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Senate

The Senate met at 12:09 p.m. and was called to order by the President pro tempore (Mr. STEVENS).

PRAYER

The Chaplain, Dr. Barry C. Black, offered the following prayer:

Let us pray.

Eternal Spirit, thank You for Your steadfast love and Your unchanging mercy. Your wondrous deeds sustain us and Your compassion keeps us secure. Thank You for traveling mercies and for the shield of Your protection during the conventions. Remind us that true greatness comes through service. May we esteem others as better than ourselves.

Bless our lawmakers today. Strengthen them in their challenging work of striving to find common ground. Protect them from strife and division as they seek unity for the good of our Nation and world.

In a special way, comfort those who mourn in Russia and help those who face the challenges of nature in Florida. We pray also for the speedy and complete recovery of President Clinton. Lord, we treasure each other as these situations remind us of the fragility of life. Empower us all to trust You without wavering. We pray this in Your holy Name. Amen.

PLEDGE OF ALLEGIANCE

The PRESIDENT pro tempore led the Pledge of Allegiance, as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

RECOGNITION OF THE MAJORITY LEADER

The PRESIDENT pro tempore. The majority leader is recognized.

SCHEDULE

Mr. FRIST. Mr. President, first, let me welcome everybody back from what I hope was a safe and productive August break. It seems as if only a few days ago we were here on the floor finishing our work prior to our recess. Since that time, we have had the two party conventions, and our colleagues have been spending time with their constituents and with family and friends.

Today, we will resume our Senate business with a period of morning business to allow Senators to make statements and to introduce legislation. A number of colleagues have expressed their desire to come to the floor, and we will coordinate an informal schedule of speakers over the course of this afternoon.

Under the consent agreement reached prior to the recess, at 5 p.m. today we will proceed to executive session for debate on two district court nominations. Those nominations are Virginia Maria Hernandez Covington, of Florida, to be a U.S. district judge for the Middle District of Florida, and Michael Schneider, of Texas, to be a U.S. district judge for the Eastern District of Texas. The Senate will vote on the confirmation of those judicial nominations at 5:30 today, and those will be the first votes of the day.

Following those votes, we will consider the nomination of Michael Watson, of Ohio, to be a U.S. district judge for the Southern District of Ohio. I do not anticipate a rollcall vote to be necessary on the Watson nomination; therefore, the two votes at 5:30 today should be the only rollcall votes of the day.

I know there are colleagues who are ready to speak; therefore, I will defer some longer opening comments to about 30 minutes from now. I would say at this time that our plans are to begin consideration of the Homeland Security appropriations bill tomorrow morning. I am discussing with the Democratic leadership an agreement to allow us to move quickly on that legislation. Again, I will have more to say on the Senate schedule in about 30 or 45 minutes.

With that, Mr. President, I look forward to a productive legislative period.

RECOGNITION OF THE MINORITY LEADER

The PRESIDENT pro tempore. The Democratic leader is recognized.

COMPLETING THE SENATE'S BUSINESS

Mr. DASCHLE. Mr. President, I join my colleague, the majority leader, in welcoming all of our colleagues back, and also our staff and a new class of pages who are starting today. We are pleased they could join us. We know they will be enjoying their experience, and we are delighted they could be here as we begin this important business.

I had the opportunity to talk with Senator FRIST briefly this morning. He and I come to the floor this morning with the realization that, with what limited time is left, we must do what our eloquent Chaplain has just prayed we would do; that is, we find the common ground required to deal with the array of legislative challenges that we face as a Senate body and as a country.

It would be my hope we could do what the majority leader has suggested, which is to begin deliberations on the Homeland Security appropriations bill very early in the session, hopefully as early as tomorrow. I will be discussing this matter and other scheduling issues with our caucus and our leadership tomorrow morning, but I can say, even having not had the benefit of those discussions, there is a great deal of interest in working with our colleagues on the other side of the aisle to achieve completion of the Homeland Security bill, as we have called for now for a couple of months.

We also have, of course, 11 other appropriations bills that have not yet reached completion. Most have not

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

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even been considered on the Senate floor. It would be my hope we could devote all of our energy, all of our attention, all of the effort at addressing that need. We are only 3 weeks away from the end of this fiscal year, and clearly a lot of work has to be done if we are going to be able to complete our work on time.

So the appropriations bills, especially the Homeland Security appropriations bill, need our attention. I will say publicly what I have already said privately to the majority leader: that he can count on our cooperation and partnership as we address that bill in particular.

There are also a number of bills in conference. The highway bill ought to be completed this month. The FSC bill, the foreign sales credit bill, the Energy bill, the Defense bill—all of those bills need attention, need completion. So we have a lot of work to do.

It would certainly be my hope our Republican colleagues would send the right message not only to all of us on this side of the aisle but to the country about their determination to put those priorities first. We can always score cheap political points, but I hope we would resist that temptation on both sides of the aisle and get on with the work of the Senate and the country in a way that will accomplish this very extraordinarily long list of legislative challenges and needs that we face as we begin our session.

I also note we will be taking up additional judicial nominations, I am sure. The three judges confirmed today will bring the total for this administration to 201, which is the fourth highest member of judges ever confirmed in a single term. I think it goes again to the extraordinary cooperation the administration has received on nominations.

MAKING THE 9/11 COMMISSION'S RECOMMENDATIONS LAW

Mr. DASCHLE. Mr. President, I will have a lot more to say about nominations in coming days, but I want to focus, if I may, on just one matter that I think deserves real attention this month. I have also discussed this matter with the majority leader. It has to do with the recommendations made by the 9/11 Commission.

On November 27, 2002, when the President signed the law that created the National Commission on Terrorist Attacks Upon the United States, he said:

> I expect that the Commission's final report will contain important recommendations for steps that can be taken to improve our preparedness for and responses to terrorist attacks in the future.

Twenty months, over 1,000 interviews, 12 public hearings, millions of pages of documents reviewed later, the Commission has put together those important recommendations—41 in all. Few of the recommendations are new. Many are obvious. Yet none are law. The ideas are there. The leadership has been lacking. It is up to us, with the time we have now, to provide that leadership.

Congress is back in session for less than 2 months. The single most important thing we can do is make the American agenda the Senate's agenda, and we need to put security first. That means putting at the top of our legislative agenda the two items that carry with them an urgency that is unique to our time and our challenges: the recommendations of the 9/11 Commission and the funding necessary to increase homeland security.

The last months have only heightened concerns about the threat of terrorism.

In early August, the Secretary of Homeland Security raised the terror alert level from elevated to high, putting Washington, DC, New York, and New Jersey on orange alert.

Also last month, two airliners crashed nearly simultaneously in an incident that appears to have been caused by midair explosions.

Last week the world witnessed the terrible hostage standoff at a Russian school and the tragic consequences that resulted.

In those last two incidents, other nations were targets. And yet we know that America is a target. The question for every Member of Congress is, have we done enough to improve our Nation's security?

Three high-level government reports all sanctioned by the Bush administration—conclude the answer is: not yet.

The 9/11 Commission is not the first to look at how we can strengthen our intelligence community in order to protect ourselves. In just the past 4 years, the Joint House-Senate inquiry into the September 11 terrorist attacks issued its findings, as did a commission appointed by President Bush and led by General Brent Scowcroft.

Three independent commissions have reviewed these issues, and they have all made remarkably similar recommendations.

They have all said we need a national intelligence director someone whose job it is to manage the national intelligence program and oversee the agencies that make up the intelligence community. Right now, the CIA director also serves as the Director of Central Intelligence. But whoever is in that job simply doesn't have the authority to reposition our intelligence community to face new threats. We know al-Qaida is adapting every day. We are not.

They have all said we need a national Counterterrorism Center, to bring together all sources of information so that we can eliminate the barriers that kept one agency's information from another's and kept all of that information from getting analyzed.

We need to do more to understand and disrupt terrorist finances; improve the FBI's counterterrorism capabilities; and work with our allies to abolish terrorist sanctuaries.

When you have all of these experts saying all of the same things, it would be foolish for us not to listen and dangerous for us not to act.

The 9/11 Commission has made a series of additional recommendations. They include: Securing weapons of mass destruction and keeping them out of the hands of terrorists; using the full array of our power—military, diplomatic, law enforcement, and humanitarian—to combat Islamic extremism; finishing the job in Afghanistan with a long-term commitment to reconstruction and security, so that land never again becomes a haven for terrorists; openly confronting the ongoing Saudi-based terror financing and official tolerance of extremists, and reconfiguring our relationship so that it is not based simply on oil.

Of course, one of their most significant recommendations was for us to do more to protect the homeland. Recent disclosures have demonstrated that al-Qaida is an opportunistic organization. They don't attack where we are well defended. They attack where we aren't.

And so it is vitally important that we make America a harder target, while also preparing for attacks that may take place, so that we can contain the damage and save lives.

The way we do that is through the Homeland Security appropriations bill.

This bill includes the funding necessary to improve border security and customs inspections, to hire 570 new border agents, to make our ports safer by inspecting more shipping containers, and to make America's transportation systems safer.

It also includes funding to protect America against bioterrorism, cyberterrorism and to ensure our first responders have the tools and training they need in case they are called upon to respond to an attack.

Right now, we face a test of seriousness.

The September 11 Commission has made 41 recommendations. One of them can be addressed by completing work on the Homeland Security appropriations bill. But we need to act on all of them. As Lee Hamilton has said:

> We believe that the reforms are a package and that if some are broken off, then the result is that you diminish the impact of our recommendations . . . You end up with something of less value.

We need to put security first. I don't think the Senate should be allowed to leave town until we have acted on all 41 of these recommendations.

Certainly, there will be some disagreement on some. I know that others have suggested different approaches and different reforms entirely.

All of these things deserve debate and discussion. But debate and discussion are meaningless if the 9/11 Commission's recommendations don't also receive action.

Time is of the essence.

Every day the Congress spends not doing the 9/11 recommendations is a day we ignore the threat and neglect our most solemn duty as leaders.

As Governor Kean has said:

> We all think that if we do not act quickly, we increase the risk to the American people. We all agree that the status quo is unacceptable Every day that passes is a day of increased risk if we do not make changes.

In the words of the families of the victims of September 11:

> Nearly three years have passed since our nation's homeland security was cataclysmically breached. Far too little has been done to better secure our homeland. We therefore request that Congress and our President act with the greatest urgency.

We need to listen to the experts.

We need to listen to the voices of those who have lost loved ones and are working to see that the horror that was visited on their families is not visited on others.

We need to listen to the American people who are concerned about the safety of their families and communities. And then we need to do what the American people expect of us.

Senators MCCAIN and LIEBERMAN have put together comprehensive legislation that covers each of the 9/11 Commission's 41 recommendations.

They will be introducing that legislation this afternoon.

We all understand that we have limited time in this session and a great deal of unfinished work. This should be our first order of business.

I yield the floor.

RESERVATION OF LEADER TIME

The PRESIDING OFFICER (Mr. ENZI). Under the previous order, the leadership time is reserved.

MORNING BUSINESS

The PRESIDING OFFICER. Under the previous order, there will be a period for the transaction of morning business for statements only until 5 p.m., with the time equally divided in the usual form.

The Senator from Mississippi.

Mr. LOTT. Mr. President, my apologies; what is the time divide?

The PRESIDING OFFICER. The time until 5 p.m., is divided in the usual manner.

THANKING NEW YORK CITY

Mr. LOTT. Mr. President, I would like to comment on the agenda we are going to be dealing with in September. But before I do that, I want to say I was very proud of the job that was done by the people of New York City, the leadership of New York City, and all who were involved in the Republican National Convention in New York.

I must confess, I dreaded going to New York City for our convention. I was worried about the heat at the end of August. I was worried about the traffic and congestion. I was worried about the ability to secure the place from potential terrorist threats. I was concerned about what the protesters might do. I had a lot of concerns.

I also had some concerns about how the convention itself would be perceived. But I must say, I was pleased with the way the city handled the convention. It was not as hot as I expected. The traffic was not as bad as I expected. The protesters were there, but they stayed within reasonable bounds. They were able to express themselves. Some of them went too far, and they wound up being arrested. The police in New York City did a very effective job. They were friendly. They were helpful. The city officials, Mayor Bloomberg, the State officials, Governor Pataki and his administration, all who were involved in the security and transportation aspects of the convention deserve to be commended because it turned out to be very good.

The convention itself, the events surrounding the convention, the experience, exceeded my greatest expectations. There were good speakers every night. I won't dare to name them now because if I name one, I might not name another who did a wonderful job. I was inspired by it all. But not wanting to make this a partisan speech, my real purpose is to extend my congratulations to the city of New York. They did a great job. I feel as many people said when New York City was attacked on that infamous day of 9/11, we all became New Yorkers, and from that we all became Americans again. We did a lot of things in a bipartisan, nonpartisan way for the future of the people in that city and for the security of the American people. That was a good experience which came out of that terrible event.

So I want the record to show I found the whole event most enjoyable and a productive product for the political process.

SENATE AGENDA

Mr. LOTT. Mr. President, looking at the agenda for September—others set the agenda and I understand that and I will support that—there are certain things we must do. We need to confirm Congressman PORTER GOSS to be head of the CIA. We need to look at the 9/11 Commission recommendations and see how much of those can be done in a responsible way.

I know there will be some who will resist and will defend the status quo or worry about committee turf. But we have a problem. Our intelligence operation is not set up properly. We had failures as we went into Iraq. We should not try to deny that. We should acknowledge it. I commend our men and women in the intelligence community who do a great job. They are on the line this day in Afghanistan, Iraq, and even here in America. We should recognize that talent. We should be careful not to undermine the morale of those organizations. We have learned there is a problem with chain of command and how the analytical material is checked and double-checked. We know the Intelligence Committees in the Congress have not been set up in a way to do proper oversight. I can say that from experience, having looked at it from a leadership position, but also as a member of the Intelligence Committee for the last year and a half. It is not set up properly. Membership should be permanent, so that members not only can attend hearings, but understand what they are hearing, the dialog, acronyms and people, and burrow in and ask the right questions. This is not so that we will go native and become captive to the community, but so we will be able to ask the right questions. Even the staffing arrangement has to be changed.

We have a limited period of time and, obviously, this requires taking up some of that time. I want us to act in this intelligence area, as far as how it is set up, in the executive and legislative branches. We may not be able to do it all in September, but let's do all we can and then we can continue to work on it, provided, of course, we don't let the forces of the status quo rise up and prevent the necessary changes that I believe are called for. I am a strong advocate of reform across the board when it comes to our intelligence community.

Of course, we have to deal with the appropriations bills in some way. I am pleased the leadership decided to call up the Homeland Security Appropriations bill. Certainly, other than defense, nothing is more important to fund as soon as we can and in the best way we can than homeland security. I hope we can get through that process in a reasonable period of time, knowing there will be some amendments to be offered. We should get that appropriations bill done.

Beyond that, I am not sure whether we are going to have an omnibus appropriations bill or a continuing resolution or for how long funding will be continued. That will be left in the hands of others in the leadership and even the Appropriations Committee. But I want to talk about some other issues that don't always pop up when people are talking about what we should do in September.

Yes, we should deal with the intelligence issue. We should do some confirmations—confirm PORTER GOSS. We should do some judges and appropriations. But there are an awful lot of other things that have not been done yet that we should complete before we go out. It is going to be very unattractive and, in fact, an admission of failure to do our job if we don't complete work on some of the bills that are in conference—for instance, the highway bill. I hear some talk now that we should extend the current highway authorization into next year. Why? We need those highway jobs this year.

There are very few things we can do, if anything, that would create more jobs quicker than to pass a highway bill. There are highway projects, bridge projects and public transportation projects all across this country that

can begin immediately and will put thousands of people to work. By the way, it would make our roads safer and would help with economic development. We are in conference. There have been a lot of discussions, but I don't know that we are going to be able to get it completed if we don't pick up the pace. If we don't, then I think that all involved should feel badly because the American people will not be well served if we don't do the highway bill and we put it off until after the election or even next year.

I urge the leadership on that conference committee in the House and Senate, Democrat and Republican, to pay attention to this highway bill and get it done. It would be a huge achievement for the American people if we pass that bill before we go out. I am not incriminating any individuals, but I am going to feel very critical of the Senate and the Congress if we don't get that highway bill done before we go home again.

I realize maybe it is futile now, but when are we going to get serious about energy? For 3 years we have been striving mightily to produce an energy bill. We get tangled up on one issue or another, such as over whether we should drill in Alaska. Now it is over an additive, MTBE. Meanwhile, we don't have a national energy policy. When the price of a barrel of oil went to $48 and more, as it did, I began to ask why, and what are we going to do about it? I know that if we pass an energy bill in the morning, it would not immediately affect the price of a barrel of oil that much, but it would help our long-term energy security. I think this is an issue that is staring us in the eye and we are continuing to blink.

Sooner or later we are going to pay an economic or a national security price if we don't stop our dependence on foreign energy, and oil specifically. I am very unnerved to think we depend on over 50 percent of our oil coming from Saudi Arabia, Nigeria, Venezuela, and elsewhere. What if they cut us off for whatever reason? What would happen and how soon? I am tired of hearing excuses about why we didn't do it. I want to know how we are going to get it done. This bill came through committee, passed the Senate and the House, came out of conference and was passed by the House and came to the Senate, and with 57 votes we stalled out.

Here we sit with no clear path to getting an energy bill. A pox on all our houses if we don't do something about that. Some people say stop filling the Strategic Petroleum Reserve. I agree. We should not fill the SPR when the price of oil is as high as it is. That is a small part of what should be done. We need the whole package. And I want to say this: We need more exploration, more oil drilling, more natural gas wells, more coal, more hydroelectric power, and we need to perfect clean coal technology. We should have incentives for conservation and alternative fuels, the whole package, but here again the Congress is failing in doing its job by not passing an energy bill. We should do it before we go home for the election.

Another bill I think is urgent that we pass is the so-called Jumpstart Our Business Strength, or JOBS, bill. It is a bill that is required because the World Trade Organization held that some of our tax policies were an unfair subsidization of our manufacturing. The World Trade Organization ruled that way. By the way, as a result of that, each month the tariff put on American goods by the European Union continues to go up 1 percent—it is now 11 percent, headed for 17 percent—because we supposedly had an export subsidy. That subsidy should be eliminated and that money should be moved over into the manufacturing area in a way that would help keep American industry in America and create jobs.

How can we not do this? Some people throw up their hands and say we cannot get it done in the next month; that the House and Senate bills are too big; that the Senate bill has too much in it, and they are too different; how will we ever merge them? I don't care. Throw them both out the door and come up with a different, smaller bill, one that gets the job done in conference, and do it now. The chairmen of the committees in the House and the Senate and the ranking members need to get this done. I don't see how in the world we can leave this session of Congress and not pass that JOBS bill and allow American products to be hit with an ever-increasing tariff of 1 percent increase every month, going up to 17 percent, and say we will see you later and we will get to it next year. I urge my colleagues, especially the leadership and chairmen of the committees and the ranking members, to find a way to get this bill done.

Lastly—and I will yield the floor—some people are whispering that ugly phrase ''lame duck.'' I have been here 32 years. I have been through lame ducks and they are all ugly—to come back after the election, when Congress is filled with people who have retired and have been defeated, and may have a different vested interest, perhaps.

Now I admit that on occasion, even though they were ugly, they were usually brief and we did something good. We did it during the Clinton administration. We did a very important trade bill and, I think, once in the late nineties, maybe we came back and did the omnibus appropriations bill and then left. But I am worried about the large amount of work being considered for a lame duck session this year and whether that would be in the best interest of the American people.

Whatever we cannot get done in terms of appropriations, let's either do it in an omnibus bill for the entire fiscal year or do it through a continuing resolution until February. But the idea that we are going to come back in December and work right up until Christmas and fix what needs to be fixed in that period of time to me is a very dubious and, frankly, unwise suggestion.

How can it be stopped? I had somebody in the leadership ask me that: Oh my goodness, we have other things we have to do; how can we avoid a lame duck session? Real simple, Mr. President. The two leaders in the House and the two leaders in the Senate say we are not coming back for a lame duck session. It is not in the best interest of the American people. Tell the appropriators to do what they have to do, but we are not coming back for a lame duck session. If we do not do that and we come back here, I dread to see it.

I welcome my colleagues back. I hope everybody had a nice, restful August. I hope we get a lot done in September. I do not expect very much because there are a few distractions underway, but we are poised on the brink of being able to do some good things. If we could get a highway bill, an energy bill, the JOBS bill, we could all go out and take credit for it.

I remind my colleagues of the same thing I said many times over the years to leaders, to my good friend from South Dakota—when you produce a product, everybody wins. When you don't call up a bill or you don't finish a bill, the American people lose, and that is where we are poised to go. Which will it be?

I yield the floor, Mr. President.

ORDER OF PROCEDURE

The PRESIDING OFFICER. The Senator from Nevada.

Mr. REID. Mr. President, while the distinguished Senator from Mississippi is on the Senate floor, I will propose a unanimous consent request.

I ask unanimous consent that following the completion of my remarks, Senator NELSON of Florida be recognized for 10 minutes, and following his statement that Senator DORGAN be recognized for 10 minutes.

The PRESIDING OFFICER. Is there objection?

Mr. LOTT. Reserving the right to object.

Mr. REID. Mr. President, I acknowledge—and I failed to tell my two colleagues this—that Senator FRIST has announced that he is going to come to the Chamber and give a speech. He said he wanted to come around 12:30 p.m. He is due any time now; isn't that right?

Mr. LOTT. Can I inquire under my reservation?

Mr. REID. So I say, if he shows up, I think it would be appropriate to have the majority leader take the floor.

Mr. LOTT. So, Mr. President, the request is that next would be Senator NELSON, and then if Senator FRIST comes at that point he would be recognized?

Mr. REID. The request is—I am going to give a statement now—following my statement, if Senator FRIST is here, he would supersede these two Senators who are waiting.

Mr. LOTT. I withdraw my reservation.

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

SENATE AGENDA

Mr. REID. Mr. President, I say to my friend, the distinguished Senator from Mississippi, and all those within the sound of my voice, I appreciate his dissertation on what we should do in the approximately 15 days we have left in this legislative session. I appreciate his observations. The fact is, whether we want to acknowledge it, we have not done anything the whole year. If there is any cause for our having so little time to do so much, it is because we have not done anything up to now. We have not passed any appropriations bills—one.

To hear talk about an omnibus bill should cause the hair on everyone's neck to rise. The omnibus bill we had last year was a disaster, in my opinion. I hope we do not do that again. I would rather have a series of continuing resolutions than have this big, ugly piece of legislation that has so many ways of creating mischief.

I do appreciate my friend from Mississippi, who has a wealth of experience, having been majority and minority leader of the Senate, but he should acknowledge what he is talking about is pie in the sky. We cannot do that. We do not have time.

Mr. DORGAN. Mr. President, will the Senator from Nevada yield?

Mr. REID. I will be happy to yield. Mr. President, we have to do the best we can with the tools we have.

I will be happy to yield for a question from my friend.

Mr. DORGAN. Mr. President, I listened to my colleague from Mississippi. I agree we should pass a good energy bill and a jobs bill. I agree with all that. He suggested at the end to the Senator from South Dakota—I assume he was referring to the Democratic leader—that it would be good to get things done. I point out the Wall Street Journal article of today titled ''Lawmakers Face Big Backlog.'' Let me read what this article says, and most of us know this to be the case:

> The highway bill, for example, is hung up in a dispute between Republican Senators and the White House. . . .

That is not obstructionism by this side.

> In the energy debate, oil-state Republicans, led by House Majority Leader Tom DeLay of Texas, want liability protections for companies that make the fuel additive MTBE; Northeastern Senators, such as Sen. Judd Gregg of New Hampshire, are opposed.

That is not obstructionism on this side. That is the Energy bill.

Quoting again:

> The animosity between House Ways and Means Committee Chairman Bill Thomas and Senate Finance Committee Chairman Charles Grassley has slowed progress on tax legislation.

That is the JOBS bill about which my colleague was talking. There is the highway bill, the Energy bill, the JOBS bill, and this article from the Wall Street Journal today, hardly a progressive organization, says the problem is not obstructionism by this side of the aisle; it is the other side of the aisle that is having an internal debate they cannot resolve, and that is what is slowing things down.

I say on my behalf and I expect I say on behalf of the assistant minority leader from Nevada and certainly from the standpoint of the Democratic leader, Senator DASCHLE, we would like nothing more than to get a good highway bill, to get a good energy bill passed through the Congress, to proceed and deal with the issue of jobs. We cannot resolve on this side of the aisle the internal debate that goes on between the White House and the majority party in the Republican caucus. That is exactly what is holding up these issues. My hope is they will resolve those debates. We can work together and find a way in a bipartisan manner to address all of these issues—energy, jobs, and the highway bill. I think we should do that.

I wanted to make that point quoting from an article that was in the Wall Street Journal today which I believe describes what is really at work here that has held up the progress and business of the Senate.

Mr. REID. Mr. President, I say to my friend, the distinguished Senator from North Dakota, he has pointed out in reading from the Wall Street Journal a few of the problems are around here. These very important issues cannot be resolved, in my opinion, in just a matter of a few days. For them to come out now and say we suddenly have our act together now, let's have no debate and rush these through because we have no time left in this legislative session, is not fair. It is not fair to the Senate but, more importantly, it is not fair to this country.

Mr. President, I hope all Senators had a good productive 6 weeks since we were last in session. I personally had a productive time in Nevada. I held many townhall meetings all over the State of Nevada, from Sparks to Pahrump in southern Nevada. They were productive meetings, but I was surprised the meetings all related to the same subjects.

People brought up the same issues no matter where we were in Nevada: Health care. People are tremendously concerned about health care. The people of Nevada realize we have 44 million people with no health insurance, millions more who are underinsured, and those who have health insurance see the costs escalating. Small businesses are finding it more difficult all the time to give health benefits to their employees. It is not because they are cheap. It is not because they are mean. It is simply that they cannot afford health insurance. They know they would have a more productive workforce if people had health insurance. This is a tremendous issue all over the State of Nevada and this country.

Senior citizens. I had a number of townhall meetings related specifically to senior citizens. To say they do not like the new Medicare bill is an understatement. It is a bill that is designed to bankrupt Medicare and is in the process of doing so. To top this off, they were told last week that there would be a 17-percent premium increase. They are very concerned.

Education. The Leave No Child Behind Act is leaving children behind. It is ruining public education not only in Nevada but all over the country. Nevada is a rapidly growing State. We created about 15 new schools this year. When school started a week ago, we had in Clark County alone 15 new schools, 3 new high schools. There are so many new teachers hired in the Clark County school district they cannot get them all together at one time. I talked with all the new teachers, but it took 2 separate groups of 1,000 each—2,000 new schoolteachers in Clark County alone.

These young men and women are anxious to begin a new career. There are some teachers who have transferred from other places or who have come from other places, but most all the teachers are first-year teachers, and they are excited about being able to educate these children, to form the minds of these little people who appear before them.

They are concerned because they know the reputation of the Leave No Child Behind Act has preceded them, and they know how difficult it is with this law, these unfunded mandates that are contained therein, to do a good job of teaching. Administrators acknowledge this.

I met with all 17 school administrators, school superintendents, in the State of Nevada. All 17 said the Leave No Child Behind Act is destroying public education. These 17 superintendents are from school districts as large as the one in Clark County of 300,000 students, to Esmeralda County, Goldfield, NV, 88 students in that school district.

I did not ask their party affiliation, but I am sure they are Democrats and Republicans. They all acknowledge that the Leave No Child Behind Act is simply not working.

My friend from Mississippi gave a short dissertation on all the things we need to do, but what one needs to do is look at the calendar and how we are going to accomplish this. It is a very short period of time. I think the majority leader will tell us we are going to end around October 8. This is a real short week, so there is 1 week, 2 weeks, 3 weeks, 4 weeks. That is 5 weeks. We have the Jewish holidays week after next which will make that a very short week. We have Columbus Day. We have so few days to do so much.

What I think we need to do is make sure we fund the Government. If it means a lame duck session, which none of us like, it means a lame duck session. The fact is, we have so little time to do so much. I hope we would be able

to focus on what is absolutely necessary.

Again, I have the greatest respect and admiration for my friend, the junior Senator from Mississippi. But what he is talking about does not acknowledge what we did not do before the break occurred.

I look forward to working with Senator MCCONNELL. Senator DASCHLE has asked me to work as the lead Democrat on the working group to consider the recommendations of the 9/11 Commission. We will focus on the role Congress plays in supporting our intelligence community and the Department of Homeland Security.

I start out on this acknowledging that the two people who led this Commission, Governor Tom Kean and Congressman Lee Hamilton, are two of the finest public servants anywhere in America. They spent a year of their lives working on this issue. They had good Commission members. They had 80 of the top people in the world to help them do their research and investigations.

What they came up with is good, and it is going to take some real strong evidence to show why we should not follow that. I have an open mind and look forward to working with Senator MCCONNELL, for whom I have the highest regard. This is a bipartisan working group and we must keep it that way. We have to keep politics out of this process. We are in the middle of an election, but this is not a partisan issue. I am going to work with every member of this group to find solutions that will make our Nation stronger and improve our intelligence capabilities.

I hope we can finish the so-called FSC bill that the majority leader has named the JOBS bill. I hope we do this for lots of reasons, but the most important reason, as far as I am concerned, is when I went home people are concerned about energy.

This country has less than 3 percent of the known oil reserves in the world, counting ANWR. We cannot produce our way out of the problems we have. There are things we can do to improve our production, but we cannot produce our way out of our problems. We use 12 million barrels a day. We import over 60 percent of those 12 million barrels. That cannot go on forever.

I hope we would recognize that this FSC bill, the JOBS bill, has in it section 45 production tax credits to give tax credits for Sun and wind production of energy, geothermal production of energy, and biomass. This is the future. When a country has less than 3 percent of the known oil reserves in the world, this is where we need to go. We need to go to alternative energy. That way we can move to a production society. We can do lots of good things.

The tax credit for wind energy expired the first of the year. We know it worked well. We know there are some farms in the Midwest that make more money producing electricity than they do growing soybeans, corn, and wheat.

Developing these clean, renewable resources, in addition to being the right thing to do, will create thousands of new jobs, and it will help consumers by providing a steady and reliable source of electricity and it will protect our environment. Because renewable energy is made in the USA, it will help reduce our dependence on foreign oil.

We have so much to do. We have only passed 1 of the 13 appropriations bills. We need to address these most important issues. As I have already indicated, I personally am opposed to an omnibus. I would rather have continuing resolutions than an omnibus bill because it was not a good experience last time. We have a lot of work to do. Let us get busy.

I see the majority leader on the floor of the Senate, and I yield the floor to him.

ORDER OF PROCEDURE

The PRESIDING OFFICER. Under the previous order, the majority leader is to be recognized, then the Senator from Florida, and then the Senator from North Dakota.

Mr. DOMENICI. The Senator from New Mexico would like to ask the majority leader a question.

The PRESIDING OFFICER. The majority leader has the floor.

Mr. FRIST. I am happy to yield for a question.

Mr. DOMENICI. I ask the majority leader, if Senator REID would have no objection, if he could yield me 2 minutes.

Mr. FRIST. Mr. President, I would be happy to yield to the Senator from New Mexico 2 minutes. Then, just so other Senators will know, I have about a 15-minute statement in which I would like to outline what the plans will be over the next several weeks.

The PRESIDING OFFICER. Is there objection?

The Senator from Nevada.

Mr. REID. I certainly have no objection to the Senator from New Mexico speaking. Unless a Republican comes, because we want to alternate back and forth, I ask that following Senator DORGAN, Senator BOXER be recognized for 10 minutes.

Mr. FRIST. That would be fine from my standpoint. And Senator NELSON?

Mr. REID. He is already recognized.

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

The Senator from New Mexico.

PASSING AN ENERGY BILL

Mr. DOMENICI. Mr. President, I was in my office and I heard Senator DORGAN talk about the Wall Street Journal and the Energy bill, or at least he commented on it. The Energy bill that is pending at the desk, which the Democrats have refused to let us take up, does not have the MTBE provision to which the Senate Democrats and some Republicans objected. It is not in there. So who is holding it up? The Senate Democrats, led by Senator BINGAMAN, will not let us proceed on that bill.

It is most interesting. The distinguished Senator from Nevada read off a list of things we ought to be doing. The Senator ought to know that every single one of those, and more, is in that Energy bill. He talked about renewables from wind to solar and production tax credits. They are all in that bill. More natural gas is in that bill; research to use clean coal is in that bill. Also, we have language that will forever cause us to not have any more big regional blackouts in America, and on and on.

So let's be honest about it. The Energy bill, as a superbill, is pending. If they would just let us vote, we would have a bill for America that includes everything Senator REID has talked about and more.

As far as us killing an energy bill with provisions for holding harmless the producers of MTBE, I suggest Senators get the bill and read it. That provision is out of the bill that our leader called up and that the Democrats decided to filibuster. They want us to get 60 votes on everything, including America's energy future. That is the way it is.

I yield the floor.

The PRESIDING OFFICER. The majority leader.

LEGISLATION AND ISSUES BEFORE THE SENATE

Mr. FRIST. If we could just go back to regular order, I will do my statement because I know there will be a response back and forth. At this juncture, I have about a 15-minute statement.

I opened the Senate, now about 45 minutes ago, and as my colleagues can tell, there is a lot of interest in a whole lot of both legislation and issues that people want to get out front on. What I would like to do is take a few minutes and give an overview of where we have been a little bit, but also where we are going over the next several weeks.

I talked to Senator DASCHLE earlier today. We will continue our discussions over the course of today and tomorrow, meeting with the leadership on both sides of the aisle, and our various caucuses. We will work out the details.

I want to step back and paint the larger picture because we have so little time with so many huge issues before us. Each Senator has four or five issues that mean the most to them.

What is absolutely critical, from a leadership standpoint on both sides of the aisle, is to have a framework so we can accomplish the Nation's business and move America forward. With a limited number of days and what we know is going to be a very trying season because of the campaigns that are going on and the politics that go on that are necessarily related to the campaigns, it is going to be a huge challenge before us.

As I said an hour ago, I do want to welcome everybody back. I do hope everybody is energized—which we have

seen already on the floor of the Senate—but also that everybody is relaxed and understands the importance of the issues before us. I am delighted people have had the time to spend back at home with their constituents and, what is probably most important for periods like this, with their family and friends.

We all must expect a very busy legislative session on the floor—which people will see laid out in our debate on amendments on the important issues—but also on a whole range of issues that are either in conference today or will soon be in conference. There are a number of crucial items before us that we must complete this year.

Stepping back to our timeline, our goal is to finish this session of Congress by October 8. Some people said it would be October 1, some October 15. The goal is October 8. There will be discussions about a lameduck session and people will be writing about it. Our goal is to complete this session by October 8. I look forward to working with the leadership in conferences and caucuses on both sides of the aisle to accomplish this because we are moving America forward. For whom? It is for the American people. So we absolutely must be working together.

Today on our first day back, our top priority—it may spill into tomorrow morning, but our top priority is to address what is happening in Florida as we speak and as we have seen it play out over last night and the day before and, indeed, over the last several weeks. We need to reach out and aggressively respond to help the people of Florida who have seen their homes literally devastated, who are displaced from their homes, displaced from their communities, huddling with their families a long way from where they live.

We have had two devastating storms in a short 3-week period in Florida. As our Senators from Florida know, as we have discussed, we will be there, we will respond as soon as possible. I was talking to Senator NELSON on the floor about this.

Over the last weekend, even before Hurricane Frances touched the eastern shores of Florida, the Congress, this body, was notified that FEMA would be obligating funds for these disasters at a rate greater than what had been appropriated for this year. In other words, what that means is FEMA would be operating in a deficiency. Currently the administration estimates that FEMA indeed will be out of funds by the end of tomorrow. Therefore, last night the President of the United States transmitted to us an emergency $2 billion supplemental request for FEMA. The President has asked us, asked this body, to take immediate action on this request.

I have been in contact with officials from the administration, with the chairman of the Senate Appropriations Committee, with officials and Representatives from Florida, and everyone agrees we should act as soon as possible. I anticipate the House of Representatives will act no later than tomorrow morning and perhaps even tonight. We should follow that immediately upon receipt of this emergency supplemental, and I will be working with the minority to structure an arrangement for quick passage in the Senate to help those people in Florida who are struggling this very moment. Our neighbors in Florida are depending on us for emergency response, for shelter, for food, and other types of care.

In his letter to us last evening, the President says he anticipates a further request in coming days as the full impact of Hurricanes Charley and Frances become clearer. I expect we will need to include further FEMA funding on the Homeland Security appropriations bill for fiscal year 2005 that we will be turning to tomorrow morning. But we must act first on this initial $2 billion emergency request. Our prayers and thoughts do go out to the people of Florida who are suffering, who are living in shelters, without homes to return to, and who must live with that ever-present possibility that other storms will strike them, that they may be on the way, given the fact that the hurricane season is only half over as I speak. We must act quickly to provide the hard-working staff at FEMA, who have done such a tremendous job over the last several weeks, with the funds and with the resources they need to continue to aid the people of Florida.

Mr. DORGAN. Mr. President, will the Senator yield?

Mr. FRIST. I will be happy to yield.

Mr. DORGAN. If I might inquire on that point. I thank very much the majority leader for his indulgence.

My understanding is the proposed $2 billion to restore FEMA money needs to be acted on quickly. I understand that. I think everyone would want to cooperate with the majority leader on that point. The majority leader indicated that the White House would intend then to send down a second request. The reason I am asking a question about that is this. There are, as the Senator knows, other areas of the country that have suffered substantial weather-related disasters. In North Dakota, for example, 1.7 million acres could not even be planted in farmland this year, so we have some farmers in pretty tough shape. It is not only North Dakota, but Minnesota, Montana, and other parts of the area. There are some drought-stricken areas out West as well. Some of us would want to include some help for those producers.

I don't think we would want to interrupt what is going on today. The Senator is absolutely correct, we need to move quickly to respond. But, Senator FRIST, you indicated the second request may well be put on a Homeland Security appropriations bill. Yet I know there is a unanimous consent request being offered today, or at least one that is being talked about, that would preclude amendments to that that would not be about Homeland Security.

How would we get an emergency or disaster piece on that bill? Would those of us who want to add to it to deal with the disaster in farm country have an opportunity to do so?

Mr. FRIST. Mr. President, the details we will get into. I have two points I wanted to make, even in mentioning it. A, we need to respond and we need to respond quickly, as the Senator from Florida and I were talking about. From a FEMA standpoint, this money is needed now. Everybody with FEMA down there is working hard. They should not have to be worrying about money coming in. They are responding directly to the people.

Even the $2 billion, as we have seen from estimates in the newspaper, what has happened in Florida is going to eventually cost, at least from the estimates I have seen, several-fold that. I don't want to send the signal that when we move so quickly on the $2 billion, we are excluding the earlier events in Florida, the full ramifications of the current hurricane, or other needs. The real issue is whether we wait on this $2 billion and address the other needs and assess wherever they are in the country. There is general agreement we need to move now with this installment that FEMA needs because they are out of money, and then the specific vehicle we need to discuss.

I haven't talked to anybody about how we want to do that, but we will have to have a second supplemental of some sort to address needs in Florida and possibly other needs.

Let me continue to try to get through because the specifics we can come back to and talk about, because I have a whole range of issues, if that is all right.

I want to come back to homeland security because I mentioned in my opening statement today the importance of going to the Homeland Security appropriations bill, and thematically that is the issue which I believe will dominate the next 4 weeks. I will come back to how the various pieces will fit in when addressing what is the overriding issue of this body over the next several weeks.

As Senator DASCHLE mentioned, last week we saw the terrible school siege in Beslan, Russia, which served as a reminder that our enemies are ruthless and determined. Those pictures and the coverage we have seen are burned into our minds at this juncture, and the ferocity of the enemy in that small town in southern Russia. Al-Qaida-linked militants literally slaughtered hundreds of schoolchildren, parents, and teachers on what should have been a joyous day—the first day of school. It was a massacre. There is really no other way to describe it. There are 334 people dead and 200 people missing right now. Our hearts ache and reach out to the people of Russia and to the families who have been devastated by this sickening act of violence. America understands the pain that is felt by those families, by that country, and by

those communities. We are determined to defeat those forces of terror which were depicted by that horrendous event and to do so quickly and responsibly.

We must strengthen our homeland security, and we will turn to that legislation tomorrow. We need to reform our intelligence systems.

Thirdly, we need to address the vacancy of that top post of the CIA.

These are three objectives we need to keep coming back to and to stay focused on over the course of the next several days since we have so little time. Those three objectives we absolutely must achieve.

Tomorrow morning we will go to the Homeland Security appropriations bill. In the past there have been efforts to bog down the process with unrelated amendments, nongermane amendments. We should all agree and we do all agree that homeland security should not be used to advance separate, unrelated political issues.

Our first responders and the American people are depending on this body to act. Both Democratic leadership and Republican leadership agree to go to this particular bill, an important bill which funds our homeland security in this country. I urge my colleagues again to act swiftly, to amend appropriately but act swiftly on this important bill. We need a bill that is appropriately debated, amended, passed, signed, and enacted before we adjourn.

I will continue to work with our Democratic colleagues in terms of an agreement that will allow us to consider the Homeland Security appropriations bill and amendments with hopes of finishing that bill as expeditiously as possible.

As our top focus—protecting our Nation—must go beyond homeland preparedness, America will only be secure if we deal with threats before they happen, not just after they happen. As the 9/11 Commission Report so grimly outlined, our intelligence community calls out for major reform.

President Bush has already taken steps following a careful review of the Commission's recommendations. President Bush has issued three Executive orders to strengthen our intelligence system. The CIA Director will now have expanded powers to ensure a joint, unified national intelligence effort. The President has also ordered the creation of a national counterterrorism center which will be responsible for analyzing and integrating foreign and domestic intelligence which is acquired across various departments and agencies. With the third Executive order, the President directed our intelligence agencies to give the highest priority to detection, prevention, disruption, preemption, and mitigation of efforts of terrorist activities against the United States. He has ordered our agencies to maximize their ability to exchange intelligence so we can put together each piece of the puzzle and preempt terrorist plotting.

President Bush's top priority is defending America.

These directives are crucial to winning the war on terror, but as we all acknowledge and the reason we must act in this legislative body is that these measures are interim measures. Here in the Senate we began responding to the 9/11 Commission Report as soon as it came out, but we have much work to do, as was outlined by several of my colleagues over the last hour, this month to respond to the 9/11 Commission Report, its criticisms, its critiques, as well as its recommendations.

There are three major areas we need to address in the coming weeks: First, legislation to reform intelligence analysis and coordination in the executive branch; second, the confirmation of a new CIA Director; and third, the Senate's role in oversight of intelligence and homeland security; that is, what goes on here in the U.S. Senate. What is our role? Go back and look at it and engage appropriate reform. Those are the three issues we must address.

I mentioned that after the 9/11 Commission Report this body began to respond immediately. In July, just before the recess began, Senator DASCHLE and I immediately set the process in place in the Senate to respond legislatively to the 9/11 Commission Report.

First, on executive reform in the executive branch, Senator DASCHLE and I asked the Governmental Affairs Committee in close consultation with other committees that have a stake in these changes to carefully evaluate the Commission's proposals regarding reorganization of the executive branch and then to determine how best to implement those.

Over the August recess—a time that is typically just a recess and people are back at home with constituents in their States—Congress held over two dozen committee hearings. In the Senate, four committees worked through August and heard testimony from roughly two dozen witnesses. Those committees included the Governmental Affairs Committee, the Intelligence Committee, the Commerce Committee, and the Armed Services Committee. Each carefully examined the recommendation of the 9/11 Report, and each brought in expert testimony to review past performance and future reforms.

The Governmental Affairs Committee, led by Chairman SUSAN COLLINS and Senator JOE LIEBERMAN, is taking the lead to determine how we can best reorganize and revitalize intelligence agencies and activities in the executive branch. This is a complicated undertaking. It is a serious undertaking but one which is absolutely vital to the security of our country.

Much work has been done over the last 6 weeks after the 9/11 Commission Report, but we have a huge amount of work to do in the next several weeks.

The second issue is the CIA Director. As with the President, the Senate's highest priority is to protect the American people. Our top concern must be ensuring that we are as effective as possible in dealing with the threat of terrorism. That is why we must act promptly in this body to confirm Congressman PORTER GOSS to the currently vacant post of CIA Director. It is obvious that we need a permanent CIA Director, and it is time for this body to act. The nomination has been made. With the schedule that will be outlined in the next several days, we must act on this important position. At a time of homeland general insecurity with the threat of terrorism, whether it is in the homeland or international, we should not allow this critical post to remain vacant.

Congressman GOSS, I might add, is an outstanding choice to lead the agency. As chairman of the House Intelligence Committee and a former CIA agent, he has long experience in the field of intelligence. He knows clearly the challenges ahead. We must confirm Congressman GOSS without delay. There is no time to lose.

Thirdly, Senate oversight. I mentioned the relationship with the executive branch, which the Governmental Affairs Committee addressed. Second, I mentioned the importance of our responsibility to go ahead and move this nomination of Congressman GOSS. The third issue is what we do in the U.S. Senate in terms of our appropriate responsibility and in terms of oversight.

In a separate effort regarding the 9/11 Commission Report response from the Governmental Affairs Committee, Senator DASCHLE and I established a task force to evaluate the September 11 Commission proposals and to offer specific reforms as they relate to Senate intelligence in homeland security oversight. Senator MCCONNELL and Senator REID are cochairs of this task force. Their work is underway.

This is a pivotal moment to make over the Senate so it operates efficiently, effectively, more responsibly, and more transparently in overseeing the security of our homeland. We cannot lose this opportunity. We should not lose this opportunity. There will be the old battles, I am sure, that will play out again and again in terms of jurisdiction, in terms of power, in terms of prestige, or in terms of the way we have been locked in in the past in this body in dealing with intelligence oversight.

Our national defense requires no less than a new unified bipartisan effort to transform the Senate to meet these new threats. Time is of the essence. It is not my intent that the task force spend months and months and months reviewing options and then see time run out on this Congress. We need to act deliberately, give a lot of thought to it, debate it, and then act decisively. I know from conversations the Democratic leadership agrees with this as well.

As we move forward to strengthen our national security, I will shift gears

a bit from the agenda of the next several weeks and turn to the issue of protecting America's taxpayers. Four important family tax revisions are set to expire at the end of this year. They include the increase in the child tax credit to $1,000, marriage penalty tax relief, expansion of the 10-percent tax bracket, and the increase in the alternative minimum tax exemption. Each of these provisions impacts families. Each has helped ease the burden on millions of American families.

If we do not act in this body to extend the provisions, millions of hard-working American families will pay the price. They will be unfairly penalized. If we do not act, their taxes will go up and their household budgets will shrink. They will have less freedom and less ability to make ends meet.

For example, if we do not act, 70 million women will see their taxes increase on average $660. If we do not act, 46 million married couples will each pay on average a whopping $900 more in taxes. It we do not act, 38 million families with children will pay $900 more, on average. If we do not act, 8 million single women with children will see their taxes increase by nearly $370. If we do not act, 11 million elderly would each have to pay $383 more. If we do not act, 23 million small business owners would incur tax increases averaging $784. Nearly 2 million individuals and families who currently have no income tax liability would once again become subject to the income tax.

That is what is at stake. That is what is before the Senate. That is simply unacceptable. We cannot allow the American people to suffer an automatic and totally unavoidable tax hike because we in this body fail to act.

There is bipartisan consensus to take action to extend these family tax provisions and to protect the American family. Protecting the homeland, protecting the American family, are tall goals, but they are absolutely crucial to the security and the well-being of our country.

Meanwhile, we also have a responsibility to deliberate on the President's judicial nominees under the previous order at 5:30 today. We will have two votes on the two district judge nominations, Virginia Maria Hernandez Covington of Florida and Michael H. Schneider, Sr. of Texas. Both are exceptional nominees. Both enjoyed bipartisan support. Following these votes, we will consider another excellent nominee, District Judge Michael Watson. His nomination will not require a rollcall vote.

Judge Hernandez Covington is a Florida native and currently serves on the Second District Court of Appeals. She stands before us as a nominee to the middle district court of Florida as an appellate judge. Hernandez Covington authored over 110 opinions and has heard more than 1,000 cases. The American Bar Association unanimously rated judge Hernandez Covington well-qualified for the U.S. District Court.

The second judge under consideration today is Michael Schneider. He currently presides on the Texas Supreme Court. President Bush has nominated Judge Schneider to the U.S. District Court for the Eastern District of Texas. As an appellate and trial judge, Justice Schneider has heard civil and criminal matters from across the State. He was honored in 1994 as the Texas trial judge of the year. In 2001 he was awarded Texas's appellate judge of the year. Judge Schneider received the ABA's highest rating, unanimously well-qualified.

Our third nominee, Judge Michael Watson, has been an appellate and trial court judge in the Ohio State courts for over 8 years. He currently serves on the Tenth District Court of Appeals. The American Bar Association has rated Judge Watson qualified to serve on the U.S. District Court.

Each of these candidates is indeed outstanding. I expect their votes to go smoothly this afternoon.

I would be remiss, however, if I did not mention the fact that 10 other nominees are still in limbo. Since 2003, seven appellate court nominees have been filibustered. They have been denied something very simple: an up-or-down vote by each Senator in the Senate. They have been denied that through filibusters. We believe that is wrong. We believe the obstruction tactics to which these individuals have been subjected is harmful and unfair. They are unfair to the nominees—public servants all—and they are harmful to the judicial system and to the Senate which is charged by the Constitution to do something very simple; that is, advice and consent. That means an up-or-down vote: Yes or no. If they want to vote no, they should be able to vote no. And if they want to vote yes, they should be able to vote yes. They deserve a vote.

I ask my colleagues to stop the obstruction and to allow an up-or-down vote on all these nominees. A simple up-or-down vote: Yes or no.

In closing, as we all know, President Clinton had heart surgery, and, as so many people have done, we offer our best wishes to the President for a speedy recovery. He underwent coronary bypass grafting and by all accounts has done very well. This is something that is very close to me. The coronary bypass grafting is an operation I performed routinely, an operation I did every day before coming to the Senate. It is routine. Now there are 330,000 done a year, about 1,000 a day—even more than that. About 500,000 were done before the new technology of stints and angioplasty came in. Although it is a routine procedure for many hospitals, postcoronary artery bypass grafting is a big operation. It is like being hit by a truck in terms of the recovery. It takes a few days.

President Clinton, by all accounts, has done very well. We heard last night from the surgeons. Obviously, we all have had the opportunity to extend our thoughts and prayers to our colleague, Senator CLINTON, here and to their entire family over the last several days.

I also briefly mention in early August we tightened security around the Capitol significantly. Over the recess, Senator DASCHLE and I met with the Sergeant at Arms and other law enforcement and intelligence people. We agreed that new information regarding potential threats required our Capitol to establish some temporary perimeter security checkpoints at all streets leading into the complex, as well as a number of other security measures.

That said, we are working closely with the Capitol police and the District of Columbia to minimize any inconvenience.

We look forward to a busy session, a productive session over the next days and weeks. We will address legislation that is absolutely critical to the security of our homeland, to the security of the United States, and to the well-being of our fellow Americans. We will vote on, and I am confident we will pass, the supplemental appropriations bill for the State of Florida to help them respond to the devastation of Hurricanes Charley and Frances.

By working in a bipartisan manner—and as I said when we opened, I know the environment, and the larger environment, is going to be very politically charged, but if we in this body can work in a bipartisan manner, a focused manner, I am convinced we can accomplish the goals that are set out and move America forward. We will strengthen our security, we will strengthen our homes, and we will lend a hand to our neighbors as we confront the challenges ahead.

Mr. President, I yield the floor.

The PRESIDING OFFICER. Under the previous order, the Senator from Florida is recognized for 10 minutes.

EMERGENCY APPROPRIATIONS FOR FLORIDA

Mr. NELSON of Florida. Mr. President, I thank the majority leader for the comforting statement that we will take up the emergency appropriations for FEMA to meet the first of two crisis we have had in the State of Florida over the course of the last few weeks.

If I might inquire of the majority leader, is it still the understanding of the majority leader that the House bill may come tonight, or are we looking at tomorrow in which we could pass this emergency supplemental appropriations?

Mr. FRIST. Mr. President, even since I completed my remarks, I was just inquiring. It depends entirely when we get the language from the House. I think we still have a shot of doing it later tonight. But we will be in session with the votes on the judges. If we need to stay in a little bit later to do it tonight, we will do it. I am very hopeful we will have language here within an hour and a half or 2 hours, in which case we will go to all the appropriate

people in the body to make sure the language is agreeable.

So I think we still have a good shot of doing it tonight. As I told the Senator from Florida, I recognize the importance of getting this money as quickly as possible in the people's hands, where they are not worried about money coming in. They are going to be able to take care of the people in Florida and emergencies around the country.

Mr. NELSON of Florida. As the Senator and I discussed last night, I was told by the Director of FEMA they are basically running out of money. By the end of the week, they are not going to have any cash to expend. So I think that ups the urgency of this appropriations.

I also appreciate the statement by the majority leader that this is just a first step. When we look at the needs, just for FEMA, from the first hurricane, Charley, it is going to exceed the $2 billion request by the President. And that does not include all of the other agencies, such as the Department of Agriculture, the Small Business Administration, the Economic Development Administration, the Defense costs. NASA has costs. You can go on down the list.

For example, compared to Hurricane Andrew 12 years ago, the FEMA cost then was $2.9 billion. But the overall cost to the Federal Government, including all of the other agencies, was over $6 billion. And that was just one hurricane, a magnitude greater than Charley, but now we have two. And Lord help us if we have three. But we are dealing in a range of probably $4.5 billion out of these two.

So is it my understanding from the majority leader that it would be his intention, as he had discussed last night in our telephone conversation, that we would take up additional emergency appropriations next week?

Mr. FRIST. Mr. President, in response to my colleague from Florida, I want to make it very clear, it is impossible to determine what the real requirement is going to be in Florida. The important thing is to look at this supplemental as a first major step to keep the emergency care, the shelters, the response flowing, and that there will be another supplemental. I will not have quite the sense of time urgency, meaning in hours. As you said, with FEMA not having sufficient funds by tomorrow, it means we need to act tonight or first thing in the morning. And we will follow up with appropriate deliberations as information comes forward and there are accurate requests being made and we can assess the full extent of the damage. But even with that, we need to do it quickly. It is not something we want to push way off into the future.

Mr. NELSON of Florida. I thank the majority leader and the minority leader for their cooperation because clearly the State of Florida is reeling under this one-two punch to which we have been subjected. As a result, we have to act and act quickly.

I had a number of people in the press down in Florida asking me where the money was going to come from. If there is a reason for the Federal Government, it is to respond in times of emergency, whether that be a national emergency such as a war or a national emergency in times of natural disaster.

We have always done it. I remember when I came to Congress in 1979, one of the first votes I cast was in relation to the eruption of Mount St. Helens in the State of Washington. That place needed a great deal of Federal assistance to overcome all of the deficiencies that had happened to that society in the midst of that natural disaster.

Now we have not only the disaster of one hurricane but having the State crisscrossed with a big X over the center of the State almost like a bull's eye by the second hurricane. And thank the Good Lord it was not a category 4, which a day out it was a category 4. In this particular case, it had winds up to 145 miles an hour. Well, by the time it hit, it had subsided to a category 2, with winds up to 105 miles an hour. There is a huge difference in the destructive force of the winds going from 105 to 145 miles an hour. The destructive potential of that wind goes up exponentially as you raise the wind speed.

But what happened with Frances, even though it subsided to having winds up to 105 miles an hour when it hit the coast, with gusts up to 120 miles per hour, it lingered, it slowed, it stalled, it wobbled, and it was so massive it covered up the entire State of Florida so that parts that were thought to be immune from this hurricane because of the track of the hurricane, suddenly were engulfed in fierce winds and driving rain which has caused enormous flooding problems.

So it will be my intention, once we pass this emergency supplemental of $2 billion—which is not going to anywhere cover just the costs for FEMA for the first hurricane—to come back for appropriate additional funds for the first hurricane as well as the second hurricane.

For example, besides FEMA, there are the expenses of the Department of Agriculture. We are going to have huge crop losses from Charley and now also from Frances. There is also the Small Business Administration, which has a number of relief programs in addition to low-interest loans; the Economic Development Administration in the Department of Commerce; and the millions of dollars to assist the Department of Transportation, as well as the American Red Cross.

I mentioned some damage done to the Department of Defense, and NASA, for that matter. As a matter of fact, from the first hurricane, NASA incurred costs of $750,000, and the hurricane only just scraped the edge of the space center. This one did significant damage, taking out 1,000 very large panels on the vehicle assembly building, which is the largest building in volume where the space shuttle is stacked vertically. When we come together as the Federal Government, it is time to respond.

I thank my colleagues for their favorable consideration of this request. I remind them that we are not through yet. We have some major additional emergency supplemental appropriations. When we compare this to another major natural disaster such as Andrew, we can see the Federal Government spent over $6 billion on the cost of recovery from Andrew. It won't be that much for these two storms, but it will be substantial.

I am very grateful to the Senate for listening to the pleas of the two Senators from Florida as we ask for its help in this time of need.

I yield the floor.

The PRESIDING OFFICER. Under the previous agreement, the Senator from North Dakota is recognized for 10 minutes.

Mr. DORGAN. Mr. President, I expect most Senators feel as do I: Whatever resources are needed by the citizens of Florida to recover should be provided by the Senate. I certainly will be one Senator who wants to support the $2 billion emergency supplemental that is necessary now and whatever additional resources are needed to help Floridians recover from these devastating storms. The storm season is not even over at this point. Most of us do not understand, perhaps, the experience of the citizens of Florida. I did want to make the point earlier that when we do the second piece, there are some other parts of the country that are going to have to be dealt with. That was the point I was making.

I want to make sure everybody understands: Whatever resources are needed by the citizens of Florida, I believe the Senate should stand ready to say to them, you are not alone; this country wants to help in times of need and in times of emergency.

NETWORK COVERAGE OF CONVENTIONS

Mr. DORGAN. Mr. President, I rise to speak on the two political conventions. My speech will not be about the politics of the conventions but about the coverage of the conventions.

Senator LOTT and I have worked all of this year and the major part of last year on an issue dealing with the concentration of broadcast ownership in a rule that was crafted by the Federal Communications Commission that would allow even greater concentration in broadcast ownership. That rule would have allowed in the larger cities for one company to purchase three television stations, eight radio stations, the cable system, and the largest newspaper, and that would be fine.

Many Republicans and Democrats don't think that is fine. We think the concentration of ownership of media

properties will mean that fewer and fewer Americans, probably fewer than a handful of Americans, will determine what the rest of the American people see, hear, and read. We don't think that is helpful.

A Federal court has overturned the rule the FCC developed and sent it back to them, saying ''redo it.'' Senator LOTT and I and others hope the FCC will do this the right way. The right way would be to promote more economic opportunity and broader ownership, not concentrated ownership in radio and television and newspapers.

This relates to the coverage of the Republican and Democratic Conventions. I thought it was interesting this year that the coverage of the two political conventions was so spartan as to almost be nonexistent with respect to the major networks.

Michael Copps, a commissioner at the FCC, wrote an op-ed piece on the subject. I ask unanimous consent to print it in the RECORD.

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

[From the New York Times, Aug. 30, 2004]

SHOW ME THE CONVENTION

(By Michael J. Copps)

As a Democratic commissioner on the Federal Communications Commission, I may not agree with many positions taken by speakers this week at the Republican National Convention. Even so, I believe our broadcast media owe us more coverage of an event that remains an important component of the presidential campaign. Yet tonight, if people around the country tune in to the commercial broadcast TV networks, most will not see any live convention coverage. That's not right.

Let's remember that American citizens own the public airwaves, not TV executives. We give broadcasters the right to use these airwaves for free in exchange for their agreement to broadcast in the public interest. They earn huge profits using this public resource. During this campaign season broadcasters will receive nearly $1.5 billion from political advertising.

What do we get in return for granting TV stations free use of our airwaves? Unfortunately, when it comes to coverage of issues important to our nation, the answer is less and less. Coverage of the 2000 presidential election on the network evening news dropped by a third compared to reporting on the 1996 election. During the last election cycle we heard directly from presidential candidates for an average of 9 seconds a night on the news. Local races? Forget it. In 2002—the most recent midterm elections—more than half of local newscasts contained no campaign coverage at all. Local coverage has diminished to the point that campaign ads outnumber campaign stories by four to one. What coverage there is focuses inordinately on polls and handicapping the horse race.

TV executives tell us that the convention and campaign coverage provided by the cable channels is sufficient. I don't think so. Around 35 million Americans don't get cable, often because they cannot afford it. To put it in perspective, that's more than the combined populations of Ohio, Michigan, Wisconsin and Minnesota. Furthermore, broadcasters legally undertake to serve the public interest themselves in exchange for free spectrum—their licenses don't allow them to pass the buck to cable. Remember also that the vast majority of cable channels are national, not local. So don't look for local campaign coverage on cable, except in the few towns where local cable news exists. Most Americans still must look to their local broadcaster for news of local campaigns and issues.

The F.C.C. is doing nothing to help as the situation deteriorates. It has weakened almost every explicit duty stations once had for serving the public interest, like ensuring that stations cover local issues and offer viewers a diversity of opinion. Just as bad, the commission eliminated protections against media consolidation last year, even though critics warned that this would result in even less local coverage. Luckily a federal court rejected this decision, so we have another chance to save these rules.

The F.C.C. has also failed to set guidelines for how broadcasters will meet their public interest responsibilities when digital TV and multicasting become more widespread. To make matters worse, the F.C.C. now practically rubber-stamps TV license renewals, usually without auditing station records to determine whether licensees are fulfilling their public interest responsibilities or checking with communities to ensure that stations are meeting local needs.

Whether we are Democrats, Republicans or independents, we all can agree that democracy depends on well-informed citizens. So as you flip through the channels tonight while the convention is largely ignored, consider whether TV broadcasters, sustained by free access to the public airwaves in exchange for programming in the public interest, are holding up their end of the deal.

Mr. DORGAN. Mr. Copps makes the point that we give broadcasters the right to use the airwaves in exchange for their agreement to broadcast in the public interest. They don't own the airwaves. They are licensed to use them in exchange for broadcasting in the public interest. They also earn substantial money in broadcasting properties from advertising during television campaigns. It is expected they will earn nearly $1.5 billion from political advertising.

What do we get in return? We get almost no coverage any longer, very spartan coverage of the two political conventions. Television and other executives say: That is because people can watch the conventions on cable television. Well, there are more channels. There is cable. But 35 million Americans don't get cable television.

