery and response in the event of a terrorist attack, but we believe it is very important to also focus on preventing attacks from happening in the first place. Our legislation would do that by providing that at least 25 percent of the overall funding for the urban areas and State Homeland Security Grant Programs must be used for law enforcement terrorism prevention activities.

Another important section of this bill creates a program to deal with communications equipment interoperability. We know that lives were lost on 9/11 because the various first responders could not communicate with one another. As a result, firefighters, police officers, and emergency medical personnel lost their lives and suffered injuries. Much to our dismay, we also found as part of our investigation into the failed response to Hurricane Katrina that exactly those same interoperability problems were occurring in Louisiana, in particular. We simply must tackle this problem. It is too big a problem and too expensive a problem for States and communities to do on their own. That is why we have a partnership, a grant program that would be administered by FEMA and dedicated to improving the survivability and the interoperability of communications equipment used by our courageous first responders and emergency managers.

Again, that program would authorize $3.3 billion over the next 5 years.

The bill also makes a number of important improvements to prevent terrorists from traveling to our country; to strengthen the Privacy and Civil Liberties Oversight Board; to improve private sector preparedness, since we know that 85 percent of critical infrastructure is in the private sector; and to improve transportation security planning and overall security of our transportation system.

It has been a great pleasure to work with the chairman and the members of our committee, as well as the Commerce Committee and other Members who have been interested, to bring this bill to the floor, and I believe it will help make our Nation safer.

The PRESIDING OFFICER. The Senator from Connecticut.

Mr. LIEBERMAN. Madam President, first, let me thank my ranking member, the Senator from Maine. I was thinking, as she was speaking, that when the transition occurred at the beginning of this 110th session of Congress I said to her, all that would change in our working relationship was our title, the title that each of us had. As I look back on our work together on this bill, S. 4, I am pleased to say that we worked with the same spirit of cooperation that we did under her chairmanship in 2004 when we had our first legislative response to the 9/11 Commission and we adopted the Intelligence Reform and Terrorist Prevention Act of 2004. So I thank Senator COLLINS.

I thank her staff for their work, and I thank my staff as well.

Madam President, I note the presence on the floor of the majority leader. I thank him for making adoption of this legislation a priority for this Congress. Here is why. This bill will strengthen our ability not just to respond to terrorist attacks but also to prepare our Federal, State, and local governments to respond to natural disasters. In that sense, S. 4 is not only a response to finish the mission given us by the 9/11 Commission that learns from the lessons of the first months of implementation of that Commission report, but it also applies to lessons learned from Hurricane Katrina. We are trying to create an all-hazards approach in our Government that increases our homeland security against the threat of a terrorist attack and also prepares our Government to respond better to natural disasters. I do not want to repeat some of the points in this legislation that Senator COLLINS focused on. I will just pick a few additionally.

One is that S. 4 recognizes that 85 percent of the critical infrastructure in our country that is potentially a target for terrorist attack in our great open society is privately owned. For the first time, we establish a voluntary program where the private sector can come in and have their facilities certified as, I would use the term ''terrorist resistant.''

In another section we declassify the bottom line of the intelligence budget. That was a specific recommendation of the 9/11 Commission in the interests of transparency and accountability.

We also greatly improve the provisions that in our law and policy are aimed at disrupting terrorist infiltration of our borders. This bill requires the Department of Homeland Security and the Department of State to strengthen the security provisions of the so-called visa waiver program. It also authorizes an electronic travel system that would require travelers to apply in advance for authorization to visit the United States, thus allowing their names to be checked against terrorist watch lists.

I am very proud of the bill we present after almost 2 weeks of debate to our colleagues in the Senate for final consideration. I know it will strengthen the homeland security of the American people. It enjoyed strong nonpartisan support in our committee, coming out with a vote of 16 to 0 with one abstention.

I gather there will be a significant number of ''no'' votes on the final passage because of one section, and I regret that. I wish our colleagues would vote favorably because I know they support almost all of this bill because it is good for the security of the American people at home.

The one section, obviously, is the one that deals with the collective bargaining rights of transportation security officers. I sure hope we can continue to discuss this section: why we think it is fair, why we are totally convinced its implementation will have no adverse effect on public safety—no more than the collective bargaining rights of Capitol Police officers or local firefighters or police officers or members of the Border Patrol or other law enforcement agencies in the Department of Homeland Security in any way adversely affects the carrying out of the duties to protect the American people.

