STEVENS) and the Senator from Mississippi (Mr. LOTT) were added as cosponsors of S. 2603, a bill to amend section 227 of the Communications Act of 1934 (47 U.S.C. 227) relating to the prohibition on junk fax transmissions.

S. 2659

At the request of Ms. COLLINS, the name of the Senator from Vermont (Mr. JEFFORDS) was added as a cosponsor of S. 2659, a bill to extend the temporary increase in payments under the medicare program for home health services furnished in a rural area.

S.J. RES. 41

At the request of Mr. CAMPBELL, the name of the Senator from Mississippi (Mr. LOTT) was added as a cosponsor of S.J. Res. 41, a joint resolution commemorating the opening of the National Museum of the American Indian.

S. CON. RES. 8

At the request of Ms. COLLINS, the name of the Senator from Arkansas (Mr. PRYOR) was added as a cosponsor of S. Con. Res. 8, a concurrent resolution designating the second week in May each year as ''National Visiting Nurse Association Week''.

S. CON. RES. 33

At the request of Mr. CRAIG, the names of the Senator from Minnesota (Mr. DAYTON), the Senator from Washington (Mrs. MURRAY), the Senator from South Dakota (Mr. DASCHLE), the Senator from South Dakota (Mr. JOHNSON) and the Senator from Connecticut (Mr. DODD) were added as cosponsors of S. Con. Res. 33, a concurrent resolution expressing the sense of the Congress regarding scleroderma.

S. CON. RES. 110

At the request of Mrs. MURRAY, her name was added as a cosponsor of S. Con. Res. 110, a concurrent resolution expressing the sense of Congress in support of the ongoing work of the Organization for Security and Cooperation in Europe (OSCE) in combating anti-Semitism, racism, xenophobia, discrimination, intolerance, and related violence.

At the request of Mr. CAMPBELL, the name of the Senator from Illinois (Mr. FITZGERALD) was added as a cosponsor of S. Con. Res. 110, supra.

S. CON. RES. 124

At the request of Mr. BROWNBACK, the name of the Senator from Tennessee (Mr. ALEXANDER) was added as a cosponsor of S. Con. Res. 124, a concurrent resolution declaring genocide in Darfur, Sudan.

At the request of Mr. CORZINE, the names of the Senator from California (Mrs. BOXER) and the Senator from Louisiana (Ms. LANDRIEU) were added as cosponsors of S. Con. Res. 124, supra.

S. RES. 223

At the request of Mrs. CLINTON, her name was added as a cosponsor of S. Res. 223, a resolution expressing the sense of the Senate that the life and achievements of Antonio Meucci should be recognized, and for other purposes.

S. RES. 311

At the request of Mr. BROWNBACK, the name of the Senator from New Mexico (Mr. BINGAMAN) was added as a cosponsor of S. Res. 311, a resolution calling on the Government of the Socialist Republic of Vietnam to immediately and unconditionally release Father Thadeus Nguyen Van Ly, and for other purposes.

S. RES. 318

At the request of Mr. LAUTENBERG, the name of the Senator from Maryland (Mr. SARBANES) was added as a cosponsor of S. Res. 318, a resolution expressing the sense of the Senate that a postage stamp should be issued in commemoration of Diwali, a festival celebrated by people of Indian origin.

S. RES. 389

At the request of Mr. CAMPBELL, the names of the Senator from Louisiana (Ms. LANDRIEU) and the Senator from Alaska (Ms. MURKOWSKI) were added as cosponsors of S. Res. 389, a resolution expressing the sense of the Senate with respect to prostate cancer information.

S. RES. 398

At the request of Mr. LUGAR, the names of the Senator from New Mexico (Mr. BINGAMAN), the Senator from Wyoming (Mr. ENZI), the Senator from Illinois (Mr. DURBIN), the Senator from Michigan (Ms. STABENOW) and the Senator from New Jersey (Mr. LAUTENBERG) were added as cosponsors of S. Res. 398, a resolution expressing the sense of the Senate on promoting initiatives to develop an HIV vaccine.

S. RES. 401

At the request of Mr. BIDEN, the names of the Senator from Massachusetts (Mr. KERRY), the Senator from Nebraska (Mr. NELSON) and the Senator from North Carolina (Mr. EDWARDS) were added as cosponsors of S. Res. 401, a resolution designating the week of November 7 through November 13, 2004, as ''National Veterans Awareness Week'' to emphasize the need to develop educational programs regarding the contributions of veterans to the country.

S. RES. 408

At the request of Mr. SMITH, the names of the Senator from Pennsylvania (Mr. SANTORUM), the Senator from Oklahoma (Mr. INHOFE), the Senator from Missouri (Mr. TALENT), the Senator from Florida (Mr. NELSON) and the Senator from Utah (Mr. HATCH) were added as cosponsors of S. Res. 408, a resolution supporting the construction by Israel of a security fence to prevent Palestinian terrorist attacks, condemning the decision of the International Court of Justice on the legality of the security fence, and urging no further action by the United Nations to delay or prevent the construction of the security fence.

At the request of Mr. SCHUMER, the names of the Senator from California (Mrs. BOXER) and the Senator from South Dakota (Mr. JOHNSON) were added as cosponsors of S. Res. 408, supra.

S. RES. 409

At the request of Mr. BAYH, the names of the Senator from New Jersey (Mr. CORZINE), the Senator from Washington (Ms. CANTWELL), the Senator from New York (Mr. SCHUMER), the Senator from Louisiana (Mr. BREAUX), the Senator from Nebraska (Mr. NELSON), the Senator from Connecticut (Mr. LIEBERMAN), the Senator from Delaware (Mr. CARPER) and the Senator from Michigan (Ms. STABENOW) were added as cosponsors of S. Res. 409, a resolution encouraging increased involvement in service activities to assist senior citizens.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. LIEBERMAN (for himself, Ms. COLLINS, Mr. AKAKA, and Mrs. CLINTON):

S. 2701. A bill to provide incentives for the sharing of homeland security information, promote the development of an information sharing network, provide grants and other support to achieve communications interoperability, and establish an Office of Information Sharing, and for other purposes; to the Committee on Governmental Affairs.

Mr. LIEBERMAN. Madam President, I rise today with Senator COLLINS to introduce legislation that would promote the sharing of homeland security information across all levels of our Government, and to provide funding and support necessary to enable our first responders to communicate better with one another than they are able to do now during a terrorist attack.

I am delighted that the chairman of the Governmental Affairs Committee, Senator COLLINS, is my lead cosponsor on this legislation, and that another member of the committee, Senator AKAKA, is a cosponsor, as is Senator CLINTON.

One of the most painful and enduring lessons we should have learned from the September 11 attacks is that information about terrorist activities must be shared among Federal and other agencies to protect the American people's security. Unfortunately, almost 3 years after the attacks we have still not seen the kind of improvement and information sharing at all levels we need to have.

The widely respected, nonpartisan Markle Foundation, in alliance with the Brookings Institution and the Center for Strategic and International Studies, has looked at this problem at length and concluded that an entirely new approach is needed to the sharing of security information.

According to the Markle Foundation, the cold war paradigm that strictly limited access to information is simply ill-suited to the challenges we face today in an age of terrorism. Sharing information among relevant law enforcement agencies and other public agencies is vital to protecting our people's security precisely because we cannot predict from which direction the first signs of potential attack will come as we pretty much could during

the cold war. Yet the Federal Government has still developed neither a comprehensive strategy nor actual policies to change the 50-year-old cold war paradigm. We have to catch up quickly to win the war on terrorism.

Equally troubling is that too many first responders still lack, believe it or not, the basic ability to talk to one another when responding to emergencies, including, of course, a terrorist attack, because their equipment does not communicate directly. We use a complicated term called ''interoperability'' to describe this situation.

One of the most painful parts of the September 11 attacks in New York was the loss of more than 300 New York City firefighters and other law enforcement personnel who perished inside the collapsing Twin Towers of the World Trade Center. The look-backs at that day, probably including the one we will hear tomorrow from the September 11 Commission, lead a lot of people to conclude that we lost a lot of New York's finest—firefighters, police officers, other public servants—because they could not communicate with one another on the equipment they had. That is no longer acceptable.

The legislation we are introducing today addresses those challenges. First, we authorize $3.3 billion over 5 years to provide reliable and consistent funding to help law enforcement agencies around the country find solutions to this so-called interoperability problem. We create an Office of Information Sharing within the Department of Homeland Security to develop and implement a national strategy to achieve that goal. It simply is outrageous that those who are in uniform every day to protect our security cannot communicate with one another in a time of emergency because we have not given them good enough equipment to do that.

Second, our legislation would require the Secretary of Homeland Security, in conjunction with the intelligence community and other Federal agencies, to establish a broad information exchange network modeled after the Markle Foundation recommendations which would break out of the cold war paradigm and allow full sharing of security information.

Third, our legislation requires implementation of performance measures and genuine incentives to encourage employees to implement the changes that are necessary.

As part of the continuing fight to keep America safe from terrorism, the test of our generation, all the cultural, technological, and administrative barriers that impede the flow of critically important homeland security information among different levels of Government and among agencies at the same level simply must be broken down. That requires an act of will and leadership, and then it requires funding. It is not going to come cheaply, but security of the American people never does come cheaply. We have the best military in the history of the world because we have invested in it. We are only going to have the best security at home from terrorism if we invest with similar generosity.

A nonpartisan task force of the Council on Foreign Relations recommended that the Nation spend double what Senator COLLINS and I are proposing in this bill to ensure dependable interoperable communications. What we are asking seems like a lot of money, but it is half of what an independent group thinks is necessary to protect our Nation. This legislation will help us develop a new structure, a new paradigm of information sharing to guarantee that first responders and preventers can communicate effectively with one another and with other governmental agencies when they respond to terrorist attacks or any other emergencies that threaten the safety or well-being of people throughout our country.

Madam President, I ask unanimous consent that text of the legislation Senator COLLINS and I are introducing today be printed in the RECORD.

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

S. 2701

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Homeland Security Interagency and Interjurisdictional Information Sharing Act of 2004''.

SEC. 2. FINDINGS.

Congress finds the following:

(1) The effective use of information is essential to the Nation's efforts to protect the homeland. Information that may prove important to those efforts, however, is often widely dispersed and may be uncovered or held by any of a number of Federal agencies, by 50 States or by the Nation's 650,000 local law enforcement officers who form the front lines of the war against terrorism, among others. Finding ways to share this information in an efficient and timely manner with those who need it is central to both preventing and responding to potential terrorist attacks on our Nation.

(2) Current approaches to information sharing are woefully inadequate and largely ad hoc. State and local officials frequently report that they do not receive adequate homeland security information from Federal officials, nor is there a consistent, easy way for State and local officials to effectively provide homeland security information in their possession to Federal officials. Federal agencies have often not shared information even with other Federal agencies, and State and local governments have few formalized means to share information with other States and localities.

(3) There are a number of barriers, both structural and cultural, to the more effective sharing of homeland security information including—

(A) a lingering cold war paradigm that emphasizes information security and maintaining strict limits on access to information;

(B) mistrust among historically rival agencies and between Federal and State officials; and

(C) few incentives to reward Government employees who share information outside their agencies.

(4) A further barrier to information sharing among police, firefighters and others who may be called on to respond to terrorist attacks and other large-scale emergencies is the lack of interoperable communications systems, which can enable public safety agencies to communicate and share important, sometimes critical, information in an emergency.

(5) A new approach to the sharing of homeland security information (a new ''information architecture'') is urgently needed to overcome these barriers and to meet the homeland security needs of the Nation. One useful model for such a network is the Systemwide Homeland Analysis and Resource Exchange Network (SHARE) proposed by the Markle Foundation in reports issued in October 2002 and December 2003. Like the envisioned SHARE Network, a new approach, to be successful, must be comprehensive, encompassing the many participants, at many levels of government, who strive to protect the homeland, and the system should be largely decentralized, permitting participants throughout the system to exchange information directly in a timely and effective matter without having to go through a central hub.

SEC. 3. DEFINITIONS.

In this Act:

(1) SECRETARY.—The term ''Secretary'' means the Secretary of Homeland Security.

(2) DEPARTMENT.—The term ''Department'' means the Department of Homeland Security.

(3) HOMELAND SECURITY INFORMATION.—The term ''homeland security information'' means information relevant to, or of potential use in, the prevention of, preparation for, or response to, terrorist attacks upon the United States.

(4) NETWORK.—The term ''Network'' means the Homeland Security Information Sharing Network established under section 4.

SEC. 4. HOMELAND SECURITY INFORMATION SHARING NETWORK.

(a) IN GENERAL.—

(1) ESTABLISHMENT.—The Secretary shall establish a Homeland Security Information Sharing Network.

(2) FUNCTIONS.—The Network shall—

(A) to the maximum extent possible, consistent with national security requirements and the protection of civil liberties, foster the sharing of homeland security information—

(i) among offices and divisions within the Department;

(ii) between the Department and other Federal agencies;

(iii) between the Department and State, local, and tribal governments;

(iv) among State, local, and tribal governments; and

(B) provide for the analysis of homeland security information obtained or made available through the Network.

(b) COOPERATIVE DEVELOPMENTS.—In developing the Network, the Secretary shall work with representatives of other governmental entities that possess homeland security information or will otherwise participate in the network, including the Intelligence Community, the Department of Justice and Federal Bureau of Investigation, and the Department of Health and Human Services, and State, local government and tribal officials.

(c) REPORTS.—

(1) IN GENERAL.—The Secretary shall submit status reports on the development and implementation of the Network to—

(A) the Committee on Governmental Affairs of the Senate;

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

(C) the Committee on Government Reform of the House of Representatives.