Let me take a look at what has happened, as Mr. Copps describes it in his piece. On Monday, August 30, the Republican Convention was held in New York. This is a Monday evening. None of the networks decided they would cover the Republican Convention. It is strange for me to be protesting that, but nonetheless I think the networks have a responsibility and should have had a responsibility to provide extensive coverage of both political conventions. So on Monday night, they did not show the American people the speech by Senator MCCAIN, our colleague. Incidentally, I think that speech should have been heard by the American people. They didn't air the speech by Rudy Giuliani. The American people should have heard that speech. Why is it they couldn't have done that?

Let me show you what they were airing on Monday evening. They had ''Access Hollywood.'' That was important. Then they went to ''Fear Factor.'' That is where you sometimes tune in and you see people eating a bowl of maggots or whatever other disgusting thing happens on ''Fear Factor.'' I have seen it as I have used the remote control to change the channels. ''Complex Malibu,'' they aired—eight couples begin the competition by working on a master bedroom—and NFL preseason, and the ''Last Comic Standing.''

The American people couldn't get the Republican Convention that evening because this is what was aired on television. This was a Monday evening, the first evening of the convention.

What about the Democratic Convention? The networks decided they wouldn't broadcast on Tuesday evening of the Democratic Convention. They broadcast three nights, 1 hour each evening for three nights. On Tuesday evening, July 27, the keynote speaker Barak Obama spoke, Teresa Heinz spoke. The American people didn't get to listen to those speeches. They should have been able to.

Here is what was going on. They aired that evening ''Trading Spouses, Meet Your New Mommy,'' ''Wheel of Fortune,'' ''Last Comic Standing,'' ''Quintuplets,'' ''The Amazing Race,'' eight teams travel from Argentina to St. Petersburg, Russia. The networks were too busy. They didn't want to put on 2 hours a night for four nights, or four hours a night, they used to do that.

Some people say the conventions are staged. Really? Well, there are a lot of stories at the conventions. But those stories are not covered these days by the major broadcast networks. Why? Because they are only broadcasting 1 hour a night, three nights; 3 hours, total 6 hours, for both the Republican and the Democratic National Conventions; 6 hours every 4 years. How does that relate to the obligation to serve in the public interest? How does that relate to what Senator LOTT and I and others have been talking about, how a few people decide what the American people read or hear? How many people do you think made the decision we will only offer 3 hours to the American people of the Republican National Convention on the major networks? How many people do you think made the decision we will only offer 3 hours of the Democratic Convention?

I think both the Republican Convention and the Democratic Convention were shortchanged. Why do I say that? Because the fact is, we make decisions in the political process. Our major national conventions are a significant part of the process. The dialog, the discussion, the debate in those conventions is a significant part of showing and telling the American people what these political parties are about. I

know we get plenty of television in politics. But most of it is 30-second incendiary, negative ads talking about who is the worst rather than who is the best. Very few of them have any ideas or talk about issues.

The question is, as Commissioner Copps points out in his editorial published in the New York Times, are the networks serving this country's interests by deciding they shall air only 3 hours every 4 years of a major political convention?

In 1976, the three major television networks provided more than 50 hours of television convention coverage. In 1996, 20 years later, that had dropped to 12 hours. This year it dropped to 6 hours.

The New York Daily News said that before cable and satellite, ABC, CBS, and NBC turned over their prime time to the conventions as a matter of civic duty.

It is interesting to me that these conventions are staged so tightly. One of the reasons they are created as tightly as they are with respect to agenda is to fit into the very short time period the networks now offer for the coverage of the conventions.

Mr. President, the issue of broadcast ownership and the concentration of broadcast ownership remains at the FCC. The question is, what will they do with these rules and how will the rules affect what people see and hear in the future? How does concentration of economic ownership in broadcast properties affect what we saw this year, the coverage of only 3 hours of the Republican and Democratic Conventions? I have described significant speakers the American people did not have an opportunity to see or hear. Someone made a decision it wasn't worth it. This is what Senator LOTT and I and others have been concerned about for a long while—about the concentration of ownership in broadcast properties.

Again, I am not against big in every circumstance. I don't think big is always bad or small is always beautiful. But in broadcast properties—radio, television, and newspapers—I think broad-based economic ownership best serves this democracy. I think when we see more and more concentration, where you have fewer and fewer people—in some cases a handful—deciding what the American people will see, hear, and read, frankly, I think that is unhealthy. One sign of that is what they decided to air at a time when they decided the two political conventions by the national Republican party and the national Democratic party were unworthy. I think it goes without saying that they have shortchanged the American people.

I yield the floor.

The PRESIDING OFFICER. Under the previous order, the Senator from California is recognized for 10 minutes.

Mrs. BOXER. Mr. President, I ask unanimous consent that upon completion of my remarks Senator HARKIN be recognized for up to 20 minutes.

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

ISSUES BEFORE THE SENATE

Mrs. BOXER. Mr. President, it has been quite a while since the Senate has been in session. I spent the entire time traveling up and down my State learning a lot from my people, as I always do. I am coming back here ready to work for as long as it takes to protect the American people, to do what we can about the health care crisis, Medicare, and the rest. How much we get done is going to be up to us. Of course, the leadership around here has to go to the bills that will make us safe, help our seniors, take up the issue of health care, and will get the deficits under control. That is their job. We will see what happens.

I hope we go to Homeland Security appropriations because there is a lot of work we need to do on that bill to make sure it truly does protect the American people.

BEST WISHES TO FORMER PRESIDENT CLINTON

Mrs. BOXER. Mr. President, I want to use this opportunity to send my best wishes to President Clinton as he recovers from very serious surgery, which, thank the Lord, appears to be successful. I know the first few days are the toughest. We have had a number of calls into our office from my constituents. I wanted to say that if they want to send a message to President Clinton, they should, if they have access to a computer, go to the following site: www.clintonpresidentialcenter.org. Then they can go to the right side of the page and there is a link where they can send personal best wishes to President Clinton.

As usual, President Clinton is going to teach the country something about heart disease. I thought I would take a moment to say this is something I have been working on for years, since 1997. I introduced the Women's Cardiovascular Disease Research and Prevention Act. I was proud to do it with Congresswoman Maxine Waters. Together, we wrote this bill and it was to expand and coordinate the efforts of fighting heart attack, stroke, and other cardiovascular diseases in women.

A lot of women don't think cardiovascular disease—heart attack and stroke—is a threat to them. Yet, if you look at the numbers, nearly 500,000 women die of cardiovascular disease each year. The number is far less for breast cancer. Of course, we live in fear of breast cancer, which kills far fewer. But cardiovascular disease in women is the biggest killer. More than 20 percent of Americans have some kind of cardiovascular disease, with over half being women.

So President Clinton, I know, is going to do very well. He has taught us so many things about issues and I know he will teach us a lot about how to prevent heart disease and how to make sure, if you have a family history, you take the right exams so that you find out early if you have it. I am proud my bill became law in 1998 as part of a larger bill on women's health.

AMERICAN DEATHS IN IRAQ

Mrs. BOXER. Mr. President, according to CNN this morning, there have been 999 total U.S. deaths in Iraq. We are one away from 1,000 deaths. When the President stood on the carrier with the ''mission accomplished'' sign behind him, 138 of our soldiers had died. That was May 1, 2003. Since the President declared mission accomplished—and he did it, as many of us said on both sides of the aisle, without a plan for the aftermath of the war, which was brilliantly executed—we have lost 861 more soldiers.

When I was home, I met with veterans from this war and the one in Afghanistan. Mr. President, 6,916 Americans have been injured in Iraq. According to a report in the L.A. Times, 57 percent have been injured so severely that they are unable to return to duty. I asked what the suicide rate was in Iraq. I learned from the military that the suicide rate is very high—64 percent higher than the suicide rate in our country, and it is 34 percent higher than in any other war theater. So we better be ready for the veterans who are coming back from that war, with 6,916 wounded.

The Washington Post got hold of the veterans budget of this administration, and what did they learn? They learned that the Bush draft budget for 2006 includes an overall VA cut of $910 million. If we love our soldiers—and I believe we all do—how could we possibly cut the VA budget at a time when we are getting close to, at this point, 7,000 injured vets coming home?

The total of California's deaths is 254. I have paid tribute to each and every one of those who died from California—those who were either born in California, lived in California, or went to Iraq or Afghanistan from a California base. Today, I want to pay tribute to 48 more casualties that happened between the time we left 6 weeks ago and now.

This relates to those killed in Iraq, not Afghanistan, since July 5. All of them are from California or based in California. So I will go through these names.

LCpl John Vangyzen, age 21. Lance Corporal Vangyzen died on July 5 as a result of enemy action in Al Anbar Province. He was assigned to the 3rd Battalion, 7th Marine Regiment, 1st Marine Division, at Twentynine Palms, CA.

LCpl Michael S. Torres, age 21, died July 5 as a result of enemy action in Al Anbar Province, 3rd Battalion, 7th Marine Regiment, 1st Marine Division, Twentynine Palms, CA.

Cpl Dallas L. Kerns died on July 5 as a result of enemy action in Al Anbar Province. He was assigned to 3rd Battalion, 7th Marine Regiment, 1st Marine Division, at Twentynine Palms, CA.

LCpl Justin T. Hunt died July 6 as a result of enemy action in Al Anbar

Province. He was assigned to 2nd Light Armored Reconnaissance Battalion, 2nd Marine Division, II Marine Expeditionary Force at Camp Lejune, NC. He was from Riverside, CA.

SPC William R. Emanuel, IV, age 19, was from Stockton, CA. He died July 8 in Baghdad. He was in the Iraqi National Guard Headquarters when it came under a mortar attack. He was assigned to 1st Battalion, 26th Infantry Regiment, 1st Infantry Division, Schweinfurt, Germany.

Cpl Terry Holmes, age 22, died July 10 due to a noncombat-related vehicle accident in Al Anbar Province. He was assigned to 3rd Battalion, 1st Marine Regiment, 1st Marine Division, Camp Pendleton, CA.

Sgt Krisna Nachampassak, age 27, died July 10 due to a noncombat-related vehicle accident in Al Anbar Province. He was assigned to 3rd Battalion, 1st Marine Regiment, 1st Marine Division, Camp Pendleton, CA.

PFC Christopher Reed, age 20, died July 10 due to a noncombat-related vehicle accident in Al Anbar Province. He was assigned to 3rd Battalion, 1st Marine Regiment, 1st Marine Division, Camp Pendleton, CA.

SSgt Trevor Spink, age 36, died July 10 due to a noncombat-related vehicle accident in Al Anbar Province. He was assigned to 3rd Battalion, 1st Marine Regiment, 1st Marine Division, Camp Pendleton, CA.

PFC Jesse J. Martinez, age 20, died in Talafar, Iraq, when his vehicle rolled over as the driver tried to avoid another vehicle. He was assigned to the Army's 5th Battalion, 20th Infantry Regiment, 3rd Brigade, 2nd Infantry Division, Fort Lewis, WA. He was from Tracy, CA.

The PRESIDING OFFICER. The Senator's time has expired.

Mrs. BOXER. Mr. President, I did not have any time limit on my unanimous consent request.

The PRESIDING OFFICER. The request was for 10 minutes for each of the three people.

Mrs. BOXER. I ask unanimous consent for enough time until I conclude these names and another 10 minutes to talk about other issues. It should be another 10 to 15 minutes.

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

Mrs. BOXER. If the Presiding Officer could tell me when I have used 10 minutes.

I wish I did not have to take so much time, Mr. President. These are 48 of our best and brightest over there.

LCpl Bryan P. Kelly, age 21, died July 16 due to injuries received from enemy action in Al Anbar Province. He was assigned to 1st Combat Engineer Battalion, 1st Marine Division, Camp Pendleton, CA.

SSgt Michael J. Clark, age 29, died July 20 due to combat action in Al Anbar Province. He was assigned to Combat Service Support Battalion 1, Group 11, 1st Force Service Support Group, Camp Pendleton, CA.

LCpl Mark E. Engel, age 21, died July 21 at Brook Army Medical Center, Fort Sam Houston, TX, of multiple wounds he received as a result of enemy action in Al Anbar Province. He was assigned to 2nd Light Armored Reconnaissance Battalion, 2nd Marine Division, Camp Lejune, NC. He was from Grand Junction, CA.

LTC David S. Green, age 39, died July 28 due to enemy action in Al Anbar Province. He was a reservist assigned to Marine Light Attack Helicopter Squadron 775, Marine Aircraft Group 16, 3D Marine Air Wing, Marine Corps Air Station, Miramar, CA.

GySgt Shawn A. Lane, age 33, died July 28 due to enemy action in Al Anbar Province. He was assigned to Headquarters Battalion, 1st Marine Division, Camp Pendleton,CA.

SPC Armando Hernandez, age 22, died in Samarra, Iraq, when an improvised explosive device exploded near his guard post. He was assigned to the Army's 1st Squadron, 4th Cavalry, 1st Infantry Division, Schweinfurt, Germany. He was from Hesperia, CA.

Sgt Juan Calderon, Jr., age 26, died August 2 due to enemy action in Al Anbar Province. He was assigned to 3rd Battalion, 1st Marine Regiment, 1st Marine Division, Camp Pendleton, CA.

Cpl Dean P. Pratt, age 22, died August 2 due to enemy action in Al Anbar Province. He was assigned to 2nd Battalion, 1st Marine Regiment, 1st Marine Division, Camp Pendleton, CA.

CPT Gregory A. Ratzlaff, age 36, died August 3 due to a noncombat-related incident at Forward Operating Base Duke, Iraq. He was assigned to Marine Medium Helicopter Squadron 166, Marine Aircraft Group 16, 3rd Marine Aircraft Wing, Marine Corps Air Station Miramar, San Diego, CA.

GySgt Elia P. Fontecchia, age 30, died August 4 from injuries received from enemy action in Al Anbar Province. He was assigned to 3rd Battalion, 7th Marines, 1st Marine Division, Marine Corps Air Ground Combat Center, Twentynine Palms, CA.

LCpl Joseph L. Nice, age 19, died August 4 due to enemy action in Al Anbar Province. He was assigned to 3rd Battalion, 7th Marines, 1st Marine Division, Marine Corps Air Ground Combat Center, Twentynine Palms, CA.

Sgt Moses D. Rocha, age 33, died August 5 due to injuries received from enemy action in An Najaf, Iraq. He was assigned to Battalion Landing Team 1/4, 11th Marine Expeditionary Unit, Camp Pendleton, CA.

Sgt Yadir G. Reynoso, age 27, died August 5 due to enemy action in An Najaf Province. He was assigned to Battalion Landing Team 1/4, 11th Marine Expeditionary Unit, Camp Pendleton, CA.

LCpl Larry L. Wells, age 22, died August 6 due to enemy action in An Najaf, Iraq. He was assigned to Battalion Landing Team 1/4, 11th Marine Expeditionary Unit, Camp Pendleton, CA.

Cpl Roberto Abad, age 22, died August 6 after being struck by an exploding mortar during enemy action in Najaf. He was assigned to Battalion Landing Team 1/4, 11th Marine Expeditionary Unit, Camp Pendleton, Ca. He was from Los Angeles, CA.

LCpl Jonathan W. Collins, age 19, died August 8 due to enemy action in Al Anbar Province. He was assigned to 2nd Battalion, 4th Marine Regiment, 1st Marine Division, Camp Pendleton, CA.

LCpl Tavon L. Hubbard, age 24, died August 11 in a helicopter crash in Al Anbar Province. He was assigned to the Command Element, 11th Marine Expeditionary Unit, Camp Pendleton, CA.

SSgt John R. Howard, age 26, died August 11 in a helicopter crash in Al Anbar Province. He was assigned to Marine Medium Helicopter Squadron 166 (Reinforced), 11th Marine Expeditionary Unit, Marine Corps Air Station, Miramar, CA. He was from San Diego, CA.

LCpl Kane M. Funke, age 20, died August 13 as a result of enemy action in Al Anbar Province. He was assigned to 2nd Battalion, 7th Marines, 1st Marine Division, Marine Corps Air Ground Combat Center, Twentynine Palms, CA.

PFC Fernando B. Hannon, age 19, was killed August 15 while conducting combat operations in Al Anbar Province. He was assigned to 3rd Battalion, 1st Marine Regiment, 1st Marine Division, Camp Pendleton, Ca. He was from Riverside, CA.

PFC Geoffrey Perez, age 24, was killed on August 15 from an explosion while conducting combat operations in Al Anbar Province. He was assigned to 3rd Battalion, 1st Marine Regiment, 1st Marine Division, Camp Pendleton, CA. He was from Los Angeles, CA.

LCpl Caleb J. Powers, age 21, died August 17 due to enemy action in Al Anbar Province. He was assigned to 2nd Battalion, 4th Marine Regiment, 1st Marine Division, Camp Pendleton, CA.

Sgt Harvey E. Parkerson, III, age 27, died after sustaining a fatal gunshot wound to the head while conducting combat operations in Najaf Province. He was assigned to Battalion Landing Team 1/4, 11th Marine Expeditionary Unit (Special Operations Capable), Camp Pendleton, CA. He was from Yuba City, CA.

PFC Nachez Washalanta, age 21, died August 21 from injuries received due to enemy action in Al Anbar Province. He was assigned to 1st Light Armored Reconnaissance Battalion, 1st Marine Division, Camp Pendleton, CA.

LCpl Seth Huston, age 19, died August 21 due to enemy action in Al Anbar Province. He was assigned to 2nd Battalion, 1st Marine Regiment, 1st Marine Division, Camp Pendleton, CA.

Sgt Jason Cook, age 25, died August 21 from injuries received due to enemy action in Al Anbar Province. He was assigned to 1st Light Armored Reconnaissance Battalion, 1st Marine Division, Camp Pendleton, CA.

Cpl Nicanor Alvarez, age 22, died August 21 from injuries received due to

enemy action in Al Anbar Province. He was assigned to 1st Combat Engineer Battalion, 1st Marine Division, Camp Pendleton, CA. He was from San Bernardino, CA.

GySgt Edward T. Reeder, age 32, died August 21 in a noncombat-related vehicle incident in Al Anbar Province. He was assigned to Headquarters and Service Battalion, 1st Force Service Support Group, Camp Pendleton, CA.

LCpl Jacob R. Lugo, age 21, died August 24 as a result of enemy action in Al Anbar Province. He was assigned to 3rd Battalion, 7th Marine Regiment, 1st Marine Division, Marine Corps Air Ground Combat Center, Twentynine Palms, CA.

LCpl Alexander S. Arrendondo, age 20, died August 25 as a result of enemy action in An Najaf. He was assigned to Battalion Landing Team 1/4, 11th Marine Expeditionary Unit (Special Operations Capable), Camp Pendleton, CA.

PFC Nicholas M. Skinner, age 20, died August 26 from injuries received due to enemy action in An Najaf, Iraq. He was assigned to Battalion Landing Team 1/4, 11th Marine Expeditionary Unit (Special Operations Capable), Camp Pendleton, CA.

SPC Omead H. Razani, age 19, died August 27 in Habbaniyah, Iraq, of noncombat-related injuries. He was assigned to the 1st Battalion, 506th Infantry Regiment, 2nd Brigade, 2nd Infantry Division, Camp Greaves, Korea. He was from Los Angeles, CA.

LCpl Nickalous Aldrich, age 21, died August 27 from a nonhostile vehicle accident in Al Anbar Province. He was assigned to 2nd Battalion, 4th Marine Regiment, 1st Marine Regiment, Camp Pendleton, CA.

Sgt Edgar Lopez, age 27, died August 28 due to enemy action in Babil Province, Iraq. He was assigned to 1st Battalion, 2nd Marine Regiment, 24th Marine Expeditionary Unit, Camp Lejune, NC. He was from Los Angeles, CA.

CPT Alan Rowe, age 35, died September 3 due to enemy action in Al Anbar Province. He was assigned to 1st Battalion, 7th Marine Regiment, 1st Marine Division, Marine Corps Air Ground Combat Center, Twentynine Palms, CA.

LCpl Nicholas Perez, age 19, died September 3 due to enemy action in Al Anbar Province. He was assigned to 3rd Battalion, 7th Marine Regiment, 1st Marine Division, Marine Corps Air Ground Combat Center, Twentynine Palms, CA.

1LT Ronald Winchester, age 25, died September 3 due to enemy action in Al Anbar Province. He was assigned to 1st Battalion, 7th Marine Regiment, 1st Marine Division, Air Ground Combat Center, Twentynine Palms, CA.

LCpl Nicholas Wilt, age 23, died September 3 due to enemy action in Al Anbar Province. He was assigned to 1st Battalion, 7th Marine Regiment, 1st Marine Division, Marine Corps Ground Combat Center, Twentynine Palms, CA.

As my colleagues know, I have paid tribute to every Californian who has died in Iraq from the beginning of the war. I have paid tribute to them if they were born and raised in California or if they were assigned to a California base. I have read into the RECORD and paid tribute now to 254 soldiers. It takes a lot of time, but this time is nothing compared to a lifetime of grieving, tears, and pain these relatives are going through, not only from my State but all over the country.

Mr. REID. Will the Senator yield?

Mrs. BOXER. I will.

Mr. REID. I express my appreciation to the Senator from California for her diligence in coming to the Senate floor and spreading on the RECORD the names of these soldiers who were killed in Iraq. As the Senator knows, about 25 percent of all the deaths in Iraq are related to the State of California.

Mrs. BOXER. Yes.

Mr. REID. We are within a score of having a thousand deaths in Iraq. I say to my friend from California, I appreciate it so much because I have been on the Senate floor where I have lamented the fact and have referred to major newspapers around the country where the deaths of our servicemen have been relegated to page 14 and page 7 of newspapers around the country. Each one of these 254 deaths involves the sons, daughters, husbands, wives, mothers, fathers, cousins, and neighbors, people who will long remember those who died in service to their country.

We cannot take for granted what is happening in Iraq.

Mrs. BOXER. Mr. President, how much time remains on my time?

The PRESIDING OFFICER. The Senator wanted to be notified when she used another 10 minutes.

Mrs. BOXER. I ask unanimous consent for an additional 5 minutes after my additional 5, so it would be an additional 10.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

Mr. REID. I simply want to say that it is important to me to do what we can to recognize what is going on in Iraq. It is a situation that is extremely difficult and desperate. It appears now that we have not solved the Sadr problem. We have moved from Najaf to where we lost 7 Marines last night in Sadr City where he now resides, with more than 2 million people residing in that city.

So I again want the record to reflect my appreciation to the Senator from California for giving recognition to these gallant servicemen who have lost their lives in Iraq. I wish she would continue to do so. At the very least, the relatives and friends of these gallant soldiers should have their names recognized. They deserve more than that, but certainly that is a step in the right direction.

Mrs. BOXER. If I could respond to my friend, and also say to my friend from Iowa, I have found there is so little focus on these young men and women who are sacrificing. We do not see them when they come home. We do not hear about them and the ones who are wounded. I say to my friend, and he may not be aware of this, one more soldier and we are going to see a thousand dead. It is 999 today.

Mr. REID. I did not realize that. The last number I saw was about 978.

Mrs. BOXER. Right, 999. Now is the time, if ever there were a time, to reflect on this policy. Now, President Bush says we are not turning back. One has to ask themselves: What does that mean? We are not turning back from what? We are not turning back from a war without a plan?

Well, I hope we will get a plan. We need a plan. Just as we had a military plan, we need a plan. Things are at a state now where I have to come and take the time to do this. There is discontent on the other side. It takes a long time to read 48 new names of Californians. Is that not the least we can do? I have talked about what the potential of each of them was. These are the sons and daughters of our people.

Mr. REID. Would the Senator yield?

Mrs. BOXER. Yes.

Mr. REID. We are focused today, and certainly I support the Senator in doing so, on the soldiers who are dead. As the Senator indicated, it is now 999. The one thing we do not focus on is this war is different than any war we have ever had. The ratio of deaths to casualties is much different. The casualties in this war—those people being wounded—are very severe although they have the use of body armor and other protections included in most of the vehicles. We have many severe burns, people being blinded, paralyzed, losing limbs. These are people who are nameless, hundreds and hundreds, into the thousands now, of people who have been severely wounded, not wounded but severely wounded. I wish there were some way we could recognize the suffering that is going on.

Mrs. BOXER. I say to my friend, when I opened up my remarks, I stated that 6,916 Americans have been injured in Iraq. My friend is right, it is an enormous number. According to a report in the L.A. Times, 57 percent have been injured so severely that they are unable to return to duty. These are very severe injuries.

My point is, is this the time, then, to have a budget that the President—we found out about it because The Washington Post got a copy—cuts VA by $910 million? There are these many Americans, and God knows what the total will be by the end of the month.

''We are not turning back.'' The President says that over and over again. ''We are staying the course.'' Well, why do we not look at this course? Why do we not look at these policies? Why do we not see if there are ways to better handle this, to internationalize this, to take the burden off of the backs of our young people, as Senator KERRY has said? Where is the plan?

I yield to my friend.

Mr. HARKIN. I ask the Senator to yield. I thank the Senator for her very perceptive and very sensitive approach on this issue of what is happening with our troops in Iraq. The Senator from Nevada is absolutely right about this, that this war is different than any we have ever had. I suppose the good news is we are saving a lot more lives than we have ever in the past. We are there with our medical equipment, as the Senator said, as well as because of body armor and a lot of other things. But what we are also experiencing, as the Senator from California pointed out, is a higher level of individuals with severe injuries, injuries that not only won't allow them to return to active duty but will mean they are going to carry their burdens the rest of their natural lives, for them and their families.

What is unanswered, among all the other things that are unanswered—how we are going to get out of Iraq, how we are going to protect our troops better, how we are going to get other countries to come in, how we are going to pay for it, endless questions—the one nagging question, which I believe the Senator from California has just put her finger on, is: Will we, will this administration, and will this Congress commit itself to ensuring that these young men and women who have been so severely injured will have the supporting mechanisms, the educational benefits, the kind of things that are needed so they can live a full, rich, productive life here in America? That has never been committed to by this administration.

When the President says he wants to stay the course, is that one course on which he wants to stay, I ask my friends, that we will not commit ourselves to making sure these brave young men and women are taken care of, that all their medical needs are met, but more important that they are able to lead full, productive lives here in America?

Mrs. BOXER. Absolutely. The sad truth is we got a copy of their budget.

Mr. HARKIN. That is right.

Mrs. BOXER. President Bush, this is going to be an issue. People are going to take a look at this. It is one thing to send our troops to war; it is another thing to not be there with what they need when they come back. And we are going to make that an issue.

There is one other thing we need to make an issue because there are some things going on in this country that are on the wrong track. I know my friend agrees with this. The seniors in this country just got hit with a 17.4-percent increase in their Medicare premiums. I say to my friend from Iowa, who is a champion not only of veterans but of seniors and children and education and all these other issues, how are our elderly going to handle this? This is the largest single premium increase in nearly 40 years of history with Medicare.

My friend and I know why. The No. 1 reason is this: This administration worked on a Medicare bill that has a $14 billion slush fund to the HMOs, to ''convince them,'' to convince them to take Medicare patients. That is $14 billion.

What else? Medicare is prohibited from negotiating for lower drug prices. I say to my friend, if you walked down the street in Des Moines or anywhere in your State, and you went up to someone and said: Guess what. The Government is telling you you can't shop around for the best price. If you want to go around and buy a bike for your kid, you have to go to Mike's bike shop, not Ray's bike shop or Barbara's bike shop.

Your constituents would say: Senator, if that is the kind of Government I have, hey, this is not the country I know it is.

Yet and still, this administration, backed by the majority party, tied Medicare's hands. Now our people are paying through the nose and they are frightened.

I have been home for the last 2 months, and my senior citizens—first of all, they say this is the worst prescription drug benefit they ever saw. They don't understand it. The only time they can take advantage of it is if they fit a certain profile. Most of them don't even want it. Now they have to pay for something they didn't want because it is built into these premiums. That is what the administration says. They are giving you a great new benefit. Now you pay for it. And they are paying for a slush fund for the HMOs.

Here is the deal. This President says we are not going back; we are not changing course. All well and good if the course is working. But when it is not working, when we are paying the cost of Iraq, 90 percent of it both in the injuries and in the pocketbook, and we are spending now in excess of $200 billion over there and the deficits are—what are they now, $400 billion plus? The highest ever in the history of our country? Stay the course? Don't turn back from debts that are falling on our people? Don't turn back from Medicare premium increases?

I ask for 1 additional minute.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered. One additional minute.

Mrs. BOXER. So it is one thing to stand in front of a microphone and say don't turn back, if you have policies that are working. But when you have policies that are costing us lives in Iraq, 90 percent of the casualties, 90 percent of the cost, and then you turn your back on our allies? When the President landed on that ''mission accomplished'' carrier, our allies begged to help us in Iraq. Oh, no, we weren't going to share the spoils of this with them. The rebuilding was just going to Halliburton folks.

That is the price our people are paying. I love them dearly and I want to see them come back home and be relieved by people from all over the world. And I want to see our senior citizens not have to choose between medicine and food. This is wrong.

So, hopefully, we will see some changes in this country. I think you and I agree they are sorely needed. I yield the floor.

The PRESIDING OFFICER. The Senator from Iowa is recognized for 20 minutes.

Mr. HARKIN. I thank the Senator from California for her very clear presentation today. What is happening to make America weaker? We are getting weaker all the time. As the Senator from California pointed out, we are getting weaker because our seniors now are denied the medical care they need and ought to have. We are getting weaker because our deficits are going up at an alarming rate. We are getting weaker because we are getting sucked further and further into the quagmire of Iraq with no end in sight. We are getting weaker in this country because the middle class is getting squeezed. The wealthy are getting the tax breaks.

I am beginning to think that George W. Bush stands for George Weaker Bush. Weakening America, that is what is happening in this country. We are weaker than what we were.

I thank the Senator from California for her very perceptive analysis and for her continued progressive views on turning our country in the correct direction.

I like the expression, what the Senator from California said about President Bush, saying he wants to stay the course or don't turn back. Don't turn back.

Mrs. BOXER. Right.

Mr. HARKIN. It seems to me, if you are on a highway in a car, and you are headed towards a cliff and there is a bend in the road that you can take and it will save you, what sense does it make to keep going straight off the cliff?

Mrs. BOXER. Good one.

Mr. HARKIN. That seems to me what the President is saying: Stay in the car with me. I do not change course.

We are already kind of over the cliff. We are going to go down it.

We could make some changes in our economic policy, our fiscal policy. Certainly, we can make changes in our foreign policy, in our policy in Iraq, to turn this country so we do not continue to go off the cliff.

I guess the President says that he knows where he is going. There is one thing about being resolute in one's determination to do certain things. But there comes a point where you are stubborn in the face of facts and reality. I am afraid this President does not realize the difference between being resolute and carrying out policies, and being stubborn when those policies are hurting America and making us weaker.

I want to change the focus of the discussion. I want to talk about the economy. This morning the Congressional Budget Office announced it now

projects this year's budget deficit will rise to $422 billion, an all-time high. Actually, if you look at this chart, if you look at the red, that is the budget deficit of $422 billion for 2004. But if you exclude Social Security surplus, the budget deficit is really $574 billion.

Bear in mind, this comes from a President who originally pledged he would not run deficits and he would protect Social Security surpluses. Talk about flip-flopping, this is the flip-flop of all time.

Now we see these deficits are not only huge but they are going to continue as far as the eye can see. It is shocking when we look at where we were 4 years ago when we had an all-time-high budget surplus and we could see these surpluses continuing on through this decade when we were strong in the world, when we had other countries supporting us, and now to see where we have come in 4 short years.

Right now our operating budget deficit, without counting the Social Security surplus, is about 5 percent of the gross domestic product.

Last year the President's Council of Economic Advisers predicted normal job growth would be 228,000 jobs a month, about the average level during the Clinton administration. The Council of Economic Advisers said the job growth would be even more if we passed the 2003 tax bill which was done. It said we would create 305,000 jobs a month. Unfortunately, over the past 3 months job creation has been about one-third that rate. A million jobs have been lost since Mr. Bush took office.

It seems to me the appropriate question to ask is are we better off today than we were 4 years ago as a nation? Again, look back. It seems almost like a distant utopia when I read the figures. We were the envy of the world in 2000, with 23 million new jobs created and the largest budget surplus in U.S. history—$236 billion in 1 year. But now, 4 years later, we are weaker in almost every respect in this country.

Data released by the Census Bureau paints a very disturbing picture. Since Mr. Bush took office, real median household income has fallen by $1,535. During the Clinton administration the real median household income went up $5,489. Look at the difference. Median income up under the Clinton administration, median income down $1,535 a year under the Bush administration.

Then look at poverty. The number of Americans living in poverty has risen by 4.3 million under President Bush through 2003. During the Clinton administration, 6.4 million Americans were lifted out of poverty. In 4 years of Bush, 4.28 million have been driven into poverty.

Is that progress? We should stay the course? We should not turn back? I would love to turn back to the economic policies of the Clinton years. No. This President says no, stay the course.

In every single way we are weaker.

The number of Americans without health insurance has gone up 5.2 million in the last 4 years. The policies of this administration have weakened our economy. They have depleted our Federal Treasury. They have made America a weaker country.

Now look at taxes. A new study by the Congressional Budget Office tells us the real story. The share of taxes borne by those making more than $1 million a year was reduced by 10 percent thanks to the tax cuts of this administration. But the share of taxes borne by the middle-income taxpayers actually increased by almost 5 percent. Meanwhile, interest on the public debt because of these huge deficits will nearly double in the next 4 years. By 2009, every year we will be paying $1,000 in interest for every man, woman, and child in America. That is $4,000 for a family of four. It is making our future weaker.

We hear a lot of talk from this administration about doing away with the so-called death tax, the tax on accumulated wealth—so-called estate taxes—the idea being that we don't end up with those with billions of dollars being able to pass it all on while average Americans have to face more and more debt. The Bush administration says they want to get rid of the estate tax.

What about the birth tax? What about the tax this administration is leveling on every child who is going to be born in America in the future? Every child born in the United States henceforth will have $1,000 taxes put on his or her head as soon as they are born. No one is talking about the birth tax. We ought to be talking about that rather than trying to have the wealthy pay a little bit more fair share of their taxes in this country.

Again, because of the interest on the national debt, a family of four, as I said, will be paying $4,000 a year. Guess what? That is one tax that cannot be cut. Who is going to be paying it? Middle-income taxpayers, $4,000 a year. That is a new birth tax on every child born in America. But no, we do not hear the administration talking about that.

The real reason the economy is so weak is that for 4 years the Bush administration has been preaching fiscal conservatism, but has been practicing a reckless ''damn the torpedoes'' brand of fiscal radicalism. We have had a radical fiscal policy over the last 4 years. The Bush team sees cutting taxes as the be-all and end-all of their political existence. For them, cutting taxes is not an economic plan; it is not even an ideology. It is a theology of one size fits all. If the economy is weak, you cut taxes. If the economy is strong, you cut taxes. If there is a surplus, you cut taxes. If there are huge deficits, you cut taxes. You have a war on terrorism, cut taxes.

How many Americans realize that the wars in Afghanistan and Iraq are the first wars in American history to be paid for and financed by tax cuts? In the past, we have always asked the American people to help fight our wars by paying increased taxes. Now tax cuts for the wealthy, birth tax on the kids of middle-income taxpayers, more costs for medical health for the elderly, and the deficit continues to go up.

As I said, this year it is really $577 billion, not $422 billion—$577 billion. That is because you have to count the Social Security surplus.

The President says stay the course, don't turn back. For 4 years this President and his team have pursued policies that have led to deficits, debt, drift, and decline. He is leaving a dramatic and weakened economy and Treasury to his successor and to the next generation.

We have to do better. We can do better. The answer is not to stay with the driver of the car who is going to drive you over the cliff because he is too stubborn to recognize what is weakening America. The answer is to modify our policies, change our course to build a brighter and a stronger and better America for our children and grandchildren. Vice President CHENEY famously asserted that ''deficits don't matter.'' I couldn't disagree more. So do all mainstream economists. The truth is deficits do matter and they matter profoundly. Chronic, long-term deficits that we now see mean the Federal Government must accumulate huge and growing debt held in bonds. That means the Government is competing with limited dollars and crowding out other borrowers. This puts other pressure on interest rates. That is bad for job creation.

Second, as the Government's debt increases, it is harder to find resources to make investments here at home in our roads and our bridges, our schools and educational systems. That means a less efficient transportation system and as less skilled workforce. That is bad for business.

Third, as we are already seeing, a far larger share of our Government's bonds are being bought up by foreign governments. Japan, China, and South Korea have particularly heavy purchases of our bonds.

Should that be a worry? It means their future decisions can have a major impact on our economy. In the long term, sooner or later we have to expect the dollar to fall dramatically if our policies don't change. That will hurt our economy by driving up inflation as we pay more for the imports that come into our country.

Lastly, as I have said before and I will keep repeating it, it is especially troubling for the young people in America for them and their future; for our obligations that we have to meet the obligations of the baby boomers who will soon retire and make sure we keep our commitment to them to meet their health needs and to make sure Social Security is sound.

We do not make Social Security sound by driving us further and further into debt. We do not solve the problem by privatizing Social Security. We already see in the private sector more

and more retirement plans under fire. United Airlines and others. Now they want to take Social Security and put it out there on the stock market, too.

Lastly, our incomes are down in America. We know that. What is the answer of this President? Cut overtime. A couple weeks ago the President put into effect administration rules that will take away overtime pay protection for over 6 million Americans. Before that rule was promulgated by the administration, they never had one public hearing.

Thanks to the Senator from Pennsylvania, we did have a couple of hearings—two or three—in the Senate, but that was after the horse was out of the barn. At least we had the hearings. Every time we had the hearings, it became clear the overtime rules were going to hurt working Americans; that they were not going to clear up, as they said, ambiguous rules that already existed; that, in fact, this was an assault on overtime. It was a way of allowing employers the ability to redefine what you do as a worker, to reclassify you, have you work over 40 hours a week, and not have to pay you overtime. That is what is happening.

Lastly, the income tax of this country is moving away from being an income tax. It is under this Administration becoming a wage tax. If you work and you make wages, you get taxed. However, if you have investment income, dividend income, and a bunch of other things such as that, well, under the President's plans, you will not have to worry too much about paying taxes anymore.

So what we will have in America is a work tax. If you work for a living and make a wage, you will pay taxes. You pay the full brunt of taxes. But if you are a very high income person, and most of your income is off of dividends, your taxes have already been sharply reduced and if the President's wishes come to pass, you do not pay much in taxes.

We are robbing our kids. We are hurting our elderly. We are making America weaker and weaker as every day, every week goes by in this crazy economic policy of this administration. I cannot think of any other word for it other than to say it is beyond the pale. I don't mind an administration that takes a chance, that has maybe a new economic theory to test. OK, fine. But when it proves, year after year after year that it does not work, why keep doing it?

Someone once defined insanity as doing the same thing over and over again and expecting a different result. Why do we keep trying the same economic policy year after year after year? We see the same results: higher unemployment, less family income, more people in poverty, higher deficits, higher debt. Yet the President says: Keep me as your driver, stay in the car, as we continue to make America weaker and drive over a cliff.

It is time to change course in this country. It is time to put our country back on a fiscally sound basis in this country or else this country is going to be facing even larger deficits, bigger debts, more foreign countries buying more bonds. As the old saying goes, he who pays the piper calls the tune. I am afraid a country that owns all of our debt will call our tune and that will be the ultimate weakness for America.

I yield the floor.

The PRESIDING OFFICER (Mr. CORNYN). The Senator from Arizona.

Mr. MCCAIN. Mr. President, thank you.

(The remarks of Mr. MCCAIN, Mr. SPECTER, Mr. LIEBERMAN, and Mr. BAYH pertaining to the introduction of S. 2774 are located in today's RECORD under ''Statements on Introduced Bills and Joint Resolutions.'')

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

The PRESIDING OFFICER (Mr. BURNS). Without objection, it is so ordered.

Mr. DOMENICI. Parliamentary inquiry: Are we still in morning business?

The PRESIDING OFFICER. That is correct.

Mr. DOMENICI. Is it appropriate for the Senator from New Mexico to ask to speak at this time?

The PRESIDING OFFICER. It is.

Mr. DOMENICI. Mr. President, I ask unanimous consent that I be permitted to speak for 10 minutes.

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

ENERGY POLICY

Mr. DOMENICI. Mr. President, across this land, our people are driving up to the gasoline pumps, and they are filling their tank. In the last 6 or 8 months, every time they filled up their tank, the amount went up, up, and up. It peaked for a while, but still, in some parts of America, it is $2 a gallon, $1.90, $1.96.

Everybody understands that America has no energy policy. A few months ago, we had a blackout—remember—in the northeastern part of America, something a country such as ours should not have unless somebody intentionally and physically destroyed power lines or big connectors. But it happened because of overload, and it happened because we do not have an energy policy.

Natural gas, our most plentiful fuel and the one that is best for America's future, we thought we had enough for anything forever and ever. It turns out that unless we do something to increase our supply, it, too, is going to be in short supply. As a matter of fact, as tough as it is to admit this, unless we bring some huge new natural gas supplies on in America, this great land will go from dependence on crude oil to another state of dependence: dependence on foreign sources for natural gas.

We have solar. We have all the renewables. And at this time in our history, they are stalemated. The reason they are stalemated is because they need an energy policy. They need the Energy bill that is sitting up at that desk. It has production credits that existed before for all the renewables, for clean coal and its development. All of those are in this bill. The Energy bill is up there at the desk.

Rising oil prices and the fact we have no energy policy is dangerous for our national security, for our environment, for jobs, and for the personal prosperity of our people and our consumers.

Around the world, we are seeing increased demands for energy, increasingly thin reserves of fossil fuels, and increased instability of oil-producing countries. Demand for oil is growing. The price goes up and down, not so much because of supply but because there is no assurance of supply—interruptions, revolutions—and so America sits by and we look at it all, and I guess we would all like to say somebody else is to blame.

I hear in the campaign that nobody wants to talk too much about energy. One of the candidates said we have to stop being dependent on foreign oil. I am not standing here saying that Energy bill at the desk does that because we are already 60—and going up—percent dependent, and I defy anybody to have a plan to get rid of that. I guess if you want to order Americans to get rid of all their cars and buy little ones that get 100 miles to a gallon or 60, you might do something. But nobody will vote for that.

Is my time running out?

The PRESIDING OFFICER. The Senator has 7 minutes.

Mr. DOMENICI. I thank the Chair.

So here is what we have to do. We have to look at ourselves and say: What can we do to produce all kinds of new alternative fuels that will give us a chance to prove to the world that we are not going to sit by and do nothing? We are going to say we are going to do something big about natural gas. This bill says some of the available outer continental gas, which is not environmentally precluded, can be gotten. We are going to say there is a huge supply from Alaska. Not the one everybody objects to. I should not say everyone. Some do, but I don't. But other natural gas can be brought to the central part of America, to Chicago, and in a few years it will provide another great source.

We have language in this bill that will stabilize electricity, in terms of regions. It will put in some standards. Yes, from everything we understand, it has a real chance of doing two things: encouraging investment in electricity, which we need desperately; second, seeing that we do not have any blackouts in the future.

Frankly, for the past 21 months—not alone but with other people—we have worked to develop a consensus on an energy bill. The other side, the Democrats, have insisted, because they filibustered the Energy bill, that we get 60

votes. Actually, the bill at the desk has been recrafted, so it seems to us it should get 60 votes.

It is not so good that we have to get 60. Americans used to think that 51 votes would win, right? They look at television and they say: What do you mean you lost that bill? You got 58 votes.

If we are filibustering, we need 60. We took out the portion of this bill that was most objectionable, and it is not in there anymore. I am not going into detail about it. Everybody in here knows it has to do with a piece of legislation that was in the original bill that held certain companies harmless from a fuel additive that was prescribed, mandated by the Federal Government, and OK'd by the Federal Government. Then when it got out in the field, if people caused it to leak or dropped it on the ground, it caused damage. So people want to make the companies that did it liable. In this body we don't want to say to those companies, ''You are OK.'' So we took that out. It is not in there.

The House of Representatives has done their thing. After we passed the bill big in conference, within 48 hours they passed it. It came here. We got 48 votes. As everyone knows, we had to try to fix it. We did. The Senator occupying the chair helped. He did a yeoman's job helping us, as did many other Senators. We tried to bring it up. Senators said: We will filibuster again. If we don't filibuster, we have scores of amendments to add to it.

Let me tell you, the Energy bill could do the following. Anybody who is interested in jobs ought to be for it. It would create more than 800,000 jobs. It would revitalize rural America by encouraging renewable fuels such as ethanol. It would increase the production of renewables of every kind—wind, solar, geothermal, and the like. It would build an Alaskan natural gas pipeline, encourage production of domestic natural gas besides Alaska, and domestic oil.

I am not overstating the oil. We can't produce ourselves out of dependence, but we can produce more than we are producing.

It can strengthen the future of the nuclear energy option, promote clean coal technology, promote hydrogen—which the President said we start with a $5 billion program because hydrogen may indeed be the fuel of the future; promote energy efficiency, increase our research and development in various technologies.

On electricity, I have stated it in generalities, but let me be very precise. It establishes mandatory reliability rules for the electricity grid and promotes investment and expansion of the electricity grid.

We have labored for years. There has not been an energy bill in 12 years. I don't know how comprehensive it was, but it was hard to get done, and it did a lot of things. Now we have many sound concepts in this bill. If we can reach agreement to limit debate to an agreeable, reasonable number of amendments—I suggest anything reasonable. Come down here and say 10 amendments on each side and then vote. I would like to try that. I will bet there are some on the other side who would object.

Why would they object? Is not 10 amendments enough for anybody to get their ideas to change this bill considered and get on with voting on it? I think it is. But let's hear something positive. I hope we can try that. Then at least Americans will know we tried. Americans will know, as we said, we need a policy to move forward.

Energy is a complex and multifaceted problem. To approach it as a single-issue problem is very small thinking and not the best way to move this country forward. The Energy bill is about big thinking, forward-looking principles that would guide us to better technologies, more secure energy, more secure resources that deal with energy and the safest operation of our energy assets. I suggest the Energy bill is a good place to start, and we ought to start soon. There is no other way.

I know my time is quickly running out, but I want to close by saying to the Democrats, to the Senator from New Mexico, Mr. BINGAMAN: Why don't you let us vote? There are many Farm Belt Senators. You would think they would be for this bill. They should be. I spoke of ethanol. It is in here. Some people don't like it, but at least it is a product. It is energy that is produced here. It is renewable to a great extent, and the farmers of America would very much have another serious crop.

Add it all together, I can't understand why those on the other side, the Democrats, would like to kill it. At least during this week, next week, and the week after, those concerned about renewables—clean coal, natural gas—everything I have spoken about today, they are going to know it wasn't the Republicans, it wasn't the President. It is those on that side of the aisle who do not want to let us do anything.

Mr. President, I hope I am wrong. I hope after all these months we will see something positive happen. If not, we will keep insisting that we ought to vote and get something done.

I yield the floor. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. CONRAD. Mr. President, I ask unanimous consent that the order for the quorum call be dispensed with.

The PRESIDING OFFICER (Mr. CHAFEE). Without objection, it is so ordered.

THE DEFICIT

Mr. CONRAD. Mr. President, the new deficit numbers came out today from the Congressional Budget Office. They show that we will now run the largest deficit in the history of the country—some $422 billion. That is nearly $50 billion more than last year, and it should alarm every Member of this body and certainly every Member of the Congress. We are headed in a direction that is utterly unsustainable.

When the President was asked about this in a recent interview on NBC, the questioner said this to him:

> Let me ask you about deficits. This year, $445 billion, ballpark. Do you think that's pretty good?

The President said:

> Yes. I do. I do.

When you are running the worst deficits in the history of the country, to think that is good news I find unusual. This is not good news. It reminds me a little of the captain of the *Titanic* when the ship is going down saying: Well, there is good news here because the ship is not sinking as fast as I thought it would.

We can't continue with deficits of this magnitude. This President ran on the promise that he was going to be fiscally responsible. But look at his record compared to the previous three Presidents: President Reagan ran a large deficit; President Bush 1 ran large deficits—in fact, the largest deficit in history in his final year; under President Clinton, we had deficit improvement each and every year. We climbed up out of the red ink, and for several years—in fact, 4 years—we were deficit free. Now President Bush took over, and each and every year the deficits have gotten worse. In fact, we can all recall that he inherited a substantial budget surplus—$127 billion. Then each and every year the deficits have gotten much worse.

One of the things that is most alarming and ought to concern people the most is that the amount of deficit this year—$422 billion—is not the amount by which the debt will increase. I think there is a lot of confusion.

I taught economics classes at the universities in my State during the break. I find there is a lot of confusion between the deficit and the debt. The deficit, of course, is the annual difference between what we raise and what we spend. That is the annual difference. The debt is the accumulation of all the deficits over time. But it is also true that the deficits printed in the newspapers badly understate how much the debt is increased. The biggest reason for that is they leave Social Security in the calculation. Of course, Social Security is supposed to be separate, it is supposed to be apart, and even by law Social Security is supposed to be separate. But that is not the way we have it treated in the newspaper. They put everything into one pot. When you do that, you hide the fact that they are going to borrow this year nearly $150 billion from Social Security. That gets added onto the debt, but it doesn't count as deficit.

It is kind of a bizarre way we do accounting here in Washington. There is no other institution in the country that would be able to do what we do

here—take retirement funds of employees and use it to pay the operating expenses of the Federal Government—but that is what we are doing under the President's plan. That is what we will do every year for the next 10 years under the President's plan. In fact, we will not just borrow $149 billion from Social Security; over the next 10 years under the President's plan, $2.4 trillion will be borrowed from Social Security with no plan to pay it back.

If you look at just this year, the official deficit now they are estimating at $422 billion, but what will be added to the debt will be well over $630 billion. I hope someone is listening out there. The debt of the United States in 1 year is going to increase by over $630 billion, $422 billion of deficits plus $149 billion borrowed from the Social Security trust fund, every penny of which has to be paid back.

The President has no plan to do it.

On top of that, another $60 billion from other trust funds the President is borrowing. That is not the only place the President is borrowing. He has borrowed over $600 billion from Japan, over $150 billion from China. He has even borrowed tens of billions of dollars from South Korea.

This is a course that is utterly unsustainable.

If we look to the future, the President is telling the American people he has a plan to cut the deficit in half over the next 5 years. My advice to the American people is, do not believe it, because it will not happen. The only way the President comes up with that calculation is he leaves big chunks of spending out of the calculation. He leaves out the war cost beyond another $25 billion. We all know it will be much more than that. On top of that, he leaves out the necessity of fixing the alternate minimum tax which right now affects 3 million people. By 2010, the Congressional Budget Office says it will affect 30 million people. Boy, are they in for a big surprise. They thought they would get a tax cut, but they have coming at them a big tax increase. It costs over $600 billion to fix it. The President does not have any money in his budget beyond next year to deal with it.

If we put back in all these things the President is leaving out, here is what we see is the long-term outlook for the deficit. We do not see it being cut in half because we put back the need to fix the alternative minimum tax, the war costs, the President's proposal for more and more tax cuts. What we see by 2014 is the operating deficit of this country will be approaching $800 billion. That is an utterly unsustainable course.

There was an item in this morning's Washington Post that I thought was a bit of a warning shot across the bow. This was a report from the U.S. Navy that says they plan to buy fewer ships. In fact, many fewer ships because of the budget pressure.

It is time to connect the dots. It is time to recognize these large budget deficits that are mushrooming as we look ahead to future years under the President's plan, because the President says spend more on defense, spend more on homeland security, both of which, undoubtedly, are necessary, but he couples with that massive additional tax cuts when we already have record deficits. How is it possible for any of this to add up? It does not add up, and it threatens fiscally our long-term economic security.

The Navy is planning to buy fewer ships. That is only the Navy. We will find the Air Force will be under pressure, the Army will be under pressure. In fact, every element of Federal operations will be under pressure because fundamentally we cannot be strong if we are financially weak.

This country now is running such massive deficits and adding such enormous sums to the debt—the biggest numbers we have ever seen in the history of the country—that it fundamentally threatens the long-term economic security of this country.

I submit to my colleagues and the American people that the President has us on the wrong course. It is time for everyone, on a bipartisan basis, to get together, to come up with a plan to get us back on fiscal track, a fiscal track that will ultimately lead to balanced budgets. There is no time to spare because the baby boom generation will start to retire in 2008. It is hard to believe, but those baby boomers who were born after World War II are getting ready to retire. They will dramatically increase the number of people eligible for Social Security and Medicare. That is one reason Chairman Greenspan has urged us to cut Social Security and Medicare.

Is that the course we want to go down? That is where the President's budget plan is taking us. He has run up the biggest deficits in the history of the country and there is no end in sight. All of this at the worst possible time, right before the baby boomers retire. What are the results? What are the implications of this plan and policy?

In the warning of Chairman Greenspan we see the implication that the natural conclusion, the natural result of the President's policies is to force cuts in Social Security and Medicare and much of the rest of the Government as we know it. That is because the President's plan is so badly out of balance. The difference between revenue and expenditure is so big—and that is before the baby boomers retire; that is before the number of people eligible for Social Security and Medicare double—this is a course that cannot be sustained.

The quicker we deal with it, the better. Everyone knows when you have a problem, the faster you deal with it, the easier it is to solve. The more time you delay, the more time you wait, the bigger the problem becomes.

I am here in the Senate to say the Congressional Budget Office has sent us a very clear signal. We have the biggest deficit this year we have ever seen in the country's history. And we can see for the future, if the President's plan is followed, these deficits can only grow as the baby boomers retire.

This President may have left town by that time. But the rest of us who are here—maybe some of us will be gone, as well—but those who are here are going to inherit an extraordinary problem. It is our obligation now to begin to address it. That is the right thing to do for the country. It is the honorable thing to inform the country of how big this challenge is, how deep this deficit chasm has become, and how threatening it is for our future economic security.

I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

Mr. LIEBERMAN. Mr. President, I ask unanimous consent that I be allowed to proceed as in morning business.

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

25TH ANNIVERSARY OF ESPN

Mr. LIEBERMAN. Mr. President, I have the high honor and great personal privilege of coming to the Chamber this afternoon to extend my congratulations to everyone at ESPN. All of us who are ESPN sports fans and viewers and those at the network itself are celebrating 25 years of excellence by this remarkable group of people in sports broadcasting.

As a sports fan and a Senator from Connecticut, I speak as one who is very proud that this American dream has occurred in our State, located in Bristol, CT, and a tremendous citizen of the State which brought almost 3,000 jobs to Connecticut. We are very proud in a very direct sense and very grateful to ESPN for all they contribute to Connecticut.

I must say, when I have been traveling, and at the end of a long day when I get to the hotel room and turn on the TV, there is nothing more comforting than turning on ESPN and knowing that signal is coming to me right from Bristol, CT.

I say this is an American dream story because ESPN was the idea of two people, a father and son, the Rasmussens, who thought originally that they would like to find a way to broadcast University of Connecticut sports events to people around the State on cable. Consulting some experts I believe at RCA, they found they could buy satellite time to do that, and then one of the folks at RCA said to them: Incidentally, it will cost you the

same amount of money to broadcast around America and the world via satellite as it will in Connecticut. And that began 25 years ago ESPN, the Entertainment and Sports Programming Network, which is today the worldwide leader in sports. It started small and ended big, going strong, and all as a result of hard work and a lot of innovation.

I had the privilege of visiting ESPN's studios in Bristol, CT, last week. It is really a campus now. I had the thrill of touring the ESPN new digital center. This was about as good as it gets for someone who grew up not dreaming of being a Senator but dreaming of being a Major League baseball player, a center fielder, for that matter—not a preference for political inclinations, not a left fielder or right fielder but a center fielder.

The closest I got to that dream is what I did that day sitting at the anchor desk on the brandnew, very impressive sports center studio set with none other than the closest thing the sports world has to Walter Cronkite, the honorable Chris Berman. It was a lot of fun and a great treat. I also got the chance to look at the new studio we will soon be seeing on the NFL programming and then next year on the baseball programming. There is a lot of excitement there.

As we celebrate ESPN's 25th anniversary, I offer my congratulations on a magnificent first 25 years to George Bodenheimer, ESPN's president, and to the almost 3,000 employees of ESPN who have changed our lives as sports fans and changed so much for the better in the life of the greater Bristol community.

Chris Berman, in addition to my comparison—perhaps a little overstated—to Walter Cronkite, has been the great originator of nicknames. The most famous and the one I love best is when he called a particular baseball player Bert ''Be Home'' Blyleven. I could go on.

I watched the ESPN retrospective on their first 25 years last night. I did notice in the show that one fan held up a sign that kind of got even with Chris Berman, and it said: ''Chris, beast of Berman.'' Let that speak for itself.

In any case, probably the best tribute one could pay to this extraordinary network and the people who work at it is that as you look back at the 25 years, to paraphrase Berman himself, no one could have guessed that this network could go all the way. It has gone all the way, and it will just keep on going for the next 25 years, more successful than the first 25 years, and beyond. So thanks and congratulations to all the people at ESPN.

I think the most fitting one-word tribute I can use to close a celebration on the Senate floor of ESPN's first great 25 years is to say simply and enthusiastically: Booyah.

I thank the Chair, and I yield the floor.

The PRESIDING OFFICER. The Senator from Arizona.

Mr. KYL. Mr. President, while the distinguished Senator from Connecticut is still on the floor of the Senate, I commend him for his remarks. The real success, of course, is due to NASCAR. I hope the Senator appreciates that. In any event, I share his sentiments.

COMMITTEE ON PRESENT DANGER

Mr. KYL. Mr. President, I wish to remark on something Senator LIEBERMAN and I had been hoping to launch and then discuss in a little more detail, a subject on all of our minds, and that is the kind of challenge we face as the leading country in the world in this current war on terrorism.

I am very pleased that Senator LIEBERMAN has joined with me and others, or I with him—I think he was the first and I was the second, to put it that way, to correct the record—in a reinstitution of the Committee on Present Danger. This is the third iteration of that committee, twice begun during the cold war—during the first stages of the cold war and then the later stages of the cold war—to ensure that America understood and was willing to face the threat of Communists and communism in a way that would result ultimately in victory.

There were times in the beginning of the war where I think there was an inadequate appreciation of the nature of that threat and how long a struggle it would be and how we prepared and how Americans would have to persevere in order to win that cold war, and then at a midpoint in the war when it seemed as if detente and acceptance of a permanent status of communism was really the only way the United States could ensure we would have peace in the future began to creep into our policy in so many ways that, again, the committee was formed and, under new leadership, said there is an evil in the world—communism—and we cannot coexist in it. In the end, it will have to face its demise, and we will have to win.

President Reagan embodied that spirit in calling the Soviet Union ''the evil empire,'' in both saying and doing that which enabled people to appreciate there could be a winner and a loser against communism, that it was a failed idea, and that we in the United States and the West generally could defeat it, and we did.

Along comes the war against the Islamic radicals who have committed terrorism across the globe, most recently in Russia. But on 9/11, all of the previous attacks of those terrorists who were brought into focus had been treated as a matter of law enforcement. On 9/11, President Bush understood that something much greater was at stake, an existential threat to the United States specifically and to our civilization generally that had to be met with firm resolve because the enemy was not content to seek some kind of peace negotiations or extract some temporary commitments, but rather by its own declarations was in a fight to the finish: Either they win or we win; either they die or we die.

This existential threat would have to be faced by a nation that was willing to engage in the fight as long as it took with whatever it took, regardless of the costs, because nothing more or less than our survival was at stake.

So this third iteration of the Committee on Present Danger was formed. Senator LIEBERMAN and I have been honored to be the honorary chairmen of this effort, to remind Americans and to educate the rest of the world to the seriousness of this threat, to the fact that this is a war, and in war everyone must make sacrifices.

We send brave young men and women to do military missions that could cost their lives. A couple of my colleagues were on the floor earlier lamenting the cost of this war and the casualties among those who have served. Indeed, each one of us grieves for each one of those casualties, and the families and friends of all involved.

But the President has reminded us that in this case our security is not free and that sacrifices will have to be made.

The point of this committee is to remind everyone what is at stake, how difficult the battle will be, how, although we Americans are generally very impatient people who see a problem, want to get on it, solve it and move on, in this case, as with other wars, we have to be in it until the end, whatever the cost. In this case, like the cold war specifically, it is probably going to be a long conflict that will test our patience and our resolve, but that in the end ironically it is patience and resolve demonstrated to the enemy that are most likely to create the condition for our victory.

In this case, being in some respects a battle of ideas and resolve, if the enemy views us to be a weak horse, as Osama bin Laden has called us, then they will be emboldened to continue the battle and to bring it to the United States. On the other hand, if they view us as a strong horse, then they may appreciate the fact that in the end they cannot prevail. That will, more than anything else, permit us to win this war.

So with Senator LIEBERMAN, I point out to my colleagues that in the ensuing weeks we will be engaged in this discussion in an effort to lay out all of the facts about the enemy that we face and the kind of war that we are going to have to be prepared to fight and the sacrifice that is going to be required not just of the men and women whom we place in harm's way for their military mission but the people involved in all of the other contexts of this battle, whether it be military, intelligence, law enforcement, and even right at home. There are many things Americans can do to help win this war.

My last point is simply this: The best thing that Americans can do to win

this war is to demonstrate our resolve not only to the enemy but also to our friends and allies, and most importantly to the people in harm's way, our men and women in the military and others who we have put on the front lines of the battle, to demonstrate to them that as a nation, while we may have some disagreements about the specifics of how we proceed with this conflict, we are united as a people in believing one main thing, and that is that the battle is worth it. So that whatever casualties do exist no one ever need be in doubt, be it the families, the friends, the colleagues in arms, or the service men and women, that their sacrifice was worth the price, whatever that price is.

If we ever begin to create the idea that this is not a war worth winning, that it is not a war worth sacrifice by Americans, then we will have done a great disservice not only to our overall war effort, because the enemy will surely pick up those signals, but also to the families and to the people in the military who are laying their lives on the line. They must continue to know that all of us believe this is a sacrifice worth making and that their sacrifice will not have been in vain.

I hope as time goes on, in debating the nuances of how we proceed with this conflict, all of my colleagues, Republicans and Democrats and everyone else in this great Nation, will understand the importance of reaffirming to those we have put in harm's way that whatever sacrifice they make, it is worth the sacrifice for the security of the people back home, for the opportunities they are creating for others and for the defeat of this insidious foe. That is something we will be talking about, especially as we move into the final phase of this legislative session and fund our homeland security effort, reform our intelligence community and our congressional oversight of that community, and do whatever we can do right now to help win this war, that we ensure that all Americans understand how they can contribute to the victory. Right now their biggest contribution can be to support the effort so the people who we have sent in harm's way will appreciate that their sacrifices, whatever they may be, are not in vain.