Madam President, I also want to thank the chairman and ranking member of the Commerce Committee, Senators INOUYE and STEVENS, for producing the rail and aviation security portions of this bill, and the chairman and ranking member of the Banking Committee, Senators DODD and SHELBY, who contributed important mass transit security provisions.

I would be remiss if I didn't also thank the majority leader, Senator REID, for working with all of the committees involved to bring this comprehensive measure before tbe Senate. We have had 2 weeks of often spirited debate, and votes on some important amendments. Now, I believe we are ready to pass this bill, and I look forward to working with my colleagues to conference this measure with the House, and moving the legislation onto the President's desk for signature.

September 11, 2001, was a tragedy of unspeakable proportions, and it is for the men and women who died in the terrorist attacks that we work to enact this legislation. The attacks changed the course of history for our Nation and marked our nascent century as a new and dangerous era. Overnight, we became aware of our vulnerability to an enemy that doesn't wear uniforms nor follows any traditional laws of combat. Rather, they move silently among us, probing for weaknesses while plotting attacks on innocent civilians.

The families of those we lost on 9/11 have worked with us for years to get the 9/11 Commission recommendations implemented. I must thank them as well for their steadfast and courageous advocacy often in the face of seemingly insurmountable odds. They worked with us to pass the bill that Senator MCCAIN and I introduced to create the 9/11 Commission. They monitored the work of the 9/11 Commission, and testified before its members. And then they helped us win the fight to implement the Commission's recommendations in the Intelligence Reform and Terrorist Prevention Act of 2004.

In January, Senator COLLINS and I held a hearing on this legislation and heard from three family members who urged us to complete the job of enacting and implementing the 9/11 Commission's recommendations. When we pass this bill today, they will be watching. And they will know that they had a hand in its success.

Senator REID made adoption of this legislation a priority for this Congress. Here is why: This bill will strengthen our ability not just to respond to terrorist attacks but also to prepare our

Federal, State, and local governments to better respond to natural disasters.

We are trying to create an ''all hazards'' approach that increases our homeland security against the threat of terrorist attack, but also prepares our government to respond better to natural disasters since it failed to prepare or respond adequately to Hurricane Katrina.

How do we do this? Let me briefly describe a few of the provisions in this bill.

First, we would improve information and intelligence sharing among Federal, State, and local officials. We know that before 9/11, different agencies had different pieces of information that, had they been put together, should have aroused suspicion about the attack that was to come. One of the most important innovations since 9/11 has been the establishment of fusion centers to share information within and between States. This legislation would create standards for the fusion centers, require the Department of Homeland Security to provide support and coordination, and authorize the assignment of homeland security intelligence analysts to the fusion centers to serve as conduits for sharing information. The legislation also encourages the elimination of the ''need to know'' standard, which allows the information holder in a given Federal agency to control dissemination, and instead, encourages a ''need to share'' standard—obviously with appropriate safeguards.

Second, this legislation provides support and resources to first responders through a balanced and better funded Homeland Security Grant Program. We would authorize over $3.1 billion for each of the next 3 years for key grants to reverse a precipitous decline in funding for homeland security over the past 4 years. We believe we have achieved a balanced proposal that gives the vast majority of the money out based on risk but still recognizes that risk is an art, not a science, and terrorists could strike anywhere. In an all-hazards approach, first responders everywhere need assistance to protect not just against a potential terrorist attack but also against natural disasters.

Third, we will help first responders attain the interoperable communications we know they need to save lives. We have known of this problem for decades, and on 9/11, when fire fighters and police officers could not communicate with one another inside the World Trade Center, hundreds of first responders lost their lives. So, we have created a grant program—authorized at $3.3 billion over 5 years—that will require States to spend their grant money consistent with their statewide communications interoperability plans and the National Emergency Communications Plan. In other words, their spending must be part of a statewide plan connected to the national plan.

Fourth, this legislation contains provisions to improve our ability to disrupt terrorist infiltration of our borders. It requires the Departments of Homeland Security and State to strengthen the security of the visa waiver program, by requiring better reporting by foreign countries in the visa waiver program of lost or stolen passports, requiring countries to share information about prospective visitors who may pose a threat to the U.S., and authorizing an electronic travel system that would require travelers to apply in advance for authorization to visit the U.S., thus allowing their names to be checked against terrorist watch lists.