(2) CONTENTS.—The status reports shall include—

(A) a detailed description of the work completed to date with attached relevant documents produced in the development of the Network, including documents describing the strategy for the Network and the Network's design or architecture; and

(B) a detailed timetable and implementation plan for remaining work.

(3) SUBMISSION.—Status reports under this subsection shall be submitted—

(A) not later than 6 months after the date of enactment of this Act;

(B) not later than 12 months after the date of enactment of this Act; and

(C) at 1-year intervals thereafter.

SEC. 5. HOMELAND SECURITY INFORMATION COORDINATING COUNCIL.

(a) IN GENERAL.—The Homeland Security Act of 2002 (6 U.S.C. 101 et seq.) is amended by adding at the end the following:

"TITLE XVIII—HOMELAND SECURITY INFORMATION COORDINATING COUNCIL

"SEC. 1801. HOMELAND SECURITY INFORMATION COORDINATING COUNCIL.

''(a) DEFINITION.—In this section, the term 'homeland security information' means information relevant to, or of potential use in, the prevention of, preparation for, or response to, terrorist attacks upon the United States.

''(b) ESTABLISHMENT.—

''(1) IN GENERAL.—The Secretary, in coordination with the Attorney General, the Director of Central Intelligence, the Secretary of Health and Human Services, and other Federal departments and agencies in possession of homeland security information, as identified by the President, shall establish the Homeland Security Information Coordinating Council (in this section referred to as the 'Coordinating Council').

''(2) COMPOSITION.—The Coordinating Council shall be composed of—

''(A) a representative of the Department;

''(B) a representative of the Department of Justice;

''(C) a representative of the Central Intelligence Agency;

''(D) a representative of the Department of Health and Human Services;

''(E) a representative of any other Federal department or agency in possession of homeland security information, as identified by the President; and

''(F) not fewer than 2 representatives of State and local governments, to be selected by the Secretary.

''(3) RESPONSIBILITIES.—The Coordinating Council shall—

''(A) develop, monitor, and update procedures and protocols for sharing homeland security information among Federal departments and agencies;

''(B) develop, monitor, and update procedures and protocols for sharing homeland security information with State and local governments so as to minimize the difficulties of State and local governments in receiving information that may reside in multiple departments or agencies;

''(C) establish a dispute resolution process to resolve disagreements among departments and agencies about whether particular homeland security information should be shared and in what manner;

''(D) review, on an ongoing basis, current issues related to homeland security information sharing among Federal departments and agencies and between those departments and agencies and State and local governments;

''(E) where appropriate, promote the compatibility and accessibility of technology, including computer hardware and software, used by Federal departments and agencies to facilitate the sharing of homeland security information; and

''(F) ensure that there is coordination—

''(i) among Federal departments and agencies that maintain homeland security information;

''(ii) multi-organization entities that maintain homeland security information, including the Terrorist Threat Integration Center and Joint Terrorism Task Forces; and

''(iii) the Homeland Security Information Network, in actions and policies relating to the sharing of homeland security information.

''(c) ADMINISTRATION.—The Department shall provide administrative support to the Coordinating Council, which shall include—

''(1) scheduling meetings;

''(2) preparing agenda;

''(3) maintaining minutes and records; and

''(4) producing reports.

''(d) CHAIRPERSON.—The Secretary shall designate a chairperson of the Coordinating Council.

''(e) MEETINGS.—The Coordinating Council shall meet—

''(1) at the call of the Secretary; or

''(2) not less frequently than once a month.''.

(b) TECHNICAL AND CONFORMING AMENDMENT.—The table of contents in section 1(b) of the Homeland Security Act of 2002 (6 U.S.C. 101 note) is amended by adding at the end the following:

TITLE XVIII—HOMELAND SECURITY INFORMATION COORDINATING COUNCIL

''Sec. 1801. Homeland Security Information Coordinating Council.''.

SEC. 6. INCENTIVES TO PROMOTE SHARING OF HOMELAND SECURITY INFORMATION.

(a) AGENCY PERFORMANCE MEASURES.—

(1) PERFORMANCE PLAN.—Consistent with the requirements of section 1115 of title 5, United States Code, the Secretary shall prepare an annual performance plan that establishes measurable goals and objectives for information sharing between the Department and other appropriate entities in Federal, State, local, and tribal governments. The plans shall identify action steps necessary to achieve such goals.

(2) PERFORMANCE REPORT.—Consistent with the requirements of section 1116 of title 5, United States Code, the Secretary shall prepare and submit to Congress an annual report including an evaluation of the extent the Department's information sharing goals and objectives were met. The report shall include the results achieved during the year relative to the goals established in the previous year's performance plan.

(3) PERFORMANCE MANAGEMENT.—The Secretary shall incorporate the performance measures in the performance plan required under paragraph (1) into the Department's performance appraisal system. These performance measures shall be used in evaluating the performance of appropriate managers and employees. If appropriate, determinations for performance awards, bonuses, achievement awards, and other incentives for Departmental managers and employees shall include consideration of these performance measures.

(b) INCENTIVES PROGRAMS.—

(1) IN GENERAL.—Chapter 45 of title 5, United States Code, is amended by adding at the end the following:

"SUBCHAPTER IV—AWARDS TO PROMOTE HOMELAND SECURITY INFORMATION SHARING

"§ 4521. Awards to promote homeland security information sharing

''(a) In this section—

''(1) the terms 'agency' and 'employee' have the meanings given under paragraphs (1) and (2) of section 4501, respectively; and

''(2) the term 'homeland security information' means information relevant to, or of potential use in, the prevention of, preparation for, or response to, terrorist attacks upon the United States.

''(b)(1) The head of an agency may pay a cash award to, grant time-off without charge to leave or loss of pay, or incur necessary expense for the honorary recognition of, an employee who—

''(A) develops and implements innovative policies, practices, procedures, or technologies to foster appropriate sharing of homeland security information with other agencies and with State, local, and tribal governments; and

''(B) through such innovations, achieves measurable results.

''(2) A cash award under this section may not exceed the greater of—

''(A) $10,000; or

''(B) 20 percent of the basic pay of the employee.

''(3) A cash award may not be paid under this section to an individual who is appointed to, or who holds—

''(A) a position to which an individual is appointed by the President, by and with the advice and consent of the Senate;

''(B) a position in the Senior Executive Service as a noncareer appointee (as such term is defined under section 3132(a); or

''(C) a position which has been excepted from the competitive service by reason of its confidential, policy-determining, policy-making, or policy-advocating character.

''(4) Consistent with paragraphs (1), (2), and (3), the Secretary of Homeland Security shall establish an awards program specifically designed to recognize and reward employees (including managers) of the Department of Homeland Security. An employee of the Department of Homeland Security may not receive an award under paragraph (1).

''(5) Not later than 1 year after the date of enactment of this section, and annually for 5 years thereafter, the Secretary of Homeland Security shall submit to the Committee on Governmental Affairs of the Senate, the Select Committee on Homeland Security of the House of Representatives, and the Committee on Government Reform of the House of Representatives a report detailing the implementation of programs under this section, including—

''(A) the number of managers and employees recognized;

''(B) the type of recognition given;

''(C) the number and dollar amount of awards paid to individuals holding positions within each pay grade, pay level or other pay classification;

''(D) the relationship between awards under this program and other incentive or awards programs; and

''(E) the extent to which the program is assisting in overcoming cultural and other barriers to sharing homeland security information.''.

(2) TECHNICAL AND CONFORMING AMENDMENT.—The table of sections for chapter 45 of title 5, United States Code, is amended by adding at the end the following:

''SUBCHAPTER IV—AWARDS TO PROMOTE HOMELAND SECURITY INFORMATION SHARING

''4521. Awards to promote homeland security information sharing.''.

SEC. 7. OFFICE OF INFORMATION SHARING.

(a) IN GENERAL.—The Homeland Security Act of 2002 (6 U.S.C. 101 et seq.) is amended by adding after section 801 the following:

"SEC. 802. OFFICE OF INFORMATION SHARING.

''(a) DEFINITIONS.—In this section, the following definitions shall apply:

''(1) COMMUNICATIONS INTEROPERABILITY.—The term 'communications interoperability'

means the ability of public safety service and support providers, including law enforcement, firefighters, and emergency management, to communicate with other responding agencies and Federal agencies if necessary, through information technology systems and radio communications systems, and to exchange voice, data, or video with one another on demand, in real time, as necessary.

''(2) DIRECTOR.—The term 'Director' means the Director of the Office of Information Sharing.

''(3) ELIGIBLE STATE.—The term 'eligible State' means a State that—

''(A) has submitted a plan under subsection (d)(3); and

''(B) the Secretary determines has not achieved adequate statewide communications interoperability.

''(4) OFFICE.—The term 'Office' means the Office of Information Sharing established under subsection (b).

''(5) PUBLIC SAFETY AGENCIES.—The term 'public safety agencies' means law enforcement, firefighters, emergency technicians, public health officials, and such other persons that the Secretary determines must communicate effectively with one another to respond to emergencies.

''(b) ESTABLISHMENT.—

''(1) IN GENERAL.—There is established the Office of Information Sharing within the Office for State and Local Government Coordination and Preparedness, which shall be headed by a Director of Information Sharing appointed by the Secretary.

''(2) ADMINISTRATION.—The Secretary shall provide the Office with the resources and staff necessary to carry out the purposes of this section, including sufficient staff to provide support to each State, consistent with the responsibilities set forth in paragraph (3).

''(3) RESPONSIBILITIES.—The Office established under paragraph (1) shall—

''(A) foster the sharing of homeland security information among State and local governments and public safety agencies, and regional consortia thereof, and between these entities and the Federal Government by—

''(i) facilitating the creation of regional task forces with representation from State and local governments and public safety agencies and from the Federal Government to address information sharing needs; and

''(ii) facilitating the establishment of 24-hour operations centers in each State to provide a hub for Federal and State and local government intelligence and public safety agencies to share information;

''(B) foster the development of interoperable communications systems by State and local governments and public safety agencies, and by regional consortia thereof, by—

''(i) developing and implementing a national strategy to achieve communications interoperability;

''(ii) developing and maintaining a task force that represents the broad customer base of State and local governments, public safety agencies, as well as Federal agencies, involved in public safety disciplines such as law enforcement, firefighting, public health, and disaster recovery, in order to receive input and coordinate efforts to achieve communications interoperability;

''(iii) promoting a greater understanding of the importance of interoperability among all levels of Federal, State and local government;

''(iv) facilitating collaborative planning and partnerships among Federal, State, and local government agencies in all States where necessary;

''(v) facilitating the sharing of information on best practices for achieving interoperability;

''(vi) identifying and working to overcome the cultural, political, institutional, and geographic barriers within the public safety community that can impede interoperability among public safety agencies, including among Federal agencies;

''(vii) developing appropriate performance measures and systematically measuring the Nation's progress toward interoperability;

''(viii) coordinating with other offices in the Department and other Federal agencies providing grants for communications interoperability or for other equipment and training necessary to prevent, respond to, or recover from terrorist attacks, including the development of common guidance for such grants and consistent technical advice; and

''(ix) making recommendations to Congress about any changes in Federal law necessary to remove barriers to achieving communications interoperability;

''(C) provide technical assistance to State and local governments and public safety agencies, and regional consortia thereof, on the design of regional information sharing networks and technology needed to support such governments, agencies, and consortia;

''(D) provide technical assistance to State and local governments and public safety agencies, and regional consortia thereof, on planning, interoperability architectures, acquisition strategies, and other functions necessary to achieve communications interoperability;

''(E) in conjunction with the Directorate for Science and Technology—

''(i) provide research, development, testing, and evaluation for public safety communications technologies and equipment;

''(ii) evaluate and validate new technology concepts, and promote the deployment of advanced broadband communications technologies; and

''(iii) encourage the development of flexible and open architectures and standards, with appropriate levels of security, for short- and long-term solutions to interoperability; and

''(F) in coordination with State and local governments, develop a system for collecting and distributing best practices in homeland security.

''(c) BASELINE ASSESSMENT.—

''(1) IN GENERAL.—The Secretary, acting through the Director, shall conduct a nationwide assessment to determine the degree to which communications interoperability has been achieved to date and to ascertain the needs that remain for interoperability to be achieved.

''(2) REPORTS.—The Secretary, acting through the Director, shall submit to the Committee on Governmental Affairs of the Senate, the Select Committee on Homeland Security of the House of Representatives, and the Committee on Government Reform of the House of Representatives—

''(A) not later than 1 year after the date of enactment of this section, a report of the findings of the assessment required by subsection (c); and

''(B) not later than 18 months after the date of enactment of this section, a plan for achieving all necessary communications interoperability throughout the Nation.

''(d) PREPAREDNESS GRANT PROGRAM.—

''(1) IN GENERAL.—The Secretary, through the Office, shall make grants to—

''(A) eligible States for initiatives necessary to achieve interoperability within each State, including—

''(i) statewide communications planning;

''(ii) system design and engineering;

''(iii) procurement and installation of equipment;

''(iv) operations and maintenance of equipment; and

''(v) testing and technology development initiatives; and

''(B) local governments (including a consortium of local governments), and public safety agencies within eligible States, to assist with any aspect of the communications life-cycle, including—

''(i) planning, system design, and engineering;

''(ii) procurement and installation of equipment;

''(iii) operations and maintenance of equipment; and

''(iv) testing and technology development.

''(2) COORDINATION.—The Secretary shall ensure that the Office coordinates its activities with other entities of the Department and other Federal entities so that grants awarded under this subsection, and other grant programs related to homeland security, fulfill the purposes of this Act and facilitate the achievement of communications interoperability nationally.