The PRESIDING OFFICER. The Senator from Virginia.

RAVAGES OF TROPICAL STORM GASTON ON VIRGINIA

Mr. ALLEN. Mr. President, before I begin my comments, I rise to commend the words of Senator KYL of Arizona and Senator LIEBERMAN. Senator LIEBERMAN was commending ESPN's 25 years as a wonderful station, great entertainment, and something that means a lot to our family.

I bring to my colleagues' attention something that is very important to Virginia, and Florida as well. These hurricanes and disasters that have been hitting our country, particularly in Florida, which has naturally gotten the most attention, but also Tropical Storm Gaston that had such a terrible impact in the Richmond area.

We will be voting shortly on H.R. 5005, which is an emergency supplemental disaster relief appropriations measure. On behalf of the people of Virginia, and also Floridians, I thank my colleagues and also President Bush for acting to assist in this disaster relief, which is so necessary.

I was down in Richmond yesterday inspecting businesses that have been flooded out by this unique flash flood that hit the Shockoe Bottom, which is a historic area of Richmond. There are a lot of small shops there, small stores, restaurants. There are people who have lived there since the renovation of Shockoe Bottom. There are a lot of manufacturers up into the Shockoe valley that were also devastated. In Chesterfield County, an overflowing creek came through and they actually had to demolish two big apartment areas and residences. Just in Chesterfield County alone, 47 people's lives were saved by the firefighters and police. There were eight people who lost their lives from Tropical Storm Gaston in the Commonwealth of Virginia.

In addition to lives lost, which of course is the worst thing to happen, people lost all of their possessions, photographs of loved ones, their important documents and files. People lost all of their clothing from the mud slides that came in and the water that rose so quickly.

There was one fellow at the disaster relief center that opened up yesterday afternoon. He had pants that were covered with paint and a T-shirt covered with paint. Those were the only clothes he had. All the rest of his clothes had been ruined. He was a painter. That is why he had so much paint on him. We saw others who were wondering where they were going to live and where they could get assistance. We saw small businesses—there were 35 businesses, 25 restaurants, hundreds of residences that were made uninhabitable.

One of the best things I saw of the evidence of how this flood came in, particularly in the Shockoe Bottom area, was a person who had a laptop and on it was a videotape of the flood waters coming in. Within 15 minutes, it had gone from nothing on the floor in the restaurant—this was at Bottoms Up Pizza—and it went up to well over 5 feet just in 15 minutes. People did not have time to do much of anything other than get up on different places to get out of the water.

The cleanup is going to be painstaking. A lot of work has been done. A lot of efforts have been made. It is a lot to clean out that mud, to disinfect, to dry it out and get back in business. In some of the places all the elevators, of course, were wrecked. In one facility, they had to take mud out of the basement by buckets and take it up steps. They did a phenomenally good job doing it but that gives us the sense of what has to be done.

In another small restaurant they were taking all the screws apart of a coffee roaster to make sure they could be dried off and oiled. Of course, all the furniture is wrecked. As far as the restaurants are concerned, they also have to make sure all the walls are sanitary and cleaned out for health reasons.

We saw trucks and vehicles all wrecked. There is one Virginia Guardsman who is actually over in Kosovo, his truck was swamped and of course made useless as well.

The point is, FEMA needs money. They need a lot of money because of these disasters. The President has acted. This country is going to provide billions of dollars to make sure FEMA has the money. In addition, when you talk about small businesses, they get assistance from SBA for very low interest loans. Those low-interest loans can help a lot of those businesses get back on their feet.

There is a lot of work, a lot of despair. Yesterday I was with Melanie Sabelhaus, who is the Deputy Administrator for the SBA. You see people's eyes light up for the opportunities they will receive.

I know the time has expired. May I speak in that time for 3 minutes?

Mr. REID. Mr. President, I have no objection to the distinguished Senator from Virginia speaking as long as the time for the vote does not change.

The PRESIDING OFFICER. Morning business has expired.

Mr. ALLEN. I ask unanimous consent to speak for an additional 3 minutes and have that time allocated to the Republican side for the debate on judges so the vote continues at 5:30.

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

Mr. ALLEN. Mr. President, again, this is important in that this bill we will be voting on after the judge votes, H.R. 5005, provides $2 billion to replenish FEMA's disaster relief account. Included in there, which is very important, as Melanie Sabelhaus said, we are making promises of loans to folks, and we have run out of funds. So it is important we all work as quickly as possible to make sure these funds are there because there is an allocation in here of up to $30 million which may be transferred to the Small Business Administration's efforts to carry out disaster loans authorized by section 7(b) of the Small Business Act.

The point is, we have a lot of people hurting in this country, in Florida, and obviously I am talking about Virginia. It is important we all come together quickly, efficiently, and as expeditiously as possible to assist these individuals who have a lot of pain, a lot of work to do, but also a great deal of spirit. In the Shockoe Bottom, what encouraged me the most was folks cleaning and going through all that work—which is very tedious work. The smells and the mold and all that is almost overwhelming at times. But there is a great deal of history in the Shockoe Bottom of Richmond. It is one

of the oldest neighborhoods in one of the oldest cities in the country. It has a lot of history. This is going to be adding to the lore. I think, as they clean up and get back in business, it will be stronger than ever.

I am very pleased that all of us, the executive branch and legislative branch, are making sure the funds are there to help those small business owners, men and women, get back on their feet, get their customers in those doors again, keep those people working.

I thank you all for this effort. I hope this will pass unanimously after we dispose of the action on judges shortly.

I look forward to making sure we work together to get America—whether in Florida or Virginia or elsewhere—moving forward.

I yield the floor.

CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER. Morning business is closed.

EXECUTIVE SESSION

NOMINATION OF VIRGINIA MARIA HERNANDEZ COVINGTON TO BE UNITED STATES DISTRICT JUDGE FOR THE MIDDLE DISTRICT OF FLORIDA

NOMINATION OF MICHAEL H. SCHNEIDER, SR., TO BE UNITED STATES DISTRICT JUDGE FOR THE EASTERN DISTRICT OF TEXAS

The PRESIDING OFFICER. The clerk will report the nominations.

The assistant legislative clerk read the nominations of Virginia Maria Hernandez Covington, of Florida, to be United States District Judge for the Middle District of Florida, and Michael H. Schneider, Sr., of Texas, to be United States District Judge for the Eastern District of Texas.

The PRESIDING OFFICER. Who yields time?

Mr. HATCH. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

Mr. HATCH. Mr. President, I ask unanimous consent the last 5 minutes of debate be granted to the two Senators from Texas.

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

Mr. REID. Mr. President, this will be counted against the time for the majority; is that right?

Mr. HATCH. Yes.

Mr. President, I am pleased that the Senate is turning its attention to the confirmation of judges this evening. The record will note that the Senate Judiciary Committee has worked hard to ensure President Bush's judicial nominees have been given the appropriate scrutiny. I have also made every effort to ensure fair treatment of the nominees. While there has been a bit of obstructionism in the advice and consent process, including unprecedented filibusters, we have made significant progress.

During the 107th Congress, during which the Democrats held the majority for most of the Congress, the Senate confirmed 100 of President Bush's nominees. Thus far, in the 108th we have confirmed 98, and with the expected confirmation of these judges, we will match the record established by Senator LEAHY. I recognize him for the good work he has done on many of the nominees and thank him for his cooperation as ranking member. There is still some work to be done, and I am hopeful that additional nominees will be confirmed by this Senate. Our Senators certainly deserve that kind of consideration.

Today I rise in support of the nomination of Virginia Maria Hernandez Covington to the United States District Court for the Middle District of Florida. Judge Covington is the first Cuban-American woman ever appointed to Florida's appellate courts and is currently the highest-ranking Hispanic woman serving in Florida's judiciary.

After graduating from Georgetown University Law Center, where she was the editor of the Tax Lawyer law review, Judge Covington began her career in public service as a trial attorney for the Federal Trade Commission. She then moved to Florida to work as an assistant state attorney for Hillsborough County, FL. In 1983, she was appointed Assistant U.S. Attorney for the Middle District of Florida, and eventually was promoted to Chief of that District's asset forfeiture section. In 2001, Governor Jeb Bush appointed her to Florida's Second District Court of Appeal, where she has served with great distinction.

While serving as an Assistant U.S. Attorney, Judge Covington lectured extensively on asset forfeiture, money laundering, and complex prosecutions to prosecutors and law enforcement personnel throughout the United States. She also lectured, taught and participated in seminars on trial advocacy practice and procedure with prosecutors, law enforcement personnel, and judges in Chile, Argentina, Mexico, Venezuela, Colombia, Costa Rica, and Honduras. As a U.S. Department of Justice liaison, she also helped the Bolivian government establish its narcotics-related asset forfeiture program.

Judge Covington's professional and civic work has won her respect and recognition throughout central Florida. Most recently, she was honored as the 2003 Hispanic Woman of the Year by Tampa Hispanic Heritage Incorporated.

Judge Covington was reported from our Committee without opposition, and I am confident that she will serve with distinction as a Federal judge. The ABA Committee agrees, unanimously rating her ''Well Qualified'' for the Federal bench. There is absolutely no reason to delay her confirmation to the Middle District of Florida, and I urge my colleagues to join me in voting to confirm her.

I am also pleased to speak in support of Michael H. Schneider, Sr., who has been nominated to the United States District Court for the Eastern District of Texas.

Judge Schneider has had a distinguished legal career. He began his career more than 30 years ago as an assistant district attorney in the Harris County District Attorney's Office, with a particular emphasis on economic crimes. After 4 years there, he entered the private sector, working for various industries—including the Union Pacific Railroad Company where he served as its General Solicitor. In 1989, he joined the law firm of McFall & Sartwelle, LLP, as a trial attorney. He litigated cases involving products liability defense, commercial torts and commercial fraud cases. To date, he has tried approximately 150 cases to a verdict. That is more than most attorneys even dream of trying.

In 1990, Judge Schneider became the presiding judge of the 157th District Court in Harris County, TX. From 1996 until 2002, he served as the chief justice of the Texas First Court of Appeals in Houston. In 2002, Governor Rick Perry appointed him to the Supreme Court of Texas. Justice Schneider was subsequently elected to a term that expires in 2008.

Judge Schneider brings a wealth of experience to the federal bench. Aside from a law degree from the University of Houston, he also earned his LLM from the University of Virginia School of Law. The ABA has rated him unanimously ''Well Qualified,'' and I am confident that he will be an excellent addition to the federal bench in the Eastern District of Texas.

Following the two scheduled rollcall votes this evening, we will turn to the confirmation of Michael Watson, who has been nominated to the United States District Court for the Southern District of Ohio. I am hopeful that we can quickly conclude debate on this nomination and move promptly to a vote of approval for Judge Watson.

Judge Michael Watson began his legal career as a law clerk and bailiff to the Honorable Tommy L. Thompson of the Franklin County Court of Common Pleas in Ohio. He litigated a broad range of civil and criminal cases before joining the Ohio Department of Commerce as its chief legal counsel, where he served until 1992. He then joined the staff of the Office of the Governor as deputy chief legal counsel, and was promoted to chief legal counsel in 1994.

On January 1, 1996, then-Governor George Voinovich appointed Judge

Watson to the Franklin County Court of Common Pleas. Judge Watson was subsequently re-elected and, in 2003, Governor Bob Taft appointed him to Ohio's Tenth District Court of Appeals, where he currently serves.

Judge Watson brings a wealth of trial and appellate experience to the federal bench. A substantial majority of the ABA Committee rated him ''Qualified'' for this nomination to the federal bench, and I am confident that he will make a fine jurist. I urge my colleagues to vote to confirm him to the Southern District of Ohio.

Mr. President, I reserve the last 5 minutes.

The PRESIDING OFFICER. The Senator from Vermont.

Mr. LEAHY. Mr. President, what is the parliamentary situation?

The PRESIDING OFFICER. The Senate is in executive session.

Mr. LEAHY. How much time is reserved for the Senator from Vermont?

The PRESIDING OFFICER. Fifteen minutes.

Mr. LEAHY. I thank the distinguished Presiding Officer. I will not use all of that time because I know a score of Senators support the nomination of Judge Covington. All Democratic members of the Senate Judiciary Committee voted in favor of her nomination.

The selection of Judge Covington is an example of what happens when the judicial nominations process works as it should. She was interviewed and recommended by a Florida bipartisan judicial selection commission. Both Republicans and Democrats supported her. Her two home-State Senators strongly support her, and I do too.

Today Democrats and Republicans join together in considering the nomination of Virginia Maria Hernandez Covington to the U.S. District Court for the Middle District of Florida. The Florida Senators support the nomination of Judge Covington and all Democratic Members of the Senate Judiciary Committee voted in favor of her nomination.

The selection of Judge Covington to be the nominee for the Southern District of Florida serves as an example of how the judicial nominations process should work. She was interviewed and recommended by Florida's bipartisan judicial selection commission. This selection commission was created by Senators GRAHAM and NELSON in a negotiated agreement with the White House and it has produced talented and well-respected attorneys for the lifetime appointments on the district courts in Florida. I congratulate the Senators from Florida for their efforts to maintain this important mechanism for promoting experienced and consensus candidates for the federal bench, despite the resistance of the White House to this time-tested procedure for finding qualified and consensus nominees.

Judge Covington currently serves as Judge for the Second District Court of Appeals in Florida, one of five appellate districts in Florida. She has served as an appellate judge since her appointment by Governor Bush in September 2001. She previously worked as a federal prosecutor and spent nearly 20 years with the U.S. Attorney's Office for the Middle District of Florida.

Judge Covington is highly regarded. I supported her nomination in the Judiciary Committee and I voted to report her nomination favorably from the Judiciary Committee. This is a nomination that was reported unanimously. Although it is after Labor Day and well past the time when Republicans traditionally shut down the judiciary confirmation process under the ''Thurmond Rule,'' I expect that Democrats will continue our good faith efforts.

With today's unanimous consent agreement for votes on Judge Covington and another judicial nominee from Texas, the Senate will have confirmed 200 judicial nominees of President Bush. In 17 months of a Democratic majority in the Senate, we confirmed 100 of his judicial nominees, and now with a total of 26 months of Republican control of the Senate, another 100 of Bush's judicial nominees have been confirmed.

Despite all of the complaining by the President and his partisans, the fact of the matter is that with today's votes the Senate will have approved 200 of his judicial nominees. He has appointed more judges than President Ronald Reagan did in his first term, more than his father did in his presidency and more than President Clinton did in his most recent term in office. Thanks to the bipartisanship demonstrated by Senate Democrats, we have reached the lowest number of vacancies in the federal courts since the Reagan era. With today's confirmation votes there will be only 26 open seats in the entire federal bench, and there are more federal judges serving today than at any time in our history.

The Senate has withheld its consent from some of this President's most extreme and unfair nominations but nowhere near the number of moderate Clinton nominees that Republicans stalled in recent years.

Democrats have supported the swift confirmation of 20 of President Bush's Latino nominees, including three Latinos to the circuit courts, Judge Carlos Bea, Judge Consuelo Callahan, and Judge Edward Prado. Indeed, it was Senate Democrats who pressed for votes on Judge Prado and Judge Callahan while Republicans delayed them. Republicans also blocked four of President Clinton's Hispanic judicial nominees from ever being considered and delayed others for hundreds of days. Judge Richard Paez was forced to wait more than 1,500 days—longer than any nominee in history—to get a vote on his nomination. President Clinton named 11 Latino nominees for the circuit courts and Republicans blocked three of them, Jorge Rangel, Enrique Moreno, and Christine Arguello, as well as district court nominee Ricardo Morado.

Less than 10 percent of President Bush's judicial nominees are Latino, even though this is a diverse ethnic group which constitutes a larger and growing percentage of the U.S. population. In fact, President Bush has nominated more people who have been involved with the Federalist Society than Latinos, African Americans, and Asian Americans combined. This disparity demonstrates that this President is less concerned about creating a federal judiciary of excellent, fair judges who reflect the racial and ethnic diversity of our people and more concerned about ideological purity and finding nominees who are likely to side with the President on his political agenda. It is notable that over the last year this President has failed to nominate a single Hispanic to the circuit court positions he prizes. By contrast at least six of the nine circuit court nominations this President has made during the last year are affiliated with the Federalist Society. This Administration has shown that it is committed to packing the courts with individuals who will shape the bench according to narrow ideological goals. Democrats have resisted this President's most extreme nominees to preserve federal courts that are fair, balanced and independent.

Mr. President, I would like to speak briefly about Texas Supreme Court Justice Michael Schneider, who has been nominated to the U.S. District Court for the Eastern District of Texas. I first met him when I served as the State's Attorney in Chittenden County.

As I rushed back here for the votes, I ran into Justice Schneider, who reminded me of the day we first met. I recall the day very well and when he was here for his hearing earlier this summer I told my staff about his work as a fellow prosecuting attorney years ago. I remember the time he and my dear friend Carol Vance, who was the district attorney in Harris County, came to Vermont in 1974. We had a meeting of the National District Attorneys Association and the consumer fraud units at Sugar Bush in Vermont. I recall talking with him about the problem of fraud and other white-collar crimes.

I would also noted that the district attorney of Harris County was a close friend of mine and spoke very highly about then Mr. Schneider's—Justice Schneider's—reputation as a conservative but fair-minded judge. His confirmation will fill the last remaining vacancy currently open on the Federal district courts in Texas.

I wish the White House would recognize that so many of President Bush's judicial nominees, including Texans, have been confirmed in contrast to the treatment of judicial nominees by members of the President's party who blocked more than 60 of President Clinton's judicial nominees including Texans whose nominations were subject to

lengthy delays or defeated by delays by the Republicans. The distinguished chairman will recall how the Republicans many times by just a one-person filibuster within committee delayed and defeated the nominations of Enrique Moreno, Judge Jorge Rangel, Ricardo Morado, and Judge Michael Schattman. None of these four nominees from Texas ever got a vote in the Judiciary Committee or on the floor. I mention that because it was my intention not to treat President Bush's nominees unfairly, and today's vote on the nomination of Justice Schneider demonstrates that we have been far more fair. That is why I have gone forward with Michael Schneider.

Today, September 7, the Senate considers the nomination of Michael Schneider to the U.S. District Court for the Eastern District of Texas. Justice Schneider has served on the Supreme Court of Texas for two years. Including his 12 years of service as a trial and appellate judge and his part-time position at a municipal court, Justice Schneider has served as a judge in one capacity or another for 25 years.

Justice Schneider served as Assistant District Attorney for Harris County, from 1971 to 1975. I also remember first meeting this nominee when I was serving as State's Attorney for Chittenden County and Mr. Schneider was a defense attorney working on cases involving fraud, organized crime and other white collar crimes. Throughout his career, Justice Schneider has demonstrated a commitment to serving those less fortunate, by developing a mock trial program at a school in an impoverished neighborhood, participating in Habitat for Humanity projects, establishing alternative dispute resolution programs, and working with the State Bar of Texas to increase access to justice.

Justice Schneider has a reputation as a conservative, but fair-minded judge. In general, his opinions have focused on statutory interpretation, proper trial procedures, and the rule of law. Justice Schneider's confirmation will mark the 16th district court nominee of President Bush's from the State of Texas who has received a hearing before the Senate Judiciary Committee and has been confirmed. This nomination will fill the last remaining vacancy on the Texas federal district courts. Of course, we have not heard and likely will not hear a single word of appreciation from the White House that all 16 men and women the President has nominated to the federal trial courts in Texas have been confirmed by the Senate.

Our bipartisanship toward his nominees stands in marked contrast to the fate of many of President Clinton's nominees from Texas, who were blocked and delayed by the Republican majority, including Enrique Moreno and Judge Jorge Rangel, Ricardo Morado; and Judge Michael Schattman. While Republicans blocked these Texas nominees along with more than 60 other Clinton judicial nominees, Senate Democrats have by contrast acted fairly and expeditiously toward President Bush's judicial nominees. The treatment of Judge Schneider's nomination stands in stark contrast to how Texans nominated by President Clinton were treated.

After Judge Jorge Rangel, disappointed with his treatment at the hands of the Republican majority, asked President Clinton not to resubmit his nomination for endless delay, President Clinton nominated Enrique Moreno, a distinguished attorney in private practice in El Paso, Texas and a native of Mexico. Mr. Moreno is a graduate of Harvard University and the Harvard Law School. He was given the highest rating of unanimous ''Well Qualified'' by the ABA. Mr. Moreno's nomination languished for 15 months, with President Clinton renominating him at the beginning of 2001. President Bush missed one of many opportunities for bipartisanship when he withdrew that nomination and, instead, sent the Senate the divisive nomination of Priscilla Owen.

In addition to defeating the district court nomination of Judge Michael Schattman by inaction, Republicans delayed confirmation of Judge Hilda Tagle for more than two a half years with no explanation for their actions. When Ricardo Morado was nominated to the district court by President Clinton on May 11, 2000, Republican Senators indicated that this was just too late in an election year for him to be confirmed. In contrast, Justice Schneider was nominated later in the year than Richard Morado, on May 17, 2004. Senate Democrats are, again, demonstrating their extraordinary good faith with respect to this nomination in light of recent Republican excesses.

This confirmation is taking place in September of a presidential election year, which is long past the deadline for action under the ''Thurmond Rule.'' In July 1980, Republican presidential candidate Ronald Reagan asked Senate Republicans, then in the minority, to stop confirming the judicial nominees of President Carter. Senator Strom Thurmond, who was then the Ranking Member of the Judiciary Committee, was happy to oblige. Republicans were able to accomplish this blockade with only a few exceptions that required Republican consent. Senate Republicans have adhered to this rule with a Democratic President, whether they were in the minority, as in 1980, or the majority, as in 1996 and 2000. Although vacancies were much higher in those years than today, Republicans insisted on maintaining judicial vacancies to be filled by the President elected in the coming fall election.

With today's unanimous consent agreement for votes on two district court nominees including Judge Schneider, the Senate will have confirmed 200 judicial nominees of President Bush. In 17 months of a Democratic majority in the Senate, we confirmed 100 of his judicial nominees, and now with a total of 26 months of Republican control of the Senate another 100 judicial nominees have been confirmed.

Despite all of the complaining by the President and his partisans, the fact of the matter is that with today's votes the Senate will have approved 200 of his judicial nominees. He has appointed more judges in his first term than President Ronald Reagan did in his first term, more than his father did in his presidency and more than President Clinton did in his most recent term in office. Thanks to the bipartisanship demonstrated by Senate Democrats, we have reached the lowest number of vacancies in the federal courts since the Reagan era. With today's confirmation votes, there will be only 26 open seats in the entire federal bench, and there are more federal judges serving today than at any time in our history.

The Senate has withheld its consent from some of this President's most extreme and unfair nominations but no where near the number of moderate Clinton nominees that Republicans stalled in recent years.

I congratulate Justice Schneider and his family on his confirmation.

Finally, I note today is the 7th day of September and we are way beyond what is called the ''Thurmond Rule.'' It was back in July of 1980 when Ronald Reagan, who was not yet President but was running for that office sought to stop any more judicial nominees of President Carter from being confirmed. The Republicans were actually in the minority in the Senate but candidate Reagan asked Senator Thurmond, who was the Ranking Member of the Senate Judiciary Committee which was led by Chairman KENNEDY, to block any more nominees from being confirmed for the remainder of the year. Senator Thurmond happily obliged and from July 1980 until the end of the year the only judicial nominees confirmed were those who had the consent of the Majority Leader and the Minority Leader and the Chairman and Ranking member of the Senate Judiciary Committee. All of President Carter's other judicial nominees were blocked and defeated without votes.

The ''Thurmond Rule'' is that after July or the nominating conventions no more judges will be confirmed in a Presidential election year unless there is consent. Today's vote on Justice Schneider actually will be one of the last votes, as we all know. But it is an interesting thing. I note that every year where there has been a Democratic President, Republicans have adhered to the Thurmond rule as though it was handed down from on Mount Olympus. The Olympian heights of that standard, precedent and history somehow have changed when there was a Republican in the White House. Now that there is a Republican in the White House, we have heard little about this precedent from Republicans even though it was sheer gospel to them

when there was a Democratic President.

Having said that, I fully support the confirmation of Judge Virginia Maria Hernandez Covington and that of Justice Michael Schneider.

I withhold the remainder of time.

I suggest the absence of a quorum and ask unanimous consent that the time run equally.

Mr. HATCH. Mr. President, I have to reserve the right of the two Senators from Texas, if my friend will permit it.

Mr. LEAHY. We are trying to reserve time for the Senator from Florida. I am sure between the Senator from Utah and the Senator from Vermont we can make the appropriate unanimous consent request. It is obvious the Senator from Texas should be heard, and obviously the Senator from Florida should be.

Mr. HATCH. Mr. President, I agree with that. We can work it out.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. CORNYN. Mr. President, I ask unanimous consent that the order for the quorum call be dispensed with.

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

Mr. CORNYN. Mr. President, I want to express my strong support for the nomination of Justice Michael Schneider to serve on the District Court for the Eastern District of Texas.

First, I say thank you to the chairman of the Judiciary Committee, Senator HATCH, as well as the ranking member, Senator LEAHY, for working with us to try to fill this important vacancy in the Eastern District of Texas.

The vacancy that will be filled by this nomination was created by the untimely passing of Chief Judge John H. Hannah, Jr. Judge Hannah was a good man and a distinguished jurist. His family's loss was also a great loss to the State of Texas.

I have enjoyed working with Judge Hannah throughout his career. I recall working with him on a variety of matters when he served as secretary of state of Texas from 1991 to 1994. And Senator HUTCHISON and I worked closely with him just last year on legislation to authorize the Eastern District of Texas to hold court in the city of Plano. That bill, S. 1720, was important to Judge Hannah, who always worked hard to serve the citizens of the Eastern District. He passed away the day after the President signed that legislation into law.

The death of Judge Hannah leaves some big shoes to fill, but President Bush could not have filled them better than with the nomination of Texas Supreme Court Judge Michael Haygood Schneider.

Justice Schneider will bring to the Federal district court the wisdom, judgment, and experience of over a quarter century of service on the bench. He understands—as any good judge must—that the duty of a judge is to interpret the law, not to legislate from the bench.

Justice Schneider has held virtually every position in the State court system that Texas has to offer. From 1978 to 1990, he served on the West University Place Municipal Court. Then, he served on the 157th District Court of Texas, located in Houston, until 1996. Next, he became Chief Justice of the First Court of Appeals in Houston. He served there until 2002, when he was appointed Justice of the Supreme Court of Texas, where I once served. He has been honored as both Trial Judge of the Year and Appellate Judge of the Year by the Texas Association of Civil Trial and Appellate Specialists.

In addition to this extraordinary record of judicial service, Justice Schneider also served the people of Texas in the role of Assistant District Attorney for Harris County. Justice Schneider is a graduate of Stephen F. Austin State University, the University of Houston College of Law, and—more recently—the LL.M. program of the University of Virginia Law School. And he has a distinguished record of civic involvement.

Justice Schneider's reputation as an exceptional jurist and a true gentleman is well known throughout the State of Texas. It is also well known by the American Bar Association, which gave him its highest rating, when its standing committee on the Federal Judiciary unanimously certified him as ''well qualified'' for the Federal bench. And his nomination enjoys broad bipartisan support across the State of Texas. For example, Susan Hays, who chairs the Dallas County Democratic Party, has written a strong letter of support.

Justice Schneider is also a humble man. His profile on the Texas Supreme Court's website points out that ''[h]e held a variety of jobs during college and law school,'' including ''searching titles at a major oil company, managing apartments, driving ambulances, operating a school bus for disabled children, working at a funeral home, teaching school, delivering milk, clerking for a law firm, managing a college cafeteria, serving as a waiter, bell hopping at a hotel, and serving as an intern at the United States Attorney's Office.'' I'm tempted to ask him which of these jobs best prepares him for life as a Federal district judge.

I am pleased that the President has nominated Justice Schneider to serve on the Eastern District of Texas, and I look forward to his service on the Federal bench in the great State of Texas.

Daniel Webster said that justice is the greatest desire of man on Earth. It is, I suppose, the reverence we have for the aspiration of justice that we honor men and women by allowing them to wear a black robe and to judge us.

Justice Schneider, as the chairman of the Judiciary Committee has already noted, has had a distinguished judicial career of having served at all levels of the Texas State judiciary. Beyond that, Justice Schneider has a reputation for being a gentleman, being an honorable person and one who will do well in this important position.

I ask my colleagues to support this nomination. I say how delighted I am, given this late point in the year when many judicial nominations would not ordinarily be brought up, that there has been bipartisan consensus that this good man and this good judge be put up for an up-or-down vote.

I also ask unanimous consent to print in the RECORD a letter from the Dallas County Democratic Party.

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

DALLAS COUNTY DEMOCRATIC PARTY,
July 6, 2004.

Chairman ORRIN G. HATCH,
Senator PATRICK J. LEAHY,
Senator JOHN CORNYN,
Members of the Senate Committee on the Judiciary.

Re Nomination of Michael H. Schneider, Sr. for the United States District Judge for the Eastern District of Texas

TO THE MEMBERS OF THE COMMITTEE: I write to encourage you to confirm the nomination of Justice Schneider. As the Dallas County Democratic Chair, I supported Justice Linda Yañez, Justice Schneider's opponent in his 2002 race for the Texas Supreme Court. During that election season I learned a great deal about Justice Schneider, namely how well-regarded and well-respected he is by the bench and the bar in Texas. Even the plaintiff's bar in Houston, Justice Schneider's home base, supported his race out of respect for his dedication to following the law.

During his tenure on the Texas Supreme Court I have followed his performance closely. (I served as a law clerk on the court during the 1997–1998 term, and specialize in civil appellate work in my law practice.) While on the Court he has been a voice of moderation and judicial conservatism. In the many conversations I have had with Texas appellate lawyers—of all political persuasions—the overwhelming consensus is that Justice Schneider has done a wonderful job on the Court and fully deserves to be elevated to the federal bench. Justice Schneider is dedicated to the rule of law and the integrity of the judicial system. The only reservation I have about his nomination is that I hate to lose his influence on the Texas Supreme Court. In addition to being a Democrat, I am a member of the Texas Trial Lawyers Association and the Dallas Trial Lawyers Association. Speaking both as a Democrat and as a plaintiff's lawyer, I urge the Committee to confirm Justice Schneider.

While much has been made in the press about partisan gridlock over judicial nominations, as a partisan leader and as a lawyer I know there are times the parties should come together to support a nominee. This is such a time. I urge the Committee to vote on Justice Schneider's nomination at Wednesday's hearing. A quick vote is critical this late in an election year. if you have any questions about my support of his nomination, please call me at 214–557–4819.

Sincerely,

SUSAN HAYS,
Chair.

The PRESIDING OFFICER. The senior Senator from Texas.

Mrs. HUTCHISON. Mr. President, I am very pleased the distinguished Senator from Texas on the Judiciary Committee has spoken. I am happy to add my remarks.

I particularly thank the chairman of the committee and the ranking member. Senator HATCH and Senator LEAHY have tried on this nomination and the ones we are voting on today to get these judicial nominations through. I very much appreciate it.

We know this is late in the year and sometimes we get hung up on things. I have not agreed with everything that has happened in the Judiciary Committee, but on this nomination I appreciate everyone's word being kept. I had very much hoped we could have this nomination confirmed. I hope there will be a few others, as well. We do have another Texan coming up later this week.

I am happy to support my friend, a fellow Texan, Justice Michael Schneider. I have known Mike and his wife Mary for years. I know this man. I know his wife. I know their family. I know they will be exemplary public servants.

In February, I, along with Senator CORNYN, recommended him to President Bush for the eastern judicial district. He has exemplified what we want in Federal judges. For 25 years, he has sat on the bench from the bottom to the top. Here is a man who knows the judiciary. He was in West University Place, which is a small town near Houston, TX, on the municipal court. Then he was on the district bench in Houston, Harris County. Then he was the chief justice of the first Texas Court of Appeals, once again in Harris County, before he rose to the Supreme Court of Texas where he has served since 2002.

He has also served as assistant district attorney of Harris County and he has served in the private sector. He earned his bachelor's degree from Stephen F. Austin State University in 1965, in Nacogdoches, TX, and also earned a law degree from the University of Houston College of Law in 1971 and a master of law degree from the University of Virginia School of Law in 2001.

He has been honored judge of the year twice by the Texas Association of Civil Trial and Appellate Specialists and by the Houston Police Officers Association.

We have a judge who is known to the community, all sides of the bar. He is certainly respected by all. This is virtually unanimous. It is unanimous. The ABA rating was the highest that could be given. I believe we will have a unanimous vote today based on his great qualifications. I am happy to recommend him to my colleagues in the Senate.

I yield the floor.

The PRESIDING OFFICER. The time controlled by the majority has expired.

The Senator from Vermont.

Mr. LEAHY. Mr. President, I ask that it be in order to ask unanimous consent that we request the yeas and nays on both Ms. Covington and Mr. Schneider and I would ask for the yeas and nays with one show of hands as a request for the yeas and nays on both.

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

Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

Mr. LEAHY. I commend the distinguished Senator from Florida. It was his use of a bipartisan commission to make sure that we had this exemplary nominee.

I yield the remainder of my time to the Senator from Florida.

Mr. NELSON of Florida. I thank the distinguished Senator from Vermont. I commend the chairman and the ranking member for their bipartisanship. I compliment the Senators for their bipartisanship.

We already had this agreement on the number of judges we were going to do, proffered some months ago. The fact that a judicial nominee of the quality of Judge Covington from Tampa, FL, would come to the committee in a bipartisan fashion—members were very kind to move a nominee such as this. Indeed, this is the way the Senate ought to be working. I am grateful the judge I was recommending was the beneficiary of that bipartisanship.

Indeed, Judge Virginia Hernandez Covington, a product of Tampa, a product of the University of Tampa, both bachelor's and master's degree, and Georgetown Law, a former assistant U.S. attorney in the U.S. Attorney's Office for almost 20 years, with 70 commendations while there, was then appointed to our State court system to the district court of appeals where she is now serving her 6-year term.

She has lectured extensively on a whole host of complex legal subjects. When our office called her to give her the good news that her nomination, thanks to these two distinguished Senators, was scheduled for a vote, she was down practicing her fluent Spanish in South America where she was teaching earlier this year.

This is the kind of bipartisanship and nominee we want. What do we want? It is clear to me what I want in a judge. I want someone who has judicial temperament. I want someone who is going to be openminded and who will look at the facts and will apply the law. Outstandingly, Judge Covington represents that particular example of what a judge should be.

She is going to have a tremendous success as a Federal judge. She is going to make an excellent addition to the high quality of judges we have been very fortunate in Florida to have. I congratulate Judge Covington because her nomination will be confirmed within a few moments.

I yield the floor.

Mr. HATCH. Mr. President, one last thing I mention to my colleague on the other side. I ask unanimous consent there be 2 minutes of debate equally divided between the two rollcall votes.

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

The question is, Will the Senate advise and consent to the nomination of Virginia Maria Hernandez Covington, of Florida, to be United States District Judge for the Middle District of Florida? The yeas and nays have been ordered. The clerk will call the roll.

The legislative clerk called the roll.

Mr. MCCONNELL. I announce that the Senator from South Carolina (Mr. GRAHAM), the Senator from Alaska (Ms. MURKOWSKI), the Senator from Pennsylvania (Mr. SANTORUM), and the Senator from Missouri (Mr. TALENT) are necessarily absent.

Mr. REID. I announce that the Senator from Hawaii (Mr. AKAKA), the Senator from New York (Mrs. CLINTON), the Senator from North Carolina (Mr. EDWARDS), the Senator from Florida (Mr. GRAHAM), and the Senator from Massachusetts (Mr. KERRY) are necessarily absent.

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

The result was announced—yeas 91, nays 0, as follows:

[Rollcall Vote No. 164 Ex.]

YEAS—91

Alexander	Dodd	Lott
Allard	Dole	Lugar
Allen	Domenici	McCain
Baucus	Dorgan	McConnell
Bayh	Durbin	Mikulski
Bennett	Ensign	Miller
Biden	Enzi	Murray
Bingaman	Feingold	Nelson (FL)
Bond	Feinstein	Nelson (NE)
Boxer	Fitzgerald	Nickles
Breaux	Frist	Pryor
Brownback	Grassley	Reed
Bunning	Gregg	Reid
Burns	Hagel	Roberts
Byrd	Harkin	Rockefeller
Campbell	Hatch	Sarbanes
Cantwell	Hollings	Schumer
Carper	Hutchison	Sessions
Chafee	Inhofe	Shelby
Chambliss	Inouye	Smith
Cochran	Jeffords	Snowe
Coleman	Johnson	Specter
Collins	Kennedy	Stabenow
Conrad	Kohl	Stevens
Cornyn	Kyl	Sununu
Corzine	Landrieu	Thomas
Craig	Lautenberg	Voinovich
Crapo	Leahy	Warner
Daschle	Levin	Wyden
Dayton	Lieberman	
DeWine	Lincoln	

NOT VOTING—9

Akaka	Graham (FL)	Murkowski
Clinton	Graham (SC)	Santorum
Edwards	Kerry	Talent

The nomination was confirmed.

Mr. HATCH. I move to reconsider the vote.

Mr. STEVENS. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. STEVENS. Mr. President, I ask unanimous consent that I be recognized to speak for up to 1 minute.

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

HAPPY 80TH BIRTHDAY TO SENATOR INOUYE

Mr. STEVENS. Mr. President, one of the pleasures of being in this body is to

be around men younger than I. One in particular I have traveled with considerably and for whom I have great fondness—he must have just walked off the Senate floor; I hope someone brings him back. I wish to call the attention of the Senate to the fact that my brother from Hawaii is 80 years old today.

(Applause.)

The PRESIDING OFFICER. The Senator from Utah.

NOMINATION OF MICHAEL H. SCHNEIDER, SR.

Mr. HATCH. Mr. President, I yield our minute to the distinguished Senator from Texas.

The PRESIDING OFFICER. The Senator from Texas.

Mrs. HUTCHISON. Mr. President, I commend Michael Schneider to my colleagues. He has had 25 years on the bench, starting as a municipal judge and working his way to the Supreme Court of Texas. He is one of the most respected judges in Texas, and I hope all my colleagues will vote for him.

I ask my colleague, Senator CORNYN, if he wishes to finish this minute.

The PRESIDING OFFICER. The Senator from Texas.

Mr. CORNYN. Mr. President, I had a chance to speak earlier in support of this wonderful nomination, Judge Mike Schneider. I join my colleague in encouraging each of our colleagues to vote for him.

I also want to say how much I appreciate the ranking member of the Judiciary Committee and Chairman HATCH for making this vote possible tonight. I urge my colleagues to vote for the nomination.

The PRESIDING OFFICER. The Senator from Vermont.

Mr. LEAHY. Mr. President, I have already spoken in favor of Justice Schneider. Mike and I first met when we were both much younger prosecutors. I urge my colleagues on this side of the aisle to support his nomination.

I yield back the remainder of my time.

The PRESIDING OFFICER. The question is, Will the Senate advise and consent to the nomination of Michael H. Schneider, Sr., of Texas, to be United States District Judge for the Eastern District of Texas? On this question, the yeas and nays have been ordered. The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. MCCONNELL. I announce that the Senator from Alaska (Ms. MURKOWSKI) and the Senator from Pennsylvania (Mr. SANTORUM) are necessarily absent.

Mr. REID. I announce that the Senator from Hawaii (Mr. AKAKA), the Senator from New York (Mrs. CLINTON), the Senator from North Carolina (Mr. EDWARDS), the Senator from Florida (Mr. GRAHAM), and the Senator from Massachusetts (Mr. KERRY) are necessarily absent.

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

The result was announced—yeas 92, nays 1, as follows:

[Rollcall Vote No. 165 Ex.]

YEAS—92

Alexander	Dodd	Lott
Allard	Dole	Lugar
Allen	Domenici	McCain
Baucus	Dorgan	McConnell
Bayh	Durbin	Mikulski
Bennett	Ensign	Miller
Biden	Enzi	Murray
Bingaman	Feingold	Nelson (FL)
Bond	Feinstein	Nelson (NE)
Boxer	Fitzgerald	Nickles
Breaux	Frist	Pryor
Brownback	Graham (SC)	Reed
Bunning	Grassley	Reid
Burns	Gregg	Roberts
Byrd	Hagel	Rockefeller
Campbell	Hatch	Sarbanes
Cantwell	Hollings	Schumer
Carper	Hutchison	Sessions
Chafee	Inhofe	Shelby
Chambliss	Inouye	Smith
Cochran	Jeffords	Snowe
Coleman	Johnson	Specter
Collins	Kennedy	Stabenow
Conrad	Kohl	Stevens
Cornyn	Kyl	Sununu
Corzine	Landrieu	Talent
Craig	Lautenberg	Thomas
Crapo	Leahy	Voinovich
Daschle	Levin	Warner
Dayton	Lieberman	Wyden
DeWine	Lincoln	

NAYS—1

Harkin

NOT VOTING—7

Akaka	Graham (FL)	Santorum
Clinton	Kerry	
Edwards	Murkowski	

The nomination was confirmed.

The PRESIDING OFFICER. The President will be notified of these actions.

NOMINATION OF MICHAEL H. WATSON TO BE UNITED STATES DISTRICT JUDGE FOR THE SOUTHERN DISTRICT OF OHIO

The PRESIDING OFFICER. The clerk will report the next nomination.

The assistant legislative clerk read the nomination of Michael H. Watson, of Ohio, to be United States District Judge for the Southern District of Ohio.

The PRESIDING OFFICER. The Senator from Ohio.

Mr. DEWINE. Mr. President, I take a few minutes to speak about Judge Michael H. Watson, who is from my home State of Ohio. He is from Columbus. As my colleagues are aware, President Bush nominated Judge Watson to serve as a Federal judge in the Southern District of Ohio.

I would like to take a moment to tell my Senate colleagues why I believe so strongly in his nomination. Judge Watson is exactly the sort of person we ought to have serving on the Federal bench. He has had a long and distinguished career as a public servant. He has been a judge on the 10th District Court of Appeals in Franklin County since Governor Bob Taft appointed him in May 2003.

From 1996 to 2003, Judge Watson served on the Franklin County Common Pleas Court, a position he was appointed to by then-Governor George Voinovich and to which he was reelected twice.

In Ohio, the Common Pleas Court is the highest trial bench. It is the court that tries all the major civil and criminal cases. During his last 3 years on the trial court, Judge Watson served as administrative judge with responsibility of the administrative management of the 16-member court and its staff. He dealt with, literally, thousands of cases during his time as a State trial court judge.

Before serving on the bench, Judge Watson worked for the office of then-Governor George Voinovich—first as Deputy Chief Legal Counsel and then, from 1994 to 1995, as Chief Legal Counsel. Prior to that, he was Chief Legal Counsel to the Director of the Ohio Department of Commerce. Judge Watson also spent several years in private practice, focusing primarily on personal injury litigation, employment disputes, workers' compensation, and criminal defense.

Without question, Judge Watson has had an impressive legal career. But what really impresses me about him is how hard he has worked throughout his life. Judge Watson has genuinely lived the American dream by working hard and overcoming the odds.

Not long after high school, the Judge enlisted in the Air Force and served for over 3 years. When he was discharged, he enrolled at the Ohio State University and continued his service in the military in the Air National Guard. While in college, he married his high school sweetheart, Lori, and they had their first son when Judge Watson was a junior in college. During all this time, Judge Watson was working full-time in the Franklin County prosecuting attorney's office. That's right, Mr. President; Judge Watson was enrolled at OSU full-time, raising a family, serving in the Air National Guard, and working full-time.

When Judge Watson finished college, he enrolled in a law school night program at Capital University Law School. During the day, Judge Watson worked full-time as a court bailiff for a well-known Franklin County judge. That job evolved into a law clerk position, in which Judge Watson remained for his entire 4 years of law school.

If someone in my family or I ended up in a Federal court, I would want a judge who could relate to me. I would want a judge who knows what the real world is like for most Americans. I would want a judge who knows what it is like to struggle and what it is like to be faced with the real world. Judge Watson is that kind of judge.

Of course, I would also want a judge who knows what he is doing and who will enforce the law—and Judge Watson has clearly proven he is qualified for the job in that respect. But what Judge Watson has that makes him really outstanding, in my view, is his ability to make decisions with compassion and with a true understanding of what it is like in the real world.

Judge Watson will be a fine addition to the District Court. In his time on the Ohio Court of Common Pleas and on the Ohio Court of Appeals, Judge Watson has distinguished himself through his thoughtful legal reasoning and his great integrity. This experience and his temperament make Judge Watson highly qualified for the Federal District Court.

Senator VOINOVICH and I have known Michael Watson for a number of years. As I said, this is a man who is eminently qualified to serve on the Federal bench. Mike Watson currently serves on the court of appeals in Ohio. For 7 years prior to that he served on our common pleas court bench, which in Ohio is our highest trial bench. Prior to that, among other jobs, he was the chief legal counsel for then-Governor George Voinovich.

Mike Watson is an Air Force veteran. He worked his way through night law school while serving at the same time as the court bailiff in Franklin County.

This is a man who is respected by his peers and respected by the men and women who practice law in front of him. If you talk to people who practiced law in front of Judge Watson during the 7 years he served on the common pleas court bench, they will tell you this is a man of great integrity. They will tell you this is a man of great common sense, a man who works very hard, and a man of great courtesy. This is a man who has the right judicial temperament to serve on our Federal bench.

I am proud to be here this evening to recommend to my colleagues that we confirm this nomination. I am very proud to be in the Senate to speak in favor of the nomination of Michael Watson.

Mr. LEAHY. Mr. President, today, the Senate is considering the nomination of Judge Michael Watson for a lifetime seat on the United States District Court for the Southern District of Ohio. Judge Watson enjoys the strong support of Senator DEWINE and Senator VOINOVICH, for whom he worked in the Ohio Governor's office.

I noted when this matter was considered by the Judiciary Committee that proceedings on it had been rushed and highly irregular. Corners had been cut at every stage, from the noticing of his hearing late on Friday of a holiday recess for a day when the majority was told no Democratic Senators could attend, to the promise that the hearing would be postponed if his rating was negative—it was and the hearing was not. Then, of course, there was the premature listing of his nomination on the agenda before Members had a fair opportunity to review his answers to written questions.

A few minutes before a committee meeting a lengthy letter arrived from a Republican former colleague of Judge Watson attempting to address some of the ethics concerns that had been raised, and then during the meeting another letter was mentioned from the nominee promising not to use his judicial campaign donations to buy tickets to partisan political events, which he had previously said he might do.

It also seems clear from the incompleteness of the Senate questionnaire submitted by this nominee in the late spring that his answers to some of our standard questions were not vetted to determine if they were fully responsive. They were not and, in essence, we have been told that we have received all the information this nominee is going to give. At the same time we have heard that this nominee has been telling people in Ohio that he has been promised that his confirmation is a done deal, and if that were true then what incentive would he have to provide us with more complete information.

Surely, for example, the lack of information about some of the cases handled by this nominee or the names of opposing counsels familiar with his work made it difficult for the American Bar Association to speak with anyone but loyal friends and colleagues. Nevertheless, the ABA—which has been exceedingly generous to President Bush's judicial nominees—gave Judge Watson a partial 'not qualified' rating. This is cause for concern, because the ABA usually gives sitting judges nominated by George Bush a minimum rating of unanimously ''qualified,'' and often a rating of ''well qualified.''

When such a red flag is raised, it is our practice to seek input from the legal community in the nominee's home State about whether there is any cause for concern, since the ABA does not tell us the basis of its votes. Indeed, the credibility of the ABA's ratings has been called into question regarding some of the inflated ratings given to some nominees, despite serious issues such as inexperience or lack of compliance with attorney or judicial codes of conduct.

It does appear that Judge Watson has many fans but it is also true that some, from both parties, have expressed serious concerns that he is simply too political to be rewarded with a lifetime seat on the Federal bench.

I have been concerned that he is not the type of consensus nominee who should be moving so quickly or at all at this stage in a presidential election year. I would note that in 2000, 13 of President Clinton's district court nominees nominated as late as Judge Watson or later never got a hearing or a vote in committee, and the only district court nominees who received committee votes in July of that election year were those who moved by consent. I can recall no nominee with a partial ''not qualified'' rating getting through in July 2000. In fact, I know that anyone President Clinton nominated after the first quarter of 2000 for which there was a single objection by any Senator never got a vote.

Similarly, in 1996, the last time a President was running for reelection, more than half of the district court nominees sent to the Senate as late or later in the year as Judge Watson never got a vote in committee. When a Democrat was in the White House, only consensus nominees moved this late in the year as part of a package or agreement, and Judge Watson was nominated too late to be part of the package agreed to earlier this year for confirmation votes.

The Senate has already confirmed three district court nominees and two circuit court nominees of President Bush from Ohio, some of whom have been extremely controversial and divisive. We moved forward with those nominations even though two of President Clinton's nominees to Ohio were blocked by Republican Senators, Steve Bell and Professor Kent Markus.

Steve Bell, an expert in environmental law, waited more than 16 months and never was allowed a hearing or a vote on his nomination. No one questioned Bell's legal qualifications, and unlike Judge Watson, he did not receive a partial rating of not qualified, yet he never got a hearing or a vote. Mr. Bell is the son of U.S. District Court Judge Sam Bell of Silver Lake, a Republican appointee to the Federal courts. Mr. Bell was formerly the assistant law director in the City of Akron under Republican Mayor Roy L. Ray from 1981 to 1984 and an assistant U.S. attorney, appointed by President Ronald Reagan, from 1984 to 1988. Because he moved to northern Ohio to prevent any appearance of impropriety from practicing before his father's colleagues, this was used as the basis for blocking him from getting a hearing on his nomination to a seat in southern Ohio, where he was born and raised and where he practiced law for much of his career. He never got a hearing or a vote by Republicans.

Similarly, Professor Kent Markus, who leads the Dave Thomas Adoption Law Center at Capital University and previously served as an assistant to Lee Fisher and Janet Reno, never got a hearing or a vote. According to Professor Markus' testimony at a hearing about Democratic nominees who never got a hearing, Senator DEWINE told him in 2000 that there were no objections to the merits of his nomination but that no Clinton nominees would be confirmed to the sixth circuit for ''political reasons.'' Yet here we are with a Bush judicial nominee in Ohio in September of this election year, who some consider to be too political, being pushed forward to confirmation. This is such a double standard.

As I noted in committee, I have found some of Judge Watson's answers to questions unsettling. Why was information about Judge Watson currently running for office in a partisan race not made available from the outset? While being up for election is not disqualifying, we are justifiably wary after another nominee of President Bush, Ron Clark of Texas, continued to run for election in a partisan race after

he was confirmed by the Senate. According to press accounts, even though his seat was a so-called ''judicial emergency,'' Mr. Clark asked the President not to sign his commission for office until he finished his race and sat for another session in the Texas legislature so that he could help elect a Republican speaker of the house and vote on things like redistricting, and President Bush delayed signing Clark's appointment papers. After information surfaced about the White House's willingness to delay the appointment of Mr. Clark, he stepped out of the race but told voters that they could still vote for him, and he won. This was shocking and inappropriate behavior by a man confirmed to sit as a Federal judge.

In Judge Watson's situation we have heard that he is actively seeking donations for his State race while also telling donors that he expects to be confirmed shortly. In his written answers, he states that he has ''informed [his] contributors that [he is] in the confirmation process.'' I was troubled by his initial response to my question about what he will do with the funds he has amassed if he is confirmed. He stated that he has not determined whether, if he is confirmed, he will return the money to donors, contribute it to charity or use the money to ''purchase individual tickets to other political events.'' This option is clearly prohibited by Canon 7 of the Code of Conduct for United States judges, which applies to nominees, and bans such partisan activities as buying tickets to partisan events.

Judge Watson's friend subsequently wrote a letter to the Senate claiming that the Code of Conduct for United States judges does not apply to nominees, but anyone who reads Canon 1 of the Code would see that it says, ''the Code is designed to provide guidance to judges and nominees for judicial office.'' That letter also asserts that nominees have one year ''to come into full compliance with its terms,'' which is simply incorrect. There is a narrow exemption related to divesting from profit-sharing or deferred compensation arrangements that is wholly inapplicable to the mandate of Canon 7 prohibiting political activity. The letter is similarly misguided when it asserts a wholly new interpretation on the restriction against soliciting campaign funds, by claiming that Federal judges or nominees could solicit such funds as long as they did not do so ''personally'' and instead used agents to do so. This novel interpretation would create a gaping hole in the Federal prohibition against such partisan activity. Fortunately, the approach advocated by the letter has not been embraced or adopted by the Federal courts.

Admittedly, the ethical rules are rules of reason. In rare instances, like Judge Watson's, an individual is not required to choose between the possibility of a Federal judgeship and the possibility of a State judgeship. At the same time, given the vital importance of the ethical constraints to the public confidence in the fairness of our courts, such a person must exercise extra caution to steer clear of conduct that could call into question his or her impartiality under the Federal rules. If Judge Watson were following the advice and interpretations offered in the letter of his friend, he would be unlikely to comport his conduct with the Code of Conduct for United States judges which expressly applies to nominees such as him.

I do appreciate that, despite the justifications offered by his friend, Judge Watson has informed Senator DEWINE that if he is confirmed he has decided to donate his campaign funds ''to a charity dedicated to the protection of the health and welfare of children,'' in compliance with ''State election laws.'' I am happy that Senator DEWINE has been able to get the nominee to make these assurances and promise that he and his campaign committee will disclose the names and amounts of his donors.

In addition to the assurances of Senator DEWINE, who I hold in high esteem, we have also heard positive things about the nominee from prominent members of the legal community in Ohio since a vote on his nomination in committee was postponed. Some came from unexpected sources. I remain troubled but given the support of the Senators from Ohio and lawyers from Ohio, I will not oppose this nomination.

I congratulate Judge Watson and his family on his confirmation. He is being given a position of great public trust, and I hope that he will live up to the assurances he has given to the Senate and be fair and non-partisan as a Federal judge.

The PRESIDING OFFICER. If there is no further debate, the question is, Will the Senate advise and consent to the nomination of Michael H. Watson, of Ohio, to be United States District Judge for the Southern District of Ohio?

The nomination was confirmed.

The PRESIDING OFFICER. The majority leader.

Mr. FRIST. I ask unanimous consent the President be immediately notified of the Senate's action.

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

LEGISLATIVE SESSION

Mr. FRIST. I also ask unanimous consent that the Senate resume legislative session.

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

MORNING BUSINESS

Mr. FRIST. I ask unanimous consent there be a period of morning business, with Senators permitted to speak for up to 10 minutes each.

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

EMERGENCY SUPPLEMENTAL APPROPRIATIONS FOR DISASTER RELIEF ACT, 2004

Mr. FRIST. Mr. President, I ask unanimous consent that notwithstanding the adjournment of the Senate, that the Senate may receive from the House the supplemental appropriations bill, the text of which is at the desk; that the Senate then proceed to its immediate consideration; the bill be read the third time, and passed, and the motion to reconsider be laid upon the table.

Mr. DASCHLE. Reserving the right to object, Mr. President, I applaud the effort made by the majority leader and all Members of Congress to respond as quickly and as comprehensively as we can to the extraordinary disaster we have now witnessed in Florida. Our hearts and prayers go to all of those people who have experienced this remarkable set of circumstances.

There are other areas of the country which have not had the same degree of direct adverse weather but have suffered adversely the effects in many parts of the country with regard to drought, in particular, in certain areas. The two Senators from North Dakota, Senators DORGAN and CONRAD, in particular, have been very vocal about the extraordinary impact it has had. South Dakota has also been very adversely affected. We have had terrible drought. We have not been able to address it satisfactorily. There are some people now who are actually having to sell their farms and ranches because they are unable to cope any longer with the drought circumstances.

I ask that we might modify the consent to provide for a single amendment which would provide disaster assistance primarily to agricultural producers in Florida and throughout the country in an effort to address those needs, as well.

The PRESIDING OFFICER. Does the majority leader so modify?

Mr. FRIST. Mr. President, reserving the right to object, and then I think the Senator from Mississippi may want to comment, as we discussed earlier today, the $2 billion supplemental is coming from the House later tonight, almost certainly later tonight or in the morning. The purpose of passing the bill as it comes from the House, which this will in effect do, will allow the President to sign it very quickly because, as we know, tomorrow FEMA is actually in deficiency and does not have the money. The purpose is for us to get this bill passed through the House, the Senate, and signed by the President tomorrow. Such modification would mean we would not be able to do that.

As we discussed earlier, there are going to be other opportunities. As I mentioned directly to the Senator from Florida, we do not know what the total cost will be, even for Florida; and there very likely will be another supplemental, at which time consideration of other Senators' interests could be expressed.

I will turn to the Senator from Mississippi who will be managing the bill.

The PRESIDING OFFICER. Is there objection?

The Senator from Mississippi.

Mr. COCHRAN. Mr. President, further reserving the right to object, the leader is absolutely correct when he suggests there may very well be another supplemental request submitted. This request that is being presented to the Senate tonight is in response to a direct request from the President for $2 billion to replenish a fund that has run out of money, or will be exhausted in the morning.

The House is acting tonight to approve the request of the President for the additional $2 billion. The Senate should act tonight also, without getting into discussions of additional funding for other disasters or other needs around the country, because this situation is an ongoing disaster in Florida. Without these funds being made available tonight, in response to the President's request, they will not be able to continue the debris removal, providing shelter and food for those disaster victims who need those benefits. The disaster relief fund will be exhausted.

So my hope is we can consider additional requests, such as the one being suggested by the distinguished leader from South Dakota. We will carefully consider any other requests, but tonight is not the time to get into the business of picking out which other amendments or additions should be included in this dire emergency request we are being called upon to make to the Senate.

The PRESIDING OFFICER. The Democratic leader.

Mr. DASCHLE. Mr. President, I will quickly respond. It is certainly not my intention to object to this request. I think both Senators have spoken very accurately about the need to expeditiously consider this supplemental funding request. I will say, however, that the ongoing disasters—especially in the Dakotas but around the country—in areas affecting agriculture will have to be addressed. We cannot ignore it indefinitely. We can certainly understand the need for urgent action tonight on this particular request, but I do hope we can come back at a later date, in the not-too-distant future, to address in a more comprehensive way other disasters as well.

The PRESIDING OFFICER. The majority leader.

Mr. FRIST. Mr. President, I object to the proposed modification.

The PRESIDING OFFICER. Is there objection to the original request?

The Senator from Minnesota.

Mr. DAYTON. Mr. President, reserving the right to object, may I ask the majority leader, what are the factors that decide whether a particular disaster merits this kind of expedited action and which ones do not? I certainly want to agree with what the Democratic leader just said because my State, which is adjacent to his, has suffered for the last 4 years now from various disasters. After the first 2 years, we were finally able to get the administration to relent and allow for one of those 2 years to be covered for farmers, many of whom lost their entire crop in our State.

Last year, we had another round of natural disasters, and there was no disaster relief provided or authorized by the Congress or agreed to by the administration. Now, this year, my State has just experienced a frost that has cost $190 million in damages, and it is likely to mount.

Again, when the majority leader—I respect his candor—says that further requests or supplementals may be forthcoming, that is not much consolation to my farmers and constituents; whereas, now in the State of Florida—and I share the Democratic leader's sympathies for that State because there are many Minnesota residents who are affected who have part-time residencies in the State of Florida—but on behalf of those who live all the time in Minnesota, they are not going to be as sympathetic when their needs continue to be ignored and right away Florida gets this kind of expedited assistance.

I wonder, again, what are the criteria and are they going to apply to any State other than Florida?

The PRESIDING OFFICER. The majority leader.

Mr. FRIST. Mr. President, I will make a very brief response because I talked about it a couple times on the floor today. FEMA is out of money—FEMA is out of money—beginning in about 12 hours. So without trying to go through each request by each Senator, certain criteria can be applied. FEMA will be out of money tomorrow. We are talking about FEMA generally. That is why this $2 billion is being expedited tonight at the request of the President of the United States. I understand there can be many individual requests, but the criteria are the agency in charge of emergency management broadly will be out of money tomorrow.

Mr. DAYTON. Mr. President, I do respect the majority leader.

The PRESIDING OFFICER. The Senator from Minnesota.

Mr. DAYTON. Thank you, Mr. President.

The farmers in my State are out of money. There are farmers in my State who were out of money last year who have been forced into bankruptcy. How do they make the necessary appeal to the President to get on his list? Is it required that the Governor of the State be the brother of the President? How is this going to be handled? Because based on the most recent hurricane, Frances—again, I am sympathetic to those affected, which includes Minnesotans, but we are going to have another request. Can we have an assurance there will be an opportunity at that time, as the Democratic leader is trying to obtain, so we can offer amendments to have the Senate consider other requests for disaster aid? Is that something on which we could get a concurrence?

The PRESIDING OFFICER. The majority leader.

Mr. FRIST. Mr. President, I will sort of restate what to the Democratic leader we tried to say. There will be opportunities to consider individual States. Right now we have an emergency for the agency which responds to all of our emergencies—FEMA.

We have a deadline. The President made this specific request last night. There will be opportunities to talk about particular Senators' interests in representing their constituents as to what are legitimate concerns. But I do plead, for the sake of people around the country, including in Florida, as we speak, that we do not, in essence, defund our Federal Emergency Management Agency, FEMA, when we have this opportunity to take a bill that is coming from the House, going to the Senate floor, requested by the President of the United States, so people can have shelter and can have food and emergency services because the deficiency is that tomorrow they will be out of money.

Mr. President, let me just one more time propound the unanimous consent request.

The PRESIDING OFFICER. Is there objection?

The Senator from Minnesota.

Mr. DAYTON. Mr. President, I reserve the right to object to say that I will not object in this case but with the understanding that the next time, as the majority leader said, there will be opportunities. If there is another supplemental request, I will insist on the opportunity to at least have these other requests considered. I will not object.

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

(The text of the bill (H.R. 5005) is printed in today's RECORD under ''Message from the House during Adjournment.'')