Fifth, this bill moves to ensure that as we fight terrorism, we do not trample on the rights of Americans we are pledged to defend. Included here are provisions to strengthen the Privacy and Civil Liberties Oversight Board by requiring its members to be confirmed by the Senate and by giving the Board subpoena power through the Attorney General.

This legislation also includes a provision similar to one I was pleased to cosponsor in committee with Senator MCCASKILL that will ensure Transportation Security Administration screeners—known as Transportation Security Officers—have the same employment rights as others in TSA and throughout the Department of Homeland Security. There is no good reason to deny TSOs these rights. Other law enforcement officers at Immigration and Customs Enforcement and Customs and Border Protection have these rights, with no negative effect on their performance of their security mission. In fact, Capitol Police also enjoy these rights and protections. This is simply a question of equality.

So this is a comprehensive bill. There are many other worthy aspects that I have not described. But I am convinced that, as a package, if this legislation passes and becomes law, the American people will be safer from the consequences of natural disasters, such as Hurricane Katrina, than they are today. And we will have done everything possible to make sure no other Americans suffer the loss that so many experienced after the brutal terrorist attacks of 9/11.

In the preface to the 9/11 Report, Chairman Kean and Vice Chairman Hamilton wrote, quoting here, ''We hope our report will encourage our fellow citizens to study, reflect—and act.''

We have studied. We have reflected. Now is the time to act to build a safer and more secure America for the generations to come.

Finally, I would like to pay tribute to my dedicated and exceptional staff, who have sacrificed nights, weekends, family time in the name of a safer America.

I particularly want to thank my Homeland Security Committee staff director Mike Alexander for his leadership in expertly guiding this legislation through drafting, markup, floor amendments, and onto final passage. I also want to thank the committee's deputy chief counsel Kevin Landy, whose drive and attention to detail resulted in superior legislation. Thanks also to Eric Anderson, Christian Beckner, Janet Burrell, Scott Campbell, Troy Cribb, Aaron Firoved, Elyse Greenwald, Beth Grossman, Seamus Hughes, Holly Idelson, Kristine Lam, Nate Lesser, Jim Mcgee, Sheila Menz, Larry Novey, Deborah Parkinson, Leslie Phillips, Alistair Reader, Patricia Rojas, Laurie Rubenstein, Mary Beth Schultz, Adam Sedgewick, Todd Stein, Donny Williams, Jason Yanussi, and Wes Young—all on my committee staff. And thanks to Purva Rawal, Vance Serchuk, and Cherrie Daniels on my personal office staff.

I must also thank Senator COLLINS' staff director Brandon Milhorn and the Senator's entire staff for working with us to move this very important legislation.

But bottom line, thank you to our colleagues, thanks to the 9/11 Commission, thanks to the 9/11 families who have stuck with this mission to protect the American people from ever having to suffer the grievous loss they did at the hands of terrorists on 9/11.

I hope our colleagues will join together across party lines to support this very nonpartisan homeland security measure.

I yield the floor.

The PRESIDING OFFICER. The Republican leader.

Mr. MCCONNELL. Madam President, let me congratulate Chairman LIEBERMAN and Ranking Member COLLINS on their Herculean effort on this legislation. I particularly commend our ranking member, Senator COLLINS, for fighting the good fight when there were some reservations on our side about a major portion of this bill which will compel me to vote against the bill. I know Senator COLLINS made every effort to strip the provision that I and others find so offensive, but regretfully the provision was not stripped.

In a few minutes the Senate will vote on final passage of Improving America's Security Act of 2007. It has, as I indicated, some good features. At its core, it seeks to improve America's security, but on balance it would also do much to weaken it. I plan to vote against the bill, and I urge my Senate colleagues to do the same.

But, before I cast my vote, a little background. Many of our Democratic friends spent last year campaigning on the claim that Republicans ignored the recommendations of the 9/11 Commission. We didn't. Of the Commission's 39 recommendations, we implemented 37. Nor are the remaining two recommendations at issue today. Both parties agree they should not be in the bill, so the two provisions that we did not adopt of the 9/11 Commission, both sides agreed we should not adopt. So I will oppose this bill on the basis of my answer to a simple question: Does it weaken America's security or strengthen it? The answer that I and many of

my colleagues have come with is, regretfully, the former.