''(3) ELIGIBILITY.—

''(A) SUBMISSION OF PLAN.—To be eligible to receive a grant under this subsection, each eligible State, or local governments or public safety agencies within an eligible State, shall submit a communications interoperability plan to the Secretary that—

''(i) addresses any aspect of the communications life cycle, including planning, system design and engineering, procurement and installation, operations and maintenance, and testing and technology development;

''(ii) if the applicant is not a State, includes a description of how the applicant addresses the goals specified in any applicable State plan or plans submitted under this section; and

''(iii) is approved by the Secretary.

''(B) INCORPORATION AND CONSISTENCY.—A plan submitted under subparagraph (A) may be part of, and shall be consistent with, any other homeland security plans required of the submitting party by the Department.

''(4) AWARD OF GRANTS.—

''(A) CONSIDERATIONS.—In approving plans and awarding grants under this subsection, the Secretary shall consider—

''(i) the nature of the threat to the eligible State or local jurisdiction;

''(ii) the location, risk, or vulnerability of critical infrastructure and key national assets;

''(iii) the number, as well as the density, of persons who will be served by interoperable communications systems;

''(iv) the extent of the partnerships, existing or planned, established between local jurisdictions and agencies participating in the development of interoperable communications systems, and their coordination with Federal and State agencies;

''(v) the extent to which the communications interoperability plan submitted under paragraph (3) adequately addresses steps necessary to implement short-term or long-term solutions to communications interoperability;

''(vi) the extent to which eligible States and local governments, in light of their financial capability, demonstrate their commitment to expeditiously achieving communications interoperability by supplementing Federal funds with non-Federal funds;

''(vii) the extent to which grants will expedite the achievement of interoperability in the relevant jurisdiction with Federal, State, and local agencies; and

''(viii) the extent to which grants will be utilized to implement advanced communications technologies to promote interoperability.

''(B) COORDINATION.—To the maximum extent practicable, the Secretary shall ensure that any grant made under this subsection is

coordinated with neighboring jurisdictions, contiguous local governments, and within State and regional entities.

''(C) LOCAL FUNDING.—If the Secretary makes grants awards to States, the Secretary shall—

''(i) make it a priority to ensure that funding or resources reach local governments; and

''(ii) require applicants to demonstrate how such funding will reach local governments.

''(D) ALLOCATION.—In awarding grants under this subsection, the Secretary shall ensure that—

''(i) not less than .75 percent of the total amount appropriated for grants in any fiscal year shall be awarded, subject to clause (ii), to each eligible State, including the District of Columbia and the Commonwealth of Puerto Rico; and

''(ii) not less than .25 percent of the total amount appropriated for grants in any fiscal year shall be awarded to the territories of the United States, including American Samoa, the Commonwealth of Northern Mariana Islands, Guam, and the United States Virgin Islands.

''(E) PROCESS.—In awarding grants under this subsection, the Secretary shall, to the maximum extent practical, employ a peer review process such as that used to review applications awarded under the Assistance to Firefighters Grant Program.

''(e) AUTHORIZATION OF APPROPRIATIONS.—

''(1) IN GENERAL.—There are authorized to be appropriated $75,000,000 for each of fiscal years 2005 through 2008, and such sums as are necessary each fiscal year thereafter, for the operations of the Office, and for other entities within the Department whose activities facilitate the purposes of this section and the Homeland Security Interoperability Act of 2004.

''(2) PREPAREDNESS GRANT PROGRAM.—There are authorized to be appropriated to carry out the grant program under subsection (d)—

''(A) $400,000,000 for fiscal year 2005;

''(B) $500,000,000 for fiscal year 2006;

''(C) $600,000,000 for fiscal year 2007;

''(D) $800,000,000 for fiscal year 2008;

''(E) $1,000,000,000 for fiscal year 2009; and

''(F) such sums as are necessary each fiscal year thereafter.''.

(b) TECHNICAL AND CONFORMING AMENDMENT.—The table of contents in section 1(b) of the Homeland Security Act of 2002 (6 U.S.C. 101) is amended by striking the item relating to section 801 and inserting the following:

''801. Office for State and Local Government Coordination and Preparedness.

''802. Office of Information Sharing.''.

The PRESIDING OFFICER. The Senator from Maine.

Ms. COLLINS. Madam President, I am very pleased to join my good friend, the Senator from Connecticut, Mr. LIEBERMAN, in introducing legislation that will strengthen our capabilities to prevent and respond to acts of terrorism. The bill we are introducing will improve communications among the various levels of Government and will assist our State and local first responders in upgrading their communications equipment. I thank Senator LIEBERMAN and his staff for their efforts in putting together this very important legislation and for working with me to make this bill a bipartisan effort.

In the immediate aftermath of September 11, the phrase ''connect the dots'' gained a prominent place in our national lexicon. The agencies charged with intelligence gathering, analysis, and enforcement did not have structures in place that would have enabled them to effectively share information and coordinate responses. The dots were there, but our intelligence and law enforcement personnel were, in far too many cases, unable to connect them.

The heroism of our first responders on September 11 will never be forgotten. Their devotion to duty, their courage, and their training saved a great many lives that terrible day. Yet we now know that the lack of a unified command structure, the uneven and in some cases outright absence of interdepartmental coordination and incompatible communications equipment may have prevented them from saving even more lives, and it cost many first responders their own lives.

Throughout the Nation on that day, there was another problem. False reports of car bombings and other terrorist acts spread quickly, overwhelming the immediate efforts and response, preventing a full comprehension of what had actually occurred, and causing needless fear. Our frontline civilian and military agencies struggled to improvise a defense against an attack of unknown nature and scope. As the Chairman of the Joint Chiefs of Staff told the 9/11 Commission:

> We fought many phantoms that day.

The enemy we are fighting is no phantom. It is real, and it is deadly. From the agencies of the Federal Government down to the State and local levels, we have dedicated personnel who can defeat that enemy. We must enable them to work together more effectively in this great cause. We cannot expect them to connect the dots if so many dots are hidden from view.

Although the Department of Homeland Security has made remarkable progress in forging cohesive strategies, State and local officials still tell Senator LIEBERMAN and they still tell me that they have difficulty in obtaining needed information from Federal agencies and that they lack a reliable way to convey their own information to Federal officials.

Turf battles, unfortunately, are still being fought among some agencies. There still is no effective system in place for State and local governments to share information with one another.

From computer systems to emergency radios, the technology that should allow these different levels of government to communicate with each other too often is silenced by incompatibility. Clearly, the barrier to a truly unified effort against terrorism is a matter of both culture and equipment. This legislation will help break down that barrier.

A General Accounting Office report on interoperable communications released last week notes that the lives of first responders and those they are trying to assist can be lost when first responders cannot communicate effectively. That is the crux of the matter that the Lieberman-Collins bill seeks to address. A substantial barrier to effective communications, according to the GAO, is the use of incompatible wireless equipment by many agencies and levels of government when they are responding to a major emergency.

Among the GAO recommendations are that Federal grants be used to encourage States to develop and implement plans to improve interoperable communications and that the Department of Homeland Security needs to establish a long-term program to coordinate these same communications upgrades throughout the Federal Government. Our legislation would do much to implement these sensible recommendations.

It is vitally important that we assist the States in getting the right communications technology into the hands of their first responders. That would be accomplished by the interoperability grant program in this legislation. I believe that grant program is the most important feature of our legislation.

At a homeland security conference held in my home State of Maine in May, one of the most persistent messages that I heard from Maine's first responders concerned the lack of compatibility in communications equipment. It remains a substantial impediment to their ability to respond effectively in the event of a terrorist attack. For a State like mine that has three deepwater cargo ports, two international airports, key defense installations, hundreds of miles of coastline, and a long international border, compatible communications equipment is essential. Yet it remains an illusive goal.

Maine's firefighters, police officers, and emergency medical personnel do an amazing job in providing aid when a neighboring town is in need. Fires, floods, and accidents are local matters in which they have great expertise and experience. Their defense of the front lines in the war against terrorism, however, is a national matter. Maine's first responders, along with first responders across the country, are doing their part, but they need and deserve Federal help.

The grant program established by our bill would guarantee every State a share of interoperability funding and makes additional funding available for States with special needs and vulnerabilities. It is designed to get this vital funding to first responders quickly, in coordination with a statewide plan.

At that Maine conference, I was joined by Under Secretary Asa Hutchinson. He, perhaps, best described the mutual responsibilities of this Federal-State partnership when he said:

> We cannot secure the homeland of America from Washington, D.C.

In other words, we have to rely on State and local officials and on our first responders.

There is no question, however, that the security of the homeland requires

the involvement, leadership, and expertise of Washington, DC, and, yes, it also requires our financial commitment.

As Senator LIEBERMAN mentioned, a recent study by the Council on Foreign Relations estimates the total cost of nationwide communications compatibility at $6.8 billion. Our legislation authorizes $3.3 billion over 5 years. That is a reasonable and necessary contribution by the Federal Government to this important partnership.

The legislation will also help to foster a culture of information sharing through all levels of government and across all boundaries.

It directs the Secretary of Homeland Security to establish a homeland security information-sharing network that will expedite the gathering, analysis, and distribution of information that is relevant to preventing or responding to terrorism anywhere in the Nation. The council established by this legislation will bring together representatives from all the relevant Federal agencies, and from State and local governments as well, to develop, monitor, and update procedures to enhance information sharing.

This bill would make an important contribution to the security of our Nation and the safety of our people. It would help us clear the barriers that now prevent agencies at all levels of government from cooperating and communicating to the fullest extent, whether those barriers are due to a lack of coordination or whether they are due to technology and incompatible equipment.

At the risk of piling one cliché on top of another, it is apparent to me that in order to connect the dots, we must think outside the box. Our enemy is cunning and remorseless. We must be clever and resourceful. This legislation is designed to foster innovative thinking by rewarding it, through a program that provides cash awards or other forms of recognition to agency employees who solve a homeland security problem. We already use pay-for-performance awards to recognize Federal employees who devise ways to deliver Government services more effectively and efficiently. We certainly can do the same for employees who think up ways to make our country safer.

The new Office of Information Sharing this legislation would establish in the Department of Homeland Security will continue the substantial progress being made by addressing specific issues related to improving cooperation among the various levels of government. A key element of improved cooperation will be getting technology, computer systems and communications equipment in particular, to work across the frontiers of government agencies.

The security of our Nation and the safety of our people require that we clear the barriers that prevent agencies at all levels of government from cooperating and communicating to the fullest extent. There is an additional reason why this is important.

Effective information-sharing is the best way in which we can protect ourselves from harm as we protect the civil liberties we cherish. We need borders that are closed to our enemies, but that remain open to our friends. We need to be able to travel safely, but also freely. We need to be able to protect ourselves against threats from abroad, but we also need to engage in open and vigorous trade. The greatest threats to these freedoms are the fear, suspicion and doubt that come from not knowing as much as we can about the enemy and from having the best, most coordinated defense possible.

I urge my colleagues to join me in supporting this legislation to build a better and stronger homeland security partnership.

I hope the legislation that Senator LIEBERMAN and I have introduced will enjoy widespread support.

Mr. AKAKA. Mr. President, I rise today to join my colleagues Senators LIEBERMAN and COLLINS in introducing the Homeland Security Interagency and Interjurisdictional Information Sharing Act of 2004, a piece of legislation critical to improving the communication capabilities of first responders and among all levels of government.

One of the most important lessons our Nation learned on September 11 is that information sharing, both between agencies and levels of government and between emergency first responders, is critical to the prevention of and response to a terrorist attack on our homeland. There has been much talk about breaking down stove pipes and fully equipping our heroic first responders in the past 3 years, but this bill points out those goals have not yet been met.

The world watched as firefighters perished in the World Trade Center because their radios could not function inside the buildings and they did not have updated information about the imminent collapse of the towers. Ten months later it was reported that officers responding to a shooting at Los Angeles International Airport missed crucial information because they were not using the same radio frequency.

Yet almost all cities and counties in the United States still lack an interoperable communications system today and many still lack the infrastructure to provide 100 percent coverage for the radio systems they do have. In my home State of Hawaii, first responders are unable to communicate through radios in 25 percent of the island of Hawaii because of a combination of lack of infrastructure and diverse geography.

This problem can be solved, but it will require a commitment of not only funding but planning, communication and cooperation. The current SAFECOM initiative, which is supposed to address the interoperability problem, has failed in most, if not all, of these areas. While this issue clearly cannot be solved by one agency alone, the cross-government nature of SAFECOM crippled the program from the start. SAFECOM is supposed to be funded by multiple agencies meaning that if one agency is not in agreement with the others it can withhold funding and slow or stop activities. This formula has proven ineffective.

The Homeland Security Interagency and Interjurisdictional Information Sharing Act will address these issues. The bill creates an Office of Information Sharing within the Department of Homeland Security to develop and implement a national strategy and provide the leadership, outreach, and technical assistance necessary to achieve interoperability. The new office would receive a direct line of funding for its operations as well as to provide grants to States and localities to develop interoperable networks.

The bill would also require the Secretary of Homeland Security to develop a Homeland Security Information Sharing Network. The problem of informational stove piping will not be eradicated with ad hoc measures as is the practice today. The administration must institutionalize a system of sharing critical homeland security information among all levels of government. We are no longer in a ''need to know'' world. We must switch to a ''need to share'' mentality.

Three years is too long for the lessons of September 11 to not be implemented. I urge my colleagues to support this important piece of legislation and I thank Senators LIEBERMAN and COLLINS for their work on this issue.

By Mr. CHAMBLISS (for himself, Mr. INHOFE, Mr. ALLEN, and Mr. LOTT):

S. 2702. A bill to amend the Federal Election Campaign Act of 1971 to repeal the requirement that persons making disbursements for electioneering communications file reports on such disbursements with the Federal Election Commission and the prohibition against the making of disbursements for electioneering communications by corporations and labor organizations, and for other purposes; to the Committee on Rules and Administration.