UNANIMOUS-CONSENT AGREEMENT—H.R. 4567

Mr. FRIST. Mr. President, I ask unanimous consent that on Wednesday, September 8, at 11:30 a.m., the Senate proceed to the consideration of Calendar No. 588, H.R. 4567, the Homeland Security appropriations bill; provided that all after the enacting clause be stricken and the text of S. 2537 be inserted in lieu thereof and considered as original text for the purpose of further amendment; provided further that no points of order be waived by virtue of this agreement. I further ask consent that the only first-degree amendments in order be related to the text of the bill, homeland security, natural disasters, or Government security contracts, and that they be subject to relevant second-degree amendments to

the first degree to which they are offered. Finally, I ask consent that following passage of the bill, the Senate insist on its amendment, request a conference with the House of Representatives on the disagreeing votes of the two Houses, and the Chair be authorized to appoint conferees on the part of the Senate.

The PRESIDING OFFICER. Is there objection?

The Democratic leader.

Mr. DASCHLE. Mr. President, reserving the right to object, and I certainly will not object, but I wish to clarify the matter pertaining to going to conference. I have had a conversation with the majority leader, and he has given me his assurance that this would not be used as a vehicle for debt limit, and we do not intend for this legislation to be a larger omnibus bill. I know some colleagues perhaps on both sides of the aisle have expressed that concern. I think we can say with confidence that is not the intent.

It is also my hope that this unanimous consent agreement would be the first installment perhaps of a series which would also include a finite list, perhaps within the next 24 hours or so, that would give us a clear understanding of what these amendments may be. But we would ask for cooperation on both sides of the aisle in that there will be plenty of opportunities and other circumstances to offer amendments that may exceed the bounds of this agreement. But I am real hopeful we can get good bipartisan cooperation and complete the work on time.

But I would ask the majority leader if he could confirm the clarification with regard to intent when we go to conference.

Mr. FRIST. Mr. President, this is an extension of a conversation we have had. Again, we have been talking over the course of the day as to how we can, as quickly as possible, address the Homeland Security appropriations bill that the distinguished manager will be talking to shortly, sort of introducing what we will be talking about tomorrow.

Indeed, the Democratic leader is correct. This will not be a vehicle either for addressing the debt limit or for an omnibus appropriations type bill. We will work together on this very important bill to efficiently, effectively, and deliberately consider amendments that are appropriate for homeland security and then bring this to closure after appropriate debate and amendment. His understanding is correct.

The PRESIDING OFFICER (Mr. TALENT). Without objection, it is so ordered.

Mr. FRIST. Mr. President, the Homeland Security appropriations legislation is the bill that we will be going to first thing tomorrow. It is a bill that is important. It is a bill that we need to address for the safety and security of the American people. I am very hopeful we can address both concerns and debate the amendments in an expeditious way so we can complete the bill and get it to the President as soon as possible.

With that, I will yield the floor. I know the distinguished Senator from Mississippi is going to want to make some comments at some point as well.

The PRESIDING OFFICER. The Senator from Connecticut.

Mr. DODD. Mr. President, I ask unanimous consent to speak as in morning business.

The PRESIDING OFFICER. We are in morning business.

Mr. DODD. I thank the Chair.

ESPN 25TH ANNIVERSARY

Mr. DODD. Mr. President, on a lighter note and a moment of celebration, I would like to take a few minutes of the Senate's time to congratulate an institution located in my home State of Connecticut which is going to be celebrating today its 25th anniversary as an institution. I speak of ESPN, the network which is enjoying 25 years of existence as a network.

I want to read the lead paragraph from a newspaper article that appeared on June 27, 1979, in the Journal Inquirer, a newspaper located in Connecticut. The lead paragraph of this story reads as follows:

> Cable television may be the place for over 150 hours of local sports programming starting this fall. The Entertainment and Sports Programming Network—

ESPN—

> an independent cable television production company, announced here Monday plans to televise up to 20 hours a week—

Think of that, 20 hours a week—

> of both professional and amateur local sports programming.

That was 25 years ago. I ask unanimous consent that this news story be printed in the RECORD.

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

[From the Journal Inquirer, June 27, 1978]

NETWORK PLANNING TV SPORTS

(By Matt Buckler)

PLAINVILLE.—Cable television may be the place for over 150 hours of local sports programming starting this fall. The Entertainment and Sports Programing Network, an independent cable television production company, announced here Monday plans to televise up to 20 hours a week of both professional and amateur local sports programing.

Among the programs scheduled to begin in September are 12 state college football games and 24 state college basketball games. Also in the planning stage is the televising of the New England Whaler road games.

''We've had two exploratory meetings with the Whalers and we have a full-blown proposal in the works,'' said Ed Eagan, president of Cable Promotions. ''We could be televising more Whaler games than have ever been on television before.''

Other sports events scheduled to be shown in the first phase of the project, which will run from September 9 to Memorial Day, are a sports magazine show, which will feature such topics as hot air ballooning and hang gliding, a Gordie Howe instructional hockey series, and a talk show with Colleen Howe.

ESP will be offering these programs to the 20 cable television companies throughout Connecticut. It will be up to the individual companies whether or not they want to carry the package and if they will charge extra for it to its subscribers.

''We've talked informally to three cable companies and so far they are very receptive to our idea,'' said Bill Rasmussen, the vice-president in charge of programing. Rasmussen was formerly the Communications Director for the Whalers.

Scott Rasmussen will serve as Production Director and WTIC announcers Arnold Dean and Lou Palmer will handle the play-by-play.

The series is scheduled to get underway September 9 with a college football game. It is also probable that the company will carry the scholastic basketball and hockey championships, according to Eagan.

Although the company will be based in Plainville, it is not affiliated with any cable company. It will attempt to sell its sports programing to the individual companies.

Mr. DODD. That story was the harbinger of what has become one of the great stories of the media in the last 100 years or longer.

It is not an exaggeration to say that ESPN has radically changed the way we see, hear, and follow sports, not only here in America, but around the world. The network has truly become, as its slogan proclaims, ''The Worldwide Leader in Sports.''

Over the past quarter-century, ESPN has transformed itself from a minuscule cable television network to one of the leading names in national media, reaching over 94 million Americans each week. If ESPN were an athlete, it would be the little-known draft pick from a small school who made it all the way to the Hall of Fame.

It is hard to believe it today, but in those early years, ESPN found it difficult to fill up its schedule with sports. The June 27, 1978 issue of one of our local newspapers, the Journal-Inquirer, under the headline ''Network Planning TV Sports,'' reported the modest goals of a new station that would televise ''up to 20 hours a week of both professional and amateur local sports programming.''

Today, to say that ESPN has managed to fill its schedule is an understatement. Today, if one is asked the question, ''What's on ESPN,'' the most appropriate response might be, ''Which ESPN do you mean?'' There is ESPN, the flagship network. There is ESPN2. There is ESPNEWS, the 24-hour sports news station. There is ESPN Classic, where nostalgic sports fans can relive the exploits of Mickey Mantle, Jim Brown, Muhammad Ali, and countless others. There is ESPN Deportes, a 24-hour Spanish-language sports network, not to mention ESPN International and ESPN Radio. And, of course, there is ESPN.com, which has become one of the most popular sites on the internet, much to the dismay of office managers everywhere.

ESPN has truly lived the corporate version of the American dream. As its announcers might say, when it comes to sports broadcasting, you can't stop ESPN; you can only hope to contain it.

Yet even as it has transformed itself into a media giant, for 25 years now, ESPN has called only one place home—the city of Bristol, in my home State of Connecticut.

Some might question why a network of ESPN's stature might prefer a quiet city of only 60,000 people to the glitz and glamour of New York City or Hollywood. But, those of us who live in Connecticut aren't the least bit surprised that ESPN's executives, workers, and broadcasters have chosen not only to work in central Connecticut, but to buy homes and raise their families there as well.

We are also especially proud of our ''homegrown talent,'' those ESPN broadcasters who first made a name for themselves at local stations in Connecticut. Most notably, of course, there is my friend Chris Berman, a native of Greenwich. Back when I was a member of the House of Representatives, Chris was a weekend anchor with WVIT–TV, Channel 30, in Hartford. His head of hair was much fuller then, and mine was much darker. In the two-and-a-half decades since, Chris has become one of ESPN's most well-known and beloved on-air personalities.

Over the course of its 25 years, ESPN has set records, reached numerous milestones, become a household name, and revolutionized sports coverage as we know it.

Whenever a major event takes place in the world of sports, fans know that ESPN will bring them the latest news, the first interviews, and the deepest coverage. Thanks to ESPN, fans across the Nation watched live when Cal Ripken passed Lou Gehrig, when Mark McGwire tied Roger Maris, and when the World Cup was played in the United States for the very first time. ESPN has also made countless innovations in the world of sports broadcasting, introducing techniques like the ''helmet-cam,'' the ''K Zone,'' the ''player mike,'' and ultra-slow-motion replay.

Of course, one can't discuss ESPN without mentioning their most well-known news program, SportsCenter. Watched by as many as 88 million people each month, SportsCenter is a phenomenon within a phenomenon, a program that has carved out its own niche in American culture.

By combining all-star coverage with a knack for wit, SportsCenter has become the model that all other sports programs emulate. Its announcers have perfected a style that is, as one of them might put it, ''as cool as the other side of the pillow.'' Professional athletes admit that they stay up late after game nights to watch their own highlights on the 1 a.m. SportsCenter. Even in games of sandlot baseball or pickup basketball, players have adopted the lingo of ESPN announcers, calling exceptional plays ''SportsCenter highlights'' or ''web gems.''

There is a great deal of uncertainty in our Nation today. We have an election in less than two months. Our troops are on the ground in Iraq, Afghanistan, and elsewhere. We are fighting a global campaign against terrorism.

But even during these difficult times, sports have the power to capture our attention. It is an inescapable fact that sports are woven into the fabric of American life. The spirit of competition; the importance of fair play; courage in the face of adversity—these are all American values that we can and do celebrate with our enthusiasm for sports.

Sports have the power to inspire us all to strive for greater and loftier heights. Who can forget Willis Reed limping onto the floor at Madison Square Garden in 1970, or the 1980 U.S. Olympic hockey team's ''Miracle on Ice,'' or the American women's team winning the 1999 World Cup?

True, sports can inspire fierce rivalries. We in Connecticut, who live on the front lines of the Yankee-Red Sox divide, know that better than anyone. But more significantly, sports can unite us. At no time was that clearer than in the aftermath of the attacks of September 11, when the sight of baseball and football players taking the field helped restore a sense of normalcy, and in a small way, helped our Nation begin to heal.

For the past 25 years, ESPN has helped bring the exciting, emotional, and magical world of sports into the living rooms of millions and millions of Americans. And in doing so, they have become a part of American history.

I wish everyone at ESPN a very happy 25th anniversary, and I wish them nothing but success in the years to come.

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

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

MADD

Mr. DASCHLE. Mr. President, I rise today to congratulate and thank the members, volunteers, and sponsors of Mothers Against Drunk Driving, or MADD. MADD and its mission ''to stop drunk driving, support victims of this violent crime and prevent underage drinking'' has become the largest crime victims' assistance organization in the world, with more than 3 million members and supporters.

This month marks the 20th anniversary of South Dakota's Pennington County chapter of MADD. MADD Pennington County shares this anniversary with the enactment of the National Uniform 21 Minimum Drinking Age Act, one of the organization's greatest victories. Since the law was passed in 1984, over 20,000 young lives have been saved from highway crashes. Much of that success is thanks to MADD's efforts to change public attitudes and raise social awareness of the dangers of impaired driving.

We still have much to do. Since 2000, about half of all the traffic related deaths in South Dakota were alcohol related. In the face of this challenge, the MADD chapter of Pennington County has been active in outreach, coordinating with the police department to educate the owners and staffs of restaurants and bars, as well as high school and college students.

Two women in particular have made a difference, and they deserve special recognition. Lila Doud, who is the current Chapter President, and Janice Morehouse, the Secretary/Treasurer, have been working with the MADD Pennington County chapter since its inception 20 years ago. All the volunteers and sponsors of MADD Pennington County have much to be proud of and I am grateful for their commitment to public safety, victim services, and education. All of South Dakota owes them a great debt and we thank them for their service.

THE RIGHT COURSE FOR THE ECONOMY

Mr. DASCHLE. Mr. President, I always find it of interest when a prominent member of corporate America steps forward to offer a refreshing perspective on the economic challenges our country faces today.

To that end, I would like to call the Senate's attention to two pieces of commentary written by Leo Hindery, Jr. and published over the summer recess.

Mr. Hindery, as many of my colleagues are aware, has served as the CEO of TCI and AT&T Broadband, and more recently as the chairman of the YES Network. He has a keen understanding that corporations have obligations both to their shareholders, but also to the communities in which they operate, and the American economy they fuel.

Mr. Hindery's first piece is on the subject of outsourcing, and he argues that offshoring of jobs is not inevitable, nor is it often the best long-term strategy for American companies.

His second talks about the need to see through the sky-is-falling claims of some interest groups and weigh both policy and electoral decisions on a simple standard—what is the best thing to do, not just for a few who are well-off and well-connected, but for the economy as a whole?

Again, I think these pieces of insight and analysis would be of interest to those of us who are entrusted to make decisions about the policies America adopts, and I ask unanimous consent that they be printed in the RECORD.

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

[From the San Jose Mercury News, Aug. 5, 2004]

WHEN OUTSOURCING TAKES YOUR JOB, THEN IT WILL MATTER

(By Leo Hindery, Jr.)

A recession is when someone else loses his or her job; a depression is when you lose your job. I was reminded of this adage when a recent report by three Bay Area groups said we shouldn't worry about outsourcing of good jobs to other countries. Those losing their jobs would beg to differ.

Throwing in the towel, one of the report's sponsors asid, ''Offshoring is here to stay.'' That's particularly troubling when a UC-Berkeley analysis found that one-in-six jobs are at risk of being exported from Silicon Valley.

But voters aren't buying the lines coming from think tanks and Washington. First, they were told that he few jobs lost would be quickly replaced. They weren't. Then President Bush's economic adviser said outsourcing jobs was actually good in the long run. Displaced workers know better. And now, it seems, the new line is that nothing should be done. Voters don't buy inaction, either.

Offshoring of jobs is not inevitable. There's much government can do, and it should act before more good jobs disappear and the middle class shrinks even more.

First, we must ensure that free trade is also fair trade. How can we keep manufacturing jobs in America when foreign competitors often employ children, pay pennies, provide little or no benefits and ignore environmental standards? Likewise, how can we keep high-quality customer and technical-service jobs here when employees in Bangalore, India, earn $200 to $300 a month for jobs that pay Americans $2,000–$3,000?

America has a responsibility to the rest of the world, especially developing countries, to foster responsible free trade. But we can no longer condone—or support—practices that pay subsistence wages, violate child labor standards and degrade the environment.

Second, we must responsibly use our nation's corporate tax laws to provide incentives for American businesses to keep high-quality jobs here. Today, corporations take advantage of tax benefits by shipping operations overseas, shielding profits earned there. Sen. John Kerry has rightly proposed eliminating that loophole, which is a glaring incentive to move operations overseas and keep them abroad by reinvesting profits there.

We should also adopt a levy on corporations that use loopholes to escape taxation. That would help redress the imbalance between job retention and untaxed overseas profits, and aid workers who lose jobs in part because of skewed tax policies.

Part of the bargain that was supposed to accompany ''free trade'' was help for workers who lose their livelihood through no fault of their own. Workers need retraining for new careers when industries disappear. They need unemployment benefits and medical benefits.

Action on outsourcing would be far less urgent if enough jobs were being created here at home. But today's lukewarm economic recovery provides no place for laid-off workers to go.

None of this is ''protectionism,'' except that it will protect foreign workers and nations from exploitation, the U.S. tax code from encouraging companies to offshore jobs, and American workers from the unchecked whims of globalization.

Corporate leaders need to work smarter. Having served as a CEO, I know the pressures to outsource can be intense. But business executives must look beyond the short-term, cost-cutting gains that outsourcing sometimes provides and focus instead on the long-term costs and devastation to employees and our national economy.

And political candidates will have to show they understand the voters' call for action. Because this election should be about getting the economy moving and about who will best protect the middle class and those striving to join it.

[From the Financial Times, Aug. 10, 2004]

BUSH'S ECONOMY IS FOR THE ELITE FEW

(By Leo Hindery)

Within an hour of John Kerry's selection of John Edwards as his running mate, the US Chamber of Commerce said it was forced to abandon its position of ''neutrality'' because Mr Edwards was ''hostile to business'' I could almost hear the laughter in corporate boardrooms across the country. To argue that the Chamber intended to be, or has ever been, politically ''neutral'' reminds me of the film *Casablanca* when Claude Rains expresses shock that gambling was taking place in Rick's Cafe.

The line revealed the dirty little secret of the US Chamber of Commerce. It is run by the wealthy chief executives of the nation's biggest companies.

It is easy to see why enormously rich businessmen believe more personal income and lower taxes are good for them. But what is good for an individual chief executive's wallet does not translate into being ''good for business'' or for the nation's economy.

What businesses and the economy need are full employment, or as full as possible, and strong consumer demand, generated by a combination of consumer confidence and fair compensation. The Bush-Cheney ticket is failing that test. They adopt ''anything-goes-for-big-business'' policies, continue to push for ever-lower tax rates for the wealthiest Americans, defend self-serving executive compensation packages and condone benign regulation of corrupt practices.

The latest sign of how what is really good for ordinary citizens and the economy is being flipped on its head is George W. Bush's spin on sluggish job-growth numbers. Now, he contends, that bad is good. In response to the far lower than expected employment numbers for June, he said: ''Steady growth. That's important. We don't need boom-or-bust-type growth.''

But when the number of new jobs created this year fails to keep up with the growth in the adult population—a trend confirmed by last Friday's job numbers for July—a little more boom and a little less steady stagnation would certainly be helpful.

Certainly the unemployed and businesses that need to sell products and services to people with incomes are getting weary of the disappointing growth. For the first time in more than seven decades, there are fewer jobs at this point in an election year than there were when the current president was inaugurated. A net 2.6m manufacturing jobs have been lost since 2001.

And anyone whose job has been outsourced to other countries should appreciate Mr. Kerry's call to end tax loopholes and benefits that provide an incentive for shipping jobs overseas and keeping the profits there.

Compounding the problem, far too many of the jobs being created are low-wage positions with few benefits. Overall, wages for non-supervisory workers have failed to keep up with inflation over the past year.

But jobs and wages are not all that matters. Instead of Mr. Bush's big tax cuts for the top 2 percent of Americans, the Kerry-Edwards ticket would reform healthcare. That would make health insurance more available and affordable for millions of Americans and cheaper for businesses. The other 98 percent of Americans and the businesses whose healthcare costs would be lower should welcome the choice between better healthcare and tax cuts for the wealthy.

The business community has also traditionally, and rightly, been concerned about massive government borrowing. But under the Bush administration, we have seen huge budget surpluses turned quickly into crushing deficits. That, too, takes a toll on consumer and business confidence.

Make no mistake about it. There is a big distinction between the US Chamber and local Chambers. The local Chambers honestly focus on what is good for their communities. They understand that jobs and wages are essential for their business members to have customers and for their cities and regions to thrive.

Yes, the US Chamber would like to distract attention from the economy and scare Americans about the Democratic ticket. But in this election year, voters must make a distinction between policies that will create jobs and value for shareholders and organizations that speak and act at the whim of entrenched management and the economic elite.

Today, the Bush administration and the US Chamber are trying to twist even the questionable adage of Calvin Coolidge that ''the business of America is business'' into something far worse, namely that ''the business of America is about super-rich CEOs and executives''. Instead, we need a team who will, as Franklin Delano Roosevelt did, ''save capitalism from the capitalists''.

Americans have a fundamental choice to make in November, and the economy will be an important issue. The US Chamber hopes voters will—ignoring the facts, history and the candidates' records—assume that Republicans are better for the economy than Democrats. But the voters should avoid this knee-jerk reaction, and make the distinction between what is good for the elite few and what is good for the economy as a whole. Then it will be clear who will really do the best job of looking out for them and who will get our economy moving again.

TRIBUTE TO CHIEF OLIVER RED CLOUD

Mr. DASCHLE. Mr. President, on August 7, I had the privilege of honoring Chief Oliver Red Cloud at an important gathering in South Dakota, the Oglala Lakota Nations Pow-wow. Chief Red Cloud has led an amazing exemplary life from which all of us could learn. I want to share with my colleagues my thoughts on this outstanding leader and ask unanimous consent that my August 7 remarks be printed in the RECORD.

The PRESIDING OFFICER. There being no objection, the following material was ordered to be printed in the RECORD.

STATEMENT OF SENATOR TOM DASCHLE HONORING CHIEF OLIVER RED CLOUD

OGLALA LAKOTA NATIONS POW-WOW, AUGUST 7, 2004

It is my honor and privilege to stand before my friends and pay tribute to a great man—a man who represents the four values of the Lakota: generosity, respect, courage, and wisdom. He is a well known and respected traditional leader. He is Chief Oliver Red Cloud.

As a fourth generation descendent of Makhpiya-Luta, Chief Red Cloud carries on a

honorable tradition. Like his great-grandfather, he has a proud history of maintaining the traditional ways of his peoples, and fights tirelessly to improve living standards on the reservation. In 1870, Chief Red Cloud's great-grandfather spoke in New York City, saying, ''We do not want riches, we do not ask for riches, but we want our children properly trained and brought up.'' Chief Red Cloud continues to carry out that call, preserving the Lakota way of life, so that young children will have the opportunity to embrace their language and culture.

As many of you know, he gives unselfishly of himself to help those in need. He is generous with his knowledge—offering guidance to those who seek it. I know this, because even as I visited him in the hospital to offer him my support, he was offering me his wisdom.

Chief Red Cloud offers guidance to those who seek it, and I am thankful to be a recipient of his wisdom. Because of his wisdom and his passion, Chief Red Cloud has been able to bridge differences, find creative solutions to problems facing the Great Sioux Nation, and make sure the voices of his people are heard. In so doing, he has earned the respect of Indian nations and strengthened this Nation's independence and sovereignty.

As Makhpiya-Luta once said, ''All I want is right and just.''

We have challenging times ahead of us, breaking down barriers that have existed for far too long; but by working together we can build a society where each individual and community becomes whole.

That, too, is what is right and just.

Please join me in honoring Chief Red Cloud for his leadership, counsel and guidance. I know we will continue our dialogue, and I look forward to working with all of you.

HONORING OUR ARMED FORCES

CORPORAL TOMMY L. PARKER

Mrs. LINCOLN. Mr. President, today I rise to pay tribute to an authentic American hero who gave his life in the defense of his Nation. Cpl Tommy L. Parker, Jr., 21, of Heber Springs was one of four marines killed June 21 in Ramadi, Iraq. He was serving with a sniper platoon of the First Marine Division out of Camp Pendleton, CA.

Tommy was a 2001 graduate of Triple S Christian Academy. The Rev. John Bishop, who taught Tommy, praised his devotion to his faith, saying that even when surrounded by tough marines he was not too shy to give witness to his beliefs. As Tommy prepared to leave for Iraq, Bishop said Parker's wife told him, he remarked that the experience was bringing him closer to God.

Tommy is survived by his wife, Carla Parker; his daughter, Lara; and his parents, Tommy and Renatta.

Tommy's sacrifice is a shining example of the commitment that is necessary to keep this Nation free. When his Nation called, he answered. Our prayers and gratitude go out to his family for the great service that Tommy rendered to our Nation.

STAFF SERGEANT DUSTIN W. PETERS

Mr. President, today I also wish to pay tribute to a brave Arkansan who gave his life for the cause of freedom. Air Force SSgt Dustin W. Peters was killed July 11 when his convoy was hit by homemade bombs about 150 miles north of Baghdad.

Dustin was born August 22, 1978, in Texarkana, TX. He attended high school in El Dorado, KS, and in Shirley, AR, before going into the Air Force in 1997. Dustin received the Bronze Star and the Purple Heart posthumously. The Bronze Star Medal is given to individuals who distinguish themselves by heroism, outstanding achievement or meritorious service while serving in a combat theater, according to base officials. Dustin received his for heroism.

Dustin is survived by his son, Dalton, of El Dorado, KS; his mother, Linda Benning, of Shirley, AR; and his father, Dennis, of Enid, OK.

His fellow airmen said of Dustin that ''you could count on . . . his service to our country and others always came ahead of his own needs and desires. His loss has touched us deeply, and we will miss him.'' Not only will his fellow airmen miss him but a grateful Nation will miss him. His sacrifice will never be forgotten.

PRIVATE VAN RYAN MARCUM

Mr. President, today I also wish to pay tribute to a brave young Arkansan who lost his life training to become a member of the United States Army. PVT Van Ryan Marcum, 21, a native of Prescott, AR, was electrocuted June 19 during an infantry basic training exercise when he touched a metal structure electrically charged by a faulty light fixture.

Van Ryan Marcum was memorialized at Fort Benning, GA. Joining the 220 soldiers from Charlie Company, with whom Marcum served, were his mother, grandmother, uncle and other family members invited to witness the tribute to the young man so interested in becoming an Army Ranger. As the ceremony unfolded, some soldiers grieved silently with bowed heads; others could not suppress quiet sniffles as the music played and the tributes were delivered.

CPT Kevin Salge, commander of Charlie Company, was quoted as saying that it was an honor to count among his unit's soldiers a trooper such as Marcum, who had a bright future in the military. ''As soon as he completed a task he was ready for another. He carried his weight and more,'' Salge said. ''He would have been a great addition to the Army.''

Van's desire to defend his Nation is a tribute to his courage and dedication. We honor the sacrifice he made in the service of his country.

SPECIALIST DONALD R. McCUNE II

Mr. BAYH. Mr. President, I rise today with a heavy heart and deep sense of gratitude to honor the life of a brave young man who grew up in South Bend, IN. SP Donald R. McCune II, 20 years old, died on August 5 in a hospital in Landstuhl, Germany from injuries sustained after an explosive device detonated near his patrol vehicle in Balad, Iraq. With his entire life before him, Donald chose to risk everything to fight for the values Americans hold close to our hearts, in a land halfway around the world.

Donald spent his early childhood through part of high school in South Bend before moving to Michigan. He joined the Army National Guard shortly thereafter, following a long family tradition of military service. According to family and friends, enlisting was something he felt he needed to do. Donald was assigned to the 1st Battalion, 161st Infantry Regiment, Army National Guard, Moses Lake, WA. Previously, he served with an Army Reserve unit based in Fraser for almost 2 years. This past spring, Donald was deployed to Iraq, where he bravely fought for 3 months before sacrificing his life for the worthy cause of freedom. Rick Monier, Donald's grandfather told the Detroit Free Press, ''It was sad he had to pass away—he or any other soldier—but it was for freedom, and he believed in the cause.''

Donald was the thirty-first Hoosier soldier to be killed while serving his country in Operation Iraqi Freedom. This brave young soldier leaves behind his mother, Darcy Lewis; his stepfather Benjamin Lewis; his father, Donald McCune; his sister, Casandra Karczewski; his brother, Josh McCune; his grandmother, Gladys Gilbert; his grandfather, Rick Monier; his stepgrandmother, Dianne Ronier; and his maternal great-grandmother, Beth Gilbert.

Today, I join Donald's family, his friends and all Americans in mourning his death. While we struggle to bear our sorrow over this tremendous loss, we can also take pride in the example he set, bravely fighting to make the world a safer place. It is his courage and strength of character that people will remember when they think of Donald, a memory that will burn brightly during these continuing days of conflict and grief.

Donald was known for his dedicated spirit and his love of country. When looking back on the life of her late son and his plans for the future, Darcy told the Detroit Free Press, ''He knew the risks of fighting and had even talked about returning to Iraq after his stint was over and doing security work.'' Today and always, Donald will be remembered by family members, friends and fellow Hoosiers as a true American hero and we honor the sacrifice he made while dutifully serving his country.

As I search for words to do justice in honoring Donald's sacrifice, I am reminded of President Lincoln's remarks as he addressed the families of the fallen soldiers in Gettysburg:

> We cannot dedicate, we cannot consecrate, we cannot hallow this ground. The brave men, living and dead, who struggled here, have consecrated it, far above our poor power to add or detract. The world will little note nor long remember what we say here, but it can never forget what they did here.

This statement is just as true today as it was nearly 150 years ago, as I am

certain that the impact of Donald's actions will live on far longer than any record of these words.

It is my sad duty to enter the name of Donald R. McCune II in the official record of the United States Senate for his service to this country and for his profound commitment to freedom, democracy and peace. When I think about this just cause in which we are engaged, and the unfortunate pain that comes with the loss of our heroes, I hope that families like Donald's can find comfort in the words of the prophet Isaiah who said, ''He will swallow up death in victory; and the Lord God will wipe away tears from off all faces.''

May God grant strength and peace to those who mourn, and may God be with all of you, as I know He is with Donald.

PRIVATE FIRST CLASS LUIS A. PEREZ

Mr. President, I also rise today with a heavy heart and deep sense of gratitude to honor the life of a brave young man who grew up in East Chicago, IN. PFC Luis A. Perez, 19 years old, died on August 16 when the fuel truck he was driving struck a land mine in Iraq. With his entire life before him, Luis chose to risk everything to fight for the values Americans hold close to our hearts, in a land halfway around the world.

Luis spent his early childhood in East Chicago where he attended McKinley Elementary School before moving to Hammond and attending Morton High School. He joined the Army Reserves shortly after graduating from high school, following in his father's footsteps of military service. Luis was assigned to the 223rd Transportation Company, United States Reserve, Norristown, PA. This summer, Luis was deployed to Kuwait and from there was sent to Iraq, where he bravely fought before sacrificing his life for the worthy cause of freedom.

Luis was the thirty-third Hoosier soldier to be killed while serving his country in Operation Iraqi Freedom. This brave young soldier leaves behind his wife, Theresa; his mother, Maria Miranda; his father, Jose; his grandmother, Clara Madrigal; and two sisters.

Today, I join Luis' family, his friends and all Americans in mourning his death. While we struggle to bear our sorrow over this tremendous loss, we can also take pride in the example he set, bravely fighting to make the world a safer place. It is his courage and strength of character that people will remember when they think of Luis, a memory that will burn brightly during these continuing days of conflict and grief.

Luis was known for his dedicated spirit and his love of country. According to family and friends, enlisting was something Luis had wanted to do since he was very young. His grandmother, Clara Madrigal told the Times of Northwest Indiana that she remembers Luis as a boy saying that he wanted to grow up and be a ''green man.'' When Clara inquired as to what a ''green man'' was, her grandson responded, ''A soldier, like my father.'' Aside from being a soldier, Luis enjoyed playing video games and basketball and writing poetry. Today and always, Luis will be remembered by family members, friends and fellow Hoosiers as a true American hero and we honor the sacrifice he made while dutifully serving his country.

As I search for words to do justice in honoring Luis' sacrifice, I am reminded of President Lincoln's remarks as he addressed the families of the fallen soldiers in Gettysburg: ''We cannot dedicate, we cannot consecrate, we cannot hallow this ground. The brave men, living and dead, who struggled here, have consecrated it, far above our poor power to add or detract. The world will little note nor long remember what we say here, but it can never forget what they did here.'' This statement is just as true today as it was nearly 150 years ago, as I am certain that the impact of Luis' actions will live on far longer than any record of these words.

It is my sad duty to enter the name of Luis A. Perez in the official record of the U.S. Senate for his service to this country and for his profound commitment to freedom, democracy and peace. When I think about this just cause in which we are engaged, and the unfortunate pain that comes with the loss of our heroes, I hope that families like Luis' can find comfort in the words of the prophet Isaiah who said, ''He will swallow up death in victory; and the Lord God will wipe away tears from off all faces.''

May God grant strength and peace to those who mourn, and may God be with all of you, as I know He is with Luis.

SERGEANT DAVID M. HEATH

Mr. President, it is with a heavy heart and deep sense of gratitude to honor the life of a brave young man from LaPorte, IN. SGT David M. Heath, 20 years old, died on August 16 in the Sadr City district of Baghdad when his patrol came under a small arms and rocket-propelled grenade attack. With his entire life before him, David chose to risk everything to fight for the values Americans hold close to our hearts, in a land halfway around the world.

David attended New Prairie High School until 10th grade before moving to nearby LaPorte. There, he met his wife Donna, and in September 2001 decided to join the military to support his family and make his father proud. After his first 10-month assignment in Iraq in 2003, David returned home but decided to re-enlist expecting to move to Germany. Instead, his orders were to report to another tour of duty in Iraq. David's stepfather, Ed Modjeska, told the Laporte Herald-Argus that David realized his second trip overseas would be dangerous, ''but he knew he had to go, it was his job. . . . He wanted to serve his country.''

David was the 32nd Hoosier soldier to be killed while serving his country in Operation Iraqi Freedom. This brave young soldier leaves behind his wife Donna Heath; his son Derek; and his stepdaughter, Angela Riffel. May David's children grow up knowing that their father gave his life so that young Iraqis will some day know the freedom they enjoy.

Today, I join David's family, his friends and the entire LaPorte community in mourning his death. While we struggle to bear our sorrow over his death, we can also take pride in the example he set, bravely fighting to make the world a safer place. It is his courage and strength of character that people will remember when they think of David, a memory that will burn brightly during these continuing days of conflict and grief.

David, a fourth-generation soldier, was known for his dedication to family and his love of country. When looking back on David's life, family friend Robin Dingman told WSBT–TV of South Bend that ''He loved his kids, he loved his wife, he love NASCAR, but that was a given. As bad as this is, he died nobly, and that is a great honor.'' Today and always, David will be remembered by family members, friends and fellow Hoosiers as a true American hero and we honor the sacrifice he made while dutifully serving his country.

As I search for words to do justice in honoring David's sacrifice, I am reminded of President Lincoln's remarks as he addressed the families of the fallen soldiers in Gettysburg: ''We cannot dedicate, we cannot consecrate, we cannot hallow this ground. The brave men, living and dead, who struggled here, have consecrated it, far above our poor power to add or detract. The world will little note nor long remember what we say here, but it can never forget what they did here.'' This statement is just as true today as it was nearly 150 years ago, as I am certain that the impact of David's actions will live on far longer than any record of these words.

It is my sad duty to enter the name of David M. Heath in the official record of the U.S. Senate for his service to this country and for his profound commitment to freedom, democracy and peace. When I think about this just cause in which we are engaged, and the unfortunate pain that comes with the loss of our heroes, I hope that families like David's can find comfort in the words of the prophet Isaiah who said, ''He will swallow up death in victory; and the Lord God will wipe away tears from off all faces.''

May God grant strength and peace to those who mourn, and may God be with all of you, as I know He is with David.

PETTY OFFICER 3RD CLASS ERIC KNOTT

Mr. HAGEL. Mr. President, I rise to express my sympathy over the loss of Eric Knott of Grand Island, NE, a Petty Officer 3rd Class in the U.S. Navy. Petty Officer Knott was killed in Iraq on September 4 in a mortar attack while working at a construction site. He was 21 years old.

Petty Officer Knott will be remembered as a proud individual dedicated to serving his country. He joined the U.S. Navy in 2001 after graduating from Grand Island Senior High School and became a Navy Seabee so he could learn specialty welding and help others. Petty Officer Knott spent about 9 months in Iraq last year and was recently redeployed in August. He had just been promoted and was overseeing a three-person unit.

Petty Officer Knott is survived by his parents Randy Knott of Grand Island and Vera Thorpe of Hastings; stepmother, Teri Knott of Grand Island; step-father Steve Thorpe of Hastings; brothers William and Tim of Seward; sister Angela of Lincoln; and grandparents Lyle and Arlene Knott and Masel Anderson, all of Grand Island. Our thoughts and prayers are with them at this difficult time. America is proud of Eric Knott's service and mourns his loss.

For his service, bravery, and sacrifice, I ask my colleagues to join me and all Americans in honoring Petty Officer 3rd Class Eric Knott.

TRIBUTE TO INDIANAPOLIS POLICE OFFICER TIMOTHY LAIRD

Mr. BAYH. Mr. President, I rise today to pay tribute to and honor the remarkable life of Timothy ''Jake'' Laird, an Indianapolis police officer who was killed in the line of duty on August 18, 2004 by a gunman terrorizing an Indianapolis neighborhood.

During the early morning of August 18, Officer Laird left his own patrol area to come to the aid of fellow police officers in a nearby neighborhood who were facing a dangerous man armed with multiple assault weapons. Laird, a 4-year veteran of the Indianapolis Police Department, went out of his way to protect the citizens of Indianapolis by knowingly putting himself in danger, a selfless act that would cost him his life. Officer Laird, 31 years old, was the first Indianapolis police officer to die in the line of duty in 16 years.

Officer Laird graduated from Warren Central High School in 1991. After graduating from high school, he joined the Marines and married his high school sweetheart, Jennifer Lyn Reno, in 1992. Officer Laird served 8 years in the Marines before joining the Indianapolis Police Department in 2000, where he quickly distinguished himself as a confident, hardworking policeman who could be counted on by his fellow officers.

During his time with the Indianapolis Police Department, Officer Laird received two letters of commendation, though these respected symbols of official praise pale in comparison to the words his family and fellow officers used to describe his work. Those who knew him remember Officer Laird as a perfectionist who demanded the most of himself on the job but was the first to laugh at himself during lighter moments. He was known as the kind of officer that others wanted with them on patrol, and his willingness to put his life in danger to help another officer is the ultimate proof of the kind of man he was.

Officer Laird was a devoted family man who relished his time with loved ones. He leaves behind his wife, Jennifer; his daughter, Kaylee; his father, Tim Althouse; and his stepmother, Barb; his mother and stepfather, Debbie and Michael Laird; his two brothers, one sister and two stepbrothers.

In the wake of his death, friends, neighbors and fellow officers came together to praise Officer Laird's bravery, selflessness and love for his family. According to his father, Jake had wanted to be a police officer ever since he was a little boy. Officer Laird was a role model not only for his family, but for all who knew him and whose lives he touched. He dedicated his life to the noblest of causes; his family, his job and keeping others safe. May his daughter grow up knowing that her father was a brave, hard-working and loving man.

It is my sad duty to enter the name of Timothy ''Jake'' Laird into the United States CONGRESSIONAL RECORD. As Officer Laird rests with God in eternal peace, let us never forget the courage and sacrifice he displayed when he laid down his life on August 18, 2004.

LOCAL LAW ENFORCEMENT ACT OF 2003

Mr. SMITH. Mr. President, I rise today to speak about the need for hate crimes legislation. On May 1, 2003, Senator KENNEDY and I introduced the Local Law Enforcement Enhancement Act, a bill that would add new categories to current hate crimes law, sending a signal that violence of any kind is unacceptable in our society.

Scotty Joe Weaver, an 18-year-old gay Alabama man was beaten, stabbed, and his body burned in woods near his mobile home on July 18, 2004. Robert Porter, 18, Christopher Ryan Gaines, 20, and Gaines' girlfriend, Nichole Kelsay have been charged with the July 18 killing, which police believe was motivated by hate.

I believe that the Government's first duty is to defend its citizens, to defend them against the harms that come out of hate. The Local Law Enforcement Enhancement Act is a symbol that can become substance. I believe that by passing this legislation and changing current law, we can change hearts and minds as well.

Mr. NELSON of Nebraska. Mr. President, I rise to join my colleagues in support of this request for additional disaster assistance in the wake of Hurricanes Charley and Frances, and the devastation they have brought on the State of Florida. I, along with my Nebraska constituents, send our thoughts and prayers to those in Florida dealing with the physical and emotional impact of these hurricanes.

In Nebraska, we sympathize with the victims of natural disasters, whether they be caused by hurricanes, floods, or tornadoes. Presently, my State is facing its fifth straight year of record drought, which as you know has a damaging effect on the agricultural industry, as well the mainstreet of every Nebraska community. Multiple years of drought have cost our Nation billions of dollars in economic losses and has many farmers wondering whether they will be able to carry on. They are not in this position because of poor planning or some unfortunate weather incident but rather as the result of a continuous natural disaster that once again has turned upside down the hopes and work that went into planting this spring.

This drought is a disaster—it is been a disaster for agriculture and a disaster for rural communities, which depend so much on agriculture. I think that going home over the August recess certainly gave all of us from States hit by drought even more reason to seek assistance. I do not want to detract from the importance of sending disaster assistance to those in Florida. However, I believe that my colleagues must join me in casting a greater spotlight on the importance of helping our Nation's farmers and ranchers recover from the impacts of the current drought.

Therefore, I would like to join the Senator from South Dakota in calling on the President and the Congress to support funding for drought aid for our farmers and ranchers, and to fully fund the crop and livestock disaster programs so critical to Nebraska's farmers and ranchers.

A drought relief package is of the utmost importance to farmers and ranchers in Nebraska and across all those rural America parts suffering from this natural disaster. It will make the difference between keeping their farms or being forced out of agriculture—to the detriment of all of us who depend on the ''breadbasket of the world.'' We must seek this assistance in order to ensure that our rural communities are not allowed to wither under the worst conditions in over half of a century.

I hope my Senate colleagues will join me in supporting drought assistance this year. Like any other natural disaster, this drought has hurt the very livelihoods of good, hardworking people who struggle every day to stay afloat even under normal conditions. It is imperative that we respond to this crisis in rural America.

I thank my colleagues for this opportunity to address an issue of great importance to my State.

PASSAGE OF U.S.-AUSTRALIA FREE TRADE AGREEMENT ACT

Mr. GRASSLEY. Mr. President, recently the Senate passed S. 2610, the United States-Australia Free Trade Agreement Implementation Act. The U.S.-Australia Free Trade Agreement, which will be implemented by this legislation, will provide many benefits to

U.S. manufacturers and agricultural producers. U.S. consumers will clearly gain from it as well. This agreement will also further cement our friendship with Australia, a long-time ally and our strong partner in the war on terrorism.

The U.S.-Australia Free Trade Agreement is an example of the importance of Trade Promotion Authority. It has been almost 2 years since Trade Promotion Authority was signed into law as part of the trade act of 2002. During this time, the United States has signed free trade agreements with Chile, Singapore, and now Australia. The implementing bills for each of these agreements passed the Congress with strong support, so Congress clearly recognizes the benefits of trade promotion authority.

Many people worked hard to see that this vote became a reality. First and foremost, this would not have happened without the leadership of President George W. Bush. President Bush is committed to building the U.S. economy by opening the world's markets to U.S. goods and services, and the U.S.-Australia Free Trade Agreement is just the latest of the trade accomplishments he has made possible.

U.S. Trade Representative Robert Zoellick deserves strong commendation for his efforts in negotiating this agreement. His commitment to expanding U.S. trade opportunities is steadfast.

I would also like to thank chief U.S. agricultural negotiator Allen Johnson for his willingness not only to listen, but also to act, upon the concerns of U.S. farmers and ranchers during the negotiations. Many others at the Office of the U.S. Trade Representative deserve my thanks as well.

I commend my colleagues on the Finance Committee for their interest in seeing that the agreement was concluded and that the implementing bill was passed. I would like to extend a special thanks to the ranking member of the Committee, Mr. BAUCUS. We have worked together over the years to expand trade to the benefit of U.S. workers, farmers, and consumers, and I am pleased with the outcome of our current efforts with the passage of this implementing bill.

My staff on the Finance Committee has worked diligently over the past weeks on the implementing bill and other materials connected with it. My goal was to have this legislation passed prior to the August recess, and they were instrumental in making this happen. Moreover, my Finance Committee staff was engaged in consultations with officials from the Office of the U.S. Trade Representative throughout the negotiations, which began way back in March 2003, so this has been a long process for them. I greatly appreciate their hard work.

My Chief Counsel and Staff Director, Kolan Davis, deserves recognition. His talent in managing many legislative issues, including trade, is readily apparent.

The Chief International Trade Counsel of the Committee, Everett Eissenstat, worked tirelessly to see that the passage of this legislation would actually occur, so today's vote is yet another testament to his skills. I would also like to thank the rest of my trade staff—David Johanson, Stephen Schaefer, Dan Shepherdson, and Zach Paulsen—for all of their hard work and dedication to the Finance Committee's work and to the people of Iowa.

Mr. BAUCUS's Finance Committee staff also deserves recognition. Russ Sullivan and Bill Dauster, respectively staff director and deputy staff director of Mr. BAUCUS's Finance Committee staff, worked well with my staff throughout the process.

I also appreciate the efforts of Tom Punke—Mr. BAUCUS's chief international trade counsel—and Sara Andrews, Shara Aranoff, John Gilliland, Pascal Niedermann, and Brian Pomper.

Finally, I would like to thank Polly Craighill of the office of the Senate Legislative Counsel for the many hours she put into drafting the implementing bill. Without her patience, hard work, and skills, today's vote would not have been possible.

I look forward to the signing of this legislation into law by President Bush.

RESOLVE, THE NATIONAL INFERTILITY ASSOCIATION

Mr. INOUYE. Mr. President, I come to the floor today to commend RESOLVE, the National Infertility Association, on its three decades of accomplishment and for the many activities it has planned to observe National Infertility Awareness Week, which will be celebrated this year during the week of September 26 to October 2, 2004.

For 30 years, RESOLVE has compassionately and effectively served the needs of the nearly seven million Americans comprising our Nation's infertile community, and has been a leading force in efforts to educate the broader public about this devastating condition. Infertility is recognized as a disease and medical condition that has devastating physical, social and psychological consequences.

RESOLVE, the National Infertility Association, was incorporated by Barbara Eck Menning, in 1974, to aid and support individuals with infertility. RESOLVE is a nonprofit organization, governed by a volunteer board of directors, many of whom are individuals with first-hand personal experience with the physical, emotional, and social challenges accompanying infertility. They are citizens who have overcome these challenges through assisted reproductive technologies and adoption or determined that their lives would be childless. Regardless of their resolution, RESOLVE helped them to reach it with information, education, and support. RESOLVE's leaders are also members of the professional community who address these issues including National Institutes of Health funded researchers, attorneys, physicians, nurses, and other representatives from the health care industry and related businesses. RESOLVE has a database of more than 40,000 individuals and providers, and a network of more than 40 chapters providing support services, information and grassroots advocacy in local communities nationwide.

National Infertility Awareness Week focuses attention on the fact that infertility affects approximately 6.6 million people in the United States, a figure which represents 1 in 10 couples in which the woman is of reproductive age. These are only the reported cases. Millions go unreported because of the stigma attached to infertility and recent surveys suggest that nearly three-quarters of those who can be helped do not seek medical or other assistance because of, among other things, their fears and lack of awareness of the resources available to them and the limited insurance coverage to assist them. The National Institutes of Health, most particularly the National Institute for Child Health and Development, spends approximately $300 million a year on biomedical research focused on reproductive health, treatments, and cures of reproductive disorders. This important research will advance our understanding of infertility-associated diseases and the availability of more effective and affordable treatments that will be respected by insurers and employers as a routine benefit for all those insured.

I am proud that my state of Hawaii and 14 other states have enacted laws that require insurance companies to provide some level of coverage for infertility treatment. Like the thousands of individuals working as part of the RESOLVE network, a dedicated community of Americans, I am committed to helping to ensure that those struggling with the multiple challenges of infertility have regular access to appropriate and affordable health care coverage to address their health care needs.

I applaud the work of RESOLVE, The National Infertility Association, and commend the many ongoing efforts and special activities throughout the country aimed to educate and inform the public about the issue of infertility, during National Infertility Awareness Week, September 26 to October 2, 2004.

"FOUR TRIALS"

Mr. LEAHY. Mr. President, as we approach the end of this Congress, we will reach a point when a number of us will make statements reflecting on those who will not be returning to the Senate next year. I will miss a number of Senators who have chosen not to seek reelection. Today, I want to focus on a Senator who is responding to the country's call by joining with another extraordinary American leader, JOHN KERRY, in this year's national campaign. I speak, of course, of JOHN EDWARDS, whose energy, optimism and good sense have been a great asset to the Senate over the last 6 years.

I read that political partisans at corporate business and insurance organizations have established a ''November Fund'' of $10 million to seek to smear JOHN EDWARDS. I hope that before the American people or the media fall prey to these attacks, they consider the facts. In that regard, I urge Americans to read ''Four Trials''. This extraordinary book is an autobiographical account of JOHN EDWARDS's life and some of the cases in which he represented ordinary citizens who had suffered grievous wrongs. JOHN is rightly proud of his hard work as the lawyer representing E.G. Sawyer, Jennifer Campbell, Josh Howard, Valerie Lakey and so many other middle class and working class families against powerful interests that both harmed them and then refused to acknowledge responsibility for causing that harm.

I wish that those preparing to launch attacks against JOHN EDWARDS and other trial lawyers would read ''Four Trials.'' It has recently been released in paperback, so now for only $13 they may save themselves millions in negative attack ads. No one who knows the story of JOHN EDWARDS's legal career can have anything other than admiration for what he was able to achieve through hard work, persistence and belief in the American people who serve on our Nation's juries. That faith in ordinary Americans and commitment to justice is what he is now bringing to American voters across the Nation.

My plea may be futile when addressed to the rabid partisans who, again this year, will apparently stop at nothing. Those who will foster and promote attacks on JOHN KERRY's military service and on JOHN EDWARDS's representation of injured, ordinary citizens in need of a voice have likewise savagely attacked JOHN MCCAIN during the Republican primaries 4 years ago and MAX CLELAND 2 years ago.

They promote attacks to divide us. They lessen America by fostering squabbles for partisan gain. I was pleased to see JOHN KERRY and JOHN EDWARDS issue a call at the Democratic nominating convention in August for the Republican ticket and its supporters to abandon negative attacks. I am disappointed that Republican partisans have not risen to that challenge but continue to engage in what is rightfully termed a ''smear and fear'' campaign. George Bush could have and should have called a halt to the scurrilous attacks upon JOHN KERRY's heroic military service but seems more than willing to see Karl Rove's well-known smear tactics dominate this fall's campaign.

The upcoming wave of attacks against JOHN EDWARDS will be one financed by those who oppose lowering drug prices for seniors, oppose a real patients' bill of rights and oppose accountability for misconduct that shatters the lives of ordinary Americans. Let them tell David and Sandy Lakey that JOHN EDWARDS, and lawyers like him who fight for victims, should not be allowed to seek justice in America.

I urge fair-minded Republicans and independents as well as Democrats to consider JOHN EDWARDS's life and work and to read ''Four Trials.'' It will make you cry. It will remind you that goodhearted people like JOHN and Elizabeth Edwards do the right thing and seek to help their neighbors. It will make you proud to live in a country where ordinary Americans can take on the powerful with the help of a committed legal advocate and achieve some measure of justice.

I look forward to the days and weeks ahead when more and more of the country will have the opportunity to get to know JOHN EDWARDS. I have every confidence that come the inauguration in January, JOHN will return as President of the Senate as a part of his duties as Vice President of the United States. It has been a pleasure and a privilege to serve with him, and I look forward to working with him on behalf of the American people in the years to come.

PRELIMINARY REPORT OF THE U.S. COMMISSION ON OCEAN POLICY

Mr. WARNER. Mr. President, I rise to note the April 20th release of the Preliminary Report of the U.S. Commission on Ocean Policy. This comprehensive report, the first of its kind in 35 years, lays out an ocean blueprint for the 21st century for implementation by the Congress and the Administration. The Ocean Commission, led by former Chief of Naval Operations and Secretary of Energy, Admiral James D. Watkins, USN (Ret.), is to be congratulated for its diligence and dedication to its mandate to make recommendations for a comprehensive and coordinated national ocean policy for the United States.

The Commonwealth of Virginia has always had a strong connection to the ocean. From the arrival of settlers in Jamestown in the early 1600's, to the current day when the ports of Norfolk, Portsmouth and Newport News play a vital role in our Nation's economy and security, Virginia has always depended on the oceans. While the Commonwealth has long recognized the importance of the oceans, one of the most valuable contributions of the Ocean Commission's report is its finding that oceans and their resources are important to all States, and that we all have a role to play in their protection and management.

The Ocean Commission's preliminary report represents the culmination of 2½ years of work, including 15 public meetings around the country, 17 site visits to gather more detailed information, and input from 445 witnesses, resulting in nearly 1,900 pages of testimony. The report is over 400 pages long and contains almost 200 recommendations designed to improve the Federal governance structure, enhance and increase ocean science and research, improve coastal water quality, sustain our Nation's fisheries, and improve the stewardship of our oceans through an expanded education and outreach program.

An overarching theme of the report is the need at the Federal, regional and State levels to move toward an ecosystem-based management approach that acknowledges the complexities of both ecosystems and human needs. This approach recognizes the relationships among all ecosystem components and requires fundamental changes in governance and greatly improved science and education. Through its active participation in the Chesapeake Bay Program, Virginia understands the many advantages to be gained by developing regional, ecosystem-based approaches to address the complex interrelationships of activities in many States that impact the Bay.

As the former Chief of Naval Operations under President Reagan, Admiral Watkins well knows the role oceans have played in protecting United States national security interests. The Ocean Commission's preliminary report, while not focused primarily on national security issues, contains recommendations on ports and marine transportation, vessel operations, increased ocean research and exploration, improved management of our ocean resources, and accession to the United Nations Convention on the Law of the Sea—all of which will contribute to our Nation's security and future well-being.

As the Commission finalizes its report I look forward to working together with the administration and my associates in this body and in the House as we take advantage of the opportunity presented by the work of the Ocean Commission to implement a new vision for the future of our Nation's oceans.

POSTAL ACCOUNTABILITY AND ENHANCEMENT ACT

Mr. BURNS. Mr. President, I take a few moments to comment on S. 2468, the Postal Accountability and Enhancement Act, which will reform the postal laws of the United States to guarantee its success into the 21st century. The United States Postal Service faces several long-term financial challenges unless something is done. In the last 5 years alone, the first-class mail, which accounts for over half of all postal revenue, has dropped dramatically. The continued downward spiral of the Postal Service is linked to the increased use of faxes and e-mails to communicate. As these different ways of communicating and doing business increase, it is important to preserve delivery to every address—making it a universal service—which this bill guarantees. As a rural State, Montana is a primary example of a State that needs this assurance. The Postal Service is the only service provider available in

many parts of Montana and allows Montana residents to stay in contact with the rest of the country and the world.

Additionally, the Postal Service faces such problems as reacting to needed price changes. Currently, the Postal Service takes 18 months to react to price changes, which makes it impossible to respond to market conditions. The Postal Accountability and Enhancement Act would allow the Postal Regulatory Commission the power to institute emergency price increases due to unexpected circumstances. An Anthrax attack, that recently occurred, is an example of this circumstance. In addition, this bill would free up $78 billion over a period of 60 years by repealing the provision of the Public Law 108–18, which states that overpayment to the Postal Service must be kept in an escrow account. By releasing these funds, the Postal Service would be able to diminish rate increases, help pay off the debt owed to the U.S. Treasury and help fund health care liabilities for their employees. These funds are also need to be put toward employee salaries and benefits, which make up 76 percent of the Postal Service costs.

One Montanan wrote me recently saying, ''Postal Reform is critical to the nearly 3000 Postal Employees in Montana and the thousands of others who rely on the USPS as a foundation for their occupation.'' I could not agree more. I urge my colleagues to vote in favor of the Postal Accountability and Enhancement Act of 2004.

ADDITIONAL STATEMENTS

TRIBUTE TO PAUL MOLITOR

• Mr. COLEMAN. Mr. President, it is truly an honor and a privilege to take this opportunity to pay tribute to Paul Molitor, an incredible individual and a tremendous baseball player from the city of Saint Paul, MN. Paul will forever be remembered as one of the greatest to ever play the game, but most of all he will be remembered as a hometown hero to many Minnesotans. In recognition of his achievements and dedication to the sport, Paul has been inducted into the National Baseball Hall of Fame in Cooperstown, NY. This is a tribute not only to his abilities on the field, but also to his commitment to the community. It is my great privilege to highlight his accomplishments before the United States Senate and this Nation.

Paul's humble beginnings were that of many young Minnesotans. At the age of four, it was clear that a passion for baseball was developing in the heart of this young Midwestern boy. Every where he went, Paul would carry his mitt with him. He shined as a star athlete for the Raiders of Cretin-Derham Hall High School in Saint Paul. For his college education, he stuck close to home and became a Golden Gopher by attending the University of Minnesota. At the U of M, Paul was a three-year starter and a two-time All-American before he made the decision to sign with the Milwaukee Brewers as the third overall pick in the 1977 Major League Baseball draft.

After only a short time in the minor leagues, Paul earned a role as the starting shortstop and leadoff hitter for the Brewers. This position would be one of many that this versatile athlete would play throughout his record-breaking career. Paul reached many milestones that few players would ever meet. He is one of only five players with over 3,000 hits and over 500 steals, the others being legendary players Ty Cobb, Honus Wagner, Eddie Collins, and Lou Brock. Paul is in the top ten all-time in at-bats, hits, singles, and doubles, and in the top twenty all-time in runs scored, triples, and stolen bases. Paul also tops the list as the only player in Major League Baseball history with 3,000 hits, 500 stolen bases, and 200 home runs. All of these are great accomplishments, but perhaps his greatest feat came in 1993, when the Toronto Blue Jays won the World Series and Paul was recognized as the most valuable player.

Outside of baseball, Paul is well-known as one that actively gives back to his community. In 1998, he was honored with the Branch Rickey Award, which is given to baseball players that show unparalleled devotion to serving their community. In addition to this, Paul was also recognized for his strength of character when he was awarded the Lou Gehrig Memorial Award, given to those who best exemplify the giving character of Lou Gehrig, another hall-of-famer.

Paul Molitor has come a long way from the sandlots of Saint Paul to the ballparks of Major League Baseball. In twenty-one seasons, Paul played with three major league clubs, before coming back home to play for his hometown team, the Minnesota Twins, in 1996. It is quite clear that Paul Molitor is a person whose dedication and hard work brought him to the pinnacle of Major League Baseball. His talent, commitment, and love for the game have led to his selection into the National Baseball Hall of Fame. It is my distinct pleasure to recognize his achievements before the United States Senate, and I wish him all the best in his future endeavors.

Paul, you have made many proud—your fans, teammates, and the State of Minnesota. You are a true hometown her. Congratulations on your induction into the National Baseball Hall of Fame.•

HONORING ROY SNYDER

• Mr. BURNS. Mr. President, I honor a great public servant, Roy Snyder. Roy Snyder is retiring after 27 years of providing exemplary service to America. His career began in 1962, with the Bureau of Land Management. He then served our Country for over 10 years in the United States Army where he attained the rank of Captain. He then turned his abilities to Corps of Engineers. For the last 15 years, it has been Montana's fortune to have Roy as Operations Manager at Fort Peck Lake. He assumed this position with the determination to make changes that would benefit the public. He accomplished that mission. Fort Peck Lake saw many positive changes under Mr. SNYDER's oversight. Without his support and encouragement, Fort Peck would still be a little known and little used recreation site.

It has been my honor and privilege to work with him on significant projects that have benefited not just Montanans, but all recreational users of Fort Peck. With Roy's help the roads around Fort Peck have been improved, the campgrounds have been improved, there is a breakwater, Lewis and Clark sites, fishing access sites, a fish hatchery, the Interpretive Center. All of these are due in large part, to Roy's tenacious ability to make things happen.

Even more important, he has created relationships between users that never existed before. People who didn't realize they had anything in common are now working together. He has worked to turn a lack of communication into an open line that benefits everyone who uses Fort Peck.

Even in times of adversity, Roy has been a stalwart supporter of the recreational users. He put the public's need before all others and worked to ensure they had the chance to make the most of Fort Peck Lake. It is my honor to commend Roy Snyder for his 27 years of service. It is even more of an honor for me to refer to Roy as my friend. Roy, thank you for everything you have done to make Fort Peck Lake what it is today. We will all miss you.•

HONORING THE LIFE OF J. IRWIN MILLER

• Mr. BAYH. Mr. President, I rise today to honor the life of my fellow Hoosier, Joseph Irwin Miller, who died on Monday, August 16, at the age of 95. J. Irwin Miller was a leading industrialist who used his business success as an opportunity to give back to his community by helping Hoosiers in need, advancing greater social change through example and turning Columbus, IN, into an architectural landmark.

Joseph Irwin Miller was a fourth-generation Hoosier, born in 1909 to Hugh and Nettie Miller. He graduated from Yale University in 1931 and joined his family's bank 3 years later. His family also owned Cummins, a local diesel maker that Miller would transform into a Fortune 500 company recognized around the world. On his watch, Cummins increased its sales five times over, to $100 million by 1955. From a small-town company with 60 employees, J. Irwin Miller grew Cummins into

an industry giant with 25,000 employees from around the world.

These economic accomplishments are remarkable, but they are far outmatched by Miller's work in public service and social activism. J. Irwin Miller was a visionary whose impact reached far beyond Cummins, affecting the entire State of Indiana and indeed many nations, through his innovative leadership, personal convictions and legendary philanthropy.

During the long fight for greater civil rights, Miller led by example, first by eliminating segregation at Cummins and later by helping organize the Reverend Martin Luther King, Jr.'s, civil rights march. J. Irwin Miller was a man who stood by his beliefs no matter what the cost. To protest apartheid in South Africa, Miller closed the Cummins plant located there and helped write legislation that led to economic sanctions against the country. Such dedication to one's beliefs and commitment to do what is right is especially commendable today, in light of recent corporate scandals and failings.

J. Irwin Miller was a man of international importance and influence, but he never forgot his roots in Indiana. His love for his hometown is evident throughout Columbus, where today visitors can find examples of the finest architecture in the world. Because of his efforts, Columbus became known as the ''Athens of the Prairie,'' with schools and public buildings designed by such world-renowned figures as I. M. Pei and Eliel Saarinen.

With the passing of J. Irwin Miller, I hope that these buildings become more than architectural landmarks, but symbols of the true public spirit demonstrated by Miller in every aspect of his life. J. Irwin Miller was a true leader in business and in life, and he will be greatly missed.

It is my honor to enter the name of Joseph Irwin Miller into the CONGRESSIONAL RECORD.●

NORTH AMERICAN EXPLORATION

● Mr. BENNETT. Mr. President, I rise today to pay tribute and to extend my congratulations to a great Utah company, North American Exploration, which recently celebrated its 40th anniversary of service to the mining industry. For the last 25 of these years, North American has been headquartered in the City of Kaysville in my home State of Utah.

Over the last four decades, North American has provided mineral exploration and mine development services on countless projects throughout Utah and the Mountain West, producing jobs for hundreds of Utahns in the process. North American is typical of so many small businesses that are truly the silent engines behind our economy.

As a former businessman myself and as a member of the Senate Small Business Committee, I am well aware of the challenges involved in building and managing a successful enterprise. North American has been very fortunate to be aided in this endeavor by the leadership of Jay Gatten, who has been their chief executive since 1979.