This bill would weaken America's security because of a single dangerous provision, and that at the insistence of big labor that Democrats include collective bargaining rights for airport security screeners, rights that Congress has refused to give them in the past because of the impact it would have on our ability to react to terrorist threats.

Congress would not grant screeners collective bargaining rights back in 2002. We have had this debate before. We had it at the time of the creation of the Department of Homeland Security—if it has a familiar ring to it, to many of my colleagues, we chose not to adopt that provision then, and we hopefully will not, ultimately, this time.

The difference is the Democrats are letting the fight play out. They are stretching it out based on a political calculation. They already know how this showdown is going to end. The President threatened to veto any bill that makes airport security more like the department of motor vehicles. So they are delaying passage knowing it won't be accepted, for an applause line down the road.

Republicans tried to inject meaning into this bill to include provisions that would improve security. For example, we proposed an amendment that would make it a crime to recruit terrorists, that would authorize the deportation of suspected terrorists, that would make it easier to detain dangerous illegal aliens and would increase penalties for people who cruelly call families of soldiers overseas and falsely report their loved one has died. But our colleagues on the other side of the aisle rejected all of those provisions, opting instead to pump for big labor. They are turning their backs on their own campaign promises in the process by ignoring a key recommendation of the 9/11 Commission that the United States do everything in its power to constrain terrorists' mobility.

TSA workers showed that mobility after the United Kingdom bombing threat in August when they showed up for work that morning at 4 a.m. and they were briefed on the situation overseas and they immediately implemented new protocols. Anyone who traveled to or from an American airport that day would not even have known anything had happened. The execution was seamless. It was a different story in Great Britain, where collective bargaining is the norm. Dozens of flights were canceled while new procedures were instituted. The Democrats know Americans will not stand for that approach to terrorism in our country, but they are counting on the President and the Republicans to stop it for them. That way, they can call us obstructionists and get another applause line in the bargain and maybe even a headline or two. It is a shame because there are some good things in the bill, such as new performance standards and auditing requirements for DHS grants. But we will let them have their applause line.

Republicans have never played games with national security, and we are not going to start now. Therefore, I will vote against the bill, and for the sake of the American people and their continued security, I would strongly urge my other colleagues to do the same, while saying once again how much I commend the Senator from Maine for her efforts to get this bill in the proper form, and there are provisions in the bill not as a result of any of the efforts of the ranking member of the committee. I commend her for her efforts but, regretfully, must oppose final passage.

I yield the floor.

The PRESIDING OFFICER. The majority leader.

Mr. REID. Madam President, this should be a time of celebration, not a time of finger-pointing. In fact, the fact is, it is true that a number of recommendations the 9/11 Commission recommended we did do. But, as you know, the Commissioners themselves graded the administration on what needed to be done to implement the Commission's recommendations. That is where we get into the Es, Fs, and incompletes. So there is no question this legislation absolutely is totally necessary.

Following the terrible attacks on September 11, our country turned to a respected group of Democrats and Republicans, the 9/11 Commission, an independent bipartisan Commission, to review the lessons of that tragic day and to find a better way to protect the homeland fight on the war on terrorism. Under difficult circumstances, including a lack of cooperation, in instances, from the White House, the Commission did an outstanding job.

In July of 2004, it made a number of recommendations to Congress and the administration about how best to secure America from al-Qaida and other terrorist groups. Their recommendations were commonsense solutions. These commonsense solutions were designed to keep America safe. But, unfortunately, over the last 2½ years, many of the Commission's recommendations have been ignored, and too many of our communities remain dangerously unprepared to prevent or respond to a terrorist attack.

Today, in a few minutes, the Senate will correct that mistake. We will enhance the security of our transportation system at our ports. We will provide America's first responders with the technology they need to communicate with each other when a Katrina or another terrorist attack strikes, and we will put new security requirements in place to keep terrorists from traveling to the United States.

This is an important piece of legislation we are going to pass. We are going to pass it, as I said, in a short time. I thank Chairman LIEBERMAN and his ranking member, Senator COLLINS, for their efforts on this bill.