Mr. CHAMBLISS. Mr. President, I rise today to introduce the First Amendment Restoration Act of 2004, a companion bill to H.R. 3801, which was introduced earlier this year in the House by my former colleague, Congressman Roscoe Bartlett. In the last few years, we've seen some remarkable restrictions placed on the ability of organizations to exercise their first amendment rights with respect to campaign contributions. One particular example is the Bipartisan Campaign Reform Act of 2002, or BCRA, which contains some provisions that have always troubled me. Although in McConnell v. FEC, the Supreme Court upheld BCRA's restrictions as constitutional, this is not the first time that I've disagreed with the Court's conclusions on

what kind of conduct I think is or is not constitutionally protected.

Specifically, I am concerned with the provisions of BCRA that limit the ways in which some organizations can contribute funds within certain time frames before an election. Under BCRA, labor unions and corporations, which include trade associations and interest groups as diverse as the ACLU and the NRA, are limited to only contributing PAC funds within 30 days of a primary and 60 days of a general election. These limitations apply to contributions for what are know as ''electioneering communications,'' which are any broadcast, cable, or satellite communications that refer to a clearly identified Federal candidate and that reach 50,000 or more people in the relevant district or State.

I believe that Congress can go beyond what the Supreme Court's decision in McConnell v. FEC envisions as what is constitutionally protected speech and that Congress should provide further first amendment protections for organizations wanting to make political contributions. This is why today I am introducing the First Amendment Restoration Act. This bill would repeal those provisions of BCRA that limit corporations and labor unions from making any other contributions than those run through political action committees within the 30- and 60-day periods set out in the act. I am proud to say that Senators JIM INHOFE, GEORGE ALLEN, and TRENT LOTT have agreed to cosponsor this bill. I look forward to the debate on the First Amendment Restoration Act and on issues of campaign-finance reform in general, as we see how the restrictions we place on speech really play out in the real world.

By Mr. BIDEN (for himself and Mr. DEWINE):

S. 2705. A bill to provide assistance to Sudan, and for other purposes; to the Committee on Foreign Relations.

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

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

S. 2705

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Comprehensive Peace for Sudan Act''.

SEC. 2. FINDINGS.

Congress makes the following findings:

(1) The Government of Sudan has engaged in an orchestrated campaign of genocide in Darfur, Sudan, and has severely restricted humanitarian and human rights workers' access to Darfur in an attempt to inflict further harm on the Fur, Masalit, and Zaghawa people of Darfur and to prevent the collection of evidence of war crimes and crimes against humanity.

(2) As a result of this campaign, as many as 30,000 people have been killed, more than 1,000,000 people have been displaced within Sudan, and approximately 200,000 have been made refugees in Chad.

(3) As many as 320,000 people may die unless humanitarian aid is immediately delivered to the affected individuals.

(4) The United Nations High Commissioner for Human Rights issued a report which ''identified . . . massive human rights violations in Darfur perpetrated by the Government of Sudan and its proxy militia, which may constitute war crimes and/or crimes against humanity''.

(5) The Government of Chad, under President Idriss Deby, has served an important role in facilitating a renewable ''humanitarian cease-fire'' between the Government of Sudan and the two rebel groups challenging that Government in Darfur, the Justice and Equality Movement and the Sudan Liberation Movement, and has been a crucial partner in permitting humanitarian assistance to reach refugees who have crossed from Darfur to Chad in the tens of thousands.

(6) The cooperation and mediation of the SPLM is critical to bringing about a political settlement between the Government, the Sudanese Liberation Army, and the Justice and Equality Movement.

(7) Practical implementation of a comprehensive peace agreement between the SPLM and the Government of Sudan is impossible without the implementation of a peace agreement for Darfur.

SEC. 3. DEFINITIONS.

In this Act:

(1) APPROPRIATE CONGRESSIONAL COMMITTEES.—The term ''appropriate congressional committees'' means the Committee on Foreign Relations of the Senate and the Committee on International Relations of the House of Representatives.

(2) SPLM.—The term ''SPLM'' means the Sudan People's Liberation Movement.

SEC. 4. SENSE OF CONGRESS REGARDING ACTIONS TO ADDRESS THE CONFLICT IN DARFUR.

It is the sense of Congress that—

(1) the United Nations Security Council should immediately pass a resolution—

(A) condemning the actions of the Government of Sudan in Darfur; and

(B) setting out specific actions that such Government must take to avoid the reimposition of sanctions;

(2) the United States Ambassador at Large for War Crimes should travel to the region to investigate allegations of war crimes, crimes against humanity, and genocide brought against the Government of Sudan;

(3) the President should immediately name a new Special Envoy to Sudan whose responsibilities include support for conflict mitigation throughout Sudan;

(4) the SPLM should take advantage of the opportunity afforded by the May 26, 2004, signing of the three protocols to help broker a political settlement to the conflict in Darfur;

(5) restrictions pursuant to Executive Order 13067 (50 U.S.C. 1701 note) should not be lifted unless there is peace in Darfur; and

(6) upon implementation of a peace agreement in Darfur, the signing of a comprehensive peace agreement between the SPLM and the Government of Sudan, and full cooperation from the Government of Sudan on the war against terrorism, the Government of the United States should immediately begin discussions of the necessary steps to normalize relations with Sudan, including the lifting of all economic and political sanctions.

SEC. 5. ASSISTANCE FOR SUDAN.

(a) HUMANITARIAN ASSISTANCE FOR CHAD AND DARFUR.—The President is authorized to provide $200,000,000 in fiscal year 2005 in assistance to meet the humanitarian crisis in Chad and Darfur pursuant to section 491 of the Foreign Assistance Act of 1961 (22 U.S.C. 2292) and section 2 of the Migration and Refugee Assistance Act of 1962 (22 U.S.C. 2601) to provide shelter, health, water and sanitation, protection of vulnerable populations, food, and other appropriate relief items.

(b) ASSISTANCE TO SUPPORT A COMPREHENSIVE NORTH-SOUTH PEACE AGREEMENT.—Notwithstanding any other provision of law, and subject to subsection (d), the President is authorized to provide $800,000,000 in assistance to support a comprehensive North-South peace agreement in Sudan for purposes including commercial assistance, infrastructure rehabilitation, disarmament and demobilization of fighters, and training and technical assistance to integrate members of the SPLM into the interim Government of Sudan.

(c) CERTIFICATION.—The President shall submit a certification to the appropriate congressional committees not later than 180 days after the date of enactment of this Act, and every 180 days thereafter, that the Government of Sudan has—

(1) ensured that the armed forces and the militias, known as the Janjaweed, are not attacking civilians;

(2) taken significant demonstrable and verifiable steps to demobilize and disarm the Janjaweed in Darfur;

(3) ceased harassment of aid workers, including those who report human rights abuses, and allowed unfettered humanitarian access to Darfur; and

(4) fully cooperated with the deployment and operation of the African Union monitoring team for Darfur.

(d) PROHIBITION AND SUSPENSION OF ASSISTANCE.—

(1) PROHIBITION.—If the President does not submit the certification described in subsection (c) then the President may not provide the assistance authorized in subsection (b).

(2) SUSPENSION.—If, on a date after the President submits the certification described in subsection (c), the President determines such Government has ceased taking such actions, the President shall immediately suspend the provision of the assistance authorized in subsection (b) until the date on which the President certifies that such Government has resumed taking such actions.

SEC. 6. SANCTIONS IN SUPPORT OF PEACE IN DARFUR.

(a) MEASURES AND SANCTIONS IN SUPPORT OF PEACE.—On the date that is 120 days after the date of enactment of this Act, if the President has not submitted the certification described in subsection (c)(1)—

(1) the President shall implement the measures set forth in section 6(b)(2) of the Sudan Peace Act (50 U.S.C. 1701 note); and

(2) notwithstanding section 428(b) of the Homeland Security Act of 2002 (6 U.S.C. 236(b)), the Secretary of State shall prohibit the granting of a visa to—

(A) a senior member of the Government of Sudan;

(B) a senior official of the military of Sudan; or

(C) a family member of an individual described in subparagraph (A) or (B).

(b) CONTINUATION OF RESTRICTIONS.—Restrictions against the Government of Sudan that were imposed pursuant to title III and sections 508, 512, and 527 of the Foreign Operations, Export Financing, and Related Programs Appropriations Act, 2004 (Division D of Public Law 108–199; 118 Stat. 143) shall remain in place until the President makes the certification described in subsection (c)(1).

(c) CERTIFICATION.—The certification referred to in subsections (a) and (b) is a certification submitted by the President to the appropriate congressional committees not

later than 30 days after the date of enactment of this Act, and every 90 days thereafter, that—

(A) the armed forces of the Government of Sudan and militias allied with such Government have not attacked civilians in Sudan since the date of enactment of this Act; and

(B) the Government of Sudan is allowing unfettered humanitarian access to people in Darfur.

SEC. 7. MULTILATERAL EFFORTS.

The Secretary of State shall direct the United States Permanent Representative to the United Nations to pursue a Security Council Resolution that condemns the Government of Sudan for its actions in Darfur and calls for—

(1) accountability for those who are found responsible for orchestrating and carrying out the atrocities in Darfur; and

(2) member states of the United Nations to—

(A) freeze the assets of senior members of the Government of Sudan and their families held in each such member state;

(B) cease to import Sudanese oil;

(C) restrict the entry or transit of senior members of the Government of Sudan and their families through each such member state;

(D) deny permission for any aircraft registered in Sudan to take off from, land in, or overfly each such member state; and

(E) cease selling arms to the Government of Sudan.

SEC. 8. REPORTING REQUIREMENTS.

Not later than 30 days after the date of enactment of this Act, the President shall submit to the appropriate congressional committees a report that includes—

(1) plans for and resources needed to assist with the reconstruction of Sudan to support a comprehensive peace agreement between the Government of Sudan and the SPLM, including a description of the effect that the crisis in Darfur will have on the resources needed;

(2) contingency plans for the delivery of humanitarian assistance through nonmilitary means should the Government of Sudan continue to obstruct or delay the international humanitarian response for the 2,000,000 Sudanese civilians declared vulnerable in Darfur;

(3) an assessment of the United States military personnel, platforms, equipment, and their associated costs required (should other efforts fail) to—

(A) deliver humanitarian assistance to Darfur; or

(B) provide security for the delivery of humanitarian assistance; and

(4) a strategy for providing medical and psycho-social assistance to victims of torture and sexual violence in Darfur.

SEC. 9. AUTHORIZATION OF APPROPRIATIONS.

(a) IN GENERAL.—There is authorized to be appropriated to the President—

(1) for fiscal year 2005, $200,000,000 to carry out the activities described in section 5(a); and

(2) for fiscal years 2005 through 2008, a total of $800,000,000 to carry out the activities described in section 5(b).

(b) REDUCTION OF AVAILABLE FUNDS.—The amount authorized to be appropriated under subsection (a)(2) shall be reduced by $50,000,000 180 days after the date of enactment of this Act if the President has not made the certification described in section 5(c) by the end of that 180-day period, and shall be reduced by an additional $50,000,000 at the end of each 180-day period thereafter that has ended before the President has made such certification.

By Mrs. CLINTON (for herself, Ms. SNOWE, and Mr. DASCHLE):

S. 2706. A bill to establish kinship navigator programs, to establish kinship guardianship assistance payments for children, and for other purposes; to the Committee on Finance.

Mrs. CLINTON. Mr. President, today I am pleased to be introducing legislation that expands the supports and services available to grandparents and other relatives who are raising children when their biological parents can no longer take care of them. I am happy to have worked with my friend and colleague, Senator OLYMPIA SNOWE, in crafting this important bill.

Today there is a phenomenon that is quietly changing the face of the American family and creating new challenges for our Nation's child welfare system—the growth of kinship care. According to the Census, more than 6 million children—1 in 12—live in households headed by grandparents or other relatives.

New York alone has over 409,000 children living in these households. The majority of these children—54 percent—live with their grandparents, while the rest live with aunts, uncles, siblings, and cousins. Sadly, one-fifth of families headed by grandparents are living in poverty.

While extended families have always stepped in to raise children when parents could not, over the past two decades we've seen a rise in the number of children living with grandparents and other relatives. A study conducted by the American Association of Retired Persons found that the number of children living in grandparent-headed households increased by 30 percent between 1990 and 2000.

Parents are unable to raise their own children for many different reasons, and we still have a lot to learn about this trend, but a few statistics are illuminating: Mothers are the fastest growing segment of the U.S. prison population. Approximately 7 in 10 women in correctional facilities have children under age 17. The number of women living with HIV/AIDS increased from 4,000 in the early 80s to close to 60,000 in 2000.

Many of these women are unable to raise their children and often rely on their relatives to fill in. Many other parents die or contract debilitating diseases that also make it impossible for them to fulfill their parental obligations.

Grandparents and other relatives have stepped forward, often at great personal sacrifice, to provide safe and loving homes for the children in their care. This has allowed tens of thousands of children to live with extended family rather than strangers.

Extended families can provide a sense of belonging and a connection with their family history. Children are traumatized when they are separated from their natural parents—being cared for by grandparents or other relatives can soften that blow.

But kinship families, especially those without formal legal custody of the children under their care, face a number of unnecessary barriers. Let me give you an example. Maria Lemmons, of Albany, lost her daughter, a single mother of 3, in a tragic car crash when Maria was 67. Maria immediately stepped in to take custody of her grandchildren, aged 11, 13, and 15. But as you can imagine, she struggled. Maria was financially secure, but she hadn't raised a teenager in over 20 years. She needed guidance about parenting and a support group to help her navigate the tough terrain of parenting.