So let me conclude by again offering my congratulations to Jay and Tora Gatten, Brian Vinton, and the rest of the North American team for the successes they have enjoyed and by offering them every best wish for continued prosperity.●

TRIBUTE TO THOMAS A. GRAU

● Mr. BURNS. Mr. President, I rise today to commend Thomas A. Grau, CPCU, who will be installed as the 100th president of the Nation's largest insurance association—the Independent Insurance Agents & Brokers of America, IIABA—this October in Orlando. He was elected to IIABA's Executive Committee in September 1999, and was inaugurated as president-elect during the association's convention in Las Vegas last fall. Tom is an executive with the Cogswell Agency in Great Falls, MT.

Tom has been active on the local, state, regional and national levels of the insurance industry throughout his career. In 1991, he began his 6-year tenure as the Independent Insurance Agents of Montana representative to the IIABA National Board of Directors. In 1997, he was appointed chairman of IIABA's Finance Committee. Tom also served on IIABA's Audit and Direction, and Resource Coordination Committees.

He also was active in the regional Far West Agents Conference, serving as its chairman in 1986. The conference is an annual meeting of industry and independent agent leaders from eight Western States.

On the state level, Tom was president of the Independent Insurance Agents of Montana, IIAM, in 1988, 1989 as well as chairman of its Technical Affairs Committee for 5 years and a member of the Board of Directors of IIAM's for-profit subsidiary—Public Risk Insurance Management, PRIM. On the local level, he twice served as president of the Independent Insurance Agents of Great Falls.

Tom has been an ardent proponent of insurance industry education throughout his career, serving as instructor for numerous professional accreditation classes on the local and State levels, and earning the Chartered Property and Casualty Underwriter, CPCU, designation in 1982.

Tom also is deeply involved in his community. He is an active member of Holy Spirit Catholic Church and serves on the finance committee of Holy Spirit Catholic School. He is actively engaged in the local chapter of Optimist International, in which he is a past president and has held several offices, as well as the Muscular Dystrophy Association and the Boy Scouts of America.

I am proud of Tom's many accomplishments, and I know he will serve his fellow independent agents and brokers with visionary leadership to further their many worthy causes. I wish him and his wife, Cheryl, great success as president and first lady of the Independent Insurance Agents & Brokers of America.●

HONORING THE TOWN OF SCOTLAND

● Mr. JOHNSON. Mr. President, I honor and publicly recognize the 125th anniversary of the founding of the town of Scotland, SD. The town of Scotland has a proud past and promising future.

Like many towns in South Dakota, Scotland got its start with help from the railroad. Scotland was originally founded in 1870 on a site near Dawson Creek. However, in 1879, with the approach of the Chicago, Milwaukee,and St. Paul Railroad, it became necessary for Scotland to be relocated to the upland prairie. The town still stands on this second site.

General Charles T. Campbell and John Stafford are credited with the founding of Scotland. General Campbell was of Scottish ancestry and that's how the name came about. He was a distinguished soldier in both the Mexican and Civil Wars. In 1867, he was assigned to Dakota Territory as an inspector for Indian agencies. It was at this time, while traveling for his duties as inspector, that General Campbell discovered the ideal location on Dawson Creek to build a trading post and inn on the Firesteel Stage Coach line that ran between Firesteel, near present-day Mitchell, and Yankton. General Campbell's original buildings established the nucleus from which the town of Scotland soon evolved.

John Stafford arrived with his family from Canada in 1872. Mr. Stafford is important to the development of Scotland because he donated eighty acres of land for the new town site. In the next decade, more than 100 families moved to the area, and most of them were of English, especially Scottish, descent. The relocation of the town in 1879 escalated the growth of Scotland. The year 1873 heralded the arrival of a large population of German-Russian immigrants. The years from 1885–1891 was the golden age of development for Scotland. During that time Scotland boasted the largest flax market in the United States and the world's largest tow mill. Scotland is also proud to be the hometown of United States astronaut Charles Gemar. Currently, about 1,000 people reside in Scotland. It is with great honor that I advise my colleagues of the achievements made by this great community.●

HONORING THE CITY OF AVON

● Mr. JOHNSON. Mr. President, I honor and publicly recognize the 125th anniversary of the founding of the city of Avon, SD. The city of Avon looks back on a proud history and looks forward to a promising future.

Taking its name from a post office run out of the nearby home of Mr. and Mrs. George Phoenix, the city of Avon grew out of the 1879 expansion of the Chicago, Milwaukee, and St. Paul Railroad. Prosperous agriculture in the western part of Bon Homme County led farmers and ranchers to seek expanded markets for their goods. Railroad officials, in turn, recognized the value of building a branch line from Napa to Platte to serve this need, and some 500 workers began the arduous task of laying the new line through the area. The start of work was closely followed by the opening of a saloon by Joe Sterba that would find its home in Avon's first permanent commercial building by 1900. Other businesses quickly joined the saloon, and Avon was soon a thriving community serving the agricultural region that surrounded it.

For most of its 125 years, the city of Avon has been served by the weekly newspaper, the Avon Clarion, which began publication in the winter of 1901. In an article that year, the paper boasted that Avon had, ''without exception, the brightest and most encouraging future of any town along this line.'' In the 125 years since its founding, Avon has proven its ability to thrive and serve farmers and ranchers in the region. Currently, more than 550 people live in the city of Avon. It is with great honor that I advise my colleagues of the achievements made by this great community.●

HONORING THE TOWN OF BURKE

● Mr. JOHNSON. Mr. President, I honor and publicly recognize the 100th anniversary of the founding of the town of Burke, SD. The town of Burke has enjoyed a proud past and looks forward to a bright future.

Founded in 1904, the town of Burke took its name from Charles Burke of Pierre, who served in the South Dakota legislature, U.S. Congress, and later as U.S. Commissioner of Indian Affairs. Burke was platted as a government townsite and surveyed by Sam Chilton. On August 4, homesteaders gathered in the center of the townsite and raced on foot, on horseback and with wagons to lay their claims to plots in the town. Though the town was born with the sound of the pistol that day, Burke did not experience the boom that many of the other towns in the area did. Burke's growth was slow and purposeful. Early settlers faced and overcame the hardships of South Dakota winters, tedious trips to the nearest railroad town for supplies, the devastation of tornadoes, and even terrorization from gamblers and thugs that had made their way into town. The citizens of Burke cleaned up the rough element and earned a reputation as one of the most peaceable and law-abiding towns in the county.

Since 1917, Burke has served as the county seat of Gregory County. The town lies about 30 miles west of the Missouri River in a region of fertile farmland and gently rolling hills. Currently, more than 650 people live in Burke. The town celebrated its centennial birthday with festivities during the first week of August. Among the many events during the 5-day celebration were an alumni golf tournament, a centennial farm dance, a parade, an alumni banquet, a centennial coin auction, and a ballroom dance. It is with great honor that I advise my colleagues of the achievements made by this great community.●

HONORING THE TOWN OF TYNDALL

● Mr. JOHNSON. Mr. President, I honor and publicly recognize the 125th anniversary of the founding of the town of Tyndall, SD. The town of Tyndall is a spirited and self-reliant county seat with a proud past and promising future.

In 1879, the Chicago, Milwaukee, and St. Paul Railway chose to enter Bon Homme County. Dan Currier build the first home and store along the railroad route in Tyndall, so-named for the English physicist John Tyndall who first explained what makes the sky blue. In 1884, Dan Currier opened the Grand Central Hotel, referred to as the greatest hotel this side of Chicago at the time. Mr. Currier remained active in the town's growth and became the first mayor in 1887. The first settlers in Tyndall were predominately German, Czech, and Irish. Their meeting halls were some of the first building in the town of Tyndall and many are preserved today.

A major attraction opened in Tyndall in 1989: the Soukup and Thomas Balloon Museum. The museum exhibits one of the best displays of ballooning history, including the first balloon basket to fly over the Soviet Union. The museum also houses a rare collection from the Hindenburg Airship as well as examples of balloon mail, lithographs, jewelry, trophies, and other collectibles. Tyndall hosted the 6th World Gas Balloon Championship and the 1st World Roziere Balloon Championship in 1990. The second annual International Balloon Rally was held in 1991 in Tyndall.

Though the railroad which gave birth to the town of Tyndall is no longer operational, the town continues to thrive, relying on friendly local business and aggressive agriculture. Currently 1,200 people reside in this progressive community. It is with great honor that I advise my colleagues of the achievements made by this great community.●

HONORING THE TOWN OF LAKE ANDES

● Mr. JOHNSON. Mr. President, I honor and publicly recognize the 100th anniversary of the founding of the town of Lake Andes, SD. Lake Andes has experienced a proud century and looks forward to a promising future.

Founded in 1904, the town of Lake Andes sits on the southwest shore of its namesake. Measuring twelve miles in length and a mile and a half wide, Andes Lake is one of the most popular destinations for hunters and fishers in the State and sits at the center of one of the richest and most fertile sections of South Dakota.

Though it was platted in 1901, the town was not officially established until three years later, when town lots were sold on May 18, 1904. In 1911, the town welcomed the construction of a Carnegie Library, which still stands and has since been designated a historical structure for the State of South Dakota. Lake Andes became the county seat of Charles Mix County in 1916, prompting growth and prosperity that would lead to more than 80 years of stability in the town.

Currently, more than 800 people reside in the town of Lake Andes. In early June, Lake Andes held centennial festivities that coincided with the town's Fish Days celebration, an annual tradition that began in 1915, continued through 1969, and was reestablished in 1988. A parade, carnival, quilt show, and firemen's water fight were among the many celebratory events that weekend. It is with great honor that I advise my colleagues of the achievements made by this great community.●

HONORING THE TOWN OF HERRICK

● Mr. JOHNSON. Mr. President, I honor and publicly recognize the 100th anniversary of the founding of the town of Herrick, SD. The town of Herrick has a strong sense of its past and anticipates a bright future.

Though it was originally named Willette, the town adopted the name of prestigious homestead lawyer Samuel Herrick soon after its 1904 founding. From 1906 to 1907, Herrick experienced a period of growth as it served as a stop along the railroad. Many of the original buildings in the town still stand, including the Town Hall built in 1913, which has been restored and is in use, and the old saloon, which has since become a family restaurant and bar. Two other structures find themselves on the National Register of Historic Places: the Herrick School House and Herrick Elevator.

Herrick's 105 proud residents and friends of the community celebrated the centennial at the end of July with festivities including an all-school reunion, the annual Squeal Meal celebration, and a hayride featuring buildings and homes that were built around the time of the founding. It is with great honor that I advise my colleagues of the achievements made by this great community.●

HONORING JEFFREY LEE NELSON

● Mr. JOHNSON. Mr. President, I congratulate Jeff Nelson of Madison, SD,

for recently celebrating 30 years of distinguished service at East River Electric.

Jeff Nelson understands the word dedication. Mr. Nelson was born and raised in Marion, SD, where he attended high school. After graduating from South Dakota State University in 1971 with a degree in electrical engineering, he entered the U.S. Army and was stationed in Germany. From 1971 to 1974, he served as an officer in the U.S. Army's Armored Division. After honorably serving, he and his wife, Trudi, relocated to Madison where he started working for East River Electric.

I know first hand that Jeff has done a great deal to improve the lives of countless South Dakotans. He is a tremendously talented man with a great deal of energy and ambition. He is not only a good friend, but a person who may staff and I deal with closely. As general manager of East River Electric since 1990, he has earned the respect and admiration of all those who have had the opportunity to work with him.

East River Electric is a power supply cooperative which serves wholesale electricity to 22 member systems, which in turn serve over 82,000 homes and businesses. The 36,000 square mile service area covers 41 counties in Eastern South Dakota and nine counties in western Minnesota.

Jeff's friendly demeanor and wealth of knowledge have helped him develop close relationships with his colleagues and with community leaders throughout our State. This friendly attitude has led to numerous elected posts and honors. He is currently the president of the Mid-West Electric Consumers Association board of directors, Upper Great Plains Region Affiliate of Western States Power Corporation board of directors, chairman of the Power and Water Resources Standing Committee of the National Rural Electric Cooperative Association, and vice president of the Western States Power Corporation board of directors. Among his many philanthropic efforts are the organizer of the Lake County Food Pantry, treasurer of the East Central South Dakota Habitat for Humanity, and he is on the board of directors for the Lake Area Improvement Corporation.

Through it all, Jeff's devotion to his family is his number one priority. Even as his responsibilities at East River Electric changed and grew, his commitment to his family never wavered. Jeff and Trudi have two children, Erik and Katie. Erik and his wife, Stacy, live in Sioux Falls, while Katie resides in nearby Marshall, Minnesota.

I congratulate Jeff Nelson for his 30 years of distinguished service. It is with great honor that I share his impressive accomplishments with my colleagues.●

MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Ms. Evans, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session the Presiding Officer laid before the Senate messages from the President of the United Stats submitting sundry nominations which were referred to the appropriate committees.

(The nominations received today are printed at the end of the Senate proceedings.)

MESSAGES FROM THE HOUSE DURING ADJOURNMENT

Under the authority of the order of January 7, 2003, the following enrolled bills were subsequently signed by the President pro tempore (Mr. STEVENS) on July 23, 2004:

H.R. 1572. An act to designate the United States Courthouse located at 100 North Palafox Street in Pensacola, Florida, as the ''Winston E. Arnow United States Courthouse.''

H.R. 1914. An act to provide for the issuance of a coin to commemorate the 400th anniversary of the Jamestown settlement.

H.R. 2768. An act to require the Secretary of the Treasury to mint coins in commemoration of Chief Justice John Marshall.

H.R. 3277. An act to require the Secretary of the Treasury to mint coins in commemoration of the 230th Anniversary of the United States Marine Corps, and to support construction of the Marine Corps Heritage Center.

H.R. 4380. An act to designate the facility of the United States Postal Service located at 4737 Mile Stretch Drive in Holiday, Florida, as the ''Sergeant First Class Paul Ray Smith Post Office Building''.

Under the authority of the order of January 7, 2003, the Secretary of the Senate, on July 26, 2004, during the adjournment of the Senate, received a message from the House of Representatives announcing that the House has passed the following bill, without amendment:

S. 2712. An act to preserve the ability of the Federal Housing Administration to insure mortgages under sections 238 and 519 of the National Housing Act.

Under authority of the order of the Senate of January 7, 2003, the Secretary of the Senate, on July 27, 2004, during the adjournment of the Senate, received a message from the House of Representatives announcing that the Speaker has signed the following enrolled bills:

S. 2712. An act to preserve the ability of the Federal Housing Administration to insure mortgages under sections 238 and 519 of the National Housing Act.

H.R. 2443. An act to authorize appropriations for the Coast Guard for fiscal year 2005, to amend various laws administered by the Coast Guard, and for other purposes.

H.R. 3340. An act to redesignate the facilities of the United States Postal Service located at 7715 and 7748 S. Cottage Grove Avenue in Chicago, Illinois, as the ''James E. Worsham Post Office'' and the ''James E. Worsham Carrier Annex Building'', respectively, and for other purposes.

H.R. 3463. An act to amend titles III and IV of the Social Security Act to improve the administration of unemployment taxes and benefits.

H.R. 4222. An act to designate the facility of the United States Postal Service located at 550 Nebraska Avenue in Kansas City, Kansas, as the ''Newell George Post Office Building''.

H.R. 4226. An act to amend title 49, United States Code, to make certain conforming changes to provisions governing the registration of aircraft and the recordation of instruments in order to implement the Convention on International Interests in Mobile Equipment and the Protocol to the Convention on International Interests in Mobile Equipment on Matters Specific to Aircraft Equipment, known as the ''Cape Town Treaty''.

H.R. 4327. An act to designate the facility of the United States Postal Service located at 7450 Natural Bridge Road in St. Louis, Missouri, as the ''Vitilas 'Veto' Reid Post Office Building''.

H.R. 4417. An act to modify certain deadlines pertaining to machine-readable, tamper-resistant entry and exit documents.

H.R. 4427. An act to designate the facility of the United States Postal Service located at 73 South Euclid Avenue in Montauk, New York, as the ''Perry B. Duryea, Jr. Post Office''.

H.R. 4613. An act making appropriations for the Department of Defense for the fiscal year ending September 30, 2005, and for other purposes.

H.R. 4842. An act to implement the United States-Morocco Free Trade Agreement.

H.R. 4916. An act to provide an extension of highway, highway safety, motor carrier safety, transit, and other programs funded out of the Highway Trust Fund pending enactment of a law reauthorizing the Transportation Equity Act for the 21st Century.

Under the authority of the order of July 22, 2004, the enrolled bills were subsequently signed by the Acting President pro tempore (Mr. WARNER) on July 27, 2004.

ENROLLED BILLS AND JOINT RESOLUTION PRESENTED DURING ADJOURNMENT

The Secretary of the Senate reported that on July 23, 2004, she had presented to the President of the United States the following enrolled bills and joint resolution:

S. 741. An act to amend the Federal Food, Drug, and Cosmetic Act with regard to new animal drugs, and for other purposes.

S. 2264. An act to require a report on the conflict in Uganda, and for other purposes.

S.J. Res. 38. Joint resolution providing for the appointment of Eli Broad as a citizen regent of the Board of Regents of the Smithsonian Institution.

The Secretary of the Senate reported that on July 28, 2004, she had presented to the President of the United States the following enrolled bill:

S. 2712. An act to preserve the ability of the Federal Housing Administration to insure mortgages under sections 238 and 519 of the National Housing Act.

MESSAGE FROM THE HOUSE

At 1:19 p.m., a message from the House of Representatives, delivered by Ms. Niland, one of its reading clerks, announced that the House has passed the following bills, in which it requests the concurrence of the Senate:

H.R. 3313. An act to amend title 28, United States Code, to limit Federal court jurisdiction over questions under the Defense of Marriage Act.

H.R. 4056. An act to encourage the establishment of both long-term and short-term programs to address the threat of man-portable air defense systems (MANPADS) to commercial aviation.

H.R. 4175. An act to increase, effective as of December 1, 2004, the rates of disability compensation for veterans with service-connected disabilities and the rates of dependency and indemnity compensation for survivors of certain service-connected disabled veterans, and for other purposes.

H.R. 4837. An act making appropriations for military construction, family housing, and base realignment and closure for the Department of Defense for the fiscal year ending September 30, 2005, and for other purposes.

The message also announced that the House has agreed to the following concurrent resolutions, in which it requests the concurrence of the Senate:

H. Con. Res. 418. Concurrent resolution recognizing the importance in history of the 150th anniversary of the establishment of diplomatic relations between the United States and Japan.

H. Con. Res. 436. Concurrent resolution celebrating 10 years of majority rule in the Republic of South Africa and recognizing the momentous social and economic achievements of South Africa since the institution of democracy in that country.

H. Con. Res. 467. Concurrent resolution declaring genocide in Darfur, Sudan.

H. Con. Res. 469. Concurrent resolution condemning the attack on the AMIA Jewish Community Center in Buenos Aires, Argentina, in July 1994 and expressing the concern of the United States regarding the continuing, decade-long delay in the resolution of this case.

MESSAGE FROM THE HOUSE DURING ADJOURNMENT

Under authority of the order of the Senate January 7, 2003, the Secretary of the Senate, on September 7, 2004, during the adjournment of the Senate, received a message from the House of Representatives announcing that the House has passed the following bill, in which it requests the concurrence of the Senate:

H.R. 5005. An act making emergency appropriations for the fiscal year ending September 30, 2004, for additional disaster assistance.

EMERGENCY SUPPLEMENTAL APPROPRIATIONS FOR DISASTER RELIEF ACT OF 2004

The text of the bill is as follows:

H.R. 5005

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the following sums are appropriated, out of any money in the Treasury not otherwise appropriated, for the fiscal year ending September 30, 2004, to provide emergency supplemental appropriations for additional disaster assistance, namely:

DEPARTMENT OF HOMELAND SECURITY

EMERGENCY PREPAREDNESS AND RESPONSE

DISASTER RELIEF

For an additional amount for ''Disaster Relief'', $2,000,000,000, to remain available until expended, of which up to $30,000,000 may be transferred to ''Small Business Administration—Salaries and Expenses'', for administrative expenses to carry out the disaster loans program authorized by section 7(b) of the Small Business Act: *Provided,* That the amounts provided herein are designated as an emergency requirement pursuant to section 402 of S. Con. Res. 95 (108th Congress), as made applicable to the House of Representatives by H. Res. 649 (108th Congress) and applicable to the Senate by section 14007 of Public Law 108–287.

This Act may be cited as the ''Emergency Supplemental Appropriations for Disaster Relief Act, 2004''.

MEASURES REFERRED

The following bills were read the first and the second times by unanimous consent, and referred as indicated:

H.R. 3313. An act to amend title 28, United States Code, to limit Federal court jurisdiction over questions under the Defense of Marriage Act; to the Committee on the Judiciary.

H.R. 3574. An act to require the mandatory expensing of stock options granted to executive officers, and for other purposes; to the Committee on Banking, Housing, and Urban Affairs.

H.R. 3819. An act to redesignate Fort Clatsop National Memorial as the Lewis and Clark National Historical Park, to include in the park sites in the State of Washington as well as the State of Oregon, and for other purposes; to the Committee on Energy and Natural Resources.

H.R. 3884. An act to designate the Federal building and United States courthouse located at 615 East Houston Street in San Antonio, Texas, as the ''Hipolito F. Garcia Federal Building and United States Courthouse''; to the Committee on Environment and Public Works.

H.R. 3936. An act to amend title 38, United States Code, to authorize the principal office of the United States Court of Appeals for Veterans Claims to be at any location in the Washington, D.C., metropolitan area, rather than only in the District of Columbia, and expressing the sense of Congress that a dedicated Veterans Courthouse and Justice Center should be provided for that Court and those it serves and should be located, if feasible, at a site owned by the United States that is part of or proximate to the Pentagon Reservation, and for other purposes; to the Committee on Veterans' Affairs.

H.R. 4011. An act to promote human rights and freedom in the Democratic People's Republic of Korea, and for other purposes; to the Committee on Foreign Relations.

H.R. 4056. An act to encourage the establishment of both long-term and short-term programs to address the threat of man-portable air defense systems (MANPADS) to commercial aviation; to the Committee on Commerce, Science, and Transportation.

H.R. 4175. An act to increase, effective as of December 1, 2004, the rates of disability compensation for veterans with service-connected disabilities and the rates of dependency and indemnity compensation for survivors of certain service-connected disabled veterans, and for other purposes; to the Committee on Veterans' Affairs.

H.R. 4259. An act to amend title 31, United States Code, to improve the financial accountability requirements applicable to the Department of Homeland Security, to establish requirements for the Future Years Homeland Security Program of the Department, and for other purposes; to the Committee on Governmental Affairs

H.R. 4294. To designate the annex to the E. Barrett Prettyman Federal Building and United States Courthouse located at 333 Constitution Avenue Northwest in the District of Columbia as the ''William B. Bryant Annex''; to the Committee on Environment and Public Works.

H.R. 4608. An act to name the Department of Veterans Affairs outpatient clinic located in Peoria, Illinois, as the ''Bob Michel Department of Veterans Affairs Outpatient Clinic''; to the Committee on Veterans' Affairs.

H.R. 4660. An act to amend the Millennium Challenge Act of 2003 to extend the authority to provide assistance to countries seeking to become eligible countries for purposes of that Act; to the Committee on Foreign Relations.

H.R. 4816. An act to permit the Librarian of Congress to hire Library of Congress Police employees; to the Committee on Rules and Administration.

H.R. 4840. An act to amend the Internal Revenue Code of 1986 to simplify the taxation of businesses; to the Committee on Finance.

H.R. 4841. An act to amend the Internal Revenue Code of 1986 to simplify certain tax rules for individuals; to the Committee on Finance.

H.R. 4850. An act making appropriations for the government of the District of Columbia and other activities chargeable in whole or in part against the revenues of said District for the fiscal year ending September 30, 2005, and for other purposes; to the Committee on Appropriations.

H.R. 4879. An act to increase the military housing private investment cap; to the Committee on Armed Services

The following concurrent resolutions were read, and referred as indicated:

H. Con. Res. 301. Concurrent resolution supporting the goals and ideals of the World Year of Physics; to the Committee on Commerce, Science, and Transportation.

H. Con. Res. 418. Concurrent resolution recognizing the importance in history of the 150th anniversary of the establishment of diplomatic relations between the United States and Japan; to the Committee on Foreign Relations.

H. Con. Res. 436. Concurrent resolution celebrating 10 years of majority rule in the Republic of South Africa and recognizing the momentous social and economic achievements of South Africa since the institution of democracy in that country; to the Committee on Foreign Relations.

H. Con. Res. 467. Concurrent resolution declaring genocide in Darfur, Sudan; to the Committee on Foreign Relations.

H. Con. Res. 469. Concurrent resolution condemning the attack on the AMIA Jewish Community Center in Buenos Aires, Argentina, in July 1994 and expressing the concern of the United States regarding the continuing, decade-long delay in the resolution of this case; to the Committee on Foreign Relations.

MEASURES PLACED ON THE CALENDAR

The following bill was read the first and second times by unanimous consent, and placed on the calendar:

H.R. 4837. An act making appropriations for military construction, family housing, and base realignment and closure for the Department of Defense for the fiscal year ending September 30, 2005, and for other purposes.

MEASURES READ THE FIRST TIME

The following bill was read the first time:

S. 2774. A bill to implement the recommendations of the National Commission on Terrorist Attacks Upon the United States, and for other purposes.

EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, and were referred as indicated:

EC–8690. A message from the President of the United States, transmitting, pursuant to law, the District of Columbia's Fiscal Year 2005 Budget Request Act; to the Committee on Governmental Affairs.

EC–8691. A message from the President of the United States, transmitting, pursuant to law, a report on the continuation of a national emergency regarding export control regulations explained in Executive Order 13222; to the Committee on Banking, Housing, and Urban Affairs.

EC–8692. A message from the President of the United States, transmitting, pursuant to law, a report relative to the export to the People's Republic of China of certain items; to the Committee on Banking, Housing, and Urban Affairs.

EC–8693. A message from the President of the United States, transmitting, pursuant to law, the report of the termination of the emergency declared in Executive Order 12722 with respect to Iraq and the modification of Executive Order 13290, Executive Order 13303, and Executive Order 13315; to the Committee on Banking, Housing, and Urban Affairs.

EC–8694. A message from the President of the United States, transmitting, pursuant to law, an Executive Order blocking property of certain persons and prohibiting the importation of certain goods from Liberia and an accompanying report; to the Committee on Banking, Housing, and Urban Affairs.

EC–8695. A communication from the Assistant Bureau Chief, International Bureau, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled ''In the Matter of Review of the Spectrum Sharing Plan Among Non-Geostationary Satellite Orbit Mobile Satellite Service Systems in the 1.6/2.4 GHz Bands and Amendment of Part 2 of the Commission's Rules to Allocate Spectrum Below 3 GHz for Mobile and Fixed Services to Support the Introduction of New Advanced Wireless Services including Third Generation Wireless Systems'' (FCC04–134) received on July 22, 2004; to the Committee on Commerce, Science, and Transportation.

EC–8696. A communication from the Attorney, Wireline Competition Bureau, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled ''Section 51.908 Availability of Agreements to Other Telecommunications Carriers Under Section 252(i) of the Act'' (FCC04–164) received on July 22, 2004; to the Committee on Commerce, Science, and Transportation.

EC–8697. A communication from the Chief, Disability Rights Office, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled ''In the Matter of Telecommunications Relay Services and Speech-to-Speech Services for Individuals with Hearing and Speech Disabilities, Report and Order, Order on Reconsideration, and Further Notice of Proposed Rulemaking, CC Doc. Nos 90–571 and 98–67; CG Doc. No. 03–123'' (FCC04–137) received on July 22, 2004; to the Committee on Commerce, Science, and Transportation.

EC–8698. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Prohibition Against Certain Flights by Syrian Air Carriers to the United States; Doc. No. FAA–2004–17763'' (RIN2120–AI34) received on July 27, 2004; to the Committee on Commerce, Science, and Transportation.

EC–8699. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Miscellaneous Flight Requirements; Powerplant Installation Requirements; Public Address System; Trim Systems and Protective Breathing Equipment; and, Powerplant Controls; FAA–2002–13859 (RIN2120–AI35) received on July 27, 2004; to the Committee on Commerce, Science, and Transportation.

EC–8700. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Aircraft Assembly Placard Requirements; Doc. No. FAA–2004–18477'' (RIN2120–AI24) received on July 27, 2004; to the Committee on Commerce, Science, and Transportation.

EC–8701. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Design Standards for Fuselage Doors on Transport Category Airplanes; Doc. No. FAA–2003–14193'' (RIN2120–AH34) received on July 27, 2004; to the Committee on Commerce, Science, and Transportation.

EC–8702. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Certification of Airports; Doc. No. FAA–200–7479 TECHNICAL CORRECTION'' (RIN2120–AG96) received on July 27, 2004; to the Committee on Commerce, Science, and Transportation.

EC–8703. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Noise Certification Regulations for Helicopters; Doc. No. FAA–200–7958'' (RIN2120–AH10) received on July 27, 2004; to the Committee on Commerce, Science, and Transportation.

EC–8704. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Certification of Airports; Doc. No. FAA–200–7479 CORRECTION'' (RIN2120–AG96) received on July 27, 2004; to the Committee on Commerce, Science, and Transportation.

EC–8705. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Certification of Aircraft and Airmen for the Operation of Light-Sport Aircraft; Doc. No. FAA–2001–11133'' (RIN2120–AH19) received on July 27, 2004; to the Committee on Commerce, Science, and Transportation.

EC–8706. A communication from the Attorney Advisor, Federal Railroad Administration, Department of Transportation, transmitting, pursuant to law, the report of a vacancy for the position of Administrator, Federal Railroad Administration, received on July 26, 2004; to the Committee on Commerce, Science, and Transportation.

EC–8707. A communication from the Administrator, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, a report relative to foreign aviation authorities to which the Administrator provided services in the preceding fiscal year; to the Committee on Commerce, Science, and Transportation.

EC–8708. A communication from the Under Secretary of Commerce for Oceans and Atmosphere, Department of Commerce, transmitting, pursuant to law, a report relative to the activities of the Northwest Atlantic Fisheries Organization for 2003; to the Committee on Commerce, Science, and Transportation.

EC–8709. A communication from the Assistant Secretary for Export Administration, Bureau of Industry and Security, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled ''Revocation of General Order No. 3 Which Imposed License Requirements on Shaykh Hamad bin Ali bin Jaber Al-Thani and Entities Related to or Controlled by Him'' (RIN0694–AD21) received on August 6, 2004; to the Committee on Commerce, Science, and Transportation.

EC–8710. A communication from the General Counsel, Consumer Product Safety Commission, transmitting, pursuant to law, the report of a rule entitled ''Safety Standard for Cigarette Lighters; Adjusted Customs Value for Cigarette Lighters'' (RIN3041–AC24) received on August 6, 2004; to the Committee on Commerce, Science, and Transportation.

EC–8711. A communication from the Assistant Administrator for Procurement, National Aeronautics and Space Administration, transmitting, pursuant to law, the report of a rule entitled ''NASA Grant and Cooperative Agreement Handbook—Property Reporting'' (RIN2700–AC79) received on August 6, 2004; to the Committee on Commerce, Science, and Transportation.

EC–8712. A communication from the Secretary, Bureau of Consumer Protection, Federal Trade Commission, transmitting, pursuant to law, the report of a rule entitled ''Free Annual File Disclosures, 16 C.F.R. Parts 610 and 698'' (RIN3084–0128) received on August 6, 2004; to the Committee on Commerce, Science, and Transportation.

EC–8713. A communication from the Coast Guard, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled ''Special Logical Regulations for Marine Events'' (RIN1625–AA08) received on August 6, 2004; to the Committee on Commerce, Science, and Transportation.

EC–8714. A communication from the Coast Guard, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled ''Safety Zones Including 4 Regulations: CGD05–03–167, CGD01–03–102, CGD09–03–202, COTP Memphis 04–0001'' (RIN1625–AA00) received on August 6, 2004; to the Committee on Commerce, Science, and Transportation.

EC–8715. A communication from the Coast Guard, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled ''Security Zones (Including 4 Regulations: CGD05–04–067, COTP Pittsburgh 03–030, COTP San Diego 04–015, CGD01–04–002'' (RIN1625–AA87) received on August 6, 2004; to the Committee on Commerce, Science, and Transportation.

EC–8716. A communication from the Coast Guard, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled ''Safety Zones (Including 4 Regulations): CGD01–04–087, CGD01–04–046, CGD01–04–081, COTP Savannah 04–066'' (RIN1625–AA00) received on August 6, 2004; to the Committee on Commerce, Science, and Transportation.

EC–8717. A communication from the Coast Guard, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled ''Security Zones (Including 3 Regulations): CGD13–04–033, CGD01–04–088, CGD05–04–116'' (RIN1625–AA87) received on August 6, 2004; to the Committee on Commerce, Science, and Transportation.

EC–8718. A communication from the Coast Guard, Department of Homeland Security,

transmitting, pursuant to law, the report of a rule entitled ''Drawbridge Operation Regulations: CGD07–04–015, CGD01–04–030'' (RIN1625–AA09) received on August 6, 2004; to the Committee on Commerce, Science, and Transportation.

EC–8719. A communication from the Coast Guard, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled ''Drawbridge Operation Regulations: CGD06–04–091, CGD01–04–080, CGD08–04–026, CGD01–04–076, CGD08–04–025, CGD08–04–022'' (RIN1625–AA09) received on August 6, 2004; to the Committee on Commerce, Science, and Transportation.

EC–8720. A communication from the Coast Guard, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled ''Enforcement of SOLAS Requirements'' received on August 6, 2004; to the Committee on Commerce, Science, and Transportation.

EC–8721. A communication from the Coast Guard, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled ''Unauthorized Entry into Cuban Territorial Waters'' received on August 6, 2004; to the Committee on Commerce, Science, and Transportation.

EC–8722. A communication from the Coast Guard, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled ''Mandatory Ballast Water Management Program for U.S. Waters'' (RIN1625–AA52) received on August 6, 2004; to the Committee on Commerce, Science, and Transportation.

EC–8723. A communication from the Coast Guard, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled ''Carriage of Navigation Equipment for Ships on International Voyages'' received on August 6, 2004; to the Committee on Commerce, Science, and Transportation.

EC–8724. A communication from the Secretary, Bureau of Consumer Protection, Federal Trade Commission, transmitting, pursuant to law, the report of a rule entitled ''Amendment of FACT Act Rules'' (RIN3084–AA94) received on August 6, 2004; to the Committee on Commerce, Science, and Transportation.

EC–8725. A communication from the Attorney Advisor, Department of Transportation, Office of the Secretary, transmitting, pursuant to law, the report of a nomination for the position of Deputy Secretary, Department of Transportation, received on August 6, 2004; to the Committee on Commerce, Science, and Transportation.

EC–8726. A communication from the Deputy Assistant Administrator for Regulatory Programs, Office of Sustainable Fisheries, National Marine Fisheries Service, transmitting, pursuant to law, the report of a rule entitled ''Amendment 10 to the Atlantic Sea Scallop Fishery Management Plan'' (RIN0648–AN16) received on August 6, 2004; to the Committee on Commerce, Science, and Transportation.

EC–8727. A communication from the Deputy Assistant Administrator for Regulatory Programs, Office of Sustainable Fisheries, National Marine Fisheries Service, transmitting, pursuant to law, the report of a rule entitled ''Fisheries of the Northeastern United States; Recreational Measures for the Summer Flounder, Scup, and Black Sea Bass Fisheries; Fishing Year 2004'' (RIN0648–AQ82) received on August 6, 2004; to the Committee on Commerce, Science, and Transportation.

EC–8728. A communication from the Deputy Assistant Administrator for Regulatory Programs, Office of Sustainable Fisheries, National Marine Fisheries Service, transmitting, pursuant to law, the report of a rule entitled ''Final Rule on the Policy for Access to Tissue Specimen Samples from the National Marine Mammal Tissue Bank'' (RIN0648–AQ51) received on August 6, 2004; to the Committee on Commerce, Science, and Transportation.

EC–8729. A communication from the Deputy Assistant Administrator for Regulatory Programs, Office of Sustainable Fisheries, National Marine Fisheries Service, transmitting, pursuant to law, the report of a rule entitled ''Taking Threatened or Endangered Species Incidental to Commercial Fishing Operations'' (RIN0648–AR53) received on August 6, 2004; to the Committee on Commerce, Science, and Transportation.

EC–8730. A communication from the Acting Director, Office of Sustainable Fisheries, National Marine Fisheries Service, transmitting, pursuant to law, the report of a rule entitled ''Closure of Directed Fishing for Pacific Ocean Perch in the Eastern Aleutian District of the Bering Sea and Aleutian Islands Management Area (BSAI)'' received on August 6, 2004; to the Committee on Commerce, Science, and Transportation.

EC–8731. A communication from the Acting Director, Office of Sustainable Fisheries, National Marine Fisheries Service, transmitting, pursuant to law, the report of a rule entitled ''Notice of Closure of the 2004 Deep-Water Grouper Commercial Fishery, Reef Fish Fishery of the Gulf of Alaska'' received on August 6, 2004; to the Committee on Commerce, Science, and Transportation.

EC–8732. A communication from the Acting Director, Office of Sustainable Fisheries, National Marine Fisheries Service, transmitting, pursuant to law, the report of a rule entitled ''Fisheries Off West Coast States and in the Western Pacific; Pacific Coast Groundfish Fishery; Inseason Adjustments to Management Measures'' (ID070104B) received on August 6, 2004; to the Committee on Commerce, Science, and Transportation.

EC–8733. A communication from the Acting Director, Office of Sustainable Fisheries, National Marine Fisheries Service, transmitting, pursuant to law, the report of a rule entitled ''Closure of Directed Fishing for Pacific Ocean Perch in the Central Aleutian District of the Bering Sea and Aleutian Islands Management Area (BSAI)'' received on August 6, 2004; to the Committee on Commerce, Science, and Transportation.

EC–8734. A communication from the Acting Director, Office of Sustainable Fisheries, National Marine Fisheries Service, transmitting, pursuant to law, the report of a rule entitled ''Fishery Closure; Prohibiting Directed Fishing for Pacific Ocean Perch in the Central Regulatory Area of the Gulf of Alaska (GOA)'' (ID070904E) received on August 6, 2004; to the Committee on Commerce, Science, and Transportation.

EC–8735. A communication from the Deputy Assistant Administrator for Regulatory Programs, Office of Sustainable Fisheries, National Marine Fisheries Service, transmitting, pursuant to law, the report of a rule entitled ''Final Rule: Authorization for Commercial Fisheries Under the Marine Mammal Protection Act of 1972; Zero Mortality Rate Goal'' (RIN0648–AR15) received on August 6, 2004; to the Committee on Commerce, Science, and Transportation.

EC–8736. A communication from the Deputy Assistant Administrator for Regulatory Programs, Office of Sustainable Fisheries, National Marine Fisheries Service, transmitting, pursuant to law, the report of a rule entitled ''Fisheries Off West Coast States and in the Western Pacific; Pacific Coast Groundfish Fishery; Final Rule'' (RIN0648–AS43) received on August 6, 2004; to the Committee on Commerce, Science, and Transportation.

EC–8737. A communication from the Chief Scientist, National Aeronautics and Space Administration, transmitting, pursuant to law, the report of a rule entitled ''Investigation of Research Misconduct'' (RIN2700–AC50) received on August 6, 2004; to the Committee on Commerce, Science, and Transportation.

EC–8738. A communication from the Administrator, Federal Aviation Administration, transmitting, pursuant to law, a report relative to the Pilot Records Improvement Act; to the Committee on Commerce, Science, and Transportation.

EC–8739. A communication from the Director, U.S. Census Bureau, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled ''Amendments to the Age Search Fee Structure'' (RIN0607–AA41) received on July 27, 2004; to the Committee on Commerce, Science, and Transportation.

EC–8740. A communication from the Acting Director, Office of Sustainable Fisheries, National Marine Fisheries Service, transmitting, pursuant to law, the report of a rule entitled ''Fishery Closure; Prohibiting Directed Fishing for Pacific Ocean Perch in the West Yakutat Area of the Gulf of Alaska'' (ID072804C) received on August 18, 2004; to the Committee on Commerce, Science, and Transportation.

EC–8741. A communication from the Acting Director, Office of Sustainable Fisheries, National Marine Fisheries Service, transmitting, pursuant to law, the report of a rule entitled ''Closure of Flathead Sole in the BSAI'' received on August 18, 2004; to the Committee on Commerce, Science, and Transportation.

EC–8742. A communication from the Acting Director, Office of Sustainable Fisheries, National Marine Fisheries Service, transmitting, pursuant to law, the report of a rule entitled ''Fishery Closure; Prohibiting Directed Fishing for Atka Mackerel in the Gulf of Alaska (GOA)'' (ID0728040) received on August 18, 2004; to the Committee on Commerce, Science, and Transportation.

EC–8743. A communication from the Acting Director, Office of Sustainable Fisheries, National Marine Fisheries Service, transmitting, pursuant to law, the report of a rule entitled ''Fishery Closure; Prohibiting Directed Fishing for Northern Rockfish in the Western Regulatory Area of the GOA'' (ID072204F) received on August 18, 2004; to the Committee on Commerce, Science, and Transportation.

EC–8744. A communication from the Acting Director, Office of Sustainable Fisheries, National Marine Fisheries Service, transmitting, pursuant to law, the report of a rule entitled ''Fishery Closure; Prohibiting Directed Fishing for Deep Water Complex in the Gulf of Alaska (GOA)'' (ID072304A) received on August 18, 2004; to the Committee on Commerce, Science, and Transportation.

EC–8745. A communication from the Acting Director, Office of Sustainable Fisheries, National Marine Fisheries Service, transmitting, pursuant to law, the report of a rule entitled ''Fishery Closure; Prohibiting Directed Fishing for Pacific Ocean Perch in the Western Regulatory Area of the Gulf of Alaska (GOA)'' (ID071604A) received on August 18, 2004; to the Committee on Commerce, Science, and Transportation.

EC–8746. A communication from the Acting Director, Office of Sustainable Fisheries, National Marine Fisheries Service, transmitting, pursuant to law, the report of a rule entitled ''Fishery Closure; Prohibiting Directed Fishing for Pacific Ocean Perch in the Western Yakutat District of the Gulf of Alaska'' (ID071604B) received on August 18, 2004; to the Committee on Commerce, Science, and Transportation.

EC–8747. A communication from the Acting Director, Office of Sustainable Fisheries, National Marine Fisheries Service, transmitting, pursuant to law, the report of a rule entitled ''Closure of Directed Fishing for Pacific Ocean Perch in the Western Aleutian District of the Bering Sea and the Aleutian Islands Management Area'' received on August 18, 2004; to the Committee on Commerce, Science, and Transportation.

EC–8748. A communication from the Acting Director, Office of Sustainable Fisheries, National Marine Fisheries Service, transmitting, pursuant to law, the report of a rule entitled ''Closure of Shortraker/Rougheye Rockfish in the Western Regulatory Area of the GOA'' (ID072704C) received on August 18, 2004; to the Committee on Commerce, Science, and Transportation.

EC–8749. A communication from the Acting Director, Office of Sustainable Fisheries, National Marine Fisheries Service, transmitting, pursuant to law, the report of a rule entitled ''Closure of 'Other Rockfish' in the Central Regulatory Area of the Gulf of Alaska'' (ID072704B) received on August 18, 2004; to the Committee on Commerce, Science, and Transportation.

EC–8750. A communication from the Acting Director, Office of Sustainable Fisheries, National Marine Fisheries Service, transmitting, pursuant to law, the report of a rule entitled ''Prohibition on Retention of Community Development Quota (CDQ) Reserve Amount of 'Other Species' in the Bering Sea and Aleutian Islands Management Area (BSAI)'' received on August 18, 2004; to the Committee on Commerce, Science, and Transportation.

EC–8751. A communication from the Acting Director, Office of Sustainable Fisheries, National Marine Fisheries Service, transmitting, pursuant to law, the report of a rule entitled ''Atlantic Highly Migratory Species; Bluefin Tuna Fisheries; Atlantic Bluefin Tuna Retention Limit Adjustment'' (ID071504A) received on August 18, 2004; to the Committee on Commerce, Science, and Transportation.

EC–8752. A communication from the Chief, Regulations and Administrative Law, Coast Guard, transmitting, pursuant to law, the report of a rule entitled ''Carriage of Navigation Equipment for Ships on International Voyages'' received on August 18, 2004; to the Committee on Commerce, Science, and Transportation.

EC–8753. A communication from the Chief, Regulations and Administrative Law, Coast Guard, transmitting, pursuant to law, the report of a rule entitled ''Wearing of Personal Flotation Devices (PFDs) by Certain Children Aboard Recreational Vessels'' (RIN1625–AA62) received on August 18, 2004; to the Committee on Commerce, Science, and Transportation.

EC–8754. A communication from the Chief, Regulations and Administrative Law, Coast Guard, transmitting, pursuant to law, the report of a rule entitled ''Enforcement of SOLAS Requirements'' received on August 18, 2004; to the Committee on Commerce, Science, and Transportation.

EC–8755. A communication from the Chief, Regulations and Administrative Law, Coast Guard, transmitting, pursuant to law, the report of a rule entitled ''Special Local Regulations for Marine Events (Including 2 Regulations): CGD05–04–133, CGD05–04–139'' (RIN1625–AA09) received on August 18, 2004; to the Committee on Commerce, Science, and Transportation.

EC–8756. A communication from the Chief, Regulations and Administrative Law, Coast Guard, transmitting, pursuant to law, the report of a rule entitled ''Drawbridge Regulations: CGD01–04–095, CGD05–04–146, CGD08–04–028'' (RIN1625–AA09) received on August 18, 2004; to the Committee on Commerce, Science, and Transportation.

EC–8757. A communication from the Chief, Regulations and Administrative Law, Coast Guard, transmitting, pursuant to law, the report of a rule entitled ''Security Zone Regulations: COTP Charleston 04–100, COTP San Francisco Bay 04–020, CGD05–04–151, CGD05–040148, CGD09–04–095'' (RIN1625–AA87) received on August 18, 2004; to the Committee on Commerce, Science, and Transportation.

EC–8758. A communication from the Chief, Regulations and Administrative Law, Coast Guard, transmitting, pursuant to law, the report of a rule entitled ''Security Zone Regulations: Three Mile Island Generating Station, Susquehanna River, Dauphin County, PA: CGD05–03–116'' (RIN1625–AA87) received on August 18, 2004; to the Committee on Commerce, Science, and Transportation.

EC–8759. A communication from the Chief, Regulations and Administrative Law, Coast Guard, transmitting, pursuant to law, the report of a rule entitled ''Drawbridge Regulations: Anacostia River, Washington, DC: CGD05–04–028'' (RIN1625–AA09) received on August 18, 2004; to the Committee on Commerce, Science, and Transportation.

EC–8760. A communication from the Chief, Regulations and Administrative Law, Coast Guard, transmitting, pursuant to law, the report of a rule entitled ''Safety Zone Regulations: CGD05–04–137, COTP Jacksonville 04–096'' (RIN1625–AA00) received on August 18, 2004; to the Committee on Commerce, Science, and Transportation.

EC–8761. A communication from the Attorney-Advisor, National Highway Traffic Safety Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''FMVSS No. 208, Response to Petitions from November 2003 Final Rule (Part 2)'' (RIN2127–AJ42) received on August 18, 2004; to the Committee on Commerce, Science, and Transportation.

EC–8762. A communication from the Attorney-Advisor, National Highway Traffic Safety Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''FMVSS No. 301 Response to Petitions from December 2003 Final Rule'' (RIN2127–AJ45) received on August 18, 2004; to the Committee on Commerce, Science, and Transportation.

EC–8763. A communication from the Contracting Officer, Department of Transportation, transmitting, pursuant to law, a report relative to the Interagency Agreement No. DTTS59–98–X–0053 between the Department and the Old Executive Office Building; to the Committee on Commerce, Science, and Transportation.

EC–8764. A communication from the Acting Under Secretary and Acting Director, Patent and Trademark Office, transmitting, pursuant to law, the report of a rule entitled ''Elimination of Credit Cards as Payment for Replenishing Deposit Accounts'' (RIN0651–AB74) received on August 6, 2004; to the Committee on Commerce, Science, and Transportation.

EC–8765. A communication from the Assistant Administrator for Procurement, National Aeronautics and Space Administration, transmitting, pursuant to law, the report of a rule entitled ''Reissuance of NASA FAR Supplement Subchapter G'' (RIN2700–AC87) received on August 18, 2004; to the Committee on Commerce, Science, and Transportation.

EC–8766. A communication from the Assistant Administrator for Procurement, National Aeronautics and Space Administration, transmitting, pursuant to law, the report of a rule entitled ''Reissuance of NASA FAR Supplement Subchapter F'' (RIN2700–AC86) received on August 18, 2004; to the Committee on Commerce, Science, and Transportation.

EC–8767. A communication from the Assistant Administrator for Procurement, National Aeronautics and Space Administration, transmitting, pursuant to law, the report of a rule entitled ''Re-issuance of NASA FAR Supplement Subchapter E'' (RIN2700–AC68) received on August 18, 2004; to the Committee on Commerce, Science, and Transportation.

EC–8768. A communication from the Director, Office of White House Liaison, transmitting, pursuant to law, the report of a nomination and change in previously submitted reported information for the position of Assistant Secretary for Manufacturing and Services, Department of Commerce/International Trade Administration, received on August 6, 2004; to the Committee on Commerce, Science, and Transportation.

EC–8769. A communication from the Director, Office of Sustainable Fisheries, National Marine Fisheries Service, transmitting, pursuant to law, the report of a rule entitled ''Atlantic Highly Migratory Species; Atlantic Bluefin Tuna Catch Limit Adjustment'' (ID061604A) received on August 6, 2004; to the Committee on Commerce, Science, and Transportation.

EC–8770. A communication from the Deputy Assistant Administrator, Office of Sustainable Fisheries, National Marine Fisheries Service, transmitting, pursuant to law, the report of a rule entitled ''International Fisheries Regulations; Pacific Tuna Fisheries'' (RIN0648–AQ22) received on August 6, 2004; to the Committee on Commerce, Science, and Transportation.

EC–8771. A communication from the Director, Office of Sustainable Fisheries, National Marine Fisheries Service, transmitting, pursuant to law, the report of a rule entitled ''Fisheries Off West Coast States and in the Western Pacific; West Coast Salmon Fisheries; Inseason Actions #5—Adjustments of the Commercial Fishery from the U.S.-Canada Border to Cape Falcon, Oregon'' (ID071304A) received on August 6, 2004; to the Committee on Commerce, Science, and Transportation.

EC–8772. A communication from the Special Assistant to the Chief, Media Bureau, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled ''Amendment of Sections 73.606(b) and 73.622(b), Table of Allotments, TV and DTV Broadcast Stations: El Dorado, AR'' (DA04–2300) received on August 11, 2004; to the Committee on Commerce, Science, and Transportation.

EC–8773. A communication from the Special Assistant to the Chief, Media Bureau, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled ''Amendment of Section 73.622(b), Table of Allotments, DTV Broadcast Stations; Apalachicola, FL'' (RM–10851) received on August 11, 2004; to the Committee on Commerce, Science, and Transportation.

EC–8774. A communication from the Special Assistant to the Chief, Media Bureau, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled ''Amendment of Section 73.622(b), Table of Allotments, DTV and TV Broadcast Stations; Moscow, ID'' (RM–10566) received on August 11, 2004; to the Committee on Commerce, Science, and Transportation.

EC–8775. A communication from the Special Assistant to the Chief, Media Bureau, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled ''Amendment of Section 73.202(b), Table of Allotments, FM Broadcast Stations (Yuba City and Lincoln, California)'' (MB Doc. No. 04–24) received on August 11, 2004; to the Committee on Commerce, Science, and Transportation.

EC–8776. A communication from the Special Assistant to the Chief, Media Bureau,

Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled ''Amendment of Section 73.202(b), Table of Allotments, FM Broadcast Stations: Canton, Cedarville, IL; Council Grove, KS; Clifton, IL; Farmersburg, IN; Freeport, IL; Fowler, IN; Golden Meadow, LA; Homer, LA; Madison, IN; Pinckneyville, IL; Terre Haute, IN; Ringgold, LA and Smith Mills, KY'' (MB Doc Nos. 04–97 through 04–110) received on August 11, 2004; to the Committee on Commerce, Science, and Transportation.

EC–8777. A communication from the Special Assistant to the Chief, Media Bureau, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled ''Amendment of Section 73.202(b), Table of Allotments, FM Broadcast Stations: Anniston, AL; Asbury, IA; Horseshoe Beach, FL ; Keosauqua, IA; Live Oak, FL; Moville, IA; Olathe, CO; Rudd, IA; Somerton, AZ; Sutter Creek, CA; Weiser, ID; Westley, CA'' (MB Doc Nos. 04–79, 83, 85, 86, 87, 88, 89, 90, 91, 92, 93, 94, 95) received on August 11, 2004; to the Committee on Commerce, Science, and Transportation.

EC–8778. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives: Rolls Royce plc RB211 Trent 500 Series Turbofan Engines; Correction'' (RIN2120–AA64) received on August 11, 2004; to the Committee on Commerce, Science, and Transportation.

EC–8779. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives: Manual Requirements in Part 135; Correction'' (RIN2120–AA64) received on August 11, 2004; to the Committee on Commerce, Science, and Transportation.

EC–8780. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives: Hartzell Propeller, Inc. Models HC B5MP–3C.M10876K Propellers'' (RIN2120–AA64) received on August 11, 2004; to the Committee on Commerce, Science, and Transportation.

EC–8781. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives: Boeing Model 737–600, 700, 700C, 800, and 900 Series Airplanes; CORRECTION'' (RIN2120–AA64) received on August 11, 2004; to the Committee on Commerce, Science, and Transportation.

EC–8782. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives: Boeing Model 737–600, 700, 700C, 800, and 900 Series Airplanes'' (RIN2120–AA64) received on August 11, 2004; to the Committee on Commerce, Science, and Transportation.

EC–8783. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives: Rolls Royce plc RB211 Trent 500 Series Turbofan Engines'' (RIN2120–AA64) received on August 11, 2004; to the Committee on Commerce, Science, and Transportation.

EC–8784. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives: Boeing Model 777 Series Airplanes'' (RIN2120–AA64) received on August 11, 2004; to the Committee on Commerce, Science, and Transportation.

EC–8785. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives: Boeing Model 737–200 Series Airplanes Modified by Supplemental Type Certificate ST00516AT'' (RIN2120–AA64) received on August 11, 2004; to the Committee on Commerce, Science, and Transportation.

EC–8786. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives: Eurocopter France Model EC 1555B Helicopters'' (RIN2120–AA64) received on August 11, 2004; to the Committee on Commerce, Science, and Transportation.

EC–8787. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives: Eurocopter France Model AS 365 N3 Helicopters'' (RIN2120–AA64) received on August 11, 2004; to the Committee on Commerce, Science, and Transportation.

EC–8788. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives: Rolls Royce Deutschland TAY 611–8, 620–15, and 651–54 Series Turbofan Engines'' (RIN2120–AA64) received on August 11, 2004; to the Committee on Commerce, Science, and Transportation.

EC–8789. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives: Boeing Model 737–600, 700, 700C, 800, and 900 Series Airplanes'' (RIN2120–AA64) received on August 11, 2004; to the Committee on Commerce, Science, and Transportation.

EC–8790. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives: Dassault Model Mystere-Falcon 900 Series Airplanes'' (RIN2120–AA64) received on August 11, 2004; to the Committee on Commerce, Science, and Transportation.

EC–8791. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives: McDonnell Douglas Model DC 9 81, 82, 83, and 87 Airplanes; Model MD–88 Airplanes; and Model MD–90–30 Airplanes'' (RIN2120–AA64) received on August 11, 2004; to the Committee on Commerce, Science, and Transportation.

EC–8792. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives: Airbus Model A319–111, 112, 113, and 114; A–320–111, 211, 212, and 214; and A–321–111, 112, and 211 Series Airplanes'' (RIN2120–AA64) received on August 11, 2004; to the Committee on Commerce, Science, and Transportation.

EC–8793. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives: Aircruisers Company Emergency Evacuation Slide/Raft System; Correction'' (RIN2120–AA64) received on August 11, 2004; to the Committee on Commerce, Science, and Transportation.

EC–8794. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives: Empresa Brasilera de Aeronautica SW Model EMB 120 Series Airplanes'' (RIN2120–AA64) received on August 11, 2004; to the Committee on Commerce, Science, and Transportation.

EC–8795. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives: Empresa Brasileira de Aeronautica SA Model EMB 120 Series Airplanes'' (RIN2120–AA64) received on August 11, 2004; to the Committee on Commerce, Science, and Transportation.

EC–8796. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives: Raytheon Aircraft Company Model 390 Airplanes'' (RIN2120–AA64) received on August 11, 2004; to the Committee on Commerce, Science, and Transportation.

EC–8797. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives: Airbus Model A300 B2 and A300 B4; Model A300 B4–600, –600R, C4–605R Variant F, and F4–600R, and Model A310 Series Airplanes'' (RIN2120–AA64) received on August 11, 2004; to the Committee on Commerce, Science, and Transportation.

EC–8798. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives: BAE Systems Limited Model AVRO 146–RJ Series Airplanes; and BAE Systems Limited Model BAE 146 Series Airplanes'' (RIN2120–AA64) received on August 11, 2004; to the Committee on Commerce, Science, and Transportation.

EC–8799. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Modification of Class E Airspace; Tekamah, NE; Doc. No. 04–ACE–29'' (RIN2120–AA66) received on August 11, 2004; to the Committee on Commerce, Science, and Transportation.

EC–8800. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Modification of Class E Airspace; Kimball, NE; Doc. No. 04–ACE–31'' (RIN2120–AA66) received on August 11, 2004; to the Committee on Commerce, Science, and Transportation.

EC–8801. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Modification of Class E Airspace; Fulton, MO; Doc. No. 04–ACE–15'' (RIN2120–AA66) received on August 11, 2004; to the Committee on Commerce, Science, and Transportation.

EC–8802. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Modification of Class E Airspace; Festus, MO; Doc. No. 04–ACE–14'' (RIN2120–AA66) received on August 11, 2004; to the Committee on Commerce, Science, and Transportation.

EC–8803. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule

entitled ''Modification of Class E Airspace; Des Moines, IA; Doc. No. 04–ACE–11'' (RIN2120–AA66) received on August 11, 2004; to the Committee on Commerce, Science, and Transportation.

EC–8804. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Modification of Class E Airspace; Fairbury, NE; Doc. No. 04–ACE–43'' (RIN2120–AA66) received on August 11, 2004; to the Committee on Commerce, Science, and Transportation.

EC–8805. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Revision of Class E Airspace; Kipnuk, AK; Doc. No. 04–AAL–05'' (RIN2120–AA66) received on August 11, 2004; to the Committee on Commerce, Science, and Transportation.

EC–8806. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Colo Void Clause Coalition; Antenna Systems Co-Location; Voluntary Best Practices; Statement of Policy and Disposition of Comments; Doc. No. 2004–16982'' (RIN2120–ZZ52) received on August 11, 2004; to the Committee on Commerce, Science, and Transportation.

EC–8807. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Establishment of Class D and E Airspace; Amendment of Class E Airspace; New Smyrna Beach, FL; Doc. No. 04–ASO–3'' (RIN2120–AA66) received on August 11, 2004; to the Committee on Commerce, Science, and Transportation.

EC–8808. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Establishment of Class E Airspace; Jamestown, KY'' (RIN2120–AA66) received on August 11, 2004; to the Committee on Commerce, Science, and Transportation.

EC–8809. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Standard Instrument Approach Procedures; Miscellaneous Amendments (42) Amdt. No. 3100'' (RIN2120–AA65) received on August 11, 2004; to the Committee on Commerce, Science, and Transportation.

EC–8810. A communication from the Deputy Division Chief, Pricing Policy Division, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled ''Federal-State Joint Conference on Accounting Issues; 2000 Biennial Regulatory Review—Comprehensive Review of the Accounting Requirements and ARMIS Reporting Requirements for Incumbent Local Exchange Carriers: Phase II'' (FCC04–149) received on August 11, 2004; to the Committee on Commerce, Science, and Transportation.

EC–8811. A communication from the Chief, Policy and Rules Division Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled ''Modification of Parts 2 and 15 of the Commission's Rules for Unlicensed Devices and Equipment Approval'' (ET Doc. NO. 03–201) received on August 11, 2004; to the Committee on Commerce, Science, and Transportation.

EC–8812. A communication from the Attorney Advisor, National Highway Traffic Safety Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Alternative Geometric Visibility Requirements for Lamps'' (RIN2127–AF75) received on August 11, 2004; to the Committee on Commerce, Science, and Transportation.

EC–8813. A communication from the Attorney Advisor, National Highway Traffic Safety Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Final Rule, Response to Petitions for Reconsideration, Corrections; Child Restraint Anchorage Systems'' (RIN2127–AJ39) received on August 11, 2004; to the Committee on Commerce, Science, and Transportation.

EC–8814. A communication from the Attorney Advisor, National Highway Traffic Safety Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Disposition of Recalled Tires'' (RIN2127–AI29) received on August 11, 2004; to the Committee on Commerce, Science, and Transportation.

EC–8815. A communication from the Paralegal Specialist, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Modification of Class E Airspace; Ashtabula, OH Doc. No. 03–AGL–18'' (RIN2120–AA66) received on August 11, 2004; to the Committee on Commerce, Science, and Transportation.

EC–8816. A communication from the Paralegal Specialist, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Modification of Class E Airspace; Oshkosh, NE Doc. No. 04–ACE–27'' (RIN2120–AA66) received on August 11, 2004; to the Committee on Commerce, Science, and Transportation.

EC–8817. A communication from the Paralegal Specialist, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Modification of Class E Airspace; Columbus, NE Doc. No. 04–ACE–42'' (RIN2120–AA66) received on August 11, 2004; to the Committee on Commerce, Science, and Transportation.

EC–8818. A communication from the Paralegal Specialist, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Amendment of Class E Airspace; Dayton, TN Doc. No. 04–ASO–06'' (RIN2120–AA66) received on August 11, 2004; to the Committee on Commerce, Science, and Transportation.

EC–8819. A communication from the Paralegal Specialist, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Modification of Class E Airspace; Greencastle, IN Doc. No. 03–AGL–19'' (RIN2120–AA66) received on August 11, 2004; to the Committee on Commerce, Science, and Transportation.

EC–8820. A communication from the Paralegal Specialist, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives: Kaman Aerospace Corporation Model K–1200 Helicopters'' (RIN2120–AA64) received on August 11, 2004; to the Committee on Commerce, Science, and Transportation.