I said before this legislation was taken up on the floor that we have two people who set the example for how you should legislate. They got along well in their committee. When she was chairman, Senator LIEBERMAN worked well with her, and it has worked the same way. I commend and applaud both of these legislators. They have done a tremendous job trying to work through this issue. Anything that has been slowed down in this legislation has not been their fault—in fact, quite to the contrary. They have worked tirelessly to bring this legislation here today so we can have this vote. They reported a strong bill out of the Homeland Security and Governmental Affairs Committee. It has only been strengthened by the amendment process before the full Senate over the past several days.

Now, we do not need to redebate the issue regarding collective bargaining. Collective bargaining has been in this country for a long time, and it is here to stay. There is nothing in this piece of legislation that is in any way going to impair the security of this Nation.

I wish to thank the entire 9/11 Commission for their service, but especially I wish to thank 9/11 Commissioner Tim Roemer and the 9/11 family, but especially Carol Ashley, Beverly Eckert, Mary Fetchet, and Carie Lemack, members of Families of September 11 and VOICES of September 11th. Their input in this legislation has been essential. Former Congressman Roemer spent time here on the Senate floor. No one could ever accuse Congressman Roemer of being some wild-eyed liberal. He is a moderate, and he is from the State of Indiana. He has worked very hard on the Commission and to move this legislation forward. I underline and underscore my appreciation for his input and also for the families and the two letters they wrote during the debate. Their letters served as a reminder of what this legislation is about: protecting America against terrorism. Our country will be safer, stronger, and more secure as a result of their efforts.

The first responsibility of Government is to protect our people—the people of Colorado, the people of Nevada, the people of Maine, the people of Connecticut, Alabama, Nebraska, and Missouri. The Senators are here assembled, everyone in their seats. Our No. 1 job is to protect our people. By passing the legislation today, we will help ensure the Senate meets its obligation, and we will, once and for all, write the lesson of that terrible September 11 day into law.

In their report to the Nation, the 9/11 Commission wrote, ''The men and women of the World War II generation rose to the challenges of the 1940s and the 1950s. They restructured the government so it could protect the country. That is now the job of the generations that experienced 9/11.''

That is what the legislation is all about.

Again, I applaud and commend the two managers of the bill, those who offered amendments and debated the issue. This is good legislation, good for the country. It makes America a better place. I urge my colleagues to vote for this legislation so we can take another step to fulfilling the directives we were given by the 9/11 Commission.

I yield the floor.

The PRESIDING OFFICER. The Senator from Maine.

Ms. COLLINS. I ask unanimous consent that a list of the homeland security staffers on the Republican side who worked so hard on this bill be printed in the RECORD at this point.

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

Brandon Milhorn, Andy Weis, Rob Strayer, Amy Hall, Allison Boyd, Kate Alford, John Grant, Amanda Wood, Jennifer Tarr, Asha Mathew, Brooke Hayes, Priscilla Henley, Jane Alonso, Jay Meroney, Melvin Albritton, Mark LeDuc, Tom Bishop, Doug Campbell, Emily Meeks, and Neil Cutter.

Ms. COLLINS. I also wish to add my voice in thanks to the families of the victims of 9/11. They have truly been the committee's inspiration as we worked on these issues for the last 4 years.

I yield the floor.

The PRESIDING OFFICER. The majority leader.

Mr. REID. For the information of all Members, we are working—Senator MCCONNELL and I—on a consent agreement to deal with the Iraq debate tomorrow. Hopefully, we will be able to resolve the Iraq debate. Thursday, we will be able to deal with the U.S. attorneys bill and some judicial nominees. We do not have that worked out yet, so everyone stay tuned.

This will be the last vote today.

The PRESIDING OFFICER (Mr. SALAZAR). The bill having been read the third time, the question is, Shall it pass?

Mr. LIEBERMAN. Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The clerk will call the roll.

The legislative clerk called the roll.

Mr. DURBIN. I announce that the Senator from South Dakota (Mr. JOHNSON) is necessarily absent.

Mr. LOTT. The following Senator was necessarily absent: the Senator from Arizona (Mr. MCCAIN).

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 60, nays 38, as follows:

[Rollcall Vote No. 73 Leg.]