At the other extreme is Susan Smith. Susan's daughter Cathy almost lost custody of her son, Jacob, when she became addicted to heroin and neglected him for days at a time. Susan intervened to take care of Jacob even though doing so required a significant financial sacrifice. Susan lives on a Social Security check of less than $300 a month. She can barely afford her groceries and her medicine. But she was not willing to let Jacob be raised by a stranger.

At the very least, both of these women need and deserve our compassion. But I believe they also deserve our support as they assume the awesome responsibility of raising children. The Kinship Caregiver Support Act will help women like Maria and Susan in three important ways.

First, it will establish a ''kinship navigator'' program. This program will provide funds to social service agencies to establish toll-free hotlines, websites, and resource guides on the local and State parenting support available to kinship families. These hotlines and websites will give grandparents critical information about enrolling children in school, obtaining SCHIP, Medicaid and other health insurance, safeguarding their homes for small children, applying for housing assistance, obtaining legal services, finding childcare, and identifying parental support groups so that women like Maria have someone to talk to about their experiences.

The kinship navigator program will promote partnerships between government agencies, not-for-profit and faith-based organizations to help them better serve the needs of kinship care families.

The second part of this legislation will make it possible for kinship families who serve as permanent legal guardians to receive the same payments that foster families would receive. This is extremely important because many grandparents want to raise their grandchildren but, like Susan, simply cannot afford to do so.

States will have the option to use their title IV–E funds to provide payments to grandparents and other relatives who have assumed legal guardianship of the children they've cared for as foster parents. Families would be eligible if the child has been under the care of the State agency for at least 12 months and was eligible for foster care maintenance payments.

There are a few States, such as Illinois and Maryland, that have already implemented subsidized guardianship waivers through the Health and Human Services demonstration project. These States have shown that subsidized guardianship is a cost-neutral and effective way to keep families together. My legislation will make it possible for all States to follow in their path. It values families that care for each other.

The final part of this legislation will require States to notify grandparents when children enter the foster care system. Unfortunately, grandparents and other relatives often do not know when their grandchildren or nieces and nephews come under the care of the State. By notifying grandparents and other relatives when children enter the foster care system, we can make it a lot easier for families to stay together.

I also want to note that in May of this year, the Pew Commission on Children in Foster Care recommended that children who live with a permanent legal guardian should receive federal guardianship assistance. This commission is widely considered to be one of the most comprehensive investigation of child welfare financing policy in decades and is chaired by a bipartisan group of child welfare experts, including legislators, state administrators, family service providers, judges, foster and adoptive parents, and former foster youth. It is encouraging that their recommendations are in line with the legislation I am introducing today.

I am very pleased with this legislation; it shows that we are moving in the right direction toward helping the thousands of children and the relatives that care for them in this country. I look forward to working with my colleagues to pass this bill in the Senate.

By Mr. LIEBERMAN:

S. 2708. A bill to develop the National Strategy for Homeland Security, and for other purposes; to the Committee on Governmental Affairs.

Mr. LIEBERMAN. Mr. President, I rise today to introduce legislation to forge a comprehensive and effective strategy for our homeland security.

Before 9/11, we did not truly perceive the threat of terrorism on our own soil, and what homeland security efforts we did have underway were badly divided. Dozens of agencies responsible for pieces of our homeland security were scattered across the Federal Government, and were largely unconnected to state and local officials and first responders on the front lines in our Nation's cities and towns. There were confusing overlaps and, more critically, treacherous gaps. And because everyone was responsible for parts of the effort, no one was ultimately in charge.

We took one large step to remedy these weaknesses by creating the Department of Homeland Security. The Department brings more than two dozen of the Federal Government's critical homeland security agencies and programs under one roof, allowing for unprecedented coordination and cooperation. It also created a Cabinet Secretary charged with managing the budgets and personnel of these agencies, and capable of providing a focal point for homeland programs and issues in the Cabinet and beyond.

But we knew that in addition to creating a better organization, we would need to lay out a clear roadmap to galvanize our homeland defenses—at all levels of government and the private sector. That is what many of us called for and, regretfully, it is something this Nation still sorely lacks.

The Administration did produce a ''National Strategy for Homeland Security'' in July 2002 that correctly identified many of the challenges we face in preparing to meet the threat of terrorism. But that document predates the creation of the Department of Homeland Security and is already out of date. More significantly, it failed to set priorities, clear deadlines and accountability for the vast array of homeland security tasks we face.

As the highly regarded Gilmore Commission on terrorism noted in its final report last December: ''Much is still required in order to achieve an effective, comprehensive, unified national strategy and to translate vision into action. Notably absent is a clear prioritization for the use of scarce resources against a diffuse, unclear threat as part of the spectrum of threats—some significantly more common than terrorism. The panel has serious concern about the current state of homeland security efforts along the full spectrum from awareness to recovery, worried that efforts by the government may provide the perception of enhanced security that causes the Nation to become complacent about the many critical actions still required.''

While it is true that the Department of Homeland Security is proceeding with some more targeted strategies regarding specific areas of concern, these cannot replace a comprehensive strategy that sets the ultimate policies and priorities for our homeland effort.

That is why I am introducing legislation requiring a new homeland security strategy that can provide the strong, precise national guidance we need on this critical issue.

In a February 3, 2004 report, the General Accounting Office surveyed seven existing Federal strategies related to terrorism—including the National Strategy for Homeland Security—and laid out guiding principles to improve these strategies. My legislation incorporates these principles, which stress accountability and prioritization as requirements for a new homeland security strategy. The new strategy must include a hierarchy of strategic goals and indicate the specific activities needed to achieve those goals, as well as the likely costs, and how such funds should be generated. In other words, the strategy must make real choices about priorities and resources. The current strategy identifies many goals, but rarely provides deadlines for action, standards or performance measures to assess progress, or details on the resources required for stated initiatives.

The strategy must clearly spell out organizational roles and responsibilities, including the proper roles of State, local, private and international actors and the coordinating mechanisms to bring these actors together. Almost three years after 9/11, we still too often must ask ''who is in charge?'' of key pieces of our homeland security agenda. And, critically, the homeland security strategy must address how it relates to other Federal strategies regarding terrorist threats, and how the strategies will be integrated.

The legislation also highlights certain substantive areas that should be addressed, such as a thoroughgoing strategy to maximize information sharing related to homeland security throughout the Federal Government and with state and local officials and, where appropriate, the private sector. The strategy must look at preparing the public health sector to detect and respond to terrorist attacks, at integrating military capabilities into our homeland security planning, at building all-hazards preparedness throughout all levels of government and the private sector, and securing our critical infrastructure, much of which is in private hands.

The bill would require that the strategy be written every four years, with updates every two years and annual progress reports to be submitted in conjunction with the President's annual budget request. Recognizing that many Federal agencies outside the Department of Homeland Security play a critical part in homeland security, it calls on the Assistant to the President for Homeland Security to help the Secretary construct the strategy.

Importantly, it would create an independent panel of experts to review the strategy and offer alternative proposals as appropriate—a so-called ''Team B'' to provide decision makers with alternative perspectives and solutions for consideration. This nonpartisan panel, to be called the Homeland Security Commission, would consist of nine members appointed by the Secretary in consultation with Congress. The members would be recognized experts in the field of homeland security and cannot be current officers or employees of the Federal Government. This Commission is modeled on the successful National Defense Panel, which helped guide strategic planning for our military forces. This Commission can help ensure that we marshal all the best ideas to defend our homeland and do not fall into complacent, or narrow ways of thinking about the threats we face. We know that terrorists are always adapting their strategies and techniques. We must do no less.

We meet today amid ongoing, and indeed heightened, threats of terrorist attacks on our homeland. We need not be intimidated, but we must be prepared. A new and more forceful national strategy will help energize and organize our resources—at all levels of government and within the private sector—to meet this threat. I urge my colleagues to support this legislation to give us such a strategy.

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

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

S. 2708

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the ''National Strategy for Homeland Security Act of 2004''.

SEC. 2. DEFINITIONS.

In this Act, the following definitions shall apply:

(1) COMMISSION.—The term ''Commission'' means the Homeland Security Strategy Commission established under section 4.

(2) SECRETARY.—The term ''Secretary'' means the Secretary of Homeland Security.

(3) STRATEGY.—The term ''Strategy'' means the National Strategy for Homeland Security developed under this Act.

SEC. 3. NATIONAL STRATEGY FOR HOMELAND SECURITY.

(a) DEVELOPMENT AND SUBMISSION OF STRATEGY.—

(1) DEVELOPMENT.—The Secretary, under the direction of the President, and in collaboration with the Assistant to the President for Homeland Security and the Homeland Security Council, shall develop the National Strategy for Homeland Security for the detection, prevention, protection, response, and recovery with regard to terrorist threats to the United States.

(2) SUBMISSION TO CONGRESS.—

(A) INITIAL SUBMISSION.—Not later than December 1, 2005, and not later than December 1st of each year in which a President is inaugurated, the Secretary shall submit the Strategy to Congress.

(B) BIENNIAL UPDATE.—Not later than 2 years after each submission of the Strategy under subparagraph (A), the Secretary shall submit to Congress an updated version of the Strategy.

(C) PROGRESS REPORTS.—Each year, in conjunction with the President's budget request, the Secretary shall provide an assessment of progress on implementing the Strategy, including the adequacy of resources to meet the objectives of the Strategy, and recommendations to improve and implement the Strategy.

(3) CLASSIFIED MATERIAL.—Any part of the Strategy that involves information that is properly classified under criteria established by Executive Order shall be submitted to Congress separately in classified form.

(b) COORDINATION WITH THE ASSISTANT TO THE PRESIDENT FOR HOMELAND SECURITY.—The Secretary shall seek the assistance of the Assistant to the President for Homeland Security and the Homeland Security Council to—

(1) coordinate the input of Federal departments and agencies outside the Department of Homeland Security, which have homeland security responsibilities; and

(2) work with the Secretary on all aspects of the Strategy.

(c) CONTENTS.—

(1) IN GENERAL.—The Strategy shall include—

(A) a comprehensive statement of purpose, mission, and scope;

(B) threat, vulnerability, and risk assessment and analysis, including an analysis of the threats and vulnerabilities regarding critical infrastructure, assets, and operations and a description of the role of the Homeland Security Institute in conducting such risk assessments;

(C) a statement of desired end-states, including a hierarchy of strategic goals and subordinate objectives, as well as specific activities for achieving results and specific priorities, milestones, and performance measures to monitor progress toward goals;

(D) an assessment of necessary resources and investments to achieve strategic goals, including the types of necessary resources involved and resource allocation mechanisms;

(E) a delineation of organizational roles and responsibilities across the many entities involved in homeland security efforts, including—

(i) the proper roles and responsibilities of State, local, private, and international sectors, and a designation of coordinating mechanisms; and

(ii) other specific measures to enhance cooperative efforts between the Federal government and the sectors described in clause (i); and

(F) an explanation of the relationship between the Strategy and other Federal strategies addressing terrorist threats, including how these strategies will be integrated, and details on subordinate strategies within the Department of Homeland Security regarding specific aspects of homeland security.

(2) ADDITIONAL CONTENTS.—In addition to the items listed in paragraph (1), the Strategy shall include—

(A) policies and procedures to maximize the collection, translation, analysis, exploitation, and dissemination of information relating to combating terrorism and the homeland security response throughout the Federal government, and with State and local authorities, and, as appropriate, the private sector;

(B) plans for countering chemical, biological, radiological, nuclear and explosive, and cyber threats;

(C) plans for the coordination with, and integration of, the capabilities and assets of the United States military into all aspects of the Strategy, as appropriate;

(D) plans for improving the resources of, coordination among, and effectiveness of, health and medical sectors for preventing, detecting, and responding to terrorist attacks on the homeland;

(E) measures needed to enhance transportation security with respect to potential terrorist attacks, including aviation and nonaviation modes of transportation;

(F) measures, based on the risk assessments under paragraph (1)(B), to identify and prioritize the need for protective and support measures for critical infrastructure and plans to secure these key assets;

(G) an assessment of the Nation's ability to prevent, respond to, and recover from threatened and actual domestic terrorist attacks, and measures to enhance such preparedness across all levels of government and the private sector;

(H) measures to secure the Nation's borders from terrorist threats, including agroterror, while continuing to facilitate the flow of legitimate goods and visitors;

(I) plans for identifying, prioritizing, and meeting research and development objectives to support homeland security needs; and

(J) plans for addressing other critical homeland security needs.

(d) COOPERATION.—At the request of the Secretary or the Assistant to the President for Homeland Security, Federal agencies shall provide necessary information or planning documents relating to the Strategy.

SEC. 4. NATIONAL HOMELAND SECURITY COMMISSION.

(a) ESTABLISHMENT.—The Secretary shall establish a nonpartisan, independent commission to be known as the Homeland Security Commission.

(b) MEMBERSHIP.—

(1) COMPOSITION.—The Commission shall be composed of 9 members, including a chair, who shall be appointed by the Secretary, in consultation with the chairman and ranking member of—

(A) the Committee on Governmental Affairs of the Senate; and

(B) the Select Committee on Homeland Security of the House of Representatives.

(2) QUALIFICATIONS.—Members of the Commission appointed under paragraph (1)—

(A) shall be recognized experts in matters relating to the homeland security of the United States; and

(B) shall not be officers or employees of the Federal Government.

(3) PERIOD OF APPOINTMENT.—Each member of the Commission shall be appointed to the Commission for an 18-month term, which shall begin on December 1, 2005.

(4) VACANCIES.—Any vacancy in the Commission shall not affect its powers, but shall be filled in the same manner as the original appointment.

(5) QUORUM.—A majority of the members of the Commission shall constitute a quorum, but a lesser number of members may hold hearings. A quorum is required to approve any report issued by the Commission, but a minority of members may submit an appendix to be included in such report.