EC–8821. A communication from the Paralegal Specialist, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives: Schweizer Aircraft Corporation Model 269A, 269A–1, 269B, 269C, and TH–55A Helicopters'' (RIN2120–AA64) received on August 11, 2004; to the Committee on Commerce, Science, and Transportation.

EC–8822. A communication from the Paralegal Specialist, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives: Recission; Robinson Helicopter Compant Model R44 Helicopters'' (RIN2120–AA64) received on August 11, 2004; to the Committee on Commerce, Science, and Transportation.

EC–8823. A communication from the Senior Attorney, Research and Special Programs Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Pipeline Safety: Periodic Underwater Inspections'' (RIN2137–AC54) received on August 11, 2004; to the Committee on Commerce, Science, and Transportation.

EC–8824. A communication from the Attorney Advisor, Maritime Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Administrative Waivers of the Coastwise Trade Laws for Eligible Vessels'' (RIN2133–AB49) received on August 11, 2004; to the Committee on Commerce, Science, and Transportation.

EC–8825. A communication from the Acting Director, Office of Sustainable Fisheries, National Marine Fisheries Service, transmitting, pursuant to law, the report of a rule entitled ''Closure of 'Other Rockfish' in the Western Regulatory Area of the Gulf of Alaska'' received on August 11, 2004; to the Committee on Commerce, Science, and Transportation.

EC–8826. A communication from the Acting Director, Office of Sustainable Fisheries, National Marine Fisheries Service, transmitting, pursuant to law, the report of a rule entitled ''Closure of the Pelagic Shelf Rockfish in the Western Yakutat District of the Gulf of Alaska'' received on August 11, 2004; to the Committee on Commerce, Science, and Transportation.

EC–8827. A communication from the Assistant Administrator for Fisheries, Office of Sustainable Fisheries, National Marine Fisheries Service, transmitting, pursuant to law, the report of a rule entitled ''Atlantic Highly Migratory Species (HMS); Pelagic Longline Fishery'' (RIN0648–AR80) received on August 11, 2004; to the Committee on Commerce, Science, and Transportation.

EC–8828. A communication from the Director, Office of White House Liaison, Department of Commerce, transmitting, pursuant to law, the report of a nomination confirmed for the position of Deputy Secretary, Department of Commerce, received on August 11, 2004; to the Committee on Commerce, Science, and Transportation.

EC–8829. A communication from the Director, Office of White House Liaison, Department of Commerce, transmitting, pursuant to law, the report of a designation of acting officer and change in previously submitted reported information for the position of General Counsel, Office of the Deputy Secretary, Department of Commerce, received on August 11, 2004; to the Committee on Commerce, Science, and Transportation.

EC–8830. A communication from the Director, Office of White House Liaison, Department of Commerce, transmitting, pursuant to law, the report of a nomination confirmed and change in previously submitted reported information for the position of Assistant Secretary for Communications and Information, Department of Commerce, received on August 11, 2004; to the Committee on Commerce, Science, and Transportation.

EC–8831. A communication from the Assistant Secretary for Export Administration, Bureau of Industry and Security, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled ''Revisions of Export Licensing Jurisdiction of Certain Types of Energetic Materials and Other Chemicals Based on Review of the

United States Munitions List'' (RIN0694–AC75) received on August 11, 2004; to the Committee on Commerce, Science, and Transportation.

EC–8832. A communication from the Assistant Administrator for Procurement, National Aeronautic and Space Administration, transmitting, pursuant to law, the report of a rule entitled ''Representations and Certifications—Other Than Commercial Items'' (RIN2700–AC97) received on August 18, 2004; to the Committee on Commerce, Science, and Transportation.

EC–8833. A communication from the Director, Corporate Policy and Research Department, Pension Benefit Guaranty Corporation, transmitting, pursuant to law, the report of a rule entitled ''Benefits Payable in Terminated Single-Employer Plans; Allocation of Assets in Single-Employer Plans; Interest Assumptions for Valuing and Paying Benefits'' received on August 18, 2004; to the Committee on Health, Education, Labor, and Pensions.

EC–8834. A communication from the Director, Regulations Policy and Management Staff, Food and Drug Administration, transmitting, pursuant to law, the report of a rule entitled ''Listing of Color Additives Subject to Certification; D&C Black No. 2'' (Doc. No. 1987C–0023) received on August 18, 2004; to the Committee on Health, Education, Labor, and Pensions.

EC–8835. A communication from the General Counsel, Architectural and Transportation Barriers Compliance Board, transmitting, pursuant to law, the report of a rule entitled ''Americans with Disabilities Act (ADA) Accessibility Guidelines for Buildings and Facilities; Architectural Barriers Act (ABA) Accessibility Guidelines'' (RIN3014–AA20) received on July 23, 2004; to the Committee on Health, Education, Labor, and Pensions.

EC–8836. A communication from the Regulations Coordinator, Center for Medicare and Medicaid Services, Department of Health and Human Services, transmitting, pursuant to law, the report of a rule entitled ''Requirements for the Group Health Insurance Market; Non-Federal Governmental Plans Exempt from HIPPA Title I Requirements'' (RIN0938–AK00) received on July 27, 2004; to the Committee on Health, Education, Labor, and Pensions.

EC–8837. A communication from the Regulations Coordinator, Centers for Medicare and Medicaid Services, Department of Health and Human Services, transmitting, pursuant to law, the report of a rule entitled ''Amendment to the Interim Final Regulation for Mental Health Parity'' (RIN0938–AL42) received on July 27, 2004; to the Committee on Health, Education, Labor, and Pensions.

EC–8838. A communication from the Human Resources Specialist, Department of Labor, transmitting, pursuant to law, the report of a vacancy and designation of acting officer for the position of Administrator, Wage and Hour Division, Department of Labor, received on July 26, 2004; to the Committee on Health, Education, Labor, and Pensions.

EC–8839. A communication from the Administrator, Office of Workforce Security, Department of Labor, transmitting, pursuant to law, the report of a rule entitled ''Unemployment Insurance Program Letter (UIPL) 14–01—Treatment of Indian Tribes Under Federal Unemployment Compensation Law; UIPL 14–01, Change 1—Questions and Answers'' received on August 6, 2004; to the Committee on Health, Education, Labor, and Pensions.

EC–8840. A communication from the Director, Corporate Policy and Research Department, Pension Benefit Guaranty Corporation, transmitting, pursuant to law, the report of a rule entitled ''Benefits Payable in Terminated Single-Employer Plans; Allocation of Assets in Single-Employer Plans; Interest Assumptions for Valuing and Paying Benefits'' received on August 6, 2004; to the Committee on Health, Education, Labor, and Pensions.

EC–8841. A communication from the Assistant General Counsel for Regulations, Office of the General Counsel, Department of Education, transmitting, pursuant to law, the report of a rule entitled ''National Institute on Disability and Rehabilitation Research—Rehabilitation Research and Training Centers Program—Health and Function Outcomes for Individuals with Disabilities'' (RIN1820–ZA37) received on August 6, 2004; to the Committee on Health, Education, Labor, and Pensions.

EC–8842. A communication from the Assistant General Counsel for Regulations, Office of the General Counsel, Department of Education, transmitting, pursuant to law, the report of a rule entitled ''National Institute on Disability and Rehabilitation Research—Rehabilitation Research and Training Centers Program—Community Integration for Individuals with Disabilities'' (RIN1820–ZA34) received on August 6, 2004; to the Committee on Health, Education, Labor, and Pensions.

EC–8843. A communication from the Assistant General Counsel for Regulations, Office of the General Counsel, Department of Education, transmitting, pursuant to law, the report of a rule entitled ''National Institute on Disability and Rehabilitation Research—Disability and Rehabilitation Research Projects and Centers Program—Rehabilitation Engineering Research Centers'' (RIN1820–ZA33) received on August 6, 2004; to the Committee on Health, Education, Labor, and Pensions.

EC–8844. A communication from the Assistant General Counsel for Regulations, Office of the General Counsel, Department of Education, transmitting, pursuant to law, the report of a rule entitled ''National Institute on Disability and Rehabilitation Research—Rehabilitation Research and Training Centers Program—Improving Employment Outcomes'' (RIN1820–ZA26) received on August 6, 2004; to the Committee on Health, Education, Labor, and Pensions.

EC–8845. A communication from the Acting Director, National Science Foundation, transmitting, pursuant to law, a report entitled ''Women, Minorities, and Persons with Disabilities in Science and Engineering: 2004''; to the Committee on Health, Education, Labor, and Pensions.

EC–8846. A communication from the Acting Director of Communications and Legislative Affairs, Equal Employment Opportunity Commission, transmitting, pursuant to law, the Commission's Report on the Federal Work Force for fiscal year 2003; to the Committee on Health, Education, Labor, and Pensions.

EC–8847. A communication from the Director, Regulations Policy and Management Staff, Food and Drug Administration, transmitting, pursuant to law, the report of a rule entitled ''Food Additives Permitted for Direct Addition to Food for Human Consumption; Olestra; Correction'' (Doc. No. 1999F–0719) received on August 6, 2004; to the Committee on Health, Education, Labor, and Pensions.

EC–8848. A communication from the Director, Regulations Policy and Management Staff, Food and Drug Administration, transmitting, pursuant to law, the report of a rule entitled ''Use of Materials Derived from Cattle in Human Food and Cosmetics'' (RIN0910–AF47) received on August 6, 2004; to the Committee on Health, Education, Labor, and Pensions.

EC–8849. A communication from the Administrator Office of Workforce Security, Employment and Training Administration, Department of Labor, transmitting, pursuant to law, the report of a rule entitled ''Repayment of Non-Federal Loans Used to Pay Unemployment Compensation'' (UIPL 7–04) received on August 6, 2004; to the Committee on Health, Education, Labor, and Pensions.

EC–8850. A communication from the Director, Regulations Policy and Management Staff, Food and Drug Administration, transmitting, pursuant to law, the report of a rule entitled ''Medical Devices; Effective Date of Requirement for Premarket Approval for Three Class III Preamendments Devices'' (Doc. No. 2003N–0468) received on August 6, 2004; to the Committee on Health, Education, Labor, and Pensions.

EC–8851. A communication from the Secretary of Transportation, transmitting, pursuant to law, a report entitled ''Report to Congress on the Fiscal Year (FY) 2003 Competitive Sourcing Efforts''; to the Committee on Health, Education, Labor, and Pensions.

EC–8852. A communication from the Assistant General Counsel for Regulations, Office of Special Education and Rehabilitative Services, Department of Education, transmitting, pursuant to law, the report of a rule entitled ''Special Demonstration Programs—Model Demonstration Projects—Positive Psychology'' (RIN1820–ZA35) received on August 11, 2004; to the Committee on Health, Education, Labor, and Pensions.

EC–8853. A communication from the Secretary of Health and Human Services, transmitting, pursuant to law, the Report on Developmental Disabilities Programs for Fiscal Years 2001 and 2002; to the Committee on Health, Education, Labor, and Pensions.

EC–8854. A communication from the Director, Occupational Safety and Health Administration, Department of Labor, transmitting, pursuant to law, the report of a rule entitled ''Controlled Negative Pressure REDON Fit Testing Protocol'' (RIN1218–AC05) received on August 11, 2004; to the Committee on Health, Education, Labor, and Pensions.

EC–8855. A communication from the Rules Administrator, Federal Bureau of Prisons, Department of Justice, transmitting, pursuant to law, the report of a rule entitled ''Comments on UNICOR Business Operations: Clarification of Addresses'' (RIN1120–AB15) received on August 18, 2004; to the Committee on the Judiciary.

EC–8856. A communication from the Director, Regulations and Forms Services, Bureau of Citizenship and Immigration Services, transmitting, pursuant to law, the report of a rule entitled ''Extension of the Deadline for Certain Health Care Workers Required to Obtain Certificates'' (RIN1615–AB28) received on July 25, 2004; to the Committee on the Judiciary.

EC–8857. A communication from the Rules Administrator, Federal Bureau of Prisons, Department of Justice, transmitting, pursuant to law, the report of a rule entitled ''Admission and Orientation Program: Removal from Rules'' (RIN1120–AB08) received on July 26, 2004; to the Committee on the Judiciary.

EC–8858. A communication from the General Counsel, Executive Office for Immigration Review, Department of Justice, transmitting, pursuant to law, the report of a rule entitled ''Executive Office for Immigration Review; Definitions; Fees; Powers and Authority of DHS Officers and Employees in Removal Proceedings'' (RIN1125–AA43) received on August 6, 2004; to the Committee on the Judiciary.

EC–8859. A communication from the Director, Regulations and Forms Services, Bureau of Citizenship and Immigration Services, transmitting, pursuant to law, the report of a rule entitled ''Employment Authorization

Documents'' (RIN1615–AA63) received on August 6, 2004; to the Committee on the Judiciary.

EC–8860. A communication from the Deputy General Counsel and Designated Reporting Official, transmitting, pursuant to law, the report of a vacancy and designation of acting officer for the position of Deputy Director for Demand Reduction, Office of National Drug Control Policy, received on August 6, 2004; to the Committee on the Judiciary.

EC–8861. A communication from the Rules Administrator, Federal Bureau of Prisons, transmitting, pursuant to law, the report of a rule entitled ''Inmate Commissary Account Deposit Procedures'' (RIN1120–AA86) received on August 6, 2004; to the Committee on the Judiciary.

EC–8862. A communication from the Assistant Chief, Regulations and Procedures Division, Alcohol and Tobacco Tax and trade Bureau, Treasury Department, transmitting, pursuant to law, the report of a rule entitled ''Red Hills Lake County Viticultural Area'' (RIN1513–AA33) received on August 6, 2004; to the Committee on the Judiciary.

EC–8863. A communication from the Assistant Chief, Regulations and Procedures Division, transmitting, pursuant to law, the report of a rule entitled ''Removal of Requirement to Disclose Saccharin in the Labeling of Wine, Distilled Spirits, and Malt Beverages'' (RIN1513–AA93) received on August 6, 2004; to the Committee on the Judiciary.

EC–8864. A communication from the Acting Under Secretary and Acting Director, Patent and Trademark Office, transmitting, pursuant to law, the report of a rule entitled ''Rules of Practice Before the Board of Patent Appeals and Interferences'' (RIN0651–AB32) received on August 11, 2004; to the Committee on the Judiciary.

EC–8865. A communication from the Director, Office of National Drug Control Policy, Executive Office of the President, transmitting, pursuant to law, the ''Plan Colombia/Andean Ridge Counterdrug Initiative Semi-Annual Obligation Report, 1st and 2nd Quarters Fiscal Year 2004''; to the Committee on the Judiciary.

EC–8866. A communication from the Congressional Review Coordinator, Animal and Plant Health Inspection Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled ''Tuberculosis in Cattle; Import Regulations'' (Doc. 03–081–2) received on August 18, 2004; to the Committee on Agriculture, Nutrition, and Forestry.

EC–8867. A communication from the Administrator, Risk Management Agency, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled ''Common Crop Insurance Regulations; Processing Tomato Crop Insurance Provisions'' (RIN0563–AB90) received on August 18, 2004; to the Committee on Agriculture, Nutrition, and Forestry.

EC–8868. A communication from the Administrator, Risk Management Agency, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled ''Common Crop Insurance Regulations; General Administrative Regulations, Catastrophic Risk Protection Endorsement; Group Risk Plan of Insurance Regulations for the 2004 and Succeeding Crop Years; and the Common Crop Insurance Regulations, Basic Provisions'' (RIN0563–AB94) received on August 18, 2004; to the Committee on Agriculture, Nutrition, and Forestry.

EC–8869. A communication from the Administrator, Rural Utilities Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled ''7 CFR Part 1739, Broadband Grant Program'' (RIN0572–AB94) received on August 18, 2004; to the Committee on Agriculture, Nutrition, and Forestry.

EC–8870. A communication from the Administrator, Agricultural Marketing Programs, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled ''Oranges, Grapefruit, Tangerines, and Tangelos Grown in Florida; Limiting the Volume of Small Red Seedless Grapefruit'' (FV04–905–3) received on August 18, 2004; to the Committee on Agriculture, Nutrition, and Forestry.

EC–8871. A communication from the Administrator, Agricultural Marketing Programs, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled ''Oranges, Grapefruit, Tangerines, and Tangelos Grown in Florida; Exemption for Shipments of Tree Run Citrus'' (FV04–905–2) received on August 18, 2004; to the Committee on Agriculture, Nutrition, and Forestry.

EC–8872. A communication from the Administrator, Agricultural Marketing Programs, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled ''Nectarines and Peaches Grown in California; Decreased Assessment Rates'' (FV04–916/7–4) received on August 18, 2004; to the Committee on Agriculture, Nutrition, and Forestry.

EC–8873. A communication from the Administrator, Agricultural Marketing Programs, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled ''Oranges, Grapefruit, Tangerines, and Tangelos Grown in Florida; Modifying the Procedures Used to Limit the Volume of Small Red Seedless Grapefruit Grown in Florida'' (FV04–905–5) received on August 18, 2004; to the Committee on Agriculture, Nutrition, and Forestry.

EC–8874. A communication from the Administrator, Agricultural Marketing Programs, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled ''Oranges and Grapefruit Grown in Lower Rio Grande Valley in Texas; Decreased Assessment Rate'' (FV04–906–2) received on August 18, 2004; to the Committee on Agriculture, Nutrition, and Forestry.

EC–8875. A communication from the Administrator, Agricultural Marketing Programs, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled ''Pistachios Grown in California; Delay of Effective Date for Aflatoxin, Size and Quality Requirements'' (FV02–983–1) received on August 18, 2004; to the Committee on Agriculture, Nutrition, and Forestry.

EC–8876. A communication from the Administrator, Agricultural Marketing Programs, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled ''Nectarines and Peaches Grown in California; Revision of Handling Requirements for Fresh Nectarines and Peaches'' (FV04–916/7–02) received on August 18, 2004; to the Committee on Agriculture, Nutrition, and Forestry.

EC–8877. A communication from the Congressional Review Coordinator, Animal and Plant Health Inspection Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled ''Imported Fire Ant; Additions to Quarantined Areas'' (Doc. No. 03–109–2) received on July 27, 2004; to the Committee on Agriculture, Nutrition, and Forestry.

EC–8878. A communication from the Administrator, Agricultural Marketing Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled ''Decreased Assessment Rate for Specified Marketing Orders'' (FV04–922–1) received on August 18, 2004; to the Committee on Agriculture, Nutrition, and Forestry.

NOTIFICATION OF THE PRESIDENT'S INTENTION TO DESIGNATE IRAQ AS A BENEFICIARY DEVELOPING COUNTRY FOR PURPOSES OF THE GENERALIZED SYSTEM OF PREFERENCES—PM 92

The PRESIDING OFFICER laid before the Senate the following message from the President of the United States, together with an accompanying report; which was referred to the Committee on Finance:

To the Congress of the United States:

Pursuant to section 502(f) of the Trade Act of 1974, as amended (the ''1974 Act''), I am writing to inform you of my intent to designate Iraq as a beneficiary developing country for purposes of the Generalized System of Preferences (GSP).

I have considered the criteria set forth in sections 501 and 502 of the 1974 Act. In light of these criteria, I have determined that it is appropriate to extend GSP benefits to Iraq.

GEORGE W. BUSH.

THE WHITE HOUSE, *September 7, 2004*.

REPORTS OF COMMITTEES

Under the authority of the order of the Senate of July 22, 2004, the following reports of committees were submitted on August 25, 2004:

By Mr. INHOFE, from the Committee on Environment and Public Works, without amendment:

S. 2495. A bill to strike limitations on funding and extend the period of authorization for certain coastal wetland conservation projects (Rept. No. 108–312).

S. 2547. A bill to amend the Migratory Bird Treaty Act to exclude non-native migratory bird species from the application of that Act, and for other purposes (Rept. No. 108–313).

S. 2773. An original bill to provide for the consideration and development of water and related resources, to authorize the Secretary of the Army to construct various projects for improvements to rivers and harbors of the United States, and for other purposes (Rept. No. 108–314).

H.R. 2408. To amend the Fish and Wildlife Act of 1956 to reauthorize volunteer programs and community partnerships for national wildlife refuges and for other purposes (Rept. No. 108–315).

By Mr. GRASSLEY, from the Committee on Finance:

Report to accompany S. 2610, A bill to implement the United States-Australia Free Trade Agreement (Rept. No. 108–316).

Report to accompany S. 2677, A bill to implement the United States-Morocco Free Trade Agreement ((Rept. No. 108–317).

By Ms. COLLINS, from the Committee on Governmental Affairs, with an amendment in the nature of a substitute:

S. 2468. A bill to reform the postal laws of the United States (Rept. No. 108–318).

By Mr. DOMENICI, from the Committee on Energy and Natural Resources, with an amendment in the nature of a substitute and an amendment to the title:

S. 203. A bill to open certain withdrawn land in Big Horn County, Wyoming, to locatable mineral development for bentonite mining (Rept. No. 108–319).

S. 931. A bill to direct the Secretary of the Interior to undertake a program to reduce the risks from and mitigate the effects of

avalanches on visitors to units of the National Park System and on other recreational users of public land (Rept. No. 108–320).

By Mr. DOMENICI, from the Committee on Energy and Natural Resources, with an amendment in the nature of a substitute:

S. 2052. A bill to amend the National Trails System Act to designate El Camino Real de los Tejas as a National Historic Trail (Rept. No. 108–321).

By Mr. DOMENICI, from the Committee on Energy and Natural Resources, with amendments:

S. 2167. A bill to establish the Lewis and Clark National Historical Park in the States of Washington and Oregon, and for other purposes (Rept. No. 108–322).

By Mr. DOMENICI, from the Committee on Energy and Natural Resources, with an amendment in the nature of a substitute:

S. 2173. A bill to further the purposes of the Sand Creek Massacre National Historic Site Establishment Act of 2000 (Rept. No. 108–323).

S. 2285. A bill to direct the Secretary of the Interior to convey a parcel of real property to Beaver County, Utah (Rept. No. 108–324).

By Mr. DOMENICI, from the Committee on Energy and Natural Resources, with amendments:

S. 2287. A bill to adjust the boundary of the Barataria Preserve Unit of Jean Lafitte National Historical Park and Preserve in the State of Louisiana, and for other purposes (Rept. No. 108–325).

By Mr. DOMENICI, from the Committee on Energy and Natural Resources, with an amendment in the nature of a substitute:

S. 2460. A bill to provide assistance to the State of New Mexico for the development of comprehensive State water plans, and for other purposes (Rept. No. 108–326).

By Mr. DOMENICI, from the Committee on Energy and Natural Resources, with an amendment:

S. 2508. A bill to redesignate the Ridges Basin Reservoir, Colorado, as Lake Nighthorse (Rept. No. 108–327).

By Mr. DOMENICI, from the Committee on Energy and Natural Resources, with an amendment in the nature of a substitute:

S. 2511. A bill to direct the Secretary of the Interior to conduct a feasibility study of a Chimayo water supply system, to provide for the planning, design, and construction of a water supply, reclamation, and filtration facility for Espanola, New Mexico, and for other purposes (Rept. No. 108–328).

S. 2543. A bill to establish a program and criteria for National Heritage Areas in the United States, and for other purposes (Rept. No. 108–329).

By Mr. DOMENICI, from the Committee on Energy and Natural Resources, without amendment:

H.R. 265. A bill to provide for an adjustment of the boundaries of Mount Rainier National Park, and for other purposes (Rept. No. 108–330).

By Mr. DOMENICI, from the Committee on Energy and Natural Resources, with amendment:

H.R. 1284. A bill to amend the Reclamation Projects Authorization and Adjustment Act of 1992 to increase the Federal share of the costs of the San Gabriel Basin demonstration project (Rept. No. 108–331).

By Mr. DOMENICI, from the Committee on Energy and Natural Resources, without amendment:

H.R. 1616. A bill to authorize the exchange of certain lands within the Martin Luther King, Junior, National Historic Site for lands owned by the City of Atlanta, Georgia, and for other purposes (Rept. No. 108–332).

H.R. 3768. A bill to expand the Timucuan Ecological and Historic Preserve, Florida (Rept. No. 108–333).

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. CAMPBELL, from the Committee on Indian Affairs, with an amendment in the nature of a substitute:

S. 2382. A bill to establish grant programs for the development of telecommunications capacities in Indian country (Rept. No. 108–335).

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second times by unanimous consent, and referred as indicated:

By Mr. MCCAIN (for himself, Mr. LIEBERMAN, Mr. SPECTER, Mr. BAYH, Mr. GRAHAM of South Carolina, Mr. DASCHLE, Mrs. CLINTON, Mr. NELSON of Florida, Mr. CORZINE, and Ms. MIKULSKI):

S. 2774. A bill to implement the recommendations of the National Commission on Terrorist Attacks Upon the United States, and for other purposes; read the first time.

By Ms. LANDRIEU:

S. 2775. A bill for the relief of Raheela Naz Khan; to the Committee on the Judiciary.

By Mr. SPECTER:

S. 2776. A bill to require the Secretary of Veterans Affairs to carry out a program of outreach to veterans of World War II and the Korean conflict on the nature and availability of benefits for veterans, and for other purposes; to the Committee on Veterans' Affairs.

By Mr. BENNETT (for himself and Mr. HATCH):

S. 2777. A bill to protect public health and safety in the event that testing of nuclear weapons by the United States is resumed; to the Committee on Energy and Natural Resources.

ADDITIONAL COSPONSORS

S. 333

At the request of Mr. BREAUX, the name of the Senator from Maine (Ms. SNOWE) was added as a cosponsor of S. 333, a bill to promote elder justice, and for other purposes.

S. 453

At the request of Mrs. HUTCHISON, the name of the Senator from Pennsylvania (Mr. SANTORUM) was added as a cosponsor of S. 453, a bill to authorize the Health Resources and Services Administration and the National Cancer Institute to make grants for model programs to provide to individuals of health disparity populations prevention, early detection, treatment, and appropriate follow-up care services for cancer and chronic diseases, and to make grants regarding patient navigators to assist individuals of health disparity populations in receiving such services.

S. 478

At the request of Mr. SARBANES, the name of the Senator from New Jersey (Mr. LAUTENBERG) was added as a cosponsor of S. 478, a bill to grant a Federal charter Korean War Veterans Association, Incorporated, and for other purposes.

S. 540

At the request of Mr. INHOFE, the names of the Senator from Missouri (Mr. BOND), the Senator from Illinois (Mr. DURBIN), the Senator from Hawaii (Mr. INOUYE) and the Senator from Arizona (Mr. MCCAIN) were added as cosponsors of S. 540, a bill to authorize the presentation of gold medals on behalf of Congress to Native Americans who served as Code Talkers during foreign conflicts in which the United States was involved during the 20th Century in recognition of the service of those Native Americans to the United States.

S. 1250

At the request of Mr. BURNS, the name of the Senator from California (Mrs. BOXER) was added as a cosponsor of S. 1250, a bill to improve, enhance, and promote the Nation's homeland security, public safety, and citizen activated emergency response capabilities through the use of enhanced 911 services, to further upgrade Public Safety Answering Point capabilities and related functions in receiving E-911 calls, and to support the construction and operation of a ubiquitous and reliable citizen activated system and other purposes.

S. 1277

At the request of Mr. BIDEN, the name of the Senator from Pennsylvania (Mr. SPECTER) was added as a cosponsor of S. 1277, a bill to amend title I of the Omnibus Crime Control and Safe Streets Act of 1968 to provide standards and procedures to guide both State and local law enforcement agencies and law enforcement officers during internal investigations, interrogation of law enforcement officers, and administrative disciplinary hearings, to ensure accountability of law enforcement officers, to guarantee the due process rights of law enforcement discipline, accountability, and due process laws.

S. 1630

At the request of Mrs. DOLE, the name of the Senator from Pennsylvania (Mr. SPECTER) was added as a cosponsor of S. 1630, a bill to facilitate nationwide availability of 2-1-1 telephone service for information and referral services, and for other purposes.

S. 1704

At the request of Ms. COLLINS, the name of the Senator from California (Mrs. BOXER) was added as a cosponsor of S. 1704, a bill to amend the Public Health Service Act to establish a State family support grant program to end the practice of parents giving legal custody of their seriously emotionally disturbed children to State agencies for the purpose of obtaining mental health services for those children.

S. 1735

At the request of Mrs. FEINSTEIN, the name of the Senator from Arizona (Mr. KYL) was added as a cosponsor of S. 1735, a bill to increase and enhance law enforcement resources committed to investigation and prosecution of violent gangs, to deter and punish violent

gang crime, to protect law abiding citizens and communities from violent criminals, to revise and enhance criminal penalties for violent crimes, to reform and facilitate prosecution of juvenile gang members who commit violent crimes, to expand and improve gang prevention programs, and for other purposes.

S. 1773

At the request of Mr. SANTORUM, the name of the Senator from Virginia (Mr. ALLEN) was added as a cosponsor of S. 1773, a bill to permit biomedical research corporations to engage in certain equity financings without incurring limitations on net operating loss carryforwards and certain built-in losses, and for other purposes.

S. 1925

At the request of Mr. KENNEDY, the names of the Senator from Colorado (Mr. CAMPBELL) and the Senator from Pennsylvania (Mr. SPECTER) were added as cosponsors of S. 1925, a bill to amend the National Labor Relations Act to establish an efficient system to enable employees to form, join, or assist labor organizations, to provide for mandatory injunctions for unfair labor practices during organizing efforts, and for other purposes.

S. 1963

At the request of Mrs. BOXER, the name of the Senator from Minnesota (Mr. DAYTON) was added as a cosponsor of S. 1963, a bill to amend the Communications Act of 1934 to protect the privacy right of subscribers to wireless communication services.

S. 1980

At the request of Mr. GRAHAM of Florida, the name of the Senator from Oregon (Mr. WYDEN) was added as a cosponsor of S. 1980, a bill to amend the Help America Vote Act of 2002 to require a voter-verified permanent record or hardcopy under title III of such Act, and for other purposes.

S. 1998

At the request of Mr. BINGAMAN, the name of the Senator from Michigan (Mr. LEVIN) was added as a cosponsor of S. 1998, a bill to amend title 49, United States Code, to preserve the essential air service program.

S. 2018

At the request of Mr. SPECTER, his name was added as a cosponsor of S. 2018, a bill to amend the National Trails System Act to extend the Lewis and Clark National Historic Trail to include additional sites associated with the preparation or return phase of the expedition, and for other purposes.

S. 2077

At the request of Mr. BAYH, the name of the Senator from Connecticut (Mr. LIEBERMAN) was added as a cosponsor of S. 2077, a bill to amend title XIX of the Social Security Act to permit additional States to enter into long-term care partnerships under the Medicaid Program in order to promote the use of long-term care insurance.

S. 2176

At the request of Mr. BINGAMAN, the name of the Senator from Louisiana (Ms. LANDRIEU) was added as a cosponsor of S. 2176, a bill to require the Secretary of Energy to carry out a program of research and development to advance high-end computing.

S. 2253

At the request of Mrs. FEINSTEIN, the name of the Senator from Nevada (Mr. REID) was added as a cosponsor of S. 2253, a bill to permit young adults to perform projects to prevent fire and suppress fires, and provide disaster relief, on public land through a Healthy Forest Youth Conservation Corps.

S. 2313

At the request of Mr. GRAHAM of Florida, the name of the Senator from South Dakota (Mr. JOHNSON) was added as a cosponsor of S. 2313, a bill to amend the Help America Vote Act of 2002 to require a voter-verified permanent record or hardcopy under title III of such Act, and for other purposes.

S. 2329

At the request of Mr. KYL, the name of the Senator from Texas (Mr. CORNYN) was added as a cosponsor of S. 2329, a bill to protect crime victims' rights.

S. 2338

At the request of Mr. BOND, the names of the Senator from Maryland (Mr. SARBANES) and the Senator from Minnesota (Mr. DAYTON) were added as cosponsors of S. 2338, a bill to amend the Public Health Service Act to provide for arthritis research and public health, and for other purposes.

S. 2363

At the request of Mr. HATCH, the name of the Senator from Colorado (Mr. ALLARD) was added as a cosponsor of S. 2363, a bill to revise and extend the Boys and Girls Clubs of America.

S. 2417

At the request of Mr. COLEMAN, the name of the Senator from Alaska (Mr. STEVENS) was added as a cosponsor of S. 2417, a bill to amend title 38, United States Code, to authorize the Secretary of Veterans Affairs to furnish care for newborn children of women veterans receiving maternity care, and for other purposes.

S. 2461

At the request of Mr. DASCHLE, his name was added as a cosponsor of S. 2461, a bill to protect the public health by providing the Food and Drug Administration with certain authority to regulate tobacco products.

S. 2462

At the request of Mr. WARNER, the name of the Senator from Michigan (Ms. STABENOW) was added as a cosponsor of S. 2462, a bill to provide additional assistance to recipients of Federal Pell Grants who are pursuing programs of study in engineering, mathematics, science, or foreign languages.

S. 2468

At the request of Ms. COLLINS, the names of the Senator from Pennsylvania (Mr. SPECTER) and the Senator from Nebraska (Mr. HAGEL) were added as cosponsors of S. 2468, a bill to reform the postal laws of the United States.

S. 2477

At the request of Mr. REED, the name of the Senator from Florida (Mr. NELSON) was added as a cosponsor of S. 2477, a bill to amend the Higher Education Act of 1965 to expand college access and increase college persistence, to simplify the process of applying for student assistance, and for other purposes.

S. 2502

At the request of Mr. CRAIG, the name of the Senator from Virginia (Mr. ALLEN) was added as a cosponsor of S. 2502, a bill to allow seniors to file their Federal income tax on a new Form 1040S.

S. 2526

At the request of Mr. BOND, the names of the Senator from California (Mrs. BOXER), the Senator from Louisiana (Ms. LANDRIEU), the Senator from Illinois (Mr. FITZGERALD), the Senator from Arkansas (Mrs. LINCOLN) and the Senator from Utah (Mr. HATCH) were added as cosponsors of S. 2526, a bill to reauthorize the Children's Hospitals Graduate Medical Education Program.

S. 2568

At the request of Mr. BIDEN, the names of the Senator from Illinois (Mr. DURBIN), the Senator from Pennsylvania (Mr. SANTORUM), the Senator from Pennsylvania (Mr. SPECTER) and the Senator from Alaska (Mr. STEVENS) were added as cosponsors of S. 2568, a bill to require the Secretary of the Treasury to mint coins in commemoration of the tercentenary of the birth of Benjamin Franklin, and for other purposes.

S. 2602

At the request of Mr. DODD, the names of the Senator from New Jersey (Mr. CORZINE) and the Senator from Illinois (Mr. DURBIN) were added as cosponsors of S. 2602, a bill to provide for a circulating quarter dollar coin program to honor the District of Columbia, the Commonwealth of Puerto Rico, Guam, American Samoa, the United States Virgin Islands, and the Commonwealth of the Northern Mariana Islands, and for other purposes.

S. 2614

At the request of Mr. CONRAD, the name of the Senator from Washington (Mrs. MURRAY) was added as a cosponsor of S. 2614, a bill to amend title XVIII of the Social Security Act to improve the benefits under the medicare program for beneficiaries with kidney disease, and for other purposes.

S. 2623

At the request of Mr. SMITH, the names of the Senator from Connecticut (Mr. LIEBERMAN) and the Senator from Pennsylvania (Mr. SPECTER) were added as cosponsors of S. 2623, a bill to amend section 402 of the Personal Responsibility and Work Opportunity Reconciliation Act of 1996 to provide a 2-year extension of supplemental security income in fiscal years 2005 through 2007 for refugees, asylees, and certain other humanitarian immigrants.

S. 2627

At the request of Mrs. FEINSTEIN, the name of the Senator from New Jersey (Mr. LAUTENBERG) was added as a cosponsor of S. 2627, a bill to express the policy of the United States with respect to the adherence by the United States to global standards in the transfer of small arms and light weapons, and for other purposes.

S. 2659

At the request of Ms. COLLINS, the names of the Senator from Indiana (Mr. LUGAR) and the Senator from Pennsylvania (Mr. SANTORUM) were added as cosponsors 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. 2671

At the request of Mr. SMITH, the name of the Senator from Pennsylvania (Mr. SPECTER) was added as a cosponsor of S. 2671, a bill to extend temporary State fiscal relief, and for other purposes.

S. 2676

At the request of Mrs. HUTCHISON, the name of the Senator from Hawaii (Mr. INOUYE) was added as a cosponsor of S. 2676, a bill to amend chapter 4 of title 39, United States Code, to provide for the issuance of a semipostal stamp in order to provide funding for childhood drinking prevention and education, and for other purposes.

S. 2681

At the request of Mr. SANTORUM, the name of the Senator from Oklahoma (Mr. INHOFE) was added as a cosponsor of S. 2681, a bill to establish a program to support a transition to democracy in Iran.

S. 2726

At the request of Mrs. BOXER, the name of the Senator from Washington (Mrs. MURRAY) was added as a cosponsor of S. 2726, a bill to amend title 49 of the United States Code to provide flight attendant security training, and for other purposes.

S. 2729

At the request of Mr. DODD, the name of the Senator from Illinois (Mr. DURBIN) was added as a cosponsor of S. 2729, a bill to encourage students to pursue graduate education and to assist students in affording graduate education.

S. 2740

At the request of Mr. DASCHLE, the name of the Senator from New Jersey (Mr. LAUTENBERG) was added as a cosponsor of S. 2740, a bill to improve dental services in underserved areas by amending the Public Health Service Act, and for other purposes.

S. 2741

At the request of Mr. DASCHLE, the name of the Senator from Illinois (Mr. DURBIN) was added as a cosponsor of S. 2741, a bill to amend the Public Health Service Act to reauthorize and extend the Fetal Alcohol Syndrome prevention and services program, and for other purposes.

S. 2749

At the request of Mr. SARBANES, the name of the Senator from Illinois (Mr. DURBIN) was added as a cosponsor of S. 2749, a bill to establish a grant program to provide comprehensive eye examinations to children, and for other purposes.

S. 2754

At the request of Mr. DASCHLE, the names of the Senator from New York (Mrs. CLINTON) and the Senator from Maryland (Mr. SARBANES) were added as cosponsors of S. 2754, a bill to amend the Social Security Act to protect social security cost-of-living adjustments (COLA).

S. 2760

At the request of Mr. KYL, the name of the Senator from Georgia (Mr. CHAMBLISS) was added as a cosponsor of S. 2760, a bill to limit and expedite Federal collateral review of convictions for killing a public safety officer.

S. CON. RES. 8

At the request of Ms. COLLINS, the names of the Senator from Pennsylvania (Mr. SANTORUM) and the Senator from Delaware (Mr. CARPER) were added as cosponsors 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. 41

At the request of Mr. KENNEDY, the name of the Senator from Washington (Mrs. MURRAY) was added as a cosponsor of S. Con. Res. 41, a concurrent resolution directing Congress to enact legislation by October 2005 that provides access to comprehensive health care for all Americans.

S. CON. RES. 119

At the request of Mr. CAMPBELL, the name of the Senator from New Jersey (Mr. CORZINE) was added as a cosponsor of S. Con. Res. 119, a concurrent resolution recognizing that prevention of suicide is a compelling national priority.

S. CON. RES. 121

At the request of Mr. BINGAMAN, the name of the Senator from Illinois (Mr. DURBIN) was added as a cosponsor of S. Con. Res. 121, a concurrent resolution supporting the goals and ideals of the World Year of Physics.

S. CON. RES. 127

At the request of Mr. SCHUMER, the names of the Senator from Michigan (Ms. STABENOW) and the Senator from Wisconsin (Mr. FEINGOLD) were added as cosponsors of S. Con. Res. 127, a concurrent resolution expressing the sense of Congress that the President should designate September 11 as a national day of voluntary service, charity, and compassion.

S. CON. RES. 128

At the request of Mr. CHAMBLISS, the name of the Senator from Georgia (Mr. MILLER) was added as a cosponsor of S. Con. Res. 128, a concurrent resolution expressing the sense of Congress regarding the importance of life insurance, and recognizing and supporting National Life Insurance Awareness Month.

S. RES. 317

At the request of Mr. HAGEL, the name of the Senator from Maryland (Ms. MIKULSKI) was added as a cosponsor of S. Res. 317, a resolution recognizing the importance of increasing awareness of autism spectrum disorders, supporting programs for increased research and improved treatment of autism, and improving training and support for individuals with autism and those who care for individuals with autism.

S. RES. 389

At the request of Mr. CAMPBELL, the names of the Senator from Maryland (Ms. MIKULSKI), the Senator from Kansas (Mr. BROWNBACK), the Senator from Michigan (Ms. STABENOW) and the Senator from New Jersey (Mr. LAUTENBERG) were added as cosponsors of S. Res. 389, a resolution expressing the sense of the Senate with respect to prostate cancer information.

S. RES. 408

At the request of Mr. SMITH, the names of the Senator from Texas (Mrs. HUTCHISON), the Senator from Georgia (Mr. MILLER), the Senator from Pennsylvania (Mr. SPECTER), the Senator from Virginia (Mr. ALLEN) and the Senator from Iowa (Mr. GRASSLEY) 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 name of the Senator from Massachusetts (Mr. KERRY) was added as a cosponsor of S. Res. 408, supra.

AMENDMENT NO. 945

At the request of Mr. GREGG, the name of the Senator from Missouri (Mr. TALENT) was added as a cosponsor of amendment No. 945 proposed to S. 1, a bill to amend title XVIII of the Social Security Act to provide for a voluntary prescription drug benefit under the Medicare program and to strengthen and improve the Medicare program, and for other purposes.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS—THURSDAY, JULY 22, 2004

By Mr. SMITH:

S. 2753. A bill to authorize the Secretary of Housing and Urban Development to insure zero-downpayment mortgages; to the Committee on Banking, Housing, and Urban Affairs.

Mr. SMITH. Mr. President, I rise today to further the cause of affordable homeownership in America. I am proud of all that we have done to increase opportunities for homeownership, however I hope that no member of this body makes the mistake of believing

that the fight is over. I am very proud of the 68.6 percent rate of homeownership we enjoy in America today but millions of American families are unable to take advantage of the many benefits of homeownership. One of the greatest obstacles for these Americans is the minimum down payment. The Federal Housing Administration (FHA) provides loans to many 1st time homebuyers who otherwise would struggle to qualify, yet many working class families are still overwhelmed at the prospect of saving thousands of dollars for the 3 percent minimum down payment. This legislation will help make homeownership become a reality for those Americans.

The Zero Downpayment Act of 2004 will allow families who seek FHA-insured loans to include the downpayment in their loan amount. These borrowers will still have to meet FHA credit qualifications and will pay a slightly higher annual interest rate to cover the cost of the program. Borrowers will also be required to receive counseling to ensure they are ready for the financial responsibilities associated with homeownership. This legislation provides a wonderful opportunity for those Americans who are on the edge of homeownership to begin building better lives and neighborhoods all over the country.

As members of the United States Senate we each spend a good amount of time meeting with people of all walks of life. I am introducing this legislation today, because it can change lives, and give people a chance to experience a better life. I hope my colleagues will join me in the fight to give every American the opportunity to become a homeowner. The Zero Downpayment Act of 2004 is an important step in that process and I urge my colleagues to join me in supporting this legislation. I ask unanimous consent that the bill be printed immediately following my remarks.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

Mr. McCAIN (for himself, Mr. LIEBERMAN, Mr. SPECTER, Mr. BAYH, Mr. GRAHAM of South Carolina, Mr. DASCHLE, Mrs. CLINTON, Mr. NELSON of Florida, Mr. CORZINE, and Ms. MIKULSKI):

S. 2774. A bill to implement the recommendations of the National Commission on Terrorist Attacks Upon the United States, and for other purposes; read the first time.

Mr. McCAIN. Mr. President, this week marks the third anniversary of that terrible day in 2001 when terrorists attacked America's commercial and governmental capitals. On that occasion, in the largest attack ever on American soil, 2,973 innocent individuals lost their lives. The victimization of America went beyond this astounding number, with physical injuries to many, damage to our Nation's economy, and psychological trauma among millions who witnessed these shocking events.

While nothing we do can erase this pain, we can honor and pay tribute to those who have suffered by ensuring that terrorists never again attack our land. We have come a long way since 2001 in enhancing this country's ability to prevent and respond to terrorist attacks, but, as the 9/11 Commission said in its final report, we are not yet safe. Increasing our safety against terrorist attack requires new strategies, new ways of thinking, and new ways of organizing our government.

Today I am pleased to be joined by Senators LIEBERMAN, SPECTER, BAYH, GRAHAM of South Carolina, DASCHLE, and CLINTON in introducing legislation designed to implement the 9/11 Commission recommendations, which were issued just prior to the August recess. Governor Tom Kean and Representative LEE HAMILTON have endorsed this bill, and assured us that it accurately reflects the Commission's intent.

With the introduction of this bill, the Senate now has before it legislation that addresses each of the Commission's 41 recommendations, which together are designed to build unity of effort across the U.S. Government—all in an effort to prevent future terrorist attacks. The provisions of this bill outline the shape and objectives of a global counterterrorism strategy, and suggest a reconfiguration of our national security and homeland security apparatus within the U.S. Government. As anyone who reads the legislation will quickly see, it also cuts across jurisdictional lines with respect to the Senate committee prerogatives. There are portions of this bill that deal with intelligence, foreign affairs, defense, border security and commerce, transportation security, and more. In normal times, naysayers would caution that this fact alone could paralyze this body. But these are not normal times. International terrorism poses a real and present danger to the United States, and it is our responsibility as elected officials to take action on the Commission's recommendations.

I would like to highlight some of the major aspects of the bill, and I know that the other sponsors also will provide details on the bill's structure.

The largest section of this bill concerns the reorganization of our intelligence community. This legislation establishes a National Intelligence Authority to unify the efforts of the community, and this new entity would be headed by a National Intelligence Director, NID. The NID also would act as the principal intelligence advisor to the President, taking over this function from the Director of Central Intelligence. The NID would have direct budgetary authority and significant personnel authority over all of the intelligence agencies, except those that generate intelligence that falls under the purview of one department alone, such as tactical military intelligence. The NID would have influence over the budgets for these other entities that do provide this very specific intelligence. Assisting the NID would be four deputies, including a principal deputy, another that serves currently as the CIA Director and would handle foreign intelligence, a deputy that also serves as the Under Secretary of Defense for Intelligence, and a fourth that handles domestic intelligence.

Also established in this bill is a National Counterterrorism Center to oversee all of the U.S. Government counterterrorism operations, including analysis, net assessments, and guidance for joint counterterrorism operations. The center would be headed by a deputy-level official who can adjudicate policy disagreements among the agencies and, if need be, bump them up to the National Security Council for a decision. In addition to the National Counterterrorism Center, the bill authorizes the NID to establish ''National Intelligence Centers'' that will address particular geographic or functional areas. These centers will, like the NCTC, bring together the full range of reporting and analysis on particular topics so that no one with a need to know is cut out of the loop. There are also provisions designed to ensure that increased centralization of the intelligence community does not lead to a reduction in the range of analytical views available to policymakers.

Finally in the intelligence title, the bill codifies the critical reforms that Director Mueller has begun at the FBI, including his efforts to improve the FBI's intelligence capabilities and develop a personnel cadre that specializes in national security issues.

In its report, the 9/11 Commission found that the biggest impediment to ''connecting the dots'' among diverse sources of homeland security information is the widespread resistance to sharing. To address this problem, the Commission recommended that the President create a new ''trusted information network'' modeled on a framework developed by a Markle Foundation task force. This bill directs the President to create an information network among all Federal departments and agencies with responsibilities for homeland security, among State and local authorities, and among relevant private sector entities. The legislation describes key attributes that should be incorporated into the network and sets forth an ambitious schedule for development and implementation.

The Commission report stated that, ''Of all our recommendations, strengthening congressional oversight may be among the most difficult and important. So long as oversight is governed by current congressional rules and resolutions, we believe the American people will not get the security they want and need. The United States needs a strong, stable, and capable congressional committee structure to give America's national intelligence agencies oversight, support, and leadership.''

The Commission offered several options for how Congress should be restructured to best provide for strong oversight over both intelligence and homeland security. With respect to intelligence, it recommended that Congress create either a joint committee modeled after the Joint Atomic Energy Committee or House and Senate Committees with combined authorizing and appropriating powers. With respect to homeland security, it recommended that Congress create a single, principal point of oversight and review, noting that DHS officials now appear before 88 different committees and subcommittees.

Late last month, the Senate leadership tasked a bipartisan working group with examining how best to implement these recommendations and asked it to report back to the leadership as soon as possible. In recognition of this ongoing review, our bill does not propose the committee structures we believe should be adopted, but instead includes a Sense of the Congress that both houses of the 108th Congress adopt all necessary rule changes so that the committee structures for the 109th Congress are revised in accordance with one of the options recommended by the Commission.

It is incumbent on each member to put aside jurisdictional power struggles and take action that is in the interest of securing our homeland. We should strive to never again read a report that calls Congressional oversight ''dysfunctional.'' We simply must heed the Commissions call to action and fundamentally overhaul Congressional oversight for intelligence and homeland security. As the Commission stated, ''tinkering with the existing structure is not sufficient.''

As recommended by the Commission, we have included provisions to help ensure that an incoming President-elect can start putting together his national security team during a transition between administrations. Our legislation would establish procedures for expediting security clearances and Senate consideration of top national security appointees, as well as any necessary clearances for presidential transition team members. In addition, it directs the President to consolidate security clearance responsibilities in a single Federal agency, and to work with the new NID to set uniform standards for granting security clearances so that they are accepted by all Federal agencies.

One lesson from the Commissions report is that no one set of strategies is sufficient to prevent future terrorist attacks. The United States must use all of the instruments at our disposal to counter the short and long-term threats posed by international terrorism. For this reason, we have devoted an entire title of the bill to the role of diplomacy, foreign aid, and the military. The legislation would renew the U.S. commitment to Pakistan's future, in light of the critical role that country plays in the war on terror, and authorizes a substantial increase in aid to Afghanistan. It addresses our relations with Saudi Arabia and suggests establishing an international contact group to develop a multilateral counterterrorism strategy. Other provisions in our bill will enhance America's ability to fight the war of ideas by promoting universal values of democracy, tolerance, and openness. It authorizes increased funding for U.S. broadcasts to Muslim countries and would ramp up the scale of education and exchange programs.

This bill notes that the proliferation of weapons of mass destruction is a grave and gathering threat to this country, and suggests ways to strengthen our nonproliferation programs. And, since portrayals of mistreatment of captured terrorists hinders our ability to engage in the wider struggle against them, this legislation both reiterates standards for their humane treatment once captured, and calls on the U.S. Government to develop a common approach to detainee treatment, along with its coalition partners.

One significant way to prevent future terrorist attacks on American soil is to stop terrorists from entering the country in the first place. This bill contains a number of provisions that would enhance the security of our borders, transportation systems and critical infrastructure. For example, our legislation requires the Secretary of Homeland Security to work with multiple government agencies to develop a unified strategy to intercept terrorists, find terrorist facilitators, and constrain terrorist mobility both domestically and internationally. In addition, to efficiently screen persons entering the United States, we must integrate the multiple terrorist screening systems already in place. This bill would require the Secretary of Homeland Security to develop a comprehensive screening system that brings together an integrated network of screening points, and to work to fully implement the entry and exit functions of the U.S. VISIT system at all ports of entry as quickly as possible.

The Commission also pointed out what appears to be a gaping hole in our border security. I am referring to the ability of people who claim to be United States citizens to orally attest to their citizenship when passing from Canada or Mexico into the United States. Numerous reports, including a recent GAO study, point to our porous borders as potential terrorist entryways into this country. Our legislation would require everyone entering the U.S. to present a passport, at a minimum.

Of course, travel documents only work insofar as they are authentic and can be authenticated by our officials. Our bill requires the Secretary of Homeland Security to establish uniform Federal standards for driver's licenses and birth certificates. It is long past time that we take action to protect these documents from being used to commit identity theft, terrorism, and other criminal acts.

Although there has been considerable progress in tightening transportation security since September 11, the Commission made several recommendations to further improve the system. For example, the computer systems and protocols used to vet passengers before they board a plane are not substantially different than the systems that failed to prevent the 9/11 hijackers from boarding their flights. Therefore in this legislation we require the Transportation Security Administration to take over and improve the no-fly list process, and to improve the screening of air passengers for explosives and the screening of air cargo. In addition, we require DHS to set risk-based priorities for defending various transportation assets, and then figure out a plan and budget to get the job done.

Mr. President, I am in full agreement with the Commission that we need to broadly address transportation security vulnerabilities. In fact, the Committee on Commerce, Science, and Transportation has already reported several legislative measures designed to improve the security of other transportation modes. A maritime security bill was signed into law in 2002, and we reported a subsequent maritime security measure earlier this year. We also reported, and the Senate has passed, a bus security bill, and our rail security legislation is pending on the Senate Calendar. These measures must be enacted before we adjourn.

The Commission made a number of recommendations to further our national preparedness and emergency response efforts. Its report states that ''homeland security assistance should be based strictly on an assessment of risks and vulnerabilities,'' and implores that ''Congress should not use this money as a pork barrel.'' I heartily agree. In following this recommendation, the legislation directs the Secretary of Homeland Security to allocate assistance based on the threats, risks, and vulnerabilities facing a community, along with its population and other specific criteria. It also establishes an expert advisory panel to develop benchmarks for assessing the homeland security needs and capabilities of various communities, and rescinds the current formula for homeland security grants.

The bill would also require certain broadcasters to vacate their television channels in a crisis so that their airwaves are available to first responders, and ensure that public safety organizations have access to this spectrum no later than January 1, 2007. In addition, it directs the Secretary of Homeland Security to work with other officials in developing effective communications capabilities, including back-up support. These steps are vital for closing the existing gaps in interoperability of emergency communications systems.

The Commissioners pointed out that the private sector controls 85 percent of the critical infrastructure in the Nation. Our bill directs the Secretary of Homeland Security to establish a program to promote private sector preparedness for terrorism and other emergencies. It also directs the Secretary to report to Congress regularly on the adequacy of the government's plans to protect our Nation's critical infrastructure.

All of us who are concerned with threats to this Nation's security also wish to ensure that our efforts to protect Americans do not infringe on our civil liberties. After all, giving up the way of life we have fought so hard to defend is not an acceptable price for greater security. We must find a way to balance the two, and that is what this bill proposes to do. It creates a Privacy and Civil Liberties Board, as well as designated privacy and civil liberties officers within relevant Federal agencies, to analyze actions the enhanced security measures taken by our government and to ensure that civil liberties are appropriately considered as these policies are developed. The Board, which would reside within the Executive Office of the President, would advise the President and Federal agencies on the privacy and civil liberties implications of proposed and extant laws, as well as authority to oversee Federal agencies to ensure that civil liberties are being protected.

In addition, the legislation requires certain agency heads to designate senior officers to serve as privacy and civil liberties resources and watchdogs. Among these officers' responsibilities is ensuring that their agency has a process in place to receive, investigate, and respond to complaints from people who report privacy or civil liberties violations.

Having described the bill we are introducing today, I'd like to reiterate that it addresses each of the Commission's recommendations—not more, not less. The sponsors all recognize that other legislative proposals will be offered that address the security of our Nation in the face of terrorist threats. In particular, I want to acknowledge the efforts by Senator COLLINS and Senator LIEBERMAN, the Chairman and Ranking Member of the Senate Government Affairs Committee. That Committee has a key leadership role in this area, and it is one that I greatly respect. I know that they are working to report a bipartisan reform proposal to reform the Intelligence community in the days ahead and look forward to Senate debate on their proposal.

The sponsors of today's legislation remain open to all proposals, and in fact, will have additional suggestions of our own. But the introduction of our legislation today ensures that the commendable work of the 9/11 Commission has a real opportunity to be debated, amended, and adopted. Despite the short and crowded legislative calendar, we urge the leadership to allow for debate on this and other proposals to address the 9/11 Commission's recommendations. Even in an election year, there is no higher priority than defending the American people against threats to their security.

Mr. President, there has been much talk over recent months about the importance of firm resolve in the face of threats to America's security and its integrity. This legislation presents the Congress with an opportunity this year to exhibit some resolve of our own. While we will act in the shadow of the dark hours of September 11, we can show the American people—and the world—that this government is committed to facing down the worst threats that face us today. We can move forward—yes, in an election year, yes, by actually finding agreement regardless of party or committee assignment—to better protect and preserve the security of this Nation. With the Senate's serious and thorough consideration of the Commission's recommendations, we will honor those who have been patient enough to afford us this opportunity to change.

I will make two additional comments. One, we need to reform the institutions of government. This blueprint which outlines in legislative form the recommendations of the September 11 Commission are exactly that, a blueprint. I am confident that the Committee on Governmental Affairs, under the outstanding leadership of the Senator from Maine, Ms. COLLINS, working with Senator LIEBERMAN, Senator SPECTER, and other members of the committee, will produce a legislative product of which everyone can be very proud. They have already begun a series of hearings, and I have complete confidence in their deliberations and their results.

Let me also say that one of the most difficult aspects of reform will be reform of the institutions here and in the other body. There is no doubt that either one of the two committee recommendations—that there be a joint committee along the lines of the now defunct Joint Committee on Atomic Energy or two separate permanent committees. Those committees have to have budgetary authority. They must be able to appropriate. If not, those committees will be debating societies and they will not have the influence or power necessary or authority necessary to supervise America's intelligence operations.

There are many other areas and many other ideas, including those of the White House and the executive branch that need to be taken into consideration. But I think this is a good start because if there is one thing all of us can agree on it is that the recommendations of the 9/11 Commission have been embraced by virtually one and all, clearly, with some reservations because it is not a perfect document. But overall, the overwhelming majority of Americans expect that we should act on this blueprint as a blueprint, but, second of all, that we should act—that we should act.

There is no disagreement that our intelligence agencies and our ability to obtain the vital information that is necessary to maintain our national security and prevent another terrorist attack require us to act in an expeditious fashion.

I understand the majority leader, in consultations with Senator DASCHLE, has laid out a schedule for the Governmental Affairs Committee to report out the last week in September. I think that is a very worthwhile cause.

The PRESIDING OFFICER. The Senator from Connecticut.

Mr. LIEBERMAN. Mr. President, it is good to see you after the recess. I thank my colleague and dear friend from Arizona, Senator MCCAIN, for his comments. I support him in substance and in spirit, which is to say the urgency of Congress reacting to the report of the 9/11 Commission.

It was shortly after September 11 that Senator MCCAIN and I introduced legislation, with Senators SPECTER, BAYH, and others, creating the National Commission on Terrorist Attacks Upon the United States. We believed—and we know so many others agreed—that the Nation needed to know as clearly and definitively as possible what had happened, why it had happened, and what could be done to prevent such a heinous attack from ever happening again.

In particular, most understandably and movingly, the families of the 9/11 victims rightly demanded that we learn all we could from the tragedy that took their loved ones from them. In its 20-month existence, the Commission, headed by Governor Thomas Kean and Congressman Lee Hamilton, brought a laser focus to its task. The Commission insisted on talking to the people and seeing the documents that could help them understand and tell the full story. The result is not only a definitive account of what happened on September 11, but also a very thoughtful and compelling analysis of why it happened and where we must go from here. And I take it to be a sign of not only tribute to the Commission but of the public concern and interest in what the Commission had to say, that the published volume of its report, unlike any I have known of in a long time, remains a bestseller throughout our country.

So today, Senator MCCAIN, Senator SPECTER, Senator BAYH, and I join together again to introduce the 9/11 Commission Report Implementation Act of 2004. This legislation embraces and expresses in legislative language all 41 of the recommendations in the Commission's final report. Some of those, involving calls to restructure the intelligence community, have already been the focus of extensive debate. Others, such as the proposals to crack down on fraudulent identification documents or to build new bridges to the Muslim world, have gotten less discussion. But

they are all—each and every one of them—the product of the outstanding and diligent work of the Commission and therefore deserve, indeed command, our attention. We did not attempt to pick and choose which of the 41 recommendations should be considered or legislated, or to edit the Commission's policy conclusions. Indeed, there are one or two areas where I might take a different approach to the concerns the Commission has raised. But the Commission's recommendations should be our starting point. And I believe in many cases, probably most, they should be our ending point as well.

Introducing this legislation is the fulfillment of the promise we made on the day the Commission issued its report: that we would express its proposals in legislation. At that time we had no idea whether anything would happen on the Commission report in August or September or October. It was that night that Senators FRIST and DASCHLE, our bipartisan leadership, asked our Governmental Affairs Committee to assume responsibility for considering the Commission's report and making a set of proposals to the Senate no later than October 1.

This proposal we now introduce today will go to the Governmental Affairs Committee, formally or informally, to inform the work it is doing. The Governmental Affairs Committee now has the ball and will report to Congress, and is on a schedule, I am pleased to say, to report in advance of the deadline set by Senators FRIST and DASCHLE, in advance of October 1.

So what does the Commission and therefore this legislation call for? The Commission's final report depicts a nation that was woefully unprepared for the attacks of September 11. As the Commission concludes: We need a new strategic vision to confront terrorism and a new unified effort to carry out that strategy. Such unity can only be achieved through a dramatic transformation of the status quo of our key organizations and policies. That is the first order of business.

The Commission has described how, in the course of its investigation, it repeatedly asked this question: Who was in charge prior to September 11, and who is in charge today? And it never received a satisfactory answer. In fact, Governor Kean and Congressman Hamilton testified to us before our Governmental Affairs Committee that they still cannot point to some one individual in charge of the American intelligence effort, its enormous human and technological assets, and, therefore, no one who is personally accountable.

This is unacceptable. This legislation rightly creates a national intelligence director to serve as head of the intelligence community and principal adviser to the President for national intelligence matters. The director will have strong budget, resource, and personnel authority to shape priorities and break down the kinds of turf barriers and stovepipes that stood in the way of our Government pulling together in one place all the information we knew prior to September 11—information that might well have prevented the attacks of September 11 from occurring.

These powers are far stronger than the current authorities exercised by the Director of Central Intelligence. This will create the capability and the accountability for someone to truly lead a unified intelligence effort that will, in turn, greatly benefit the specific fight against terrorism. This intelligence director will operate through a new agency, to be called the National Intelligence Authority. This is not a large new bureaucracy, but rather a command, control and coordination center to achieve a unified intelligence effort. Although the Commission originally called for this office to be created within the White House, numerous experts counseled against this and the Commissioners themselves now agree with that counsel. As a result, this legislation creates the National Intelligence Authority as an independent entity.