YEAS—60

Akaka	Bingaman	Byrd
Baucus	Bond	Cantwell
Bayh	Boxer	Cardin
Biden	Brown	Carper
Casey	Kohl	Reed
Clinton	Landrieu	Reid
Coleman	Lautenberg	Rockefeller
Collins	Leahy	Salazar
Conrad	Levin	Sanders
Dodd	Lieberman	Schumer
Dole	Lincoln	Smith
Dorgan	McCaskill	Snowe
Durbin	Menendez	Specter
Feingold	Mikulski	Stabenow
Feinstein	Murkowski	Stevens
Harkin	Murray	Tester
Inouye	Nelson (FL)	Voinovich
Kennedy	Nelson (NE)	Webb
Kerry	Obama	Whitehouse
Klobuchar	Pryor	Wyden

NAYS—38

Alexander	DeMint	Lott
Allard	Domenici	Lugar
Bennett	Ensign	Martinez
Brownback	Enzi	McConnell
Bunning	Graham	Roberts
Burr	Grassley	Sessions
Chambliss	Gregg	Shelby
Coburn	Hagel	Sununu
Cochran	Hatch	Thomas
Corker	Hutchison	Thune
Cornyn	Inhofe	Vitter
Craig	Isakson	Warner
Crapo	Kyl	

NOT VOTING—2

Johnson	McCain

The bill (S. 4), as amended, was passed, as follows:

(The bill will be printed in a future edition of the RECORD.)

Mr. LIEBERMAN. Mr. President, I move to reconsider the vote.

Ms. COLLINS. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

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

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

The PRESIDING OFFICER (Mr. MENENDEZ). Without objection, it is so ordered.

Mr. GRASSLEY. Mr. President, I ask to speak as in morning business for such time as I might consume, and if there are other Members who are wondering how long that might be, it wouldn't be probably for more than 15 minutes at the most.

The PRESIDING OFFICER. The Senator from Iowa is recognized.

TAX GAP: BLUE SMOKE

Mr. GRASSLEY. Mr. President, I wish to finish the discussion I started earlier today about the tax gap and efforts to close it. As I said this morning, the tax gap is the difference between what is paid in taxes and what is actually owed. While more reliable and timely data on the tax gap is greatly needed, the tax gap was thought to be $345 billion for the tax year 2001, which seemed to be the year that the IRS had the latest information where they could put together something that was fairly solid for that year.

I also pointed out this morning that many of my colleagues in the Senate see the tax gap as a sort of magical tonic that can be used to cure all sorts of ailments. Some people see $345 billion in AMT relief or health care spending or national debt reduction without thinking about what would be involved in actually collecting the money. So I am raising the question: Do people think through whether every dollar will be brought into the Federal Treasury?

The IRS is already making some progress in closing the tax gap. This morning I mentioned the Internal Revenue Service told the Budget Committee it could reduce the tax gap by nearly $70 billion, of that $345 billion, in the year 2007.

So where does that leave us? Can we do more in enforcement? The administration has proposed an increase in funding for the Internal Revenue Service. That increase looks toward the tax gap with funds directed toward increased data matching, improved research, as well as more auditors—auditors to make sure that more money comes in. I suggest my colleagues might also want to make certain that if we consider adding more Internal Revenue Service employees, we have greater confidence that the Internal Revenue Service is utilizing current resources effectively. In other words, before we hire more people, we ought to make sure the existing employees at the Internal Revenue Service are being used in the most efficient way to bring in the most money possible.

That doesn't preclude more money, but that is a necessary first step before we automatically think of more money and more employees.

For instance, the IRS has hundreds of employees, according to a Treasury inspector general for tax administration report, that do part- or full-time union work. This is thousands and thousands of work hours that could be spent going after the tax gap. What could we gain if we directed all those union hours to actually working on the tax gap before we appropriate more money to hire more employees?

So we have proposals then for increased enforcement. Let me remind my colleagues, though, that the Joint Committee on Taxation—that is a congressional committee that specializes in watching the Tax Code and making estimates and studying all ways to make the Tax Code more efficient and bring in more money—that committee will not give us a score for additional dollars based on increased enforcement. So we can talk all we want about hiring more people to bring in more revenue, but until that revenue is in the bank, the Joint Committee on Taxation isn't going to give us any credit for it.

As we are looking at budget debates over this week and next week, keep that in mind. That isn't going to get Senators anywhere in terms of reducing projected deficits or paying for tax cuts or bringing in more money to spend someplace else.

It is important to emphasize the Commissioner of the Internal Revenue