(c) DUTIES.—The Commission shall conduct an independent, alternative assessment of the optimal policies and programs to improve homeland security against terrorist threats, including, to the extent practicable, an estimate of the funding required each fiscal year to support such policies and programs.

(d) COMPENSATION.—Each member of the Commission shall be compensated at a rate equal to the daily equivalent of the annual rate of basic pay prescribed for level IV of the Executive Schedule under section 5315 of title 5, United States Code, for each day, including travel time, during which the member is engaged in the performance of the duties of the Commission.

(e) TRAVEL EXPENSES.—Each member of the Commission 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 away from their homes or regular places of business in the performance of services for the Commission.

(f) STAFF.—

(1) IN GENERAL.—The Chair of the Commission may, without regard to the civil service laws and regulations, appoint and terminate an executive director (subject to Commission confirmation) and such other additional personnel as may be necessary to enable the Commission to perform its duties.

(2) COMPENSATION.—The Chair of the Commission may fix the compensation of the executive director and other personnel without regard to chapter 51 and subchapter III of chapter 53 of title 5, United States Code, relating to the classification of positions and General Schedule pay rates, except that the rate of pay may not exceed the rate payable for level V of the Executive Schedule under section 5316 of such title.

(3) PERSONNEL AS FEDERAL EMPLOYEES.—

(A) IN GENERAL.—The executive director and all employees of the Commission shall be employees under section 2015 of title 5, United States Code, for purposes of chapters 63, 81, 83, 84, 85, 87, 89, and 90 of such title.

(B) MEMBERS OF COMMISSION.—Subparagraph (A) shall not apply to members of the Commission.

(4) DETAIL OF GOVERNMENT EMPLOYEES.—Any Federal Government employee may be detailed to the Commission without reimbursement, and such detail shall be without interruption or loss of civil service status or privilege.

(g) ADMINISTRATIVE PROVISIONS.—

(1) USE OF MAIL AND PRINTING.—The Commission may use the United States mails and obtain printing and binding services in the same manner and under the same conditions as other departments and agencies of the Federal Government.

(2) SUPPORT SERVICES.—The Secretary shall furnish the Commission any administrative and support services requested by the Commission.

(3) GIFTS.—The Commission may accept and dispose of gifts or donations of services or property.

(h) PAYMENT OF COMMISSION EXPENSES.—The compensation, travel expenses, and per diem allowances of members and employees of the Commission shall be paid out of funds available to the Department for the payment of compensation, travel allowances and per diem allowances, respectively, of civilian employees of the Department. The other expenses of the Commission shall be paid out of funds available to the Department for the payment of similar expenses incurred by the Department.

(i) REPORT.—Not later than December 1, 2006, the Commission shall submit, to the committees referred to under subsection (b)(1), a report that—

(1) describes the activities, findings, and recommendations of the Commission; and

(2) provides recommendations for legislation that the Commission considers appropriate.

By Mr. NELSON of Florida:

S. 2711. A bill to establish a National Windstorm Impact Reduction Program; to the Committee on Commerce, Science, and Transportation.

Mr. NELSON of Florida. Mr. President, I rise today in support of a bill I introduced today to set up a national program to reduce the loss of life and property due to windstorms.

This bill recently passed the House of Representatives and it will be addressed and hopefully passed during the Senate Commerce Committee markup tomorrow.

We all know the catastrophic damage that windstorms can cause. In fact, the highest level of material damage and loss of life in this country has been attributed to hurricanes, tropical storms, tornadoes and thunderstorms.

My State of Florida, as a coastal State, has been especially affected.

In 1992, Hurricane Andrew caused losses in excess of $26.5 billion.

And annually the average financial loss due to tornadoes, thunderstorms and hurricanes is $6.3 billion. So increasing our understanding of windstorms, assessing the performance of our buildings, structures and infrastructures during windstorms, reducing the impact of wind hazards through retrofitting buildings and changing construction practices and transferring this knowledge to the pubic and building professionals is desperately needed.

And this bill accomplishes all of those things.

It is a coordinated plan to reduce material losses and human suffering.

An interagency working group consisting of representatives of the National Science Foundation, the National Oceanic and Atmospheric Administration, the National Institute of Standards and Technology and the Federal Emergency Management Agency will be responsible for planning and managing this program.

The program will have three goals: Improved understanding of windstorms, windstorm impact assessment, and windstorm impact reduction.

How do we achieve this? Data collection and analysis, outreach, technology transfer, and research and development.

As a result of this program, we will translate existing and future information and research findings into cost-effective and affordable practices for design and construction professionals, and State and local officials.

And this interagency group will provide biennial updates of their progress to Congress so we know what progress has been made and what more needs to be done.

We'll also get a broad cross-section of interests involved through an advisory committee—so that real-life issues are addressed and onsite expertise is utilized.

And my hope is that the devastation of Hurricane Andrew will never be experienced again in my State of Florda or in any other State.

This bill and help us achieve that and I urge my collegues' support.

By Mr. DOMENICI (for himself and Mr. KENNEDY):

S. 2713. A bill to amend the Public Health Service Act to revise the amount of minimum allotments under the Projects for Assistance in Transition from Homelessness program; to the Committee on Health, Education, Labor, and Pensions.

Mr. DOMENICI. Mr. President, I rise today with my friend Senator KENNEDY to introduce a bill that will raise the minimum grant amounts given to States and territories under the PATH program. The PATH program provides services through formula grants of at least $300,000 to each State, the District of Columbia and Puerto Rico and $50,000 to eligible U.S. territories. Subject to available appropriations, this bill will raise the minimum allotments to $600,000 to each State and $100,000 to eligible U.S. territories.

When the PATH program was established in FY1991 as a formula grant program, Congress appropriated $33 million. That amount has steadily increased over the years with Congress appropriating $50 million this past year. However, despite these increases, States and territories such as New Mexico that have rural and frontier populations, have not received an increase in their PATH funds. Under the formula, as it currently exists, many States and territories will never receive an increase to their PATH program, even with increasing demand and inflation. This problem is occurring in my home state of New Mexico as well as twenty-five other States and territories throughout the United States.

The PATH program is authorized under the Public Health Service Act and it funds community-based outreach, mental health, substance abuse, case management and other support services, as well as a limited set of housing services for people who are homeless and have serious mental illnesses. Program services are provided in a variety of different settings, including clinic sites, shelter-based clinics, and mobile units. In addition, the PATH program takes health care services to locations where homeless individuals are found, such as streets, parks, and soup kitchens.

PATH services are a key element in the plan to end chronic homelessness. Every night, an estimated 600,000 people are homeless in America. Of these, about one-third are single adults with serious mental illnesses. I have worked closely with organizations in New Mexico such as Albuquerque Health Care for the Homeless and I have seen firsthand the difficulties faced by the more than 15,000 homeless people in New Mexico, 35 percent of whom are chronically mentally ill or mentally incapacitated.

PATH is a proven program that has been very successful in moving people out of homelessness. PATH has been reviewed by the Office of Management and Budget and has scored significantly high marks in meeting program goals and objectives. Unquestionably, homelessness is not just an urban issue. Rural and frontier communities face unique challenges in serving PATH eligible persons and the PATH program funding mechanisms must account for these differences.

Thank you and I look forward to working with my colleague Senator KENNEDY on this important issue.

I ask unanimous consent that the text of the bill be printed in the RECORD.

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

S. 2713

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. MINIMUM ALLOTMENTS UNDER THE PROJECTS FOR ASSISTANCE IN TRANSITION FROM HOMELESSNESS PROGRAM.

Section 524 of the Public Health Service Act (42 U.S.C. 290cc–24) is amended to read as follows:

"SEC. 524. DETERMINATION OF AMOUNT OF ALLOTMENT.

"(a) DETERMINATION UNDER FORMULA.—Subject to subsection (b), the allotment required in section 521 for a State and Territory for a fiscal year is the product of—

''(1) an amount equal to the amount appropriated under section 535 for the fiscal year; and

''(2) a percentage equal to the quotient of—

''(A) an amount equal to the population living in urbanized areas of the State involved, as indicated by the most recent data collected by the Bureau of the Census; and

''(B) an amount equal to the population living in urbanized areas of the United States, as indicated by the sum of the respective amounts determined for the States under subparagraph (A).

''(b) MINIMUM ALLOTMENT.—

''(1) IN GENERAL.—Subject to paragraph (2), the allotment for a State under section 521 for a fiscal year shall, at a minimum, be the greater of—

''(A) the amount the State or Territory received under section 521 in fiscal year 2004; and

''(B) $600,000 for each of the several States, the District of Columbia, and the Commonwealth of Puerto Rico, and $100,000 for each of Guam, the Virgin Islands, American Samoa, and the Commonwealth of the Northern Mariana Islands.

''(2) CONDITION.—If the funds appropriated in any fiscal year under section 535 are insufficient to ensure that States and Territories receive a minimum allotment in accordance with paragraph (1), then—

''(A) no State or Territory shall receive less than the amount they received in fiscal year 2004; and

''(B) any funds remaining after amounts are provided under subparagraph (A) shall be used to meet the requirement of paragraph (1)(B), to the maximum extent possible.''.

By Mr. DASCHLE:

S. 2714. A bill to amend part D of title XVIII of the Social Security Act, as added by the Medicare Prescription Drug, Improvement, and Modernization Act of 2003, to provide for negotiation of fair prices for Medicare prescription drugs; read the first time.

Mr. DASCHLE. Recently, the Majority Leader pulled the class-action reform legislation from consideration after the Senate failed to invoke cloture on the bill. We all know he would have had the votes for cloture if he had not played games with the amendment process. Instead, he proposed allowing Democrats only five non-germane amendments and insisted that he choose which amendments could be offered. He insisted that under no circumstances could we offer a bipartisan bill to legalize the safe importation of lower-priced prescription drugs from Canada and other industrialized countries. The Majority Leader no doubt feared that the re-importation legislation would pass as a result of the broad bipartisan support it enjoys. But the drug industry didn't want lower prices, and we were prevented from offering our amendment.

The re-importation bill is just one of many health measures currently pending in Congress that would help Americans who are struggling with the high costs of care, drugs, and insurance. These bills have broad support—some even have Republican lead sponsors—and we should be considering them here in the Senate. In fact, it is our obligation to do so. Yet most of these bills continue to languish in committee while the majority plays procedural games with the amendment process and spends countless hours on bills and measures that the Majority Leader knows do not have the votes to pass.

In response, over the past week, we have begun the process of putting these measures on the calendar. We are doing so to highlight that these critical bills are available for consideration on the Senate floor, and to show how important it is to pass them and send them to the President for his signature as soon as possible.

Today, I would like to discuss a measure I first introduced on the day the conference report to the Medicare bill passed the Senate. This proposal was included in a broader piece of legislation that we introduced that day in response to the conference report, and, on December 9, I introduced it as a stand-alone measure. It is a very simple bill. It would strike the prohibition contained in last year's Medicare legislation that prohibits the government from using the power of 41 million beneficiaries to negotiate lower drug prices for seniors. Senators on both sides of the aisle have expressed support for striking that provision. Senators who supported the conference report have joined with those who opposed it, such as myself, in cosponsoring my bill. That's because it just makes sense.

The new Medicare law does almost nothing to rein in skyrocketing prescription drug costs. In fact, it actually prohibits Medicare from using its bargaining power to negotiate lower prices. We have seen the VA's success at negotiating lower prices. Similarly, we should use the power of Medicare's beneficiary population to obtain lower prices for seniors and people with disabilities. Rather than fragmenting the population to dilute our ability to negotiate lower costs, we have an obligation—both to Medicare beneficiaries and to American taxpayers—to secure the lowest possible prices. That's what my bill would do.

It's time for the Senate to side with seniors and taxpayers over the drug industry. It's time for the Senate to pass this bill.

I ask unanimous consent that the text of the bill be printed in the RECORD.

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

S. 2714

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Medicare Prescription Drug Price Reduction Act of 2004''.

SEC. 2. NEGOTIATING FAIR PRICES FOR MEDICARE PRESCRIPTION DRUGS.

Section 1860D–11 of the Social Security Act (42 U.S.C. 1395w–111) is amended by striking subsection (i) (relating to noninterference) and by inserting the following:

''(i) AUTHORITY TO NEGOTIATE PRICES WITH MANUFACTURERS.—In order to ensure that each part D eligible individual who is enrolled under a prescription drug plan or an MA–PD plan pays the lowest possible price for covered part D drugs, the Secretary shall have authority similar to that of other Federal entities that purchase prescription drugs in bulk to negotiate contracts with manufacturers of covered part D drugs, consistent with the requirements of this part and in furtherance of the goals of providing quality care and containing costs under this part.''.

By Mr. COLEMAN:

S. 2715. A bill to improve access to graduate schools in the United States for international students and scholars; to the Committee on the Judiciary.

Mr. COLEMAN. Madam President, September 11, 2001, was a day that changed America forever. It taught us that oceans cannot protect us from those who are fanatically devoted to harming us. The world has changed after September 11. The American experience, realities, changed after September 11. We live with greater uncertainty. We live with greater fear and concern about attack. We have, even those in this Chamber, gone through the process of thinking the unthinkable, thinking about attacks on our soil, on our towns, on our country.

The good news is that in the last 2½ years since September 11, America has not experienced another experience like that. It appears as if the measures we have taken have had some effect. The PATRIOT Act was passed with overwhelming support. It is now the subject of some debate, but let's not debate the importance of doing those things that protect this country from attack. The PATRIOT Act has clearly been part of that.

The efforts of our President in rooting out the Taliban and getting rid of Saddam have all had an impact on making this country safer. But there are no guarantees. Clearly, even today—we have the September 11 Commission report coming out tomorrow; we have the Senate Intelligence Committee report coming out, reviewing what we did, should have done, and what we could do better.