To help guarantee the government-wide antiterrorism cooperation that did not exist pre-9/11, the legislation also creates a National Counterterrorism Center, patterned on the joint commands of the Department of Defense, drawing on expertise from throughout the intelligence community. This center will serve as an analytic fusion center on terrorism, and will also have responsibility to develop operational plans for counterterrorism initiatives, and then to track and monitor the operations' implementation. As such, the center will build on the promise of the new multi-agency Terrorist Threat Integration Center it would replace, but go beyond that model to create an even more robust center that combines analytical and operational capabilities.

As recommended by the Commission, the legislation also provides for the creation by the National Intelligence Director of a number of national intelligence centers focused on either specific topics like weapons of mass destruction or specific geographic areas such as the Middle East. These centers will bring together the most experienced intelligence experts from across the intelligence community on a given issue or region, and can be created or eliminated as needed, giving us the flexibility to hone in on evolving priorities.

I am pleased these intelligence reform proposals have already been the focus of numerous hearings, and these issues, as I have said, will be under active consideration in the Governmental Affairs Committee in the coming days.

The work on this legislation and the work that the Governmental Affairs Committee is doing has proceeded distinctly, separately, but collaboratively, and work on each has informed and, I believe, strengthened the other.

I hope—I know the cosponsors of this legislation share that hope—the package we are introducing today will be of real help to the Governmental Affairs Committee as it frames the legislation it—we—will report out to the Senate. I am confident the Senate can actually begin to consider it well before the end of September.

The intense debate over the Commission's recommendations on intelligence reform may have obscured the sweeping proposals the Commission made in other areas—very strong and important proposals on border and transportation security, on information sharing, on national preparedness and congressional oversight.

Those proposals are included in this legislation as well. As a result, we hope its introduction will jump-start debate and consideration of those other vital reforms.

First, the Commission stressed we must do all we can to stop this problem at the source—that is, to alter the conditions and dynamics that give rise to terrorism in the first place. This legislation includes the recommendations to strengthen our efforts to fight international terrorism using such tools as diplomacy and foreign aid. For instance, the legislation would increase U.S. foreign assistance to Afghanistan and renew our commitment to Pakistan. It would enhance our outreach to the Muslim world through U.S. broadcasts to the region, educational exchange programs and a fund to boost educational opportunities for Muslim youth.

This will be a long and difficult challenge, however, and we must assume international terrorism will be with us for years to come and prepare accordingly. In addition to the intelligence community reforms I have already mentioned, the Commission calls for a range of new programs and policies to combat terror.

Information sharing is one such critical step. Terrorism has made the homeland part of the frontlines, but too many government officials still believe information related to terrorist threats must be carefully hoarded among a select group. Even colleagues within the intelligence community are often not trusted with vital information, much less officials outside the national security elites or in state and local government. We must break down these information barriers and engage a far broader community in the task of fighting terrorism. This will would create an urgently needed information sharing network to break down the information stovepipes that currently hamper our efforts to stay one step ahead of the terrorists. The network, which is modeled on a proposal by a task force of the Markle Foundation, would consist of policies and information technology designed to facilitate and promote sharing of terrorism information throughout the Federal government, with state and local agencies and, as appropriate, the private sector.

The President will be required to submit an implementation plan to Congress, including clear deadlines, assignment of responsibilities and budget requirements. The proposal includes safeguards for privacy and civil liberties.

The bill includes critical provisions to restrict terrorist travel—the strategies and methods by which terrorists can, and did, come to this country and position themselves for attacks. It would expand our efforts to collect and utilize intelligence regarding terrorist travel strategies and methods. The legislation also requires an integrated screening system to ensure adequate screening at the nation's entry points and to access transportation systems and critical infrastructure. Complementary provisions in the bill require stronger document requirements for all travelers, including citizens, to enter the United States; acceleration of the automated biometric entry and exit system known as U.S.-Visit; and improved security for identification documents such as driver licenses and birth certificates.

In the area of transportation security, the 9/11 Commission warned against the government's heavy focus on passenger aviation to the near exclusion of other modes of transportation. As its Final Report states, ''[o]ver 90 percent of the nation's $5.3 billion annual investment in the [Transportation Security Administration] goes to aviation—to fight the last war.'' Yet we are investing little in protecting the 14 million Americans who use transit systems each weekday, or safeguarding our port systems that handle millions of shipping containers each year. What is lacking, the Commission states, is ''a forward-looking strategic plan systematically analyzing assets, risks, costs and benefits.'' Following its recommendations, this legislation calls for a comprehensive transportation security strategy to assess risks and set priorities across all modes of transportation. It also seeks to close ongoing gaps in aviation security by requiring the Transportation Security Administration, rather than the airlines, to screen passenger names against a consolidated terrorist watchlist. Additional aviation-related measures include explosives screening for all passengers and their carry-on bags, accelerated research and deployment of explosives detection technologies, and measures to improve the security of cargo traveling on passenger aircraft.

To help deter terrorist attacks and minimize the effect of any attacks that do occur, we must improve our preparedness capabilities and this legislation includes the Commission's recommended steps to do so. The bill would require that homeland security preparedness grants be distributed solely on the basis of criteria related to threat and risk, eliminating the per state minimum in current law. It would facilitate first responder communications by assigning certain radio spectrum to public safety agencies for their use—an important step toward solving the critical challenge of enabling first responders to talk to one another during an emergency. Fighting terrorism is a challenge for our entire national community and the Commission also stressed the importance of preparedness within the private sector. This legislation requires the Department of Homeland Security to promote a voluntary preparedness standard for the private sector. It also presses the Secretary of DHS to complete efforts to inventory the nation's critical infrastructure, assess the threats and vulnerabilities regarding these critical assets, and ensure there are measures to protect them.

The Commission recognized that these new policies and programs will raise important issues regarding privacy and civil liberties and called for a new Privacy and Civil Liberties Oversight Board to ensure the protection of these liberties as laws and policies are developed and implemented to protect the nation from terrorism. This legislation creates such a board, which will consist of five individuals appointed by the President and confirmed by the Senate. In addition to advising the President and federal agencies, the board will have strong authority to conduct investigations and oversight of government actions in the war on terror.

Finally, as we look to the changes the Commission has urged for executive branch structures and programs, we cannot neglect the Commission's call to reform our own structures and its indictment of the status quo of congressional oversight of intelligence. We have to clean and reshape not only the executive branch, but we have to clean out and reshape our own house.

The Commission concluded that the Intelligence Committees of the House and Senate are not organized currently to provide the necessary leadership and oversight for intelligence and counterterrorism, and that jurisdiction over the Department of Homeland Security is also too broadly dispersed.

The legislation we are introducing today incorporates the mandate of the Commission that each Chamber reform its rules to create a more powerful Intelligence Committee and to consolidate oversight of the Department of Homeland Security in a single committee in each Chamber.

Clearly, we have our work cut out for us. But nothing is more important than to respond not just in a timely but in an urgent way to the recommendations of the 9/11 Commission, and to do so, as the Commission itself did, in a way that puts partisanship aside and our national security first. The group of us introducing this legislation—Senators McCAIN, SPECTER, BAYH, and I—stand shoulder to shoulder across party lines to achieve a safer nation, to protect the American people at home.

We are confident, as we go forward, that our colleagues on both sides of the aisle will join us. There will be differences of opinion. It would be shocking if there were not. Because the recommendations of the Commission represent bold change and dramatically alter the status quo, differences of opinion will naturally occur. They ought to occur. But I am confident in the end they will not be partisan. In the end, we will act and act quickly to implement much of the 9/11 Commission's report so that we can say to the American people, particularly those who lost loved ones on September 11, that we have taken action, done whatever we possibly could to prevent a terrorist attack such as the one that occurred on September 11, 2001, from ever happening again.

I yield the floor.

The PRESIDING OFFICER. The Senator from Pennsylvania.

Mr. SPECTER. Mr. President, I am pleased to join my colleagues—Senators McCAIN, LIEBERMAN, and BAYH—in introducing this legislation today which codifies the recommendations of the 9/11 Commission. The 9/11 Commission has accomplished a very important mission in stimulating the demand of the American people that action be taken to put all of our intelligence agencies under one command authority. Had this been done prior to 9/11, it is my judgment that 9/11 could have been prevented.

There was the famous FBI report from Phoenix about the suspicious character who wanted to learn to fly an airplane but wasn't interested in learning to take off or land. There were the suspicious people in Kuala Lumpur who turned out to be two of the terrorists known by the CIA to be al-Qaida, but it was not told to the INS to keep them out of the country. There was the information on Zacarias Moussaoui and the work of the FBI field office in Minneapolis with the 13-page, single-spaced report filed by Agent Coleen Rowley. Those factors and others gave clear-cut clues to what was happening or about to happen. Had they been pursued and investigated, the chances are good that 9/11 could have been prevented.

The Commission, in focusing public attention on the absolute necessity to have one commander, has accomplished something which had not been accomplished up until the present time. I served on the Intelligence Committee back in 1987, when we had the investigation of the Iran Contra affair. At that time I introduced legislation for a national intelligence director looking more to oversight at that time. In 1996, when I was chairman of the Senate Intelligence Committee, I introduced legislation which would have provided budget and hiring authority under the CIA Director. Technically, the Director of the Central Intelligence Agency has for some time—I believe going back to 1947—the overall direction of the intelligence community. But without budget authority and without hiring and firing, it has been virtually meaningless. But in 1996, I proposed that legislation.

In 2002, we moved for the creation of an Office of Homeland Security. Senator LIEBERMAN and I introduced, 30 days after 9/11, legislation to create the Department of Homeland Security. But there were various objections to it, and the issue was not taken up seriously until mid-2002. There was a real effort made in that legislation to have all of the intelligence agencies under one command authority. The House of Representatives passed a bill in October and left town, which they do from time to time, leaving us with the option of either taking their bill or not having a bill until the following spring.

At that time I had an amendment prepared to give the Secretary of Homeland Security the authority to direct all of the other intelligence agencies. As I have said on the record before, and it is worth repeating briefly, I had a conversation that afternoon with Secretary Ridge who urged me not to offer the amendment. I told him I thought it had to be done. And when I declined to accept his recommendations, I got a call from Vice President CHENEY who urged the same course. When I again declined, I later talked to the President that afternoon and decided that I would await a later date to press for having that authority to direct. But this has been a gaping hole in the intelligence apparatus forever.

The Scowcroft Commission filed a report, still in confidential form but widely reputed to create an individual in charge of the overall intelligence agency. So, finally, we are coming to the point where we are thinking very seriously about having one person in charge, a national director of intelligence, thanks to the focus of the 9/11 Commission.

The Government Affairs Committee on which I serve, with the leadership of Senator COLLINS, the chairman of the committee, and Senator LIEBERMAN, the ranking member, did something very unusual. We returned in the first week of the recess on July 30 and held additional hearings. In reviewing the work of the 9/11 Commission at that time, I expressed for the record and would repeat now briefly the concerns I have about the so-called double hatting. The 9/11 Commission has recommended that the counterintelligence unit, for example, of the FBI stay under the direction of the Director of the FBI but report also to the national intelligence director so that the Director of the FBI counterintelligence unit would be so-called double hatted.

Well, I do not think that can work under the very basic principle that no one can serve two masters.

The same kind of concept is present on double hatting with the CIA Director for the Department of Defense intelligence agencies. During the course of the Governmental Affairs hearings, I asked Congressman Lee Hamilton, co-chairman of the 9/11 Commission, about the possibility of creating the director with a 10-year term, modeled after the FBI Director, to be able to have someone who would outlast the tenure of Presidents. I think that is also a concept which ought to be incorporated.

When the Governmental Affairs Committee was considering this issue and legislation, I prepared a draft bill which I submitted to the members of the Governmental Affairs Committee back on August 3 of this year.

I think it would be useful to put it into the RECORD. I ask unanimous consent that the text of that draft proposal be printed in the CONGRESSIONAL RECORD following my statement.

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

(See exhibit 1.)

Mr. SPECTER. There are other proposals that have been made. The chairman of the Senate Intelligence Committee, Senator ROBERTS, has proposed legislation. So we have a great many ideas to choose from. As I sat at the Governmental Affairs hearing in early August, it was my hope that we would report out a bill early. I am pleased to say Chairman COLLINS has listed a markup for the week of September 20th, so that we should have a bill to present to the Senate early on. Then it is my hope we will act on this matter and act expeditiously. We have to get it right.

These are complicated matters. We have been studying them for a very long time. We have been studying them, to my personal knowledge, going back to 1987 in legislation I introduced, and again in 1996, and with the very extensive consideration of the legislation on homeland security in 2002. So I think we are ready to move ahead and make the kinds of judgments that are tough decisions, but that is the pay grade around here. I think the time has come to act.

It may not be a perfect bill. I have been in the Senate for 24 years now and I have not seen a perfect bill. The risks of inaction, in my view, are much greater than the risks of action. We know enough to make a sound judgment as to how to put the entire intelligence community under one umbrella.

I see my colleague Senator BAYH on the floor. I yield the floor.

EXHIBIT 1

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

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the ''Intelligence Reformation Act of 2004'' or ''9–11 Act''.

(b) TABLE OF CONTENTS.—The table of contents of this Act is as follows:

Sec. 1. Short title; table of contents.
Sec. 2. Findings; purposes.
Sec. 3. Definitions.

TITLE I—DEPARTMENT OF INTELLIGENCE

Subtitle A—Executive Department

Sec. 101. Executive department.
Sec. 102. Director of Intelligence.

Subtitle B—Office of the Director of Intelligence

Sec. 111. Office of the Director of Intelligence.
Sec. 112. Deputy Director of Intelligence.
Sec. 113. National Counterterrorism Center.
Sec. 114. Other national intelligence centers.
Sec. 115. Assistant Director of Intelligence for Research, Development, and Procurement.
Sec. 116. Assistant Director of Intelligence for Civil Liberties and Privacy.
Sec. 117. National Intelligence Council.
Sec. 118. General Counsel of the Department of Intelligence.
Sec. 119. Inspector General of the Department of Intelligence.
Sec. 120. Intelligence Comptroller.
Sec. 121. Chief Information Officer of the Department of Intelligence.
Sec. 122. Chief Financial Officer of the Department of Intelligence.
Sec. 123. Military status of Director of Intelligence and Deputy Director of Intelligence.

Subtitle C—Mission, Responsibilities, and Authorities

Sec. 131. Provision of national intelligence.
Sec. 132. Responsibilities of Director of Intelligence.
Sec. 133. Authorities of Director of Intelligence.

TITLE II—ELEMENTS OF DEPARTMENT OF INTELLIGENCE

Subtitle A—Central Intelligence Agency

Sec. 201. Central Intelligence Agency.
Sec. 202. Mission; power and authorities.

Subtitle B—National Security Agency

Sec. 211. National Security Agency.
Sec. 212. Mission; power and authorities.

Subtitle C—National Geospatial-Intelligence Agency

Sec. 221. National Geospatial-Intelligence Agency.
Sec. 222. Mission; power and authorities.

Subtitle D—National Reconnaissance Office

Sec. 231. National Reconnaissance Office.
Sec. 232. Mission; power and authorities.

Subtitle E—Other Offices

Sec. 241. Intelligence, counterterrorism, and counterintelligence offices.
Sec. 242. Office of Civil Liberties and Privacy.

TITLE III—OTHER INTELLIGENCE MATTERS

Subtitle A—Modifications and Improvements of Intelligence Authorities

Sec. 301. Sense of Congress on availability to public of certain intelligence funding information.
Sec. 302. Coordination between Director of Intelligence and Secretary of Defense in performance of specific functions pertaining to National Foreign Intelligence Program.
Sec. 303. Role of Director of Intelligence in certain recommendations to the President on appointments to intelligence community.
Sec. 304. Collection tasking authority.
Sec. 305. Oversight of combat support agencies of the intelligence community.
Sec. 306. Improvement of intelligence capabilities of the Federal Bureau of Investigation.

Subtitle B—Restatement of Authorities on National Geospatial-Intelligence Agency

PART I—MISSIONS

Sec. 311. Missions.
Sec. 312. Support for foreign countries on imagery intelligence and geospatial information.

PART II—MAPS, CHARTS, AND GEODETIC PRODUCTS

Sec. 321. Maps, charts, and books.

Sec. 322. Pilot charts.
Sec. 323. Sale of maps, charts, and navigational publications.
Sec. 324. Exchange of mapping, charting, and geodetic data with foreign countries and international organizations.
Sec. 325. Public availability of maps, charts, and geodetic data.
Sec. 326. Civil actions barred.
Sec. 327. Treatment of certain operational files.

PART III—PERSONNEL MANAGEMENT

Sec. 331. Management rights.
Sec. 332. Financial assistance to certain employees in acquisition of critical skills.

PART IV—DEFINITIONS

Sec. 341. Definitions.

TITLE IV—TRANSITION MATTERS

Subtitle A—Modification of Authorities on Elements of Intelligence Community

Sec. 401. Conforming modification of authorities on Central Intelligence Agency.
Sec. 402. Other conforming modifications of law relating to missions, responsibilities, and authorities of Director of Intelligence and Director of Central Intelligence Agency.
Sec. 403. Conforming modification of authorities on certain Central Intelligence Agency officers.
Sec. 404. Conforming modification of authorities on National Security Agency.
Sec. 405. Inclusion of Department of Intelligence in intelligence community.
Sec. 406. Repeal of superseded authorities on National Geospatial-Intelligence Agency.
Sec. 407. Other conforming amendment.

Subtitle B—Other Transition Matters Relating to Intelligence

Sec. 411. Preservation of intelligence capabilities.
Sec. 412. General references to intelligence officials.

Subtitle C—Transfer of Elements

Sec. 421. Transfer of Terrorist Threat Integration Center.
Sec. 422. Transfer of Community Management Staff.
Sec. 423. Transfer of certain elements of Federal Bureau of Investigation.

Subtitle D—Transfer of Functions

Sec. 431. Transfer of functions.
Sec. 432. Transitional authorities.
Sec. 433. Savings provisions.

Subtitle E—Other Matters

Sec. 441. Treatment of Department of Intelligence as executive department.
Sec. 442. Executive Schedule matters.

SEC. 2. FINDINGS; PURPOSES.

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

(1) Timely and accurate information about the activities, capabilities, plans, and intentions of foreign powers, organizations, and persons, and their agents, is essential to the national security of the United States. All reasonable and lawful means must be used to ensure that the United States receives the best intelligence available.

(2) The National Security Act of 1947 (50 U.S.C. 401 et seq.) created a formal structure under an official who would lead the Central Intelligence Agency and, in a separate role as Director of Central Intelligence, the intelligence community of the United States Government, and serve as the principal adviser to the President on intelligence.

(3) Executive Order 12333 (December 4, 1981; 46 F.R. 59941) states that ''the United States intelligence effort shall provide the President and the National Security Council with the necessary information on which to base decisions concerning the conduct and development of foreign, defense and economic policy and the protection of United States national interests from foreign security threats. All departments and agencies shall cooperate fully to fulfill this goal''.

(4) The intelligence community of the United States is supposed to function as a single corporate enterprise, supporting those who manage the strategic interests of the United States, whether political, economic, or military.

(5) The United States has suffered through an escalating cycle of intelligence failures, especially since the end of the Cold War, while witnessing the onset of new and emerging global threats such as terrorism and proliferation of weapons of mass destruction.

(6) The Director of Central Intelligence has no genuine influence over elements of the intelligence community other than the Central Intelligence Agency because, among other things, the Director controls only a small portion of the funds, personnel, and related assets of the intelligence community. There is no structural mechanism to enforce the mandate of Executive Order 12333 that all elements of the intelligence community must fully cooperate with one another.

(7) As such, the existing intelligence structure is dysfunctional, and not organized to effectively respond to new and emerging threats. In fact, the intelligence apparatus of the United States has for decades grown more cumbersome and unaccountable and may now properly be characterized as a Cold War model in an era of terrorism.

(8) The existing dysfunctional structure of the intelligence community has severe consequences, as the Director of Central Intelligence—or those ostensibly under the Director's control—missed, ignored, or failed to connect numerous warnings which could have averted the terrorist plot of September 11, 2001. Similar errors may have caused the Director to mislead the President on the nature of weapons of mass destruction threats as the Administration weighed military action against Iraq.

(9) Despite the best efforts of the Administration of President George W. Bush, Congress, and the American people, much of the dysfunction in the intelligence community—including the lack of common terrorist watchlists and the inability to detect and apprehend terrorists traveling in the United States—has not been remedied in the three years since the terrorist attacks of September 11, 2001.

(10) The final report of the National Commission on Terrorist Attacks Upon the United States, while making certain recommendations on the restructuring of the intelligence community to meet new and emerging terrorist threats, leaves much discretion to Congress in determining the scope and nature of the restructuring of the intelligence community.

(11) President George W. Bush on August 2, 2004, specifically requested that Congress create a national intelligence director in a ''free-standing entity similar to a cabinet agency or an agency'' and ''who will have a great deal of budget authority'' and will have ''the same relationship to the White House and the President that the Secretary of Defense would have, the Secretary of the Department of Homeland Security, the Attorney General, [or] the Secretary of the Treasury would have.'' The Executive Orders issued on August 27, 2004, while properly focusing on strengthened management of the intelligence community, strengthening information sharing, and the creation of a National Counterterrorism Center, also leaves a great deal of discretion to Congress to codify these matters in law and determine the scope and nature of the restructuring of the intelligence community.

(12) To effectively counter the grave threat of transnational terrorism, Secretary of Defense Donald Rumsfeld recently conceded, as he must, that ''strong, entrenched agencies must be willing to give up some of their turf and authority in exchange for a stronger, faster, more efficient, government-wide effort''.

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

(1) To provide for fundamental reform of the intelligence community of the United States Government involving a robust Department of Intelligence and Director of Intelligence with control over the budgets, personnel, and related assets of the intelligence community.

(2) To compel the elements of the intelligence community to work together to accomplish their common mission, much as the Goldwater-Nichols Department of Defense Reorganization Act of 1986 (Public Law 99–433) fostered ''jointness'' among the various Armed Forces, in conformance with the requirements of law and Executive orders.

(3) To facilitate the provision to the President and the National Security Council of the necessary information on which to base decisions concerning the development and conduct of foreign policy, defense policy, and economic policy, and the protection of United States national interests from security threats, including threats related to transnational terrorism.

(4) To ensure that all means, consistent with United States laws, Executive orders, and regulations and with full consideration of the rights of United States persons, are used to develop intelligence for the President and the National Security Council.

(5) To create a structure for the intelligence community that will better serve the President in his duty under the Constitution of the United States to protect the security of the United States.

SEC. 3. DEFINITIONS.

In this Act:

(1) DEPARTMENT.—The term ''Department'' means the Department of Intelligence.

(2) DIRECTOR.—The term ''Director'' means the Director of Intelligence.

(3) INTELLIGENCE.—The term ''intelligence'' includes foreign intelligence and counterintelligence.

(4) FOREIGN INTELLIGENCE.—The term ''foreign intelligence'' means information relating to the capabilities, intentions, or activities of foreign governments or elements thereof, foreign organizations, or foreign persons, or international terrorist activities.

(5) COUNTERINTELLIGENCE.—The term ''counterintelligence'' means information gathered, and activities conducted, to protect against espionage, other intelligence activities, sabotage, or assassinations conducted by or on behalf of foreign governments or elements thereof, foreign organizations, or foreign persons, or international terrorist activities.

(6) INTELLIGENCE COMMUNITY.—The term ''intelligence community'' includes—

(A) the Department, which shall include the Office of the Director of Intelligence and such other offices as the Director may designate or are prescribed by law;

(B) the Central Intelligence Agency;

(C) the National Security Agency;

(D) the Defense Intelligence Agency;

(E) the National Geospatial-Intelligence Agency;

(F) the National Reconnaissance Office;

(G) other offices within the Department of Defense for the collection of specialized national intelligence through reconnaissance programs;

(H) the intelligence elements of the Army, Navy, Air Force, and Marine Corps, the Federal Bureau of Investigation, the Department of the Treasury, the Department of Energy, and the Coast Guard;

(I) the Bureau of Intelligence and Research of the Department of State;

(J) the elements of the Department of Homeland Security concerned with the analyses of foreign intelligence information; and

(K) such other elements of any other department or agency of the United States as may be designated by the President, or designated jointly by the Director and the head of the department or agency concerned, as an element of the intelligence community.

(7) NATIONAL INTELLIGENCE; INTELLIGENCE RELATED TO THE NATIONAL SECURITY.—The terms ''national intelligence'' and ''intelligence related to the national security''—

(A) refer to intelligence which pertains to the interests of more than one department or agency of the Government; and

(B) do not refer to counterintelligence or law enforcement activities conducted by the Federal Bureau of Investigation except to the extent provided for in procedures agreed to by the Director and the Attorney General, or otherwise as expressly provided for in this Act or otherwise provided by law.

(8) NATIONAL FOREIGN INTELLIGENCE PROGRAM.—The term ''National Foreign Intelligence Program'' refers to all programs, projects, and activities of the intelligence community, as well as any other programs of the intelligence community designated jointly by the Director and the head of a department or agency of the United States Government or by the President. Such term does not include programs, projects, or activities of the military departments to acquire intelligence solely for the planning and conduct of tactical military operations by United States Armed Forces.

(9) CONGRESSIONAL INTELLIGENCE COMMITTEES.—The term ''congressional intelligence committees'' means—

(A) the Select Committee on Intelligence of the Senate; and

(B) the Permanent Select Committee on Intelligence of the House of Representatives.

(10) TERRORISM INFORMATION.—The term ''terrorism information'' means any information, whether collected, produced, or distributed by intelligence, law enforcement, military, homeland security, or other United States Government activities, relating to—

(A) the existence, organization, capabilities, plans, intentions, vulnerabilities, means of finance or material support, or activities of foreign or international terrorist groups or individuals, or of domestic groups or individuals involved in transnational terrorism;

(B) threats posed by such groups or individuals to the United States, United States persons, or United States interests, or to other nations or the persons or interests of other nations;

(C) communications of or by such groups or individuals; or

(D) groups or individuals reasonably believed to be assisting or associated with such groups or individuals.

TITLE I—DEPARTMENT OF INTELLIGENCE

Subtitle A—Executive Department

SEC. 101. EXECUTIVE DEPARTMENT.

(a) EXECUTIVE DEPARTMENT.—The Department of Intelligence is an executive department of the United States.

(b) COMPOSITION.—The Department is composed of the following:

(1) The Office of the Director of Intelligence.

(2) The elements specified in title II.

(3) Such other offices, agencies, and activities as may be established by law or by the President.

(c) SEAL.—The Director shall have a seal for the Department. The design of the seal is subject to approval by the President. Judicial notice shall be taken of the seal.

SEC. 102. DIRECTOR OF INTELLIGENCE.

(a) DIRECTOR OF INTELLIGENCE.—There is a Director of Intelligence, who is the head of the Department of Intelligence, appointed by the President, by and with the advice and consent of the Senate.

(b) INDIVIDUALS ELIGIBLE FOR NOMINATION.—Any individual nominated for appointment as Director shall have extensive national security expertise.

(c) TERM OF OFFICE.—(1) The term of service of the Director shall be 10 years.

(2) Paragraph (1) shall apply with respect to any individual appointed as Director after the date of the enactment of this Act.

(3) If the individual serving as the Director of Central Intelligence on the date of the enactment of this Act is the first person appointed as Director of Intelligence under this section, the date of appointment of such individual as Director of Intelligence shall be treated as the date of the commencement of the term of service of the individual as Director of Intelligence for purposes of this subsection.

(d) DUTIES AND RESPONSIBILITIES.—The Director shall—

(1) serve as head of the intelligence community in accordance with the provisions of this Act, the National Security Act of 1947 (50 U.S.C. 401 et seq.), and other applicable provisions of law;

(2) act as a principal adviser to the President for intelligence related to the national security; and

(3) determine the annual budget for intelligence and intelligence-related activities of the United States Government in accordance with section 133.

Subtitle B—Office of the Director of Intelligence

SEC. 111. OFFICE OF THE DIRECTOR OF INTELLIGENCE.

(a) OFFICE OF DIRECTOR OF INTELLIGENCE.—There is within the Department an Office of the Director of Intelligence.

(b) FUNCTION.—The function of the Office of the Director of Intelligence is to assist the Director in carrying out the duties and responsibilities of the Director under this Act, the National Security Act of 1947 (50 U.S.C. 401 et seq.), and other applicable provisions of law and to carry out such other duties as may be prescribed by law.

(c) COMPOSITION.—The Office of the Director of Intelligence is composed of the following:

(1) The Deputy Director of Intelligence.

(2) The National Counterterrorism Center.

(3) Other national intelligence centers established under section 114.

(4) The Assistant Director of Intelligence for Research, Development, and Procurement.

(5) The Assistant Director of Intelligence for Civil Liberties and Privacy.

(6) The National Intelligence Council.

(7) The General Counsel of the Department of Intelligence.

(8) The Inspector General of the Department of Intelligence.

(9) The Intelligence Comptroller.

(10) The Chief Information Officer of the Department of Intelligence.

(11) The Chief Financial Officer of the Department of Intelligence.

(12) Such other offices and officials as may be established by law or the Director may establish or designate in the Office.

(d) STAFF.—(1) To assist the Director in fulfilling the responsibilities of the Director as head of the intelligence community, the Director shall employ and utilize in the Office of the Director of Intelligence a professional staff having an expertise in matters relating to such responsibilities, and may establish permanent positions and appropriate rates of pay with respect to that staff.

(2) The staff of the Office under paragraph (1) shall include the elements of the Community Management Staff that are transferred to the Office under title IV.

(3) To the maximum extent practicable, the Director shall utilize existing personnel, resources, and expertise in organizing the staff of the Office under paragraph (1).

SEC. 112. DEPUTY DIRECTOR OF INTELLIGENCE.

(a) DEPUTY DIRECTOR OF INTELLIGENCE.—There is a Deputy Director of Intelligence who shall be appointed by the President, by and with the advice and consent of the Senate.

(b) INDIVIDUALS ELIGIBLE FOR NOMINATION.—Any individual nominated for appointment as Deputy Director of Intelligence shall have extensive national security expertise.

(c) DUTIES AND RESPONSIBILITIES.—The Deputy Director of Intelligence shall, subject to the direction of the Director, be responsible for assisting the Director in carrying out the responsibilities of the Director, including—

(1) assisting the Director in the development and execution of budgets under section 133, evaluating programs, and exercising authority under section 133(f) with respect to reprogramming and reallocation of funds and transfers of personnel;

(2) assisting the Director in the transition of elements of the intelligence community to the Department under this Act;

(3) assisting the Director in the development, implementation, and management of a personnel system for intelligence community personnel;

(4) collecting data and preparing separate quarterly reports on the obligation and expenditures of funds from the elements of the intelligence community under the National Foreign Intelligence Program;

(5) assisting the Director in the establishment of the National Counterterrorism Center and the national intelligence centers;

(6) assisting the Director in the management and administration of the staff of the Office of the Director of Intelligence;

(7) assisting the Director in performing management functions across the intelligence community, including the management of personnel and resources;

(8) assisting the Director in ensuring that the elements of the intelligence community make better use of open source intelligence analysis;

(9) assisting the Director in directing the efficient and effective tasking of national intelligence collection using technical means and human sources;

(10) assisting the Director with the establishment of standards, requirements, and priorities for the analysis and production of intelligence by all elements of the intelligence community;

(11) assisting the Director in overseeing the collection, analysis, production, and dissemination of intelligence by all elements of the intelligence community;

(12) assisting the Director in monitoring the allocation of resources for the collection, analysis, and production of intelligence in order to identify any unnecessary duplication in the collection, analysis and production of intelligence;

(13) assisting the Director in directing the competitive analysis of analytical products having national importance;

(14) assisting the Director with the establishment of priorities and requirements for daily tasking of collection, analysis, and dissemination of information;

(15) assisting the Director in conducting daily tasking of collection, analysis, and dissemination of information;

(16) assisting the Director in providing advisory guidance on the tasking of collection, analysis, and dissemination of information to elements of the departments and agencies of the United States Government that collect intelligence and are not within the National Foreign Intelligence Program;

(17) assisting the Director with the establishment of procedures and mechanisms to provide for real-time automated tasking across multiple intelligence disciplines, such as signals intelligence, measurement and signature intelligence, human intelligence, imagery intelligence, and electronic intelligence;

(18) assisting the Director in assessing the performance of the elements of the intelligence community with respect to tasking requests and priorities; and

(19) making recommendations to the Director regarding the assignment within the Department of officers or employees of the Central Intelligence Agency, the National Security Agency, the National Geospatial-Intelligence Agency, the National Reconnaissance Office, and other elements of the Department to assist in the tasking of collection, analysis, and dissemination of information to all elements of the intelligence community under the National Foreign Intelligence Program.

(d) POWER TO ACT AS DIRECTOR OF INTELLIGENCE.—The Deputy Director of Intelligence shall act for, and exercise the powers of, the Director during the Director's absence or disability or during a vacancy in the position of Director of Intelligence.

(e) PRECEDENCE IN OFFICE OF DIRECTOR OF INTELLIGENCE.—The Deputy Director of Intelligence takes precedence in the Office of the Director of Intelligence immediately after the Director.

SEC. 113. NATIONAL COUNTERTERRORISM CENTER.

(a) NATIONAL COUNTERTERRORISM CENTER.—There is a National Counterterrorism Center.

(b) MISSIONS.—(1) The missions of the National Counterterrorism Center shall be as follows:

(A) To serve as the primary organization within the United States Government for analyzing and integrating all intelligence possessed or acquired by the United States Government pertaining to terrorism or counterterrorism (other than purely domestic counterterrorism information) and, in furtherance of such mission—

(i) to receive, retain, and disseminate information from any department, agency, or other element of the Federal Government, any State or local government, or any other source to the extent consistent with applicable law; and

(ii) to respond to inquiries from any department, agency, or other element of the Federal Government, or any State or local government agency, that is discharging counterterrorism responsibilities in order to assist such department, agency, or element in discharging such responsibilities.

(B) To conduct strategic planning for operations for counterterrorism activities that integrate all instruments of National power, including diplomacy, finance, military force, intelligence, homeland security, and law enforcement.

(C) Consistent with applicable law, to assign general responsibilities for counterterrorism in support of strategic plans under paragraph (2) to departments, agencies, and elements of the United States Government having counterterrorism responsibilities, and provide such departments, agencies, and elements with access to intelligence necessary to accomplish the responsibilities so assigned, without undertaking the direction of such operations.

(D) To serve as the central and shared information repository within the United States Government on terrorism information.

(E) To ensure that appropriate departments, agencies, and elements of the United States Government have access to and receive all-source intelligence support necessary to executive their counterterrorism plans or perform alternative, independent analysis.

(F) To unify the strategic intelligence and planning of operations against transnational terrorist threats across the foreign-domestic divide.

(G) To foster joint action among the department, agencies, and elements of the United States Government involved in counterterrorism.

(H) To oversee the counterterrorism operations of the United States Government.

(I) To ensure that an accountable official has authority to guide the Government-wide counterterrorism efforts of the United States Government.

(2) A department, agency, or element of the United States Government that objects to the assignment of general operational authority to such department, agency, or element under paragraph (1)(C) shall notify the National Security Council and the Homeland Security Council under title IX of the Homeland Security Act of 2002 (6 U.S.C. 491 et seq.) of such objection.

(c) ADMINISTRATOR OF NATIONAL COUNTERTERRORISM CENTER.—(1) There is an Administrator of the National Counterterrorism Center, who shall be the head of the National Counterterrorism Center, who shall be appointed from civilian life by the President, by and with the advice and consent of the Senate.

(2) Any individual nominated for appointment as Administrator of the National Counterterrorism Center shall have significant expertise in matters relating to the national security of the United States and matters relating to terrorism that threatens the national security of the United States.

(d) DUTIES AND RESPONSIBILITIES OF ADMINISTRATOR.—Notwithstanding any other provision of law, at the policy direction of the President and the National Security Council, the Administrator of the National Counterterrorism Center shall, through the Director, be responsible for the following insofar as it relates to counterterrorism:

(1) Serving as the principal advisor to the President on counterterrorism matters.

(2) Directing the efficient and effective tasking of national intelligence collection using technical means and human sources.

(3) Establishing standards and priorities relating to the analysis and production of intelligence by the elements of the intelligence community.

(4) Directing the tasking of analysis and production of intelligence by the elements of the intelligence community.

(5) Directing competitive analysis of analytical products having national importance.

(6) Identifying intelligence requirements.

(e) AUTHORITIES OF ADMINISTRATOR.—In carrying out the duties and responsibilities specified in subsection (d), the Administrator of the National Counterterrorism Center shall—

(1) monitor the implementation of counterterrorism operations and coordinate the updating of plans for such operations as needed;

(2) oversee interagency task forces on counterterrorism (including task forces of the Central Intelligence Agency, the Federal Bureau of Investigation, and other departments, agencies, and elements of the United States Government), and, as the Administrator determines necessary, incorporate the coordinating activities of such task forces into the Center;

(3) incorporate into the Center any interagency planning of operations on counterterrorism that is being conducted by the staff of the National Security Council as of the date of the enactment of this Act;

(4) establish priorities and requirements for, and coordinate the efficient and effective tasking of, national intelligence collection on counterterrorism, whether inside or outside the United States, using technical means and human sources, including the establishment of mechanisms and procedures to provide for automated tasking across multiple intelligence disciplines in real time;

(5) develop assessments comparing terrorist capabilities and intentions with United States defenses against such threats (commonly referred to as ''net-assessments'');

(6) provide warnings of terrorist threats as directed by the President;

(7) incorporate, as necessary, the perspectives and needs of State and local counterterrorism officials in implementing the mission of the Center; and

(8) access, as considered necessary by the Administrator for the performance of the functions of the Center, information to which the Administrator is granted access by subsection (i).

(f) DEPUTY ADMINISTRATORS OF NATIONAL COUNTERTERRORISM CENTER.—(1) There is in the National Counterterrorism Center a Deputy Administrator of the National Counterterrorism Center for Intelligence who shall be appointed by the Administrator of the National Counterterrorism Center.

(2) There is in the National Counterterrorism Center a Deputy Administrator of the National Counterterrorism Center for Operations who shall be appointed by the Administrator of the National Counterterrorism Center.

(3) The Deputy Administrators shall have the responsibilities set forth in subsection (g).

(g) DUTIES AND RESPONSIBILITIES OF DEPUTY ADMINISTRATORS.—(1) The Deputy Administrator of the National Counterterrorism Center for Intelligence shall have responsibilities for matters as follows:

(A) Strategic analysis of terrorist threats.

(B) The pooling of all-source intelligence (whether domestic or foreign) about transnational terrorist organizations with worldwide reach.

(C) The development of assessment comparing terrorist capabilities and intentions with United States defenses against such threats (commonly referred to as ''net assessments'').

(D) The provision of warnings on terrorist threats.

(E) The discharge of the tasking of national intelligence under subsection (d) and (e).

(F) The duties of the Terrorist Threat Integration Center (TTIC) transferred to the Department under title IV.

(2) The Deputy Administrator of the National Counterterrorism Center for Operations shall have responsibilities as follows:

(A) Joint planning for the assignment of responsibilities for operations to lead agencies.

(B) The tracking of operations so assigned.

(C) The overall coordination of operations of the intelligence community.

(h) STAFF.—(1) To assist the Administrator of the National Counterterrorism Center in fulfilling the responsibilities of the Administrator under this section, the Administrator shall employ and utilize in the Center a professional staff having an expertise in matters relating to such responsibilities.

(2) The head of any element of the intelligence community may, upon the request of the Director, assign or detail to the Center any officer or employee of such element to assist the Administrator in carrying out the responsibilities of the Administrator under this section.

(i) ACCESS TO TERRORISM INFORMATION.—The head of each department, agency, or other element of the United States Government that possesses or acquires terrorism information shall—

(1) give prompt access to such information to the Administrator of the National Counterterrorism Center, unless otherwise expressly prohibited by law or otherwise directed by the President;

(2) cooperate in, and facilitate the production of, reports based on terrorism information with contents and formats that permit dissemination of such information in a manner that maximizes the utility of such information in protecting the territory, people, and interests of the United States; and

(3) if such department, agency, or other element conducts diplomatic, financial, military, homeland security, intelligence, or law enforcement activities relating to counterterrorism, keep the Administrator fully and currently informed of such activities, unless expressly prohibited by law or otherwise directed by the President.

SEC. 114. OTHER NATIONAL INTELLIGENCE CENTERS.

(a) NATIONAL INTELLIGENCE CENTERS.—(1) The Director shall establish within the Department one or more centers (to be known as ''national intelligence centers'') to address intelligence priorities established by the National Security Council.

(2) Each national intelligence center shall be assigned an area of intelligence responsibility, whether expressed in terms of a geographic region (including the Middle East), in terms of function (including counterterrorism, proliferation of weapons of mass destruction, and international crime and narcotics), or in other terms.

(b) REQUIREMENTS RELATING TO ESTABLISHMENT OF CENTERS.—(1) In establishing a national intelligence center, the Director shall assign lead responsibility for such center to an element of the intelligence community selected by the Director for that purpose.

(2) The Director shall determine the structure and size of each national intelligence center.

(3) The Director shall notify the congressional intelligence committees of the establishment of a national intelligence center not later than 60 days before the date of the establishment of the center.

(c) MISSION OF CENTERS.—(1) Each national intelligence center shall provide joint all source intelligence analysis and planning of intelligence operations in the area of intelligence responsibility assigned the center by the Director pursuant to intelligence priorities established by the National Security Council.

(2) As part of its intelligence analysis mission, a national intelligence center shall—

(A) undertake primary responsibility for strategic and tactical intelligence analysis, fusing all-source intelligence, whether foreign or domestic, on the area of intelligence responsibility of the center;

(B) develop intelligence net assessments;

(C) provide threat warnings to the Director and to appropriate departments, agencies, and elements of the United States Government for further dissemination at the State and local level; and

(D) direct foreign and domestic intelligence collection and analysis to address threats and to support implementation of operations.

(3) As part of its mission to plan intelligence operations, a national intelligence center shall—

(A) develop, based on policy objectives and priorities established by the National Security Council, plans for operations for intelligence collection for its area of intelligence responsibility;

(B) assign responsibilities for operations for intelligence collection for its area of intelligence responsibility to the elements of the intelligence community, which operations shall be directed and conducted by the elements of the intelligence community concerned; and

(C) oversee implementation of such plans and operations, and update such plans, as the administrator of the center considers appropriate.

(d) SUPERVISION.—The administrator of each national intelligence center shall report directly to the Director in order to ensure adequate sharing of intelligence analysis and adequate planning of intelligence operations in the area of intelligence responsibility assigned to such center.

(e) STAFF OF CENTERS.—(1) The head of an element of the intelligence community shall, upon the request of the administrator of a national intelligence center and with the approval of the Director, assign or detail to the center any personnel, including intelligence analysts and intelligence operations specialists, of such element as the administrator of the center considers appropriate to carry out the mission of the center.

(2) Personnel assigned or detailed to a national intelligence center under paragraph (1) shall be under the authority, direction, and control of the administrator of the center on all matters for which the center has been assigned responsibility and for all matters related to the accomplishment of the mission of the center.

(3) Performance evaluations of personnel assigned or detailed to a national intelligence center under this subsection shall be undertaken by the supervisors of such personnel at the center.

(4) The supervisors of the staff of a national center may, with the approval of the Director, reward the staff of the center for meritorious performance by the provision of such performance awards as the Director shall prescribe.

(5) The administrator of a national intelligence center may recommend to the head of the element of the intelligence community concerned the reassignment to such element of any personnel of such element previously assigned or detailed to the center.

(f) MODIFICATION OR TERMINATION OF CENTERS.—(1) The Director may terminate a national intelligence center if the Director determines that the center is no longer required to meet an intelligence priority established by the National Security Council.

(2) The Director may from time to time recommend to the National Security Council a modification of the mission or responsibilities of a national intelligence center, and may, with the approval of the National Security Council, modify the mission or responsibilities of a national intelligence center.

(g) SUPPORT.—The element of the intelligence community assigned lead responsibility for a national intelligence center under subsection (b)(1) shall be responsible for the provision of administrative support for the center, including the provision of funds to the center necessary for the administration of the center, until such time as the center is included in the National Foreign Intelligence Program Budget.

SEC. 115. ASSISTANT DIRECTOR OF INTELLIGENCE FOR RESEARCH, DEVELOPMENT, AND PROCUREMENT.

(a) ASSISTANT DIRECTOR OF INTELLIGENCE FOR RESEARCH, DEVELOPMENT, AND PROCUREMENT.—There is an Assistant Director of Intelligence for Research, Development, and Procurement who shall be appointed by the Director.

(b) DIRECTION.—The Assistant Director of Intelligence for Research, Development, and Procurement shall report to the Director regarding the activities of the Assistant Director.

(c) PRINCIPAL RESPONSIBILITIES.—The Assistant Director of Intelligence for Research, Development, and Procurement shall—

(1) manage and oversee the research and development activities of the intelligence community with respect to the intelligence and intelligence-related activities of the United States Government;

(2) ensure that research and development projects are consistent with national intelligence requirements;

(3) establish priorities among such projects in order to address deficiencies in the collection, analysis, and dissemination of national intelligence;

(4) account for funding constraints in program development and acquisition;

(5) address system requirements from collection to final dissemination (also known as ''end-to-end architecture''); and

(6) in consultation with the Director, the Chief Information Officer of the Department of Intelligence, and the Intelligence Comptroller, ensure that tactical military intelligence systems, military systems, and national intelligence systems are sufficiently interoperable.

(e) RESPONSIBILITY FOR PERFORMANCE OF SPECIFIC FUNCTION.—In carrying out responsibilities under this section, the Assistant Director of Intelligence for Research, Development, and Procurement shall ensure through the National Reconnaissance Office the continued operation of an effective unified organization for the research, development, and acquisition of overhead reconnaissance systems necessary to satisfy—

(1) the requirements of all elements of the intelligence community; and

(2) the needs of the Department of Defense, including the Chairman of the Joint Chiefs of Staff and the commanders of the unified and specified commands.

SEC. 116. ASSISTANT DIRECTOR OF INTELLIGENCE FOR CIVIL LIBERTIES AND PRIVACY.

(a) ASSISTANT DIRECTOR OF INTELLIGENCE FOR CIVIL LIBERTIES AND PRIVACY.—There is an Assistant Director of Intelligence for Civil Liberties and Privacy who shall be appointed by the Director.

(b) DIRECTION.—The Assistant Director of Intelligence for Civil Liberties and Privacy shall report to the Director regarding the activities of the Assistant Director.

(c) DUTIES AND RESPONSIBILITIES.—The Assistant Director of Intelligence for Civil Liberties and Privacy shall—

(1) serve as the head of the Office of Civil Liberties and Privacy under section 242; and

(2) in that capacity, have the duties and responsibilities specified in that section.

SEC. 117. NATIONAL INTELLIGENCE COUNCIL.

(a) NATIONAL INTELLIGENCE COUNCIL.—There is a National Intelligence Council.

(b) COMPOSITION.—(1) The National Intelligence Council shall be composed of substantive experts on matters addressed by the Council who shall be appointed by, report to, and serve at the pleasure of the Director.

(2) The Director shall prescribe appropriate security requirements for service on the

Council to ensure the protection of intelligence sources and methods.

(c) DUTIES AND RESPONSIBILITIES.—(1) The National Intelligence Council shall—

(A) produce national intelligence estimates for the United States Government, including alternative views held by elements of the intelligence community;

(B) evaluate intelligence community-wide collection, analysis, and production of intelligence and the requirements and resources of the collection, analysis, and production of such intelligence; and

(C) otherwise assist the Director in carrying out the responsibilities described in section 131.

(2)(A) National intelligence estimates produced under paragraph (1)(A) shall—

(i) separately state, and distinguish between, the intelligence underlying the estimate and the assumptions and judgment of analysts with respect to that intelligence and estimate;

(ii) describe the quality and reliability of the intelligence underlying the estimates; and

(iii) present and explain alternative conclusions with respect to the intelligence and estimates.

(B) Before publication and distribution of a national intelligence estimate, the estimate shall be certified by both the Director and the Chairman of the Council as approved for publication and distribution.

(d) ACCESS TO INTELLIGENCE.—To the extent approved by the President and recommended by the Director, the National Intelligence Council shall have access to all intelligence related to the national security that is necessary for its duties and responsibilities under this section.

(e) CONTRACT AUTHORITY.—Subject to the direction and control of the Director, the National Intelligence Council may carry out its duties and responsibilities under this section by contract, including contracts for substantive experts necessary to assist the Council with particular assessments under this section.

(f) STAFF.—The Director shall make available to the National Intelligence Council such staff as may be necessary to permit the Council to carry out its duties and responsibilities under this section.

(g) AVAILABILITY TO POLICYMAKERS.—The National Intelligence Council shall be readily accessible to policymaking officials of the United States.

(h) ASSISTANCE OF INTELLIGENCE COMMUNITY.—The heads of the elements of the intelligence community shall, as appropriate, furnish such support to the National Intelligence Council, including the preparation of intelligence analyses, as may be required by the Director.

SEC. 118. GENERAL COUNSEL OF THE DEPARTMENT OF INTELLIGENCE.

(a) GENERAL COUNSEL.—There is a General Counsel of the Department of Intelligence who shall be appointed from civilian life by the President, by and with the advice and consent of the Senate.

(b) PROHIBITION ON DUAL SERVICE AS GENERAL COUNSEL OF ANOTHER AGENCY.—The individual serving in the position of General Counsel of the Department of Intelligence may not, while so serving, also serve as the General Counsel of any other department, agency, or element of the United States Government.

(c) SCOPE OF POSITION.—The General Counsel of the Department of Intelligence is the chief legal officer of the Department.

(d) FUNCTIONS.—The General Counsel of the Department of Intelligence shall perform such functions as the Director may prescribe.

SEC. 119. INSPECTOR GENERAL OF THE DEPARTMENT OF INTELLIGENCE.

(a) INSPECTOR GENERAL.—There is an Inspector General of the Department of Intelligence who shall be appointed as provided in section 3 of the Inspector General Act of 1978 (5 U.S.C. App. 3).

(b) SUPERVISION AND CONTROL; REMOVAL.—(1) The Inspector General of the Department of Intelligence shall report to and be under the general supervision of the Director.

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

(c) DUTIES AND RESPONSIBILITIES.—It shall be the duty and responsibility of the Inspector General of the Department of Intelligence—

(1) to provide policy direction for, and to plan, conduct, supervise, and coordinate independently, the inspections, investigations, and audits relating to the programs and operations of the Department and the intelligence community to ensure they are conducted efficiently and in accordance with applicable law and regulations;

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

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

(4) to prepare semiannual reports as provided in subsection (d); and

(5) to perform such other duties specified for inspectors general in the Inspector General Act of 1978 as the Director shall prescribe.

(d) POWERS AND AUTHORITIES.—(1)(A) The Inspector General of the Department of Intelligence shall have access to any employee or any employee of a contractor of the Department or any other element of the intelligence community whose testimony is needed for the performance of the duties and responsibilities of the Inspector General.

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

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

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

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

(B) no action constituting a reprisal, or threat of reprisal, for making such complaint may be taken by any employee of the Agency or any other element of the intelligence community in a position to take such actions, unless the complaint was made or the information was disclosed with the knowledge that it was false or with willful disregard for its truth or falsity.

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

(4) The Inspector General shall have such additional powers and authorities specified for inspectors general in the Inspector General Act of 1978 as the Director shall prescribe.

(e) SEMIANNUAL REPORTS.—(1) Not later than April 30 and October 31 each year, the Inspector General of the Department of Intelligence shall submit to the Director a report on the activities of the Inspector General under this section during the six-month period ending March 31 and September 30 of such year, respectively.

(2) Each report shall include, for the period covered by such report, the following:

(A) The matters specified for semiannual reports of inspectors general in section 5 of the Inspector General Act of 1978.

(B) An assessment of the effectiveness of all measures in place in the Department for the protection of civil liberties and privacy of United States persons.

(3) Not later than 30 days after receipt of a report under paragraph (1), the Director shall transmit to the congressional intelligence committees a complete, unabridged copy of such report together with such comments on such report as the Director considers appropriate.

(f) COOPERATION WITH OTHER INSPECTORS GENERAL OF INTELLIGENCE COMMUNITY.—Each inspector general of an element of the intelligence community shall cooperate fully with the Inspector General of the Department of Intelligence in the performance of any duty or function by the Inspector General of the Department of Intelligence under this section regarding such element.

(g) CONSTRUCTION OF DUTIES REGARDING ELEMENTS OF INTELLIGENCE COMMUNITY.—The performance by the Inspector General of the Department of Intelligence of any duty or function regarding an element of the intelligence community may not be construed to modify or affect the responsibility of any other inspector general having responsibilities regarding the element of the intelligence community.

SEC. 120. INTELLIGENCE COMPTROLLER.

(a) INTELLIGENCE COMPTROLLER.—There is an Intelligence Comptroller who shall be appointed by the Director.

(b) SUPERVISION.—The Intelligence Comptroller shall report directly to the Director.

(c) DUTIES.—The Intelligence Comptroller shall—

(1) assist the Secretary of Defense in the preparation and execution of the budget of the Department of Defense insofar as such budget relates to the tactical intelligence programs;

(2) assist the Deputy Director of Intelligence in the preparation and execution of the budget of the intelligence community under the National Foreign Intelligence Program;

(3) provide unfettered access to the Director to financial information under the National Foreign Intelligence Program; and

(4) provide information to the Deputy Director of Intelligence necessary for reports under section 112(c)(4).

(d) STAFF.—The staff of the Intelligence Comptroller shall consist of personnel of the intelligence community who are assigned to the staff by the Director, in consultation with the heads of the other elements of the intelligence community.

SEC. 121. CHIEF INFORMATION OFFICER OF THE DEPARTMENT OF INTELLIGENCE.

(a) CHIEF INFORMATION OFFICER OF DEPARTMENT OF INTELLIGENCE.—There is a Chief Information Officer of the Department of Intelligence who shall be appointed by the Director.

(b) ELIGIBILITY FOR APPOINTMENT.—Any individual appointed as Chief Information Officer of the Department of Intelligence shall have extensive experience in the management, operation, and maintenance of complex information networks, including the use of advanced information technology applications and products to promote the efficient and secure exchange of information across such networks.

(c) DUTIES AND RESPONSIBILITIES.—The Chief Information Officer of the Department of Intelligence shall—

(1) develop an integrated information technology network that provides for the efficient and secure exchange of intelligence information among the elements of the intelligence community and, as directed by the President, other departments, agencies, and elements of the United States Government and of State and local governments;

(2) develop an enterprise architecture for the intelligence community and ensure that elements of the intelligence community comply with such architecture;

(3) ensure that the elements of the intelligence community have direct and continuous electronic access to all information (including unevaluated intelligence) necessary for appropriately cleared analysts to conduct comprehensive all-source analysis and for appropriately cleared policymakers to perform their duties;

(4) review and provide recommendations to the Director on intelligence community budget requests for information technology and national security systems;

(5) ensure the interoperability of information technology and national security systems throughout the intelligence community;

(6) promulgate and enforce standards on information technology and national security systems that apply throughout the intelligence community;

(7) provide for the elimination of duplicate information technology and national security systems within and between the elements of the intelligence community; and

(8) maintain a consolidated inventory of mission critical and mission essential information systems for the intelligence community, identify interfaces between such systems and other information systems, and develop and maintain contingency plans for responding to a disruption in the operation of any of such systems.

SEC. 122. CHIEF FINANCIAL OFFICER OF THE DEPARTMENT OF INTELLIGENCE.

(a) CHIEF FINANCIAL OFFICER OF DEPARTMENT OF INTELLIGENCE.—There is a Chief Financial Officer of the Department of Intelligence who shall be appointed from civilian life by the Director.

(b) SUPERVISION.—The Chief Financial Officer of the Department of Intelligence shall report directly to the Director.

(c) DUTIES AND RESPONSIBILITIES.—The Chief Financial Officer of the Department of Intelligence shall, in consultation with the Intelligence Comptroller—

(1) assist the Director and the Deputy Director of Intelligence in the preparation and execution of the budget of the elements of the intelligence community under the National Foreign Intelligence Program;

(2) assist the Secretary of Defense in the preparation and execution of the budget of the Department of Defense insofar as such budget relates to the elements of the intelligence community within the Joint Military Intelligence Program and the Tactical Intelligence and Related Activities Program; and

(3) provide unfettered access to the Director to financial information under the National Foreign Intelligence Program.

(d) STAFF.—The staff of the Chief Financial Officer of the Department of Intelligence shall consist of personnel of the elements of the intelligence community who are assigned to the staff by the Director.

SEC. 123. MILITARY STATUS OF DIRECTOR OF INTELLIGENCE AND DEPUTY DIRECTOR OF INTELLIGENCE.

(a) IN GENERAL.—(1) Not more than one of the individuals serving in the positions specified in subsection (b) may be a commissioned officer of the Armed Forces in active status.

(2) It is the sense of Congress that at least one of the individuals serving in a position specified in subsection (b) should be a commissioned officer of the Armed Forces, whether in active or retired status.

(b) COVERED POSITIONS.—The positions referred to in this subsection are the following:

(1) The Director.

(2) The Deputy Director of Intelligence.

(c) SERVICE OF COMMISSIONED OFFICERS.—(1) A commissioned officer of the Armed Forces, while serving in a position specified in subsection (b)—

(A) shall not be subject to supervision or control by the Secretary of Defense or by any officer or employee of the Department of Defense;

(B) shall not exercise, by reason of the officer's status as a commissioned officer, any supervision or control with respect to any of the military or civilian personnel of the Department of Defense, except as otherwise authorized by law; and

(C) shall not be counted against the numbers and percentages of commissioned officers of the rank and grade of such officer authorized for the military department of that officer.

(2) Except as provided in subparagraph (A) or (B) of paragraph (1), the appointment of an officer of the Armed Forces to a position specified in subsection (b) shall not affect the status, position, rank, or grade of such officer in the Armed Forces, or any emolument, perquisite, right, privilege, or benefit incident to or arising out of such status, position, rank, or grade.

(3) A commissioned officer of the Armed Forces on active duty who is appointed to a position specified in subsection (b), while serving in such position and while remaining on active duty, shall continue to receive military pay and allowances and shall not receive the pay prescribed for such position. Funds from which such pay and allowances are paid shall be reimbursed from funds available to the Director.

Subtitle C—Mission, Responsibilities, and Authorities

SEC. 131. PROVISION OF NATIONAL INTELLIGENCE.

(a) PROVISION OF NATIONAL INTELLIGENCE.—The Director shall be responsible for providing national intelligence—

(1) to the President;

(2) to the heads of other departments and agencies of the executive branch;

(3) to the Chairman of the Joint Chiefs of Staff and senior military commanders; and

(4) upon request, to the Senate and House of Representatives and the committees thereof.

(b) SENSE OF CONGRESS.—The national intelligence provided under subsection (a) should be timely, objective, independent of political considerations, and based upon all sources available to the intelligence community.

SEC. 132. RESPONSIBILITIES OF DIRECTOR OF INTELLIGENCE.

(a) IN GENERAL.—The Director shall, in consultation with the heads of relevant entities and taking into consideration the intelligence requirements established by the National Security Council for purposes of national security and foreign policy—

(1) direct and manage the tasking of collection, analysis, and dissemination of national intelligence by elements of the intelligence community, including the establishment of requirements and priorities of such tasking;

(2) approve collection and analysis requirements, determine collection and analysis priorities, and resolve conflicts in collection and analysis priorities levied on national collection and analysis assets, except as otherwise agreed with the Secretary of Defense pursuant to the direction of the President;

(3) promote and evaluate the utility of national intelligence to consumers within the United States Government;

(4) eliminate waste and unnecessary duplication within the intelligence community;

(5) establish requirements and priorities for foreign intelligence information to be collected under the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1801 et seq.), and provide assistance to the Attorney General to ensure that information derived from electronic surveillance or physical searches under that Act is disseminated so it may be used efficiently and effectively for foreign intelligence purposes, except that the Director shall have no authority to direct, manage, or undertake electronic surveillance or physical search operations pursuant to that Act unless otherwise authorized by statute or Executive order;

(6) establish requirements and procedures for the classification of information;

(7) establish requirements and procedures for the dissemination of classified information by elements of the intelligence community;

(8) establish intelligence reporting guidelines while protecting intelligence sources and methods;

(9) oversee and ensure compliance by each element of the intelligence community with the statutes and Executive orders of the United States, including laws related to the protection of civil liberties and privacy of United States persons;

(10) protect intelligence sources and methods from unauthorized disclosure as provided in subsection (b);

(11) establish and implement policies and procedures governing access to, and use of, specified data base information by officers and employees of the elements of the intelligence community and, as directed by the President (after recommendations by the Attorney General), law enforcement personnel of the United States Government;

(12) develop, in consultation with the Secretary of Defense, the Secretary of Homeland Security, and the heads of other appropriate departments and agencies of the United States Government, an integrated communications network that provides interoperable communications capabilities among all elements of the intelligence community and such other entities and persons as the Director considers appropriate;

(13) develop and implement, in consultation with the heads of the other elements of the intelligence community, policies and programs within the intelligence community for the rotation of personnel among the elements of the intelligence community in a manner that—

(A) makes service in more than one element of the intelligence community pursuant to such rotation a condition of promotion to such positions within the intelligence community as the Director shall specify;

(B) ensures the effective management of intelligence community personnel who are specially training in intelligence community-wide matters; and

(C) establishes standards for education and training that will facilitate assignments to the national intelligence centers under section 114;

(14) consolidate and manage a common personnel security system for the Department;

(15) develop and implement, as necessary, a common personnel system and common retirement and disability system for the Department;

(16) ensure that the composition of the personnel of the intelligence community is sufficiently diverse for purposes of the collection and analysis of intelligence by recruiting and training for service in the intelligence community women, minorities, and individuals with diverse ethnic, cultural, and linguistic backgrounds;

(17) appoint officers or employees of the Department of Homeland Security, the Central Intelligence Agency, the National Security Agency, the National Geospatial-Intelligence Agency, the National Reconnaissance Office, and other elements of the Department of Intelligence to serve as tasking directors to assist in the tasking of collection, analysis, and dissemination of information for all elements of the intelligence community under the National Foreign Intelligence Program;

(18) in accordance with the provisions of section 106 of the National Security Act of 1947 (50 U.S.C. 403–6), make recommendations to the President regarding the appointment of certain heads of elements of the intelligence community;

(19) develop such objectives and guidance for the intelligence community as, in the judgment of the Director, are necessary to ensure the timely and effective collection, processing, analysis, and dissemination of intelligence, of whatever nature and from whatever source derived, concerning current and potential threats to the security of the United States and its interests, and to ensure that the National Foreign Intelligence Program is structured adequately to achieve such objectives;

(20) work with the elements of the intelligence community to ensure that the intelligence collection activities of the United States Government are integrated in—

(A) collecting against enduring and emerging threats to the national security of the United States;

(B) maximizing the value of such intelligence collection to the national security of the United States; and

(C) ensuring that all collected data is available, to the maximum extent practicable, for integration, analysis, and dissemination to those who can act on, add value to, or otherwise apply it to mission needs;

(21) ensure that appropriate departments, agencies, and elements of the United States Government have access to, and receive, all-source intelligence support needed to perform independent, alternative analysis;

(22) establish policies, procedures, and mechanisms that translate intelligence objectives and priorities approved by the President into specific guidance for the intelligence community;

(23) receive access to all foreign intelligence, counterintelligence, and national intelligence, including intelligence derived from activities of any department, agency, or element of the United States Government, and to all other information that is related to the national security or is otherwise required for the performance of the duties of the Director, except in cases in which the access of the Director to such information is expressly prohibited by law, by the President, or by the Attorney General acting at the direction of the President;

(24) consistent with section 133, review, and approve or disapprove, any proposal to—

(A) reprogram funds within an appropriation for the National Foreign Intelligence Program;

(B) transfer funds from an appropriation for the National Foreign Intelligence Program to an appropriation that is not for the National Foreign Intelligence Program within the intelligence community; or

(C) transfer funds from an appropriation that is not for the National Foreign Intelligence Program within the intelligence community to an appropriation for the National Foreign Intelligence Program;

(25) ensure that any intelligence and operational systems and architectures of the departments, agencies, and elements of the United States Government are consistent with national intelligence requirements set by the Director and all applicable information sharing and security guidelines and information privacy requirements;

(26) in consultation with the Attorney General, set forth common standards, through written requirements, procedures, and guidelines, for the collection and sharing of information collected abroad and in the United States by the elements of the intelligence community, and with State and local governments in consultation with the Secretary of Homeland Security, while to the maximum extent practicable, protecting the privacy and civil liberties of United States persons and ensuring that relevant officers of the United States Government are provided with clear, understandable, consistent, effective, and lawful procedures and guidelines for the collection, handling, distribution, and retention of information;

(27) require, at the outset of the intelligence collection and analysis process, the creation of records and reporting, for both raw and processed information, in such a manner that sources and methods are protected so that the information can be distributed at lower classification levels, and by creating unclassified versions for distribution whenever possible;

(28) require information to be shared free of originator controls, including controls requiring the consent of the originating agency prior to the dissemination of the information outside any other agency to which it has been made available, and otherwise minimizing the applicability of information compartmentalization systems to information while holding personnel accountable for increased sharing of intelligence related to the national security;

(29) direct, supervise, and control all aspects of national intelligence, including the programs, projects, and activities of the national intelligence centers; and

(30) perform such other functions as the President may direct.