The bottom line is we want to make sure this never happens again. The effort to improve our safety and security is important. This is not a game. This is not to raise the fear for political purposes; this is the reality of the world in which we live.

But I do believe there is at least one area where our policy regarding security and measures we are taking to improve security should be examined and changed. That is why today I am introducing the International Student and Scholar Access Act.

Again, we all know there is absolutely no such thing as an absolute guarantee of absolute security in a free society, so what we do is measure the level of threat against the loss of certain other values and then we try to strike a balance. In the area of student visas, I believe we have pushed security concerns beyond the logical point and

need to make adjustments to our policy.

This is what I am talking about. America has been home to foreign students in great numbers for many years. If you go to the University of Minnesota, you see students from all over the world. The same is true in our private schools in Minnesota. The University of St. Thomas has a great international student program. Those are good programs.

What those programs do is provide young people from around the world an opportunity to study in America, to understand the American experience, to understand American values, to understand the American way of life. That is a good thing.

Unfortunately, I believe one of the terrorist hijackers on September 11 was an individual who had a student visa. He did not attend school. No one followed up. As a result of that, what happened is we looked at that student visa policy and said: We have to make changes.

I understand that. I understand we have to tighten up standards. I understand we have to be more careful about those who claim to be students who come into our country.

But I believe the result of what has been well intentioned—what is important, the security of our country; nothing is more important than the role of Government to make sure we are secure—in regard to student visas has been to push the ball a little too far. I think what we are seeing now is there are scores of young people who would like to be part of the American experience, who would like to study in our schools, who would like to understand American culture and American values, young people who, 20 or 30 years from now, when they are the Presidents and Vice Presidents and Ambassadors and Ministers of their country, would have a relationship, saying: I went to the University of Minnesota. I went to the University of Maine. I went to the University of Saint Thomas. I went to Bowdoin College. I understand what you are about and would like to be a partner with you.

I think we are at a point now where, in reaction to 9/11, what we are doing with student visas is to have kind of turned it around. Now that it is a national security issue, I think we are missing the opportunity for a lot of young people to become part of and understand and share in the American experience.

So now we have visa processes that are structured in a way that produces results that I don't think we want. They require that consular officers in our Embassies spend far too much time on people who do not threaten this country and excluding too many of them. That does not leave them enough time to deal with those folks who are a genuine threat.

It is the equivalent of a police roadblock. We are stopping so many innocent people that it calls into question if this is a good use of Government resources and power.

Again, it is in the interest of the United States of America to bring in the best and brightest foreign students to study in America. These are people who will lead their nations one day. The experience they gain with our democratic system and our values gives them a better understanding of what America is and who Americans are.

I had an opportunity the other day to spend time with a young woman from Iraq, a Kurd from Kirkuk. She was there to kind of shadow us and understand a little bit about American—this system of government. I thought—she had 1 day—just think if we had 4 years of her being here, or 5 years, and she came to understand this country and its history and its people and its culture and its ways and its values, and she carried that in her heart back to her country, with the opportunities we would have along the way to strengthen those relationships.

We hear so much today about anger at Americans, about hate directed toward Americans. But this is in a world that, at times, I think may hate us because they don't know us. They don't know us. They know what they see on Al-Jazeera or they know what they hear from some political leader who may disagree with the kind of government and the democracy and the values we have.

International education represents an opportunity to break down those barriers. I think some who hate this Nation do so out of ignorance. Foreign students who return to their nations many times become ambassadors of good will and understanding.

And don't discount the personal relationships. In our lives, we may see friends who we met back in college, people we have not seen in 20 years. When we run into those friends, there is a bond. Our young educated people become our leaders, not just in Government but in business, in industry, in education. The same is true throughout the world. The world is not such a big place. It is not such a big place when you have these human connections.

So these young people go back to their countries, young people who studied here, who learned of our ways, and they become ambassadors of good will and understanding, and they speak with credibility about the freedoms that spur American success.

Foreign students also help our economy. Higher education is a major service sector export, bringing in $12 billion to the U.S. economy every year. Competitors, such as the United Kingdom, Canada, and Australia are gaining market share while the United States is losing. Total international applications to U.S. graduate schools for the fall of 2004 declined 32 percent from the fall of 2003. Fifty-four percent of English as a second language programs have reported declines in applications.

When you think about the economy, it is not just a tourist economy. People are coming here to spend money. I had an opportunity to be involved in a series of meetings with some of my colleagues, chaired by Senator BAUCUS, the ranking member of the Finance Committee, and bringing in leaders of American industry, the CEOs of some of the largest corporations in America, to talk about what we have to do to ensure American competitiveness in this global economy. One of the issues these CEOs mentioned was the difficulty in having foreign students come to our country and the impact it has on their opportunities for success and innovation, and the impact that has on the American economy.

It is not just a long-term national security issue; it is an economic development and opportunity issue. We are shortchanging ourselves by losing access to talent.

The legislation I introduce today is an effort to reverse the decline in foreign access to U.S. education. My legislation seeks to promote foreign study in America by urging strategic thinking and by making commonsense changes to the way we process visa applications.

This legislation would help to clarify the often overlapping roles between lead agencies that work on international education—the Departments of State, Commerce, Homeland Security, and Education.

It proposes improvements related to SEVIS fees for tracking foreign students, by prorating fees for short-term students and allowing them to make payments in their local currencies. There is a process of payments that are made. If you are here for a short term, you pay as much as for a long term. It is another barrier, another impediment to providing an opportunity for foreign students to be here.

It would set goals for more timeliness and certainty in the visa process. It would press the State Department for commonsense improvements to give more discretion on personal appearance requirements and on the duration of security clearances. It would improve the interoperability between databases of the FBI and the State Department.

Perhaps the most critical part of my bill deals with the criteria for student visas. Currently, consular officers have to prove that a student visa applicant has essential ties which will ensure his or her return to his or her own country after study is complete. This requirement poses an unrealistic burden on students who are typically not yet sufficiently well established in their societies to be able to demonstrate a likelihood of return. In reality, international students are often encouraged to stay in the U.S. after they have completed their studies, by changing their status to that of H–1B, for example.

An observation on this, and let me go just a little bit more about the legislation, because what it does is it calls for

a more realistic standard for student visas. That is what we really need.

My legislation replaces the criteria of expected return with two other criteria. Students would have to demonstrate that they intend to come to the U.S. to complete a legitimate course of study, and that they have the financial means for doing so.

Let me explain why that makes so much more sense. The reality is, if we have a bright and enterprising student from Africa, from Uganda, or from Argentina, from Latin America somewhere, the issue we need to be concerned about is whether they are really coming here to study. The concern over 9/11 is, you had folks who came here who were using that to gain entry into this country. Are they coming here to study? Is it a legitimate course of study? Do they have the means to do so? Are they coming here for the purpose they intended?

Afterwards, if we have a highly trained and highly qualified college graduate from Uganda and they do whatever has to be done legally in terms of dealing with immigration, what is the issue? Why would you not want to have them here a little longer if they are going to contribute to the economic growth, to the increase in brainpower, to all the things that need to be done to make sure America stays competitive in this new global economy?

America is never going to compete with low-scale wages. We are past that. There is no way we can compete with China. Mexico can't compete with China today. America's economic success is tied to innovation and brainpower. That is our future. What we do to encourage that, certainly among folks here but also students from other countries who become part of that pool, who help us become more creative and entrepreneurial, is important.

I have to say—and I wouldn't be surprised if the Senator from Maine has not had the same experience—this issue consumes a lot of my time and that of my case workers back in Minnesota. Time and again they are asked by Minnesota colleges and universities to make a plea to the State Department to help process a foreign student's visa. These are students who want to come to the United States, who have the intellectual assets that all can gain from, who have scholarships or other resources to take care of themselves while in America. But because they don't have spouses or homes in their native lands, they are rejected for their student visas. What sense does that make? How does that further the interests of those in the United States? How does it further the interests of our colleges and universities that benefit from quality students, benefit from the diversity brought by students from Africa or from Asia, benefit from having a broader kind of dialog and exchange about what this world is all about?

I had a particular case of a talented young man from Uganda named Humphrey. Humphrey had a full ride to St. Thomas University in St. Paul, MN, which—I note with great pride—my son entered. He had his orientation just the other day. I have a personal interest in St. Thomas, but that is not the reason I advocated for Humphrey. Humphrey was a research assistant with Professor Martin O'Reilly at Uganda Martyrs University. Dr. O'Reilly stated:

> With service for 22 years in African countries, this is the most impressive student and human being I have ever known. He is one in a million.

Humphrey is a psychology student. His goal is to return to Africa and offer counseling services on a continent where the psychological scars are so deep. We just heard my friend and colleague from Illinois talking about the brutality, the genocide in Sudan. We know of what happened in Rwanda. We know the scars that need to be healed. Humphrey wants to go back and offer services where psychological scars are deep. Yet his visa application was rejected more than once because he could not prove to a consular officer that he intended to return to Uganda. I called that consular officer at one time, not to pressure as a Senator but just to ask them to take a look at the application. Don't let it just kind of get processed run of the mill because we have a process now that makes it difficult for students to come here. Take a look at it and then make a judgment, if the judgment is pretty clear.

I am happy to say that Humphrey's visa application was finally accepted and he began study in January. I fear that there are too many people like him who will not be educated in America. We will lose not only their wisdom but also the chance to show them what makes America so great. I believe in the tougher measures we implemented after September 11, but I think we have to be smarter with how we use these tools. I think we can strike a better balance between security and the value of bringing the world here to be educated. And that is in America's long-term interest.

I urge my colleagues to consider this important issue and to support this legislation. It is in many ways a national security issue, national security not just in having a process in place that weeds out those who shouldn't be here but long-term national security, making sure that America has those relationships and those contacts with the future leaders of countries around this world and gives them the opportunity to be educated here. Right now they are being educated in other places, in England and France and Germany. We are missing an opportunity. There is no reason. We can do better than that.

Let us look at this issue. It is still my first term, and I haven't finished yet. I haven't finished the second year. I know it takes a while to get things done. But I think the clock is ticking on this issue. Each and every day we are missing an opportunity. Each and every day as we see the numbers of international student applications decline, as we see less and less of the opportunities to establish those relationships because of the policies we have in place, it cries out for change.

My legislation offers that change. I hope this body considers it, and I hope we make the change. As a result, I know we will build a stronger America. We will build a better America. That is the reason I think we are all here.

I ask unanimous consent that the text of the bill be printed in the RECORD.

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

S. 2715

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the ''International Student and Scholar Access Act of 2004''.

SEC. 2. FINDINGS.

Congress makes the following findings:

(1) The United States has a strategic need to improve its student visa screening process to protect against terrorists who would abuse the system to harm the United States.

(2) At the same time, openness to international students and exchange visitors serves longstanding and important United States foreign policy, educational, and economic interests, and the erosion of such exchanges is contrary to United States national security interests.

(3) Educating successive generations of future world leaders in the United States has long been an important underpinning of United States international influence and leadership.

(4) Open scientific exchange, which enables the United States to benefit from the knowledge of the world's top scientists, has long been an important underpinning of United States scientific leadership.

(5) The United States has seen a dramatic increase in requests for Visa Mantis checks designed to protect against illegal transfers of sensitive technology, from 1,000 in fiscal year 2000 to 20,000 in fiscal year 2003.

(6) Delays in issuing Visa Mantis security clearances have discouraged some international scholars from coming to the United States.

(7) International students and their families studying in the United States contribute close to $12,000,000,000 to the United States economy each year, making higher education a major service sector export.

(8) Delays in obtaining student visas have discouraged many international students from studying in the United States.

(9) Total international applications to graduate schools in the United States for fall 2004 declined 32 percent from fall 2003.

(10) The number of international students enrolled in the United States, which in raw numbers consistently increased over time and grew by 6 percent during both the 2000–2001 and 2001–2002 school years, leveled off dramatically during the 2002–2003 school year to an increase of only .6 percent.

(11) Concerns related to the anticipated international student monitoring system known as ''SEVIS'' have contributed to the decline in the number of foreign applicants to educational institutions in the United States.

(12) The United States requires a visa system for exchange programs that maximizes United States national security.

(13) The United States requires a comprehensive strategy for recruiting international students as well as enhancing the access of international students to higher education in the United States.

TITLE I—NATIONAL STRATEGY FOR ENHANCING INTERNATIONAL STUDENT ACCESS TO THE UNITED STATES

SEC. 101. STRATEGIC PLAN.

Not later than 180 days after the date of enactment of this Act, the President, in consultation with United States higher education institutions, organizations that participate in international exchange programs, and other appropriate groups, shall submit to the Committee on Foreign Relations of the Senate and the Committee on International Relations of the House of Representatives a strategic plan for enhancing international student access to the United States for study and exchange activities that includes:

(1) A marketing plan to makes use of Internet and other media resources to promote and facilitate study in the United States by international students.

(2) A clear division of responsibility that eliminates duplication and promotes interagency cooperation with regard to the roles of the Departments of State, Commerce, Education, and Homeland Security in promoting and facilitating access to the United States for international student and exchange visitors.

(3) A mechanism for institutionalized coordination of the efforts of Departments of State, Commerce, Education, and Homeland Security in facilitating access to the United States for international student and exchange visitors.

(4) An effective mandate and strategic plan for use of the overseas educational advising centers of the Department of State to promote study in the United States and to prescreen visa applicants.

(5) Well-defined lines of authority and responsibility for international students in the Department of Commerce.

(6) A clear mandate related to international student access for the Department of Education.

(7) Streamlined procedures within the Department of Homeland Security related to international student and exchange visitors.

SEC. 102. ANNUAL REPORTS TO CONGRESS.

(a) IN GENERAL.—The President, acting through the Secretary State and in consultation with the Secretary of Education, Secretary of Commerce, and Secretary of Homeland Security shall submit an annual report on the implementation of the national strategy developed in accordance with section 101 to Congress that would describe the following:

(1) Measures undertaken to enhance international student access to the United States and improve inter-agency coordination with regard to international students and exchange visitors as provided in section 101.

(2) Measures taken to implement section 202.

(3) The number of student and exchange visitors who apply for visas from the United States, and the number whose visas are approved.

(4) The average processing time for student and international visitor visas.

(5) The number of student and international visitor visas requiring inter-agency review.

(6) The number of student and international visitor visas approved after submission of the visa applications during each of the following durations:

(A) Less than 15 days.

(B) 15–30 days.

(C) 31–45 days.

(D) 46–60 days.

(E) 61–90 days.

(F) More than 90 days.

(b) SUBMISSION OF REPORT.—Not later than May 30 of 2005, and annually thereafter through 2008, the President shall submit to Congress the report described in subsection (a).

SEC. 103. REFORMING SEVIS FEE PROCESS.

(a) REDUCED FEE FOR SHORT-TERM STUDY.—Section 641(e)(4)(A) of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (8 U.S.C. 1372(e)(4)(A)) is amended in the second sentence, by inserting before the period the following: ''or the admission of an alien under section 101(a)(15)(F) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(15)(F)) for a program that does not exceed 90 days''.

(b) IMPROVING FEE COLLECTION.—Not later than 60 days after the date of enactment of this Act, the Secretary of Homeland Security and the Secretary of State shall jointly submit to the Committee on Foreign Relations and the Committee on the Judiciary of the Senate and the Committee on International Relations and the Committee on the Judiciary of the House of Representatives a report on the feasibility of collecting the fee required by section 641(e) of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (8 U.S.C. 1372(e))—

(1) in local currency at local financial institutions under procedures established by the Secretary of State; and

(2) by universities as part of a student's tuition and fees.

SEC. 104. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated to the Department of State, Department of Education, Department of Homeland Security, and Department of Commerce such sums as may be necessary to carry out the activities described in section 101.

TITLE II—IMPROVING THE VISA PROCESS

SEC. 201. SENSE OF CONGRESS; PURPOSE.

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

(1) improvements in visa processing would enhance the national security of the United States by—

(A) permitting closer scrutiny of visa applicants who might pose risks; and

(B) permitting the timely adjudication of visa applications of those whose presence in the United States serves important national interests; and

(2) improvements must include—

(A) an operational visa policy that articulates the national interest of the United States in denying entry to visitors who seek to harm the United States and in opening entry to legitimate visitors, to guide consular officers in achieving the appropriate balance;

(B) a greater focus by the visa system on visitors who require special screening, while minimizing delays for legitimate visitors;

(C) a timely, transparent, and predictable visa process, through appropriate guidelines for inter-agency review of visa applications; and

(D) a provision of the necessary resources to fund a visa processing system that meets the requirements of this title.

(b) PURPOSE.—It is the purpose of this title to specify the improvements described in subsection (a).

SEC. 202. VISA PROCESSING GUIDANCE.

(a) IN GENERAL.—Not later than 60 days after the date of enactment of this Act, the Secretary of State—

(1) shall issue appropriate guidance to consular officers in order to—

(A) give consulates appropriate discretion to grant waivers of personal appearance in order to minimize delays for legitimate travelers while permitting more thorough interviews of visa applicants in appropriate cases;

(B) give consulates appropriate discretion to allow security clearances under the Visas Mantis system to be valid for the duration of status or program, in order to avoid repetitive reviews of those visitors who leave the United States temporarily; and

(C) establish a presumption of visa approval for frequent visitors who have previously been granted visas for the same purpose and who have no status violations; and

(2) in consultation with the Director of the Office of Science and Technology Policy and appropriate representatives of the United States scientific community, shall issue appropriate guidance to consular officers in order to refine controls on the entry of visitors who propose to engage in study or research in advanced science and technology in order to ensure that only cases of concern, and not nonsensitive cases, are subjected to special review.

(b) TIMELINESS STANDARDS.—Not later than 60 days after the date of enactment of this Act, the President shall institute guidelines for inter-agency review of visa applications requiring security clearances which establish the following standards for timeliness in international student and visitor visas:

(1) Establish a 15-day standard for responses to the Department of State by other agencies involved in the clearance process.

(2) Establish a 30-day standard for completing the entire inter-agency review and advising the consulate of the result of the review.

(3) Provide for expedited processing of any visa application with respect to which a review is not completed within 30 days, and for advising the consulate of the delay and the estimated processing time remaining.

(4) Require the establishment of a process by which the applicant, or the program to which the applicant seeks access, can inquire about the application's status and the estimated processing time remaining.

(5) Establish a special review process to resolve any cases whose resolution is still pending after 60 days.

SEC. 203. INTEROPERABLE DATA SYSTEMS AT THE FBI.

(a) RESPONSIBILITIES OF THE FBI DIRECTOR.—The Director of the Federal Bureau of Investigation shall take the steps necessary to ensure that—

(1) the Federal Bureau of Investigation's databases and systems used in the National Name Check Program are interoperable with the requisite databases and systems at the Department of State;

(2) the files of the Federal Bureau of Investigation are automated and a common database is set up between the field offices and headquarters of the Federal Bureau of Investigation; and

(3) the Federal Bureau of Investigation has full connectivity to the Consular Consolidated Database through the Open Source Information System.

(b) REPORT.—Not later than 180 days after the date of enactment of this Act, the Director of the Federal Bureau of Investigation shall report to the Committees on the Judiciary of the Senate and the House of Representatives on progress in implementing subsection (a).

SEC. 204. SETTING REALISTIC STANDARDS FOR VISA EVALUATIONS.

(a) IN GENERAL.—Section 101(a)(15)(F)(i) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(15)(F)(i)) is amended—

(1) by striking ''having a residence in a foreign country which he has no intention of abandoning'' and inserting ''having the intention, capability, and sufficient financial

resources to complete a course of study in the United States''; and

(2) by striking ''and solely'' after ''temporarily''.

(b) TECHNICAL AND CONFORMING AMENDMENT.—Section 214(b) of the Immigration and Nationality Act (8 U.S.C. 1184(b)) is amended by striking ''subparagraph (L) or'' and inserting ''subparagraph (F), (J), (L), or''.

SEC. 205. REPORT.

Not later than 180 days after the date of enactment of this Act, the Secretary of State shall report to the Committee on Foreign Relations of the Senate and the Committee on International Relations of the House of Representatives on—

(1) the feasibility of expediting visa processing for participants in official exchange programs, and for students, scholars, and exchange visitors through prescreening of applicants by sending countries, sending universities, State Department overseas educational advising centers, or other appropriate entities;

(2) the feasibility of developing abilities to collect biometric data without requiring a visit to the Embassy by the visa applicant; and

(3) the implementation of the guidance described in subsections (a) and (b) of section 202, including the training of consular officers, and the effect of this guidance and training on visa processing volume and timeliness.

SEC. 206. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated such sums as may be necessary to carry out to carry out this Act for the consular affairs function of the Department of State, the visa application review function of the Department of Homeland Security, and for database improvements in the Federal Bureau of Investigations as specified in section 203.

SUBMITTED RESOLUTIONS

SENATE RESOLUTION 413—ENCOURAGING STATES TO CONSIDER ADOPTING COMPREHENSIVE LEGISLATION TO COMBAT HUMAN TRAFFICKING AND SLAVERY AND RECOGNIZING THE MANY EFFORTS MADE TO COMBAT HUMAN TRAFFICKING AND SLAVERY

Mr. CORNYN (for himself, Mr. SCHUMER, Mr. GRAHAM of South Carolina, Mr. LEAHY, and Mrs. CLINTON) submitted the following resolution; which was referred to the Committee on the Judiciary:

S. RES. 413

Whereas it has been nearly 2 centuries since the abolition of the transatlantic slave trade, and well over a century since the ratification of the 13th amendment to the Constitution of the United States;

Whereas most Americans would be shocked to learn that the institutions of slavery and involuntary servitude continue to persist today—not just around the world, but hidden in communities across the United States;

Whereas according to Federal Government estimates, approximately 800,000 human beings are bought, sold, or forced across the world's borders each year—including approximately 16,000 human beings into the United States each year—and are coerced into lives of forced labor or sexual servitude that amount to a modern-day form of slavery;

Whereas the 13th amendment to the Constitution of the United States, ratified in 1865, abolishes the institutions of slavery and involuntary servitude;

Whereas numerous provisions of chapter 77 of title 18 of the United States Code have criminalized slavery since 1909;

Whereas the late Senator Paul Wellstone joined in a bipartisan manner with Senator Sam Brownback and many other Senators and Representatives to advance legislation to strengthen those laws, leading to the enactment of the Trafficking Victims Protection Act of 2000 (22 U.S.C. 7101 et seq.), which was signed into law by President Bill Clinton;

Whereas Congress made further bipartisan improvements to the law when it enacted the Trafficking Victims Protection Reauthorization Act of 2003 (Public Law 108–193), which was signed into law by President George W. Bush;

Whereas the Department of Justice, under the leadership of its Civil Rights Division, has worked during the Clinton and Bush presidencies to strengthen anti-trafficking laws and to increase its own efforts to combat human trafficking and slavery in light of those recent bipartisan enactments;

Whereas the Trafficking in Persons Office of the Department of State continues to fight human trafficking around the world;

Whereas many nongovernmental organizations have made exceptional contributions to the prevention of human trafficking and to the care and rehabilitation of victims of human trafficking;

Whereas survivors of human trafficking crimes risk their lives and the lives of their families to assist in the investigation and prosecution of their former captors;

Whereas effective prosecution of human trafficking crimes will not be possible unless adequate protections are offered to the survivors;

Whereas the fight to eliminate human trafficking and slavery requires the involvement of State and local law enforcement officials, as well as Federal law enforcement efforts;

Whereas the enactment of comprehensive State laws criminalizing human trafficking and slavery may be necessary to ensure that Federal efforts are accompanied by robust efforts at the State and local levels;

Whereas the States of Texas, Washington, Missouri, and Florida have recently enacted comprehensive State criminal laws against human trafficking and slavery;

Whereas the Department of Justice recently announced a comprehensive model State anti-trafficking criminal statute, and encouraged States to adopt such laws, at its first ''National Conference on Human Trafficking,'' held in Tampa, Florida; and

Whereas the Department of Justice's model State anti-trafficking criminal statute is available at the Department's website, http://www.usdoj.gov/crt/crim/model_state_law.pdf: Now, therefore, be it

Resolved, That the Senate—

(1) supports the bipartisan efforts of Congress, the Department of Justice, and State and local law enforcement officers to combat human trafficking and slavery;

(2) strongly encourages State legislatures to carefully examine the Department of Justice's model State anti-trafficking criminal statute, and to seriously consider adopting State laws combating human trafficking and slavery wherever such laws do not currently exist;

(3) strongly encourages State legislatures to carefully examine the Federal benefits and protections for victims of human trafficking and slavery contained in the Trafficking Victims Protection Act of 2000 and the Trafficking Victims Protection Reauthorization Act of 2003, and to seriously consider adopting State laws that, at a minimum, offer these explicit protections to the victims; and

(4) supports efforts to educate and empower State and local law enforcement officers in the identification of victims of human trafficking.

SENATE RESOLUTION 414—ENCOURAGING STATES TO CONSIDER ADOPTING COMPREHENSIVE LEGISLATION TO COMBAT HUMAN TRAFFICKING AND SLAVERY AND RECOGNIZING THE MANY EFFORTS MADE TO COMBAT HUMAN TRAFFICKING AND SLAVERY

Mr. CORNYN (for himself, Mr. SCHUMER, Mr. GRAHAM of South Carolina, Mr. LEAHY, and Mrs. CLINTON) submitted the following resolution; which was considered and agreed to:

S. RES. 414

Whereas it has been nearly 2 centuries since the abolition of the transatlantic slave trade, and well over a century since the ratification of the 13th amendment to the Constitution of the United States;

Whereas most Americans would be shocked to learn that the institutions of slavery and involuntary servitude continue to persist today—not just around the world, but hidden in communities across the United States;

Whereas according to Federal Government estimates, approximately 800,000 human beings are bought, sold, or forced across the world's borders each year—including approximately 16,000 human beings into the United States each year—and are coerced into lives of forced labor or sexual servitude that amount to a modern-day form of slavery;

Whereas the 13th amendment to the Constitution of the United States, ratified in 1865, abolishes the institutions of slavery and involuntary servitude;

Whereas numerous provisions of chapter 77 of title 18 of the United States Code have criminalized slavery since 1909;

Whereas the late Senator Paul Wellstone joined in a bipartisan manner with Senator Sam Brownback and many other Senators and Representatives to advance legislation to strengthen those laws, leading to the enactment of the Trafficking Victims Protection Act of 2000 (22 U.S.C. 7101 et seq.), which was signed into law by President Bill Clinton;

Whereas Congress made further bipartisan improvements to the law when it enacted the Trafficking Victims Protection Reauthorization Act of 2003 (Public Law 108–193), which was signed into law by President George W. Bush;

Whereas the Department of Justice, under the leadership of its Civil Rights Division, has worked during the Clinton and Bush presidencies to strengthen anti-trafficking laws and to increase its own efforts to combat human trafficking and slavery in light of those recent bipartisan enactments;

Whereas the Trafficking in Persons Office of the Department of State continues to fight human trafficking around the world;

Whereas many nongovernmental organizations have made exceptional contributions to the prevention of human trafficking and to the care and rehabilitation of victims of human trafficking;

Whereas survivors of human trafficking crimes risk their lives and the lives of their families to assist in the investigation and prosecution of their former captors;

Whereas effective prosecution of human trafficking crimes will not be possible unless