(b) PROTECTION OF INTELLIGENCE SOURCES AND METHODS.—(1) In order to protect intelligence sources and methods from unauthorized disclosure and, consistent with that protection, to maximize the dissemination of intelligence, the Director shall establish and implement guidelines for the following purposes:

(A) The classification of information.

(B) Access to and dissemination of intelligence, both in final form and in the form when initially gathered.

(C) The preparation of intelligence reports to ensure that, to the maximum extent practicable, information contained in such reports is also available in unclassified form.

(2) The Director may not delegate a duty or authority under this subsection.

(c) UNIFORM PROCEDURES FOR SENSITIVE COMPARTMENTED INFORMATION.—The President, acting through the Director, shall—

(1) establish uniform standards and procedures for the grant of access to sensitive compartmented information to any officer or employee of any department, agency, or element of the United States Government and to employees of contractors of the departments, agencies, and elements of the United States Government;

(2) ensure the consistent implementation of those standards and procedures throughout the departments, agencies, and elements of the United States Government; and

(3) ensure that security clearances granted by individual elements of the intelligence community are recognized by all elements of the intelligence community, and under contracts entered into by such elements.

SEC. 133. AUTHORITIES OF DIRECTOR OF INTELLIGENCE.

(a) ACCESS TO INTELLIGENCE.—To the extent approved by the President, the Director shall have access to all intelligence related to the national security which is collected by any department, agency, or other element of the United States Government.

(b) DETERMINATION OF BUDGETS FOR NFIP AND OTHER INTELLIGENCE ACTIVITIES.—The Director shall determine, as appropriate, the annual budget for intelligence and intelligence-related activities of the United States under section 102(d)(3) by—

(1) developing and presenting to the President an annual budget for the National Foreign Intelligence Program, including, in furtherance of such budget—

(A) the preparation, review, modification, and approval of budgets of the elements of the intelligence community; and

(B) the preparation, review, modification, and approval of personnel and resource allocations by the elements of the intelligence community;

(2) participating in the development by the Secretary of Defense of the annual budget for the Joint Military Intelligence Program and the Tactical Intelligence and Related Activities Program;

(3) having direct jurisdiction of amounts appropriated or otherwise made available for the National Foreign Intelligence Program as specified in subsection (e); and

(4) managing and overseeing the execution, and, if necessary, the modification of the annual budget for the National Foreign Intelligence Program, including directing the reprogramming and reallocation of funds, and the transfer of personnel, among and between elements of the intelligence community in accordance with subsection (f).

(c) BUDGET AUTHORITIES.—(1) For purposes of subsection (b)—

(A) the Director shall, acting through the Deputy Director of Intelligence, direct, coordinate, and prepare the annual budgets of

the elements of the intelligence community within the National Foreign Intelligence Program, in consultation with the heads of such elements;

(B) the Director shall provide guidance for the development of the annual budgets for such other elements of the intelligence community as are not within the National Foreign Intelligence Program;

(C) the heads of the elements referred to in subparagraph (B), shall coordinate closely with the Deputy Director of Intelligence in the development of the budgets of those elements, before the submission of their recommendations to the Director for approval; and

(D) the budget of any element of the intelligence community within the National Foreign Intelligence Program may not be provided to the President for transmission to Congress unless the Director has approved such budget.

(2)(A) In preparing and presenting an annual budget under subsection (b)(1), the Director shall develop the annual budget for the elements of the intelligence community within the National Foreign Intelligence Program.

(B) If any portion of the budget for an element of the intelligence community is prepared outside the Office of the Director of Intelligence, the Director—

(i) shall approve such budget before submission to the President; and

(ii) may require modifications of such budget to meet the requirements and priorities of the Director before approving such budget under clause (i).

(d) MANAGEMENT AND OVERSIGHT OF NATIONAL FOREIGN INTELLIGENCE PROGRAM.—(1) The Director shall manage and oversee the execution by each element of the intelligence community of any amounts appropriated or otherwise made available to such element under the National Foreign Intelligence Program.

(2) Consistent with subsections (e) and (f), the Director may modify the resource and personnel allocations of any element of the intelligence community.

(e) JURISDICTION OF FUNDS UNDER NFIP.—Notwithstanding any other provision of law and consistent with section 504 of the National Security Act of 1947 (50 U.S.C. 414), any amounts appropriated or otherwise made available for the National Foreign Intelligence Program shall be considered to be appropriated or otherwise made available to, and under the direct jurisdiction, management, and oversight of, the Director.

(f) REPROGRAMMING AND REALLOCATION OF FUNDS AND TRANSFER OF PERSONNEL UNDER NFIP.—(1)(A) Consistent with section 504 of the National Security Act of 1947, the Director of Intelligence may, with the approval of the Director of the Office of Management and Budget and in accordance with procedures developed by the Director of Intelligence, reprogram funds appropriated or otherwise made available for a program within the National Foreign Intelligence Program to another such program.

(B) Consistent with section 504 of the National Security Act of 1947, no funds appropriated or otherwise made available under the National Foreign Intelligence Program may be reprogrammed by any element of the intelligence community without the prior approval of the Director except in accordance with procedures issued by the Director.

(2) Consistent with section 504 of the National Security Act of 1947, the Director may reallocate funds appropriated or otherwise made available for a program within the National Foreign Intelligence Program for other purposes under such program.

(3) Consistent with section 504 of the National Security Act of 1947, the Director may, in accordance with procedures developed by the Director, transfer personnel authorized for an element of the intelligence community to another element of the intelligence community for a period of up to a year.

(4) Consistent with section 504 of the National Security Act of 1947, the Secretary of Defense shall consult with the Director before reprogramming funds available under the Joint Military Intelligence Program or the Tactical Intelligence and Related Activities Program.

(5) The Director may not delegate a responsibility or authority of the Director under this subsection.

(6) A reprogramming of funds or a transfer of funds or personnel may be made under this subsection only if—

(A) the funds or personnel are being reprogrammed or transferred, as the case may be, to an activity that is a higher priority intelligence activity;

(B) the need for funds or personnel for such activity is based on unforeseen requirements; and

(C) in the case of a reprogramming of funds, the reprogramming of funds does not involve a reprogramming of funds to the Reserve for Contingencies of the Central Intelligence Agency.

(7) Funds reprogrammed or transferred under this subsection shall remain available for the same period as the account or subaccount to which reprogrammed or transferred, as the case may be.

(8)(A) Any reprogramming of funds under this subsection shall be carried out in accordance with existing procedures applicable to reprogramming notifications for the appropriate congressional committees.

(B) Any proposed reprogramming of funds for which notice is given to the appropriate congressional committees shall be accompanied by a report explaining the nature of the proposed reprogramming and how it satisfies the requirements of this subsection.

(C) The congressional intelligence committees shall be promptly notified of any reprogramming of funds under this subsection in any case in which the reprogramming of such funds would not have otherwise required reprogramming notification under procedures in effect as of October 24, 1992.

(9)(A) The Director shall promptly submit to the congressional intelligence committees and, in the case of the transfer of personnel to or from the Department of Defense, the Committee on Armed Services of the Senate and the Committee on Armed Services of the House of Representatives, a report on any transfer of personnel made pursuant to this subsection.

(B) The Director shall include in any report under subparagraph (A) an explanation of the nature of the transfer concerned and how it satisfies the requirements of this subsection.

(g) DELEGATION OF CERTAIN ADMINISTRATIVE AUTHORITIES.—(1) Notwithstanding any other provision of law, the Director may delegate to the head of any other element of the intelligence community any authority of the Director of the Central Intelligence Agency with respect to the Central Intelligence Agency under a provision of the Central Intelligence Agency Act of 1949 as follows:

(A) Section 3 (50 U.S.C. 403c), relating to procurement.

(B) Section 4 (50 U.S.C. 403e), relating to travel allowances and related expenses.

(C) Section 5 (50 U.S.C. 403f), relating to administration of funds.

(D) Section 6 (50 U.S.C. 403g), relating to exemptions from certain information disclosure requirements.

(E) Section 8 (50 U.S.C. 403j), relating to availability of appropriations.

(F) Section 11 (50 U.S.C. 403k), relating to payment of death gratuities.

(G) Section 12 (50 U.S.C. 403l), relating to acceptance of gifts, devises, and bequests.

(H) Section 21 (50 U.S.C. 403u), relating to operation of a central services program.

(2) Notwithstanding any other provision of law, the head of an element of the intelligence community delegated an authority under paragraph (1) with respect to such element may exercise such authority with respect to such element to the same extent that the Director of the Central Intelligence Agency may exercise such authority with respect to the Central Intelligence Agency.

(h) TERMINATION OF EMPLOYEES OF DEPARTMENT.—(1) Notwithstanding any other provision of law, the Director may, at the discretion of the Director, terminate the employment of any officer or employee of the Department whenever the Director considers the termination of employment of such officer or employee necessary or advisable in the interests of the United States.

(2) Any such termination of employment shall not affect the right of the officer or employee terminated to seek or accept employment in any other department or agency of the United States Government if declared eligible for such employment by the Office of Personnel Management.

(i) COORDINATION WITH FOREIGN GOVERNMENTS.—Under the direction of the National Security Council and in a manner consistent with section 207 of the Foreign Service Act of 1980 (22 U.S.C. 3927), the Director shall coordinate the relationships between elements of the intelligence community and the intelligence or security services of foreign governments on all matters involving intelligence related to the national security or involving intelligence acquired through clandestine means.

(j) STANDARDS AND QUALIFICATIONS FOR PERFORMANCE OF INTELLIGENCE ACTIVITIES.—The Director shall develop standards and qualifications for persons engaged in the performance of intelligence activities within the intelligence community.

(k) PERSONAL SERVICES.—The Director may—

(1) procure the temporary or intermittent services of experts or consultants (or organizations thereof) in accordance with section 3109 of title 5, United States Code; and

(2) whenever necessary due to a need related to intelligence functions of the Department, procure temporary (not to exceed 1 year) or intermittent personal services, including the services of experts or consultants (or organizations thereof), without regard to the pay limitations of such section 3109.

TITLE II—ELEMENTS OF DEPARTMENT OF INTELLIGENCE

Subtitle A—Central Intelligence Agency

SEC. 201. CENTRAL INTELLIGENCE AGENCY.

(a) ELEMENT OF DEPARTMENT OF INTELLIGENCE.—The Central Intelligence Agency is an element of the Department.

(b) HEAD OF AGENCY.—The Director of the Central Intelligence Agency is the head of the Central Intelligence Agency as provided for in the National Security Act of 1947 (50 U.S.C. 401 et seq.), the Central Intelligence Agency Act of 1949 (50 U.S.C. 403a et seq.), and other applicable provisions of law.

(c) SUPERVISION AND CONTROL.—(1) The Central Intelligence Agency shall be under the supervision, direction, and control of the Director of Intelligence.

(2) The Director of the Central Intelligence Agency shall report directly to the Director of Intelligence.

SEC. 202. MISSION; POWER AND AUTHORITIES.

(a) MISSION.—The Central Intelligence Agency shall have the mission provided for the Agency under the National Security Act

of 1947 (50 U.S.C. 401 et seq.) and the Central Intelligence Agency Act of 1949 (50 U.S.C. 403a et seq.) and as otherwise provided by law or directed by the President.

(b) POWER AND AUTHORITIES.—Except as otherwise provided by this Act, the Director of the Central Intelligence Agency shall have such powers and authorities as are provided the Director in the National Security Act of 1947 and Central Intelligence Agency Act of 1949 and as are otherwise provided by law or directed by the President or the Director.

Subtitle B—National Security Agency

SEC. 211. NATIONAL SECURITY AGENCY.

(a) ELEMENT OF DEPARTMENT OF INTELLIGENCE.—The National Security Agency is an element of the Department.

(b) HEAD OF AGENCY.—The Director of the National Security Agency is the head of the National Security Agency.

(c) SUPERVISION AND CONTROL.—(1) The National Security Agency shall be under the supervision, direction, and control of the Director of Intelligence.

(2) The Director of the National Security Agency shall report directly to the Director of Intelligence.

SEC. 212. MISSION; POWER AND AUTHORITIES.

(a) MISSION.—The National Security Agency shall have the mission provided for the Agency under the National Security Agency Act of 1959 (50 U.S.C. 402 note) or as otherwise provided by law or directed by the President.

(b) POWER AND AUTHORITIES.—The Director of the National Security Agency shall have such powers and authorities as are provided the Director in the National Security Act of 1959 or as are otherwise provided by law or directed by the President.

Subtitle C—National Geospatial-Intelligence Agency

SEC. 221. NATIONAL GEOSPATIAL-INTELLIGENCE AGENCY.

(a) ELEMENT OF DEPARTMENT OF INTELLIGENCE.—The National Geospatial-Intelligence Agency is an element of the Department.

(b) HEAD OF AGENCY.—(1) The Director of the National Geospatial-Intelligence Agency is the head of the National Geospatial-Intelligence Agency.

(2) If an officer of the Armed Forces on active duty is appointed to the position of Director of the National Geospatial-Intelligence Agency, the position shall be treated as having been designated by the President as a position of importance and responsibility for purposes of section 601 of title 10, United States Code, and shall carry the grade of lieutenant general, or, in the case of an officer of the Navy, vice admiral.

(c) SUPERVISION AND CONTROL.—(1) The National Geospatial-Intelligence Agency shall be under the supervision, direction, and control of the Director of Intelligence.

(2) The Director of the National Geospatial-Intelligence Agency shall report directly to the Director of Intelligence.

SEC. 222. MISSION; POWER AND AUTHORITIES.

(a) MISSION.—The National Geospatial-Intelligence Agency shall have the mission provided for the Agency under subtitle B of title III or as otherwise provided by law or directed by the President.

(b) POWER AND AUTHORITIES.—The Director of the National Geospatial-Intelligence Agency shall have such powers and authorities as are provided the Agency under subtitle B of title III or as otherwise provided by law or directed by the President.

(c) AVAILABILITY AND CONTINUED IMPROVEMENT OF IMAGERY INTELLIGENCE SUPPORT TO ALL-SOURCE ANALYSIS AND PRODUCTION FUNCTION.—The Director of Intelligence shall take all necessary steps to ensure the full availability and continued improvement of imagery intelligence support for all-source analysis and production.

Subtitle D—National Reconnaissance Office

SEC. 231. NATIONAL RECONNAISSANCE OFFICE.

(a) ELEMENT OF DEPARTMENT OF INTELLIGENCE.—The National Reconnaissance Office is an element of the Department.

(b) HEAD OF OFFICE.—The Director of the National Reconnaissance Office is the head of the National Reconnaissance Office.

(c) SUPERVISION AND CONTROL.—(1) The National Reconnaissance Office shall be under the supervision, direction, and control of the Director of Intelligence.

(2) The Director of the National Reconnaissance Office shall report directly to the Director of Intelligence.

SEC. 232. MISSION; POWER AND AUTHORITIES.

(a) MISSION.—The National Reconnaissance Office shall have the mission provided by law or as directed by the President.

(b) POWER AND AUTHORITIES.—The National Reconnaissance Office shall have such powers and authorities as are provided by law or as directed by the President.

Subtitle E—Other Offices

SEC. 241. INTELLIGENCE, COUNTERTERRORISM, AND COUNTERINTELLIGENCE OFFICES.

(a) ELEMENTS OF DEPARTMENT OF INTELLIGENCE.—Each element of the Federal Bureau of Investigation specified in subsection (b) shall, after the date of the enactment of this Act, be an element of the Department.

(b) SPECIFIED ELEMENTS.—The elements of the Federal Bureau of Investigation specified in this subsection are as follows:

(1) The Office of Intelligence.

(2) The Counterterrorism Division personnel under the National Foreign Intelligence Program.

(3) The Counterintelligence Division personnel under the National Foreign Intelligence Program.

(c) SUPERVISION AND CONTROL.—(1) Each element of the Department under subsection (a) shall be under the supervision, direction, and control of the Director of Intelligence.

(2)(A) Each element of the Department under subsection (a) shall remain at all times subject to applicable guidelines on investigations of the Attorney General and the Department of Justice in effect as of September 1, 2004, and any successor guidelines to such guidelines, particularly the provisions of such guidelines relating to investigations within the United States and investigations of United States persons.

(B) A copy of any guidelines covered by subparagraph (A) shall be made available to congressional intelligence committees and the public before their implementation or utilization by the elements of the Department under subsection (a). In making guidelines available to the public under this subparagraph, the Director of Intelligence may redact any portions of such guidelines that are classified for reasons of national security.

(3) The Attorney General shall review, and approve prior to execution, the tasking of, or requests for, domestic collection against United States persons, collection against United States persons, domestic intelligence operations, and assignment of operational responsibilities by the Administrator of the National Counterterrorism Center.

(d) MISSION.—Each element of the Department under subsection (a) shall have the mission provided for such element by law or as directed by the President.

(e) POWER AND AUTHORITIES.—Each element of the Department under subsection (a) shall have such powers and authorities as are provided such element by law or as directed by the President.

(f) SUPPORT.—(1) The Director of the Federal Bureau of Investigation shall, in coordination with the Director of Intelligence, ensure that each element of the Department under subsection (a) is provided all administrative resources necessary to perform its intelligence and intelligence-related functions.

(2) The Attorney General shall ensure through the Director of Intelligence that the domestic intelligence operations of the elements of the Department under subsection (a), and any intelligence operations of such elements directed against United States persons, comply with the Constitution and all laws, regulations, Executive orders, and implementing guidelines of the United States applicable to such operations.

SEC. 242. OFFICE OF CIVIL LIBERTIES AND PRIVACY.

(a) OFFICE OF CIVIL LIBERTIES AND PRIVACY.—There is within the Department an Office of Civil Liberties and Privacy.

(b) HEAD OF OFFICE.—The Assistant Director of Intelligence for Civil Liberties and Privacy is the head of the Office of Civil Liberties and Privacy.

(c) SUPERVISION.—The Assistant Director of Intelligence for Civil Liberties and Privacy shall report directly to the Director.

(d) DUTIES RELATING TO CIVIL LIBERTIES.—The Assistant Director of Intelligence for Civil Liberties and Privacy shall, with respect to matters of the Department relating to civil liberties—

(1) assist the Director in ensuring that the protection of civil rights and civil liberties is appropriately incorporated in the policies and procedures developed for and implemented by the Department;

(2) oversee compliance by the Department with requirements under the Constitution and all laws, regulations, Executive orders, and implementing guidelines relating to civil rights and civil liberties;

(3) review, investigate, and assess complaints and other information indicating possible abuses of civil rights or civil liberties in the administration of the programs and operations of the Department unless, in the determination of the Inspector General of the Department of Intelligence, the review, investigation, or assessment of a particular complaint or information can better be conducted by the Inspector General;

(4) issue guidance on civil liberties concerns with, or civil liberties objections to, any policy or practice of the Department; and

(5) perform such other duties as may be prescribed by the Director or specified by law.

(e) DUTIES RELATING TO PRIVACY.—The Assistant Director of Intelligence for Civil Liberties and Privacy shall, with respect to matters of the Department relating to privacy—

(1) assure that the use of technologies sustain, and do not erode, privacy protections relating to the use, collection, and disclosure of personal information;

(2) assure that personal information contained in Privacy Act systems of records is handled in full compliance with fair information practices as set out in the Privacy Act of 1974;

(3) conduct a privacy impact assessment of proposed rules of the Department or that of the Department on the privacy of personal information, including the type of personal information collected and the number of people affected; and

(4) conduct privacy impact assessments when appropriate or as required by law.

TITLE III—OTHER INTELLIGENCE MATTERS

Subtitle A—Modifications and Improvements of Intelligence Authorities

SEC. 301. SENSE OF CONGRESS ON AVAILABILITY TO PUBLIC OF CERTAIN INTELLIGENCE FUNDING INFORMATION.

(a) SENSE OF CONGRESS.—It is the sense of Congress that the President should, for each fiscal year after fiscal year 2005, make available to the public the information described in subsection (b) unless the President certifies that public disclosure of such information would cause damage to the national security of the United States.

(b) COVERED INFORMATION.—The information described in this subsection is as follows:

(1) The aggregate amount of appropriations requested in the budget of the President for the fiscal year concerned for the intelligence and intelligence-related activities of the United States Government.

(2) The aggregate amount of funds authorized to be appropriated, and the aggregate amount of funds appropriated, by Congress for the fiscal year concerned for the intelligence and intelligence-related activities of the United States Government.

SEC. 302. COORDINATION BETWEEN DIRECTOR OF INTELLIGENCE AND SECRETARY OF DEFENSE IN PERFORMANCE OF SPECIFIC FUNCTIONS PERTAINING TO NATIONAL FOREIGN INTELLIGENCE PROGRAM.

Section 105(b) of the National Security Act of 1947 (50 U.S.C. 403–5(b)) is amended—

(1) in the matter preceding paragraph (1), by striking ''Consistent with sections 103 and 104, the Secretary of Defense shall'' and inserting ''Consistent with sections 132 and 133 of the Intelligence Reformation Act of 2004, the Secretary of Defense shall, in coordination with the Director of Intelligence''; and

(2) in paragraph (2)(D), by striking ''notwithstanding any other provision of law,''.

SEC. 303. ROLE OF DIRECTOR OF INTELLIGENCE IN CERTAIN RECOMMENDATIONS TO THE PRESIDENT ON APPOINTMENTS TO INTELLIGENCE COMMUNITY.

The text of section 106 of the National Security Act of 1947 (50 U.S.C. 403–6) is amended to read as follows:

''(a) RECOMMENDATIONS OF DIRECTOR OF INTELLIGENCE IN CERTAIN APPOINTMENTS.—(1) In the event of a vacancy in a position referred to in paragraph (2), the Director of Intelligence shall recommend to the President an individual for appointment to the position.

''(2) Paragraph (1) applies to the following positions:

''(A) The Deputy Director of Intelligence.

''(B) The Director of the Central Intelligence Agency.

''(C) The Director of the National Security Agency.

''(D) The Director of the National Geospatial-Intelligence Agency.

''(E) The Director of the National Reconnaissance Office.

''(F) The Administrator of the National Counterterrorism Center.

''(b) CONCURRENCE OF DIRECTOR OF INTELLIGENCE IN CERTAIN APPOINTMENTS.—(1) In the event of a vacancy in a position referred to in paragraph (2), the head of the department or agency having jurisdiction over the position shall obtain the concurrence of the Director of Intelligence before recommending to the President an individual for appointment to the position. If the Director does not concur in the recommendation, the head of the department or agency having jurisdiction over the position may make the recommendation to the President without the Director's concurrence, but shall include in the recommendation a statement that the Director does not concur in the recommendation.

''(2) Paragraph (1) applies to the following positions:

''(A) The Under Secretary for Information Analysis and Infrastructure Protection of the Department of Homeland Security.

''(B) The Assistant Secretary of State for Intelligence and Research.

''(C) The Director of the Defense Intelligence Agency.

''(D) The Assistant Secretary for Intelligence and Analysis of the Department of the Treasury.

''(E) The Assistant Secretary for Terrorist Financing of the Department of the Treasury.

''(F) The Director of the Office of Intelligence of the Department of Energy.

''(G) The Director of the Office of Counterintelligence of the Department of Energy.''.

SEC. 304. COLLECTION TASKING AUTHORITY.

Section 111 of the National Security Act of 1947 (50 U.S.C. 404f) is amended by striking ''(except as otherwise agreed by the Director and the Secretary of Defense)''.

SEC. 305. OVERSIGHT OF COMBAT SUPPORT AGENCIES OF THE INTELLIGENCE COMMUNITY.

(a) OVERSIGHT.—(1) Chapter 8 of title 10, United States Code, is amended by inserting after section 193 the following new section:

''§ 193a. Combat support agencies of the intelligence community: oversight

''(a) COMBAT READINESS.—(1) Every two years (or sooner, if approved by the Director of Intelligence), the Chairman of the Joint Chiefs of Staff shall, in consultation with the Secretary of Defense, submit to the Director of Intelligence a report on the combat support agencies of the intelligence community. Each report shall include—

''(A) a determination with respect to the responsiveness and readiness of each such agency to support operating forces in the event of a war or threat to national security; and

''(B) any recommendations that the Chairman considers appropriate.

''(2) In preparing each report, the Chairman shall review the plans of each combat support agency of the intelligence community with respect to its support of operating forces in the event of a war or threat to national security. After consultation with the Secretaries of the military departments and the commanders of the unified and specified combatant commands, as appropriate, the Chairman may, with the approval of the Secretary of Defense, provide the Director of Intelligence any recommendations for modifications of such plans that the Chairman considers appropriate.

''(b) PARTICIPATION IN JOINT TRAINING EXERCISES.—The Chairman shall, with the cooperation of the Director of Intelligence—

''(1) provide for the participation of the combat support agencies of the intelligence community in joint training exercises to the extent necessary to ensure that such agencies are capable of performing their support missions with respect to a war or threat to national security; and

''(2) assess the performance in joint training exercises of each combat support agency of the intelligence community and, in accordance with guidelines established by the Secretary of Defense, take steps to provide the Director of Intelligence recommendations for any change that the Chairman considers appropriate to improve that performance.

''(c) READINESS REPORTING SYSTEM.—The Chairman shall develop, in consultation with the director of each combat support agency of the intelligence community, a uniform system for reporting to the Secretary of Defense, the commanders of the unified and specified combatant commands, and the Secretaries of the military departments concerning the readiness of each combat support agency of the intelligence community to perform with respect to a war or threat to national security.

''(d) REVIEW OF NSA, NGA, AND NRO.—(1) Subsections (a), (b), and (c) shall apply to the National Security Agency, the National Geospatial-Intelligence Agency, and the National Reconnaissance Office, but only with respect to combat support functions that such agencies perform for the Department of Defense.

''(2) The Secretary of Defense shall, in coordination with the Director of Intelligence, establish policies and procedures with respect to the application of subsections (a), (b), and (c) to the National Security Agency, the National Geospatial-Intelligence Agency, and the National Reconnaissance Office.

''(e) COMBAT SUPPORT CAPABILITIES OF DIA, NSA, NGA, AND NRO.—The Director of Intelligence shall develop and implement such policies and programs as the Director determines necessary to correct such deficiencies as the Chairman of the Joint Chiefs of Staff and other officials of the Department of Defense may identify in the capabilities of the Defense Intelligence Agency, the National Security Agency, the National Geospatial-Intelligence Agency, and the National Reconnaissance Office to accomplish assigned missions in support of military combat operations.

''(f) COMBAT SUPPORT AGENCY OF THE INTELLIGENCE COMMUNITY DEFINED.—In this section, the term 'combat support agency of the intelligence community' means any of the following agencies:

''(1) The National Security Agency.

''(2) The Defense Intelligence Agency.

''(3) The National Geospatial-Intelligence Agency.

''(4) The National Reconnaissance Office.''.

(2) The table of sections at the beginning of subchapter I of chapter 8 of such title is amended by inserting after the item relating to section 193 the following new item:

''193a. Combat support agencies of the intelligence community: oversight.''.

(b) CONFORMING AMENDMENT.—Section 193(f) of such title is amended—

(1) by striking paragraphs (2) and (4); and

(2) by redesignating paragraphs (3) and (5) as paragraphs (2) and (3), respectively.

SEC. 306. IMPROVEMENT OF INTELLIGENCE CAPABILITIES OF THE FEDERAL BUREAU OF INVESTIGATION.

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

(1) The National Commission on Terrorist Attacks Upon the United States in its final report stated that the Federal Bureau of Investigation, under the current Director of the Federal Bureau of Investigation, has made significant progress in improving its intelligence capabilities.

(2) In the report, the members of the Commission also urged that the Federal Bureau of Investigation fully institutionalize the shift of the Bureau to a preventive counterterrorism posture.

(b) NATIONAL SECURITY WORKFORCE.—(1) The Director of the Federal Bureau of Investigation shall continue efforts to develop and maintain within the Federal Bureau of Investigation a national security workforce.

(2) In a developing and maintaining a national security workforce under paragraph (1), the Director of the Federal Bureau of Investigation shall, subject to the direction and control of the President, develop and maintain a specialized and integrated national security workforce who are recruited,

trained, rewarded in a manner which ensures the existence within the Bureau of an institutional culture with substantial expertise in, and commitment to, the intelligence and national security missions of the Bureau.

(3) Each agent employed by the Bureau after the date of the enactment of this Act shall receive basic training in both criminal justice matters and national security matters.

(4) Each agent employed by the Bureau after the date of the enactment of this Act shall, to the maximum extent practicable, be given the opportunity to undergo, during such agent's early service with the Bureau, meaningful assignments in criminal justice matters and in national security matters.

(5) The Director of the Federal Bureau of Investigation shall carry out a program to enhance the capacity of the Bureau to recruit and retain individuals with backgrounds in intelligence, international relations, language, technology, and other skills relevant to the intelligence and national security missions of the Bureau.

(6) Commencing as soon as practicable after the date of the enactment of this Act, each senior manager of the Bureau shall be a certified intelligence officer.

(7) It is the sense of Congress that the successful discharge of advanced training courses, and of one or more assignments to another element of the intelligence community, should be a precondition to advancement to higher level national security assignments within the Bureau.

(c) FIELD OFFICE MATTERS.—(1) The Director of the Federal Bureau of Investigation shall ensure that each field office of the Federal Bureau of Investigation has an official at the deputy level or higher with responsibility for national security matters.

(2) The Director of the Federal Bureau of Investigation shall provide for such expansion of the secure facilities in the field offices of the Bureau as is necessary to ensure the discharge by the field offices of the intelligence and national security missions of the Bureau.

(d) REPORTS.—(1) Not later than 180 days after the date of the enactment of this Act, the Director of the Federal Bureau of Investigation shall submit to Congress a report on the progress made as of the date of such report in carrying out the requirements of this section.

(2) The Director of the Federal Bureau of Investigation shall include in each semiannual program review of the Bureau that is submitted to Congress a report on the progress made by each field office of the Bureau during the period covered by such review in addressing Bureau and national program priorities.

(3) Not later than 180 days after the date of the enactment of this Act and every six months thereafter, the Director of the Federal Bureau of Investigation shall submit to Congress a report on the progress of the Bureau in implementing information-sharing principles.

Subtitle B—Restatement of Authorities on National Geospatial-Intelligence Agency

PART I—MISSIONS

SEC. 311. MISSIONS.

(a) NATIONAL SECURITY MISSIONS.—(1) The National Geospatial-Intelligence Agency shall, in support of the national security objectives of the United States, provide geospatial intelligence consisting of the following:

(A) Imagery.

(B) Imagery intelligence.

(C) Geospatial information.

(2) Geospatial intelligence provided in carrying out paragraph (1) shall be timely, relevant, and accurate.

(b) NAVIGATION INFORMATION.—The National Geospatial-Intelligence Agency shall improve means of navigating vessels of the Navy and the merchant marine by providing, under the authority of the Director of Intelligence, accurate and inexpensive nautical charts, sailing directions, books on navigation, and manuals of instructions for the use of all vessels of the United States and of navigators generally.

(c) MAPS, CHARTS, ETC.—The National Geospatial-Intelligence Agency shall prepare and distribute maps, charts, books, and geodetic products as authorized under part II of this subtitle.

(d) NATIONAL MISSIONS.—The National Geospatial-Intelligence Agency also has national missions as specified in section 110(a) of the National Security Act of 1947 (50 U.S.C. 404e(a)).

(e) SYSTEMS.—The National Geospatial-Intelligence Agency may, in furtherance of a mission of the Agency, design, develop, deploy, operate, and maintain systems related to the processing and dissemination of imagery intelligence and geospatial information that may be transferred to, accepted or used by, or used on behalf of—

(1) the Armed Forces, including any combatant command, component of a combatant command, joint task force, or tactical unit; or

(2) any other department or agency of the United States.

SEC. 312. SUPPORT FOR FOREIGN COUNTRIES ON IMAGERY INTELLIGENCE AND GEOSPATIAL INFORMATION.

(a) USE OF APPROPRIATED FUNDS.—The Director of the National Geospatial-Intelligence Agency may use appropriated funds available to the National Geospatial-Intelligence Agency to provide foreign countries with imagery intelligence and geospatial information support.

(b) USE OF FUNDS OTHER THAN APPROPRIATED FUNDS.—The Director of the National Geospatial-Intelligence Agency may use funds other than appropriated funds to provide foreign countries with imagery intelligence and geospatial information support, notwithstanding provisions of law relating to the expenditure of funds of the United States, except that—

(1) no such funds may be expended, in whole or in part, by or for the benefit of the National Geospatial-Intelligence Agency for a purpose for which Congress had previously denied funds;

(2) proceeds from the sale of imagery intelligence or geospatial information items may be used only to purchase replacement items similar to the items that are sold; and

(3) the authority provided by this subsection may not be used to acquire items or services for the principal benefit of the United States.

(c) ACCOMMODATION PROCUREMENTS.—The authority under this section may be exercised to conduct accommodation procurements on behalf of foreign countries.

PART II—MAPS, CHARTS, AND GEODETIC PRODUCTS

SEC. 321. MAPS, CHARTS, AND BOOKS.

The Director of Intelligence may—

(1) have the National Geospatial-Intelligence Agency prepare maps, charts, and nautical books required in navigation and have those materials published and furnished to navigators; and

(2) buy the plates and copyrights of existing maps, charts, books on navigation, and sailing directions and instructions.

SEC. 322. PILOT CHARTS.

(a) NOTICE ON PREPARATION BY AGENCY.—There shall be conspicuously printed on pilot charts prepared in the National Geospatial-Intelligence Agency the following: ''Prepared from data furnished by the National Geospatial-Intelligence Agency of the Department of Intelligence and by the Department of Commerce, and published at the National Geospatial-Intelligence Agency under the authority of the Director of Intelligence''.

(b) INFORMATION FROM DEPARTMENT OF COMMERCE.—The Secretary of Commerce shall furnish to the National Geospatial-Intelligence Agency, as quickly as possible, all meteorological information received by the Secretary of Commerce that is necessary for, and of the character used in, preparing pilot charts.

SEC. 323. SALE OF MAPS, CHARTS, AND NAVIGATIONAL PUBLICATIONS.

(a) PRICES.—All maps, charts, and other publications offered for sale by the National Geospatial-Intelligence Agency shall be sold at prices and under regulations that may be prescribed by the Director Intelligence.

(b) USE OF PROCEEDS TO PAY FOREIGN LICENSING FEES.—(1) The Director of Intelligence may pay any NGA foreign data acquisition fee out of the proceeds of the sale of maps, charts, and other publications of the Agency, and those proceeds are hereby made available for that purpose.

(2) In this subsection, the term ''NGA foreign data acquisition fee'' means any licensing or other fee imposed by a foreign country or international organization for the acquisition or use of data or products by the National Geospatial-Intelligence Agency.

SEC. 324. EXCHANGE OF MAPPING, CHARTING, AND GEODETIC DATA WITH FOREIGN COUNTRIES AND INTERNATIONAL ORGANIZATIONS.

The Director of Intelligence may authorize the National Geospatial-Intelligence Agency to exchange or furnish mapping, charting, and geodetic data, supplies and services to a foreign country or international organization pursuant to an agreement for the production or exchange of such data.

SEC. 325. PUBLIC AVAILABILITY OF MAPS, CHARTS, AND GEODETIC DATA.

(a) SALE OF MAPS AND CHARTS.—The National Geospatial-Intelligence Agency shall offer for sale maps and charts at scales of 1:500,000 and smaller, except those withheld in accordance with subsection (b) or those specifically authorized under criteria established by Executive order to be kept secret in the interest of national defense or foreign policy and in fact properly classified pursuant to such Executive order.

(b) EXCEPTION.—(1) Notwithstanding any other provision of law, the Director of Intelligence may withhold from public disclosure any geodetic product in the possession of, or under the control of, the Department of Intelligence—

(A) that was obtained or produced, or that contains information that was provided, pursuant to an international agreement that restricts disclosure of such product or information to government officials of the agreeing parties or that restricts use of such product or information to Government purposes only;

(B) that contains information that the Director of Intelligence has determined in writing would, if disclosed, reveal sources and methods, or capabilities, used to obtain source material for production of the geodetic product; or

(C) that contains information that the Director of the National Geospatial-Intelligence Agency has determined in writing would, if disclosed, jeopardize or interfere with ongoing military or intelligence operations, reveal military operational or contingency plans, or reveal, jeopardize, or compromise military or intelligence capabilities.

(2) In this subsection, the term ''geodetic product'' means imagery, imagery intelligence, or geospatial information.

(c) REGULATIONS.—(1) Regulations to implement this section (including any amendments to such regulations) shall be published in the Federal Register for public comment for a period of not less than 30 days before they take effect.

(2) Regulations under this section shall address the conditions under which release of geodetic products authorized under subsection (b) to be withheld from public disclosure would be appropriate—

(A) in the case of allies of the United States; and

(B) in the case of qualified United States contractors (including contractors that are small business concerns) who need such products for use in the performance of contracts with the United States.

SEC. 326. CIVIL ACTIONS BARRED.

(a) CLAIMS BARRED.—No civil action may be brought against the United States on the basis of the content of a navigational aid prepared or disseminated by the National Geospatial-Intelligence Agency.

(b) NAVIGATIONAL AIDS COVERED.—Subsection (a) applies with respect to a navigational aid in the form of a map, a chart, or a publication and any other form or medium of product or information in which the National Geospatial-Intelligence Agency prepares or disseminates navigational aids.

SEC. 327. TREATMENT OF CERTAIN OPERATIONAL FILES.

(a) AUTHORITY.—The Director of Intelligence may withhold from public disclosure operational files described in subsection (b) to the same extent that operational files may be withheld under section 701 of the National Security Act of 1947 (50 U.S.C. 431).

(b) COVERED OPERATIONAL FILES.—The authority under subsection (a) applies to operational files in the possession of the National Geospatial-Intelligence Agency that—

(1) as of September 22, 1996, were maintained by the National Photographic Interpretation Center; or

(2) concern the activities of the Agency that, as of such date, were performed by the National Photographic Interpretation Center.

(c) OPERATIONAL FILES DEFINED.—In this section, the term ''operational files'' has the meaning given that term in section 701(b) of the National Security Act of 1947 (50 U.S.C. 431(b)).

PART III—PERSONNEL MANAGEMENT

SEC. 331. MANAGEMENT RIGHTS.

(a) SCOPE.—If there is no obligation under the provisions of chapter 71 of title 5, United States Code, for the head of an agency of the United States to consult or negotiate with a labor organization on a particular matter by reason of that matter being covered by a provision of law or a Governmentwide regulation, the Director of the National Geospatial-Intelligence Agency is not obligated to consult or negotiate with a labor organization on that matter even if that provision of law or regulation is inapplicable to the National Geospatial-Intelligence Agency.

(b) BARGAINING UNITS.—The Director of the National Geospatial-Intelligence Agency shall accord exclusive recognition to a labor organization under section 7111 of title 5, United States Code, only for a bargaining unit that was recognized as appropriate for the Defense Mapping Agency on September 30, 1996.

(c) TERMINATION OF BARGAINING UNIT COVERAGE OF POSITION MODIFIED TO AFFECT NATIONAL SECURITY DIRECTLY.—(1) If the Director of the National Geospatial-Intelligence Agency determines that the responsibilities of a position within a collective bargaining unit should be modified to include intelligence, counterintelligence, investigative, or security duties not previously assigned to that position and that the performance of the newly assigned duties directly affects the national security of the United States, then, upon such a modification of the responsibilities of that position, the position shall cease to be covered by the collective bargaining unit and the employee in that position shall cease to be entitled to representation by a labor organization accorded exclusive recognition for that collective bargaining unit.

(2) A determination described in paragraph (1) that is made by the Director of the National Geospatial-Intelligence Agency may not be reviewed by the Federal Labor Relations Authority or any court of the United States.

SEC. 332. FINANCIAL ASSISTANCE TO CERTAIN EMPLOYEES IN ACQUISITION OF CRITICAL SKILLS.

The Director of Intelligence may establish an undergraduate training program with respect to civilian employees of the National Geospatial-Intelligence Agency that is similar in purpose, conditions, content, and administration to the program established by the Secretary of Defense under section 16 of the National Security Agency Act of 1959 (50 U.S.C. 402 note) for civilian employees of the National Security Agency.

PART IV—DEFINITIONS

SEC. 341. DEFINITIONS.

In this subtitle:

(1) IMAGERY.—(A) The term ''imagery'' means, except as provided in subparagraph (B), a likeness or presentation of any natural or manmade feature or related object or activity and the positional data acquired at the same time the likeness or representation was acquired, including—

(i) products produced by space-based national intelligence reconnaissance systems; and

(ii) likenesses or presentations produced by satellites, airborne platforms, unmanned aerial vehicles, or other similar means.

(B) Such term does not include handheld or clandestine photography taken by or on behalf of human intelligence collection organizations.

(2) IMAGERY INTELLIGENCE.—The term ''imagery intelligence'' means the technical, geographic, and intelligence information derived through the interpretation or analysis of imagery and collateral materials.

(3) GEOSPATIAL INFORMATION.—The term ''geospatial information'' means information that identifies the geographic location and characteristics of natural or constructed features and boundaries on the earth and includes—

(A) statistical data and information derived from, among other things, remote sensing, mapping, and surveying technologies; and

(B) mapping, charting, geodetic data, and related products.

(4) GEOSPATIAL INTELLIGENCE.—The term ''geospatial intelligence'' means the exploitation and analysis of imagery and geospatial information to describe, assess, and visually depict physical features and geographically referenced activities on the earth. Geospatial intelligence consists of imagery, imagery intelligence, and geospatial information.

TITLE IV—TRANSITION MATTERS

Subtitle A—Modification of Authorities on Elements of Intelligence Community

SEC. 401. CONFORMING MODIFICATION OF AUTHORITIES ON CENTRAL INTELLIGENCE AGENCY.

(a) IN GENERAL.—Title I of the National Security Act of 1947 (50 U.S.C. 402 et seq.) is amended by striking sections 102 through 104 and inserting the following new sections:

''CENTRAL INTELLIGENCE AGENCY

''SEC. 102. (a) IN GENERAL.—There is a Central Intelligence Agency.

''(b) FUNCTION.—The function of the Agency shall be to assist the Director of the Central Intelligence Agency in carrying out the responsibilities of the Director under section 103.

''DIRECTOR OF THE CENTRAL INTELLIGENCE AGENCY

''SEC. 103. (a) DIRECTOR OF CENTRAL INTELLIGENCE AGENCY.—There is a Director of the Central Intelligence Agency who shall be appointed by the President, by and with the advice and consent of the Senate.

''(b) HEAD OF CENTRAL INTELLIGENCE AGENCY.—The Director of the Central Intelligence Agency shall be the head of the Central Intelligence Agency.

''(c) PROHIBITION ON SIMULTANEOUS SERVICE AS DIRECTOR OF INTELLIGENCE.—The individual serving in the position of Director of the Central Intelligence Agency shall not, while so serving, also serve as the Director of Intelligence.

''(d) GENERAL RESPONSIBILITIES.—As head of the Central Intelligence Agency, the Director of the Central Intelligence Agency shall—

''(1) provide capabilities for the collection of intelligence through human sources and by other appropriate means and provide for the analysis of such intelligence, except that the Agency shall have no police, subpoena, or law enforcement powers or internal security functions;

''(2) correlate, evaluate, and analyze intelligence related to the national security and provide appropriate dissemination of such intelligence;

''(3) perform such additional services as are of common concern to the elements of the intelligence community, which services the Director of Intelligence determines can be more efficiently accomplished by the Agency;

''(4) notwithstanding any other provision of law, report directly to the Director of Intelligence concerning all functions and duties of the Agency; and

''(5) perform such other functions and duties concerning intelligence related to the national security as the Director of Intelligence shall prescribe.''.

(b) CLERICAL AMENDMENT.—The table of contents for such Act is amended by striking the items relating to sections 102 through 104 and inserting the following new items:

''Sec. 102. Central Intelligence Agency.
''Sec. 103. Director of the Central Intelligence Agency.''.

SEC. 402. OTHER CONFORMING MODIFICATIONS OF LAW RELATING TO MISSIONS, RESPONSIBILITIES, AND AUTHORITIES OF DIRECTOR OF INTELLIGENCE AND DIRECTOR OF CENTRAL INTELLIGENCE AGENCY.

(a) NATIONAL SECURITY ACT OF 1947.—(1) The National Security Act of 1947 (50 U.S.C. 401 et seq.) is amended by striking ''Director of Central Intelligence'' and inserting ''Director of Intelligence'' each place it appears in the following provisions:

(A) Section 3(4)(J) (50 U.S.C. 401a(4)(J)).

(B) Section 3(5)(B) (50 U.S.C. 401a(5)(B)).

(C) Section 3(6) (50 U.S.C. 401a(6)).

(D) Section 101(h)(2)(A) (50 U.S.C. 402(h)(2)(A)).

(E) Section 101(h)(5) (50 U.S.C. 402(h)(5)).

(F) Section 101(i)(2)(A) (50 U.S.C. 402(i)(2)(A)).

(G) Section 101(j) (50 U.S.C. 402(j)), both places it appears.

(H) Section 105(a) (50 U.S.C. 403–5(a)).

(I) Section 105(a)(2) (50 U.S.C. 403–5(a)(2)).

(J) Section 105(b)(6)(A) (50 U.S.C. 403–5(b)(6)(A)).

(K) Section 105(d) (50 U.S.C. 403–5(d)).
(L) Section 105B(a)(1) (50 U.S.C. 403–5b(a)(1)).
(M) Section 105B(a)(2) (50 U.S.C. 403–5b(a)(2)).
(N) Section 105B(b) (50 U.S.C. 403–5b(b)), both places it appears.
(O) Section 110(b) (50 U.S.C. 404e(b)).
(P) Section 110(c) (50 U.S.C. 404e(c)).
(Q) Section 111 (50 U.S.C. 404f).
(R) Section 112(a)(1) (50 U.S.C. 404g(a)(1)).
(S) Section 112(d)(1) (50 U.S.C. 404g(d)(1)).
(T) Section 113(b)(2)(A) (50 U.S.C. 404h(b)(2)(A)).
(U) Section 113(c) (50 U.S.C. 404h(c)).
(V) Section 114(a)(1) (50 U.S.C. 404i(a)(1)).
(W) Section 114(b)(1) (50 U.S.C. 404i(b)(1)).
(X) Section 115(a)(1) (50 U.S.C. 404j(a)(1)).
(Y) Section 115(b) (50 U.S.C. 404j(b)).
(Z) Section 115(c)(1)(B) (50 U.S.C. 404j(c)(1)(B)).
(AA) Section 116(a) (50 U.S.C. 404k(a)).
(BB) Section 116(b) (50 U.S.C. 404k(b)).
(CC) Section 117(a)(1) (50 U.S.C. 404l(a)(1)).
(DD) Section 303(a) (50 U.S.C. 405(a)), both places it appears.
(EE) Section 501(d) (50 U.S.C. 413(d)).
(FF) Section 502(a) (50 U.S.C. 413a(a)).
(GG) Section 502(c) (50 U.S.C. 413a(c)).
(HH) Section 503(b) (50 U.S.C. 413b(b)).
(II) Section 504(d)(2) (50 U.S.C. 414(d)(2)).
(JJ) Section 603(a) (50 U.S.C. 423(a)).
(KK) Section 702(a)(6)(B)(viii) (50 U.S.C. 432(a)(6)(B)(viii)).
(LL) Section 702(b) (50 U.S.C. 432(b)), both places it appears.

(2) That Act is amended further amended by striking ''Director of Central Intelligence'' and inserting ''Director of the Central Intelligence Agency'' each place it appears in the following provisions:
(A) Section 504(a)(2) (50 U.S.C. 414(a)(2)).
(B) Section 504(a)(3)(C) (50 U.S.C. 414(a)(3)(C)).
(C) Section 701(a) (50 U.S.C. 431(a)).
(D) Section 702(a) (50 U.S.C. 432(a)).

(3) Section 701(c)(3) of that Act (50 U.S.C. 431(c)(3)) is amended by striking ''or the Office of the Director of Central Intelligence'' and inserting ''the Office of the Director of Intelligence, or the Office of the Director of the Central Intelligence Agency''.

(4)(A) The heading for section 114 of that Act (50 U.S.C. 404i) is amended to read as follows:

''ADDITIONAL ANNUAL REPORTS FROM THE DIRECTOR OF INTELLIGENCE''.

(B) The table of contents for that Act is further amended by striking the item relating to section 114 and inserting the following new item:

''Sec. 114. Additional annual reports from the Director of Intelligence.''.

(b) CENTRAL INTELLIGENCE AGENCY ACT OF 1949.—(1) Section 1 of the Central Intelligence Agency Act of 1949 (50 U.S.C. 403a) is amended—

(A) by redesignating paragraphs (a) and (c) as paragraphs (1) and (3), respectively; and

(B) by striking paragraph (b) and inserting the following new paragraph (2):

''(2) 'Director' means the Director of the Central Intelligence Agency; and''.

(2) Section 6 of that Act (50 U.S.C. 403g) is amended—

(A) by striking ''Director of Central Intelligence'' and inserting ''Director of Intelligence''; and

(B) by striking ''section 103(c)(6) of the National Security Act of 1947 (50 U.S.C. 403–3(c)(6))'' and inserting ''section 103(b)(7) of the National Security Act of 1947''.

(3) Section 17(f) of that Act (50 U.S.C. 403q(f)) is amended—

(A) by striking ''Director of Central Intelligence'' the first place it appears and inserting ''Director of Intelligence''; and

(B) by striking ''Director of Central Intelligence'' the second place it appears and inserting ''Director of Intelligence''.

(4) That Act is further amended by striking ''Director of Central Intelligence'' each place it appears in the following provisions and inserting ''Director of the Central Intelligence Agency'':
(A) Section 14(b) (50 U.S.C. 403n(b)).
(B) Section 16(b)(2) (50 U.S.C. 403p(b)(2)).
(C) Section 16(b)(3) (50 U.S.C. 403p(b)(3)), both places it appears.
(D) Section 21(h)(1) (50 U.S.C. 403u(h)(1)).
(E) Section 21(h)(2) (50 U.S.C. 403u(h)(2)).

(5) That Act is further amended by striking ''of Central Intelligence'' in each of the following provisions:
(A) Section 16(c)(1)(B) (50 U.S.C. 403p(c)(1)(B)).
(B) Section 17(d)(1) (50 U.S.C. 403q(d)(1)).
(C) Section 20(c) (50 U.S.C. 403t(c)).

(c) CENTRAL INTELLIGENCE AGENCY RETIREMENT ACT.—(1) Section 101 of the Central Intelligence Agency Retirement Act (50 U.S.C. 2001) is amended by striking paragraph (2) and inserting the following new paragraph (2):

''(2) DIRECTOR.—The term 'Director' means the Director of the Central Intelligence Agency.''.

(2) Section 201(c) of that Act (50 U.S.C. 2011) is amended by striking ''paragraph (6) of section 103(c) of the National Security Act of 1947 (50 U.S.C. 403–3(c)) that the Director of Central Intelligence'' and inserting ''section 103(b)(7) of the National Security Act of 1947 that the Director of Intelligence''.

(d) CIA VOLUNTARY SEPARATION PAY ACT.—Subsection (a)(1) of section 2 of the Central Intelligence Agency Voluntary Separation Pay Act (50 U.S.C. 2001 note) is amended to read as follows:

''(1) the term 'Director' means the Director of the Central Intelligence Agency;''.

(e) FOREIGN INTELLIGENCE SURVEILLANCE ACT OF 1978.—(1) The Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1801 et seq.) is amended by striking ''Director of Central Intelligence'' each place it appears and inserting ''Director of Intelligence''.

(f) CLASSIFIED INFORMATION PROCEDURES ACT.—Section 9(a) of the Classified Information Procedures Act (5 U.S.C. App.) is amended by striking ''Director of Central Intelligence'' and inserting ''Director of Intelligence''.

SEC. 403. CONFORMING MODIFICATION OF AUTHORITIES ON CERTAIN CENTRAL INTELLIGENCE AGENCY OFFICERS.

(a) INSPECTOR GENERAL ACT OF 1978.—Section 8H(a)(1)(C) of the Inspector General Act of 1978 (5 U.S.C. App. 8H(a)(1)(C)) is amended by inserting before the period at the end the following: ''or to the Inspector General of the Department of Intelligence''.

(b) OTHER OFFICERS.—(1) Section 528 of title 10, United States Code, is amended—

(A) in subsection (a), by striking ''Associate Director of Central Intelligence for Military Support'' and inserting ''Assistant Deputy Administrator of the National Counterterrorism Center for Operations''; and

(B) in the heading, by striking ''**ASSOCIATE DIRECTOR OF CENTRAL INTELLIGENCE FOR MILITARY SUPPORT**'' and inserting ''**ASSISTANT DEPUTY ADMINISTRATOR OF THE NATIONAL COUNTERTERRORISM CENTER FOR OPERATIONS**''.

(2) The item relating to section 528 in the table of sections at the beginning of chapter 32 of such title is amended by striking ''Associate Director of Central Intelligence for Military Support'' and inserting ''Assistant Deputy Administration of the National Counterterrorism Center for for Operations''.

SEC. 404. CONFORMING MODIFICATION OF AUTHORITIES ON NATIONAL SECURITY AGENCY.

The National Security Agency Act of 1959 (50 U.S.C. 402 note) is amended—

(1) by inserting before section 5 the following new sections:

''SEC. 2. (a) The National Security Agency is an element of the Department of Intelligence.

''(b) The National Security Agency is an element of the intelligence community under the National Security Act of 1947 (50 U.S.C. 401 et seq.).

''SEC. 3. (a) The Director of the National Security Agency is the head of the National Security Agency.

''(b) The Director of the National Security Agency is subject to the direction and control of the Director of Intelligence.

''(c) The Director of the National Security Agency shall report directly to the Director of Intelligence on matters relating to the National Security Agency.'';

(2) by striking ''Secretary of Defense'' each place it appears (other than the second place it appears in section 9(b), section 9(d), and section 10(c)(1)) and inserting ''Director of Intelligence''; and

(3) in section 9(d), by striking ''Secretary of Defense shall'' and inserting ''Director of Intelligence and the Secretary of Defense shall jointly''.

SEC. 405. INCLUSION OF DEPARTMENT OF INTELLIGENCE IN INTELLIGENCE COMMUNITY.

Subparagraph (A) of section 3(4) of the National Security Act of 1947 (50 U.S.C. 401a(4)) is amended to read as follows:

''(A) the Department of Intelligence, which shall include the Office of the Director of Intelligence, the National Intelligence Council, and such other offices as the Director of Intelligence may designate;''.

SEC. 406. REPEAL OF SUPERSEDED AUTHORITIES ON NATIONAL GEOSPATIAL-INTELLIGENCE AGENCY.

(a) REPEAL.—Chapter 22 of title 10, United States Code, is repealed.

(b) CONFORMING AMENDMENTS.—The table of chapters at the beginning of subtitle A, and part I of subtitle A, of such title are each amended by striking the item relating to chapter 22.

SEC. 407. OTHER CONFORMING AMENDMENT.

Section 110(a) of the National Security Act of 1947 is amended by striking ''section 442 of title 10, United States Code,'' and inserting ''section 232 of the Intelligence Reformation Act of 2004''.

Subtitle B—Other Transition Matters Relating to Intelligence

SEC. 411. PRESERVATION OF INTELLIGENCE CAPABILITIES.

The Director of Intelligence, the Director of the Central Intelligence Agency, the Attorney General, the Secretary of Defense, and the heads of other appropriate departments and agencies of the United States Government shall jointly take such actions as are appropriate to preserve the intelligence capabilities of the United States during the transfer of agencies, offices, and functions to the Department under this Act.

SEC. 412. GENERAL REFERENCES TO INTELLIGENCE OFFICIALS.

(a) DIRECTOR OF CENTRAL INTELLIGENCE AS HEAD OF INTELLIGENCE COMMUNITY.—Any reference to the Director of Central Intelligence in the Director's capacity as the head of the intelligence community in any law, regulation, document, paper, or other record of the United States shall be deemed to be a reference to the Director of Intelligence.

(b) DIRECTOR OF CENTRAL INTELLIGENCE AS HEAD OF CENTRAL INTELLIGENCE AGENCY.—Any reference to the Director of Central Intelligence in the Director's capacity as the head of the Central Intelligence Agency in any law, regulation, document, paper, or other record of the United States shall be deemed to be a reference to the Director of the Central Intelligence Agency.

(c) DEPUTY DIRECTOR OF CENTRAL INTELLIGENCE AS DEPUTY TO HEAD OF INTELLIGENCE COMMUNITY.—Any reference to the Deputy Director of Central Intelligence in the Deputy Director's capacity as deputy to the head of the intelligence community in any law, regulation, document, paper, or other record of the United States shall be deemed to be a reference to the Deputy Director of Intelligence.

Subtitle C—Transfer of Elements

SEC. 421. TRANSFER OF TERRORIST THREAT INTEGRATION CENTER.

(a) TRANSFER.—The Director of the Central Intelligence Agency shall transfer to the Director of Intelligence administrative jurisdiction and control of the Terrorist Threat Integration Center (TTIC).

(b) ADMINISTRATION.—The Director of Intelligence shall administer the Terrorist Threat Integration Center as a component of the National Counterterrorism Center under section 113.

SEC. 422. TRANSFER OF COMMUNITY MANAGEMENT STAFF.

(a) TRANSFER.—The Director of the Central Intelligence Agency shall transfer to the Director of Intelligence administrative jurisdiction and control of the Community Management Staff.

(b) ADMINISTRATION.—The Director of Intelligence shall administer the Community Management Staff as a component of the Office of the Director of Intelligence under section 111.

SEC. 423. TRANSFER OF CERTAIN ELEMENTS OF FEDERAL BUREAU OF INVESTIGATION.

(a) TRANSFER.—The Director of the Federal Bureau of Investigation shall transfer to the Director Intelligence administrative jurisdiction and control of the elements of the Federal Bureau of Investigation as follows:

(1) The Office of Intelligence.

(2) The Counterterrorism Division personnel under the National Foreign Intelligence Program.

(3) The Counterintelligence Division personnel under the National Foreign Intelligence Program.

(b) ADMINISTRATION.—The Director of Intelligence shall administer each element transferred to the Director under subsection (a) as an element of the Department under subtitle E of title II.

Subtitle D—Transfer of Functions

SEC. 431. TRANSFER OF FUNCTIONS.

In accordance with the provisions of this subtitle, there shall be transferred to the Director of Intelligence the functions, personnel, assets, and liabilities of each of the following:

(1) The Central Intelligence Agency.

(2) The National Security Agency.

(3) The National Geospatial-Intelligence Agency.

(4) The National Reconnaissance Office.

(5) The Office of Intelligence.

(6) The elements of the Counterterrorism Division of the Federal Bureau of Investigation specified in section 241(b).

(7) The elements of the Counterintelligence Division of the Federal Bureau of Investigation specified in section 241(b).

(8) The Terrorist Threat Integration Center.

(9) The Community Management Staff.

SEC. 432. TRANSITIONAL AUTHORITIES.

(a) PROVISION OF ASSISTANCE BY OFFICIALS.—Until the transfer of an agency or office to the Department under this Act, any official having authority over or functions relating to the agency or office immediately before the date of the enactment of this Act shall provide to the Director such assistance, including the use of personnel and assets, as the Director may request in preparing for the transfer and integration of the agency or office into the Department.

(b) SERVICES AND PERSONNEL.—Upon the request of the Director, the head of any department or agency of the United States may, on a reimbursable basis, provide services or detail personnel to assist with the transition of an agency or office to the Department under this Act.

(c) TRANSFER OF PERSONNEL, ASSETS, OBLIGATIONS, AND FUNCTIONS.—Upon the transfer of an agency or office to the Department under this Act—

(1) the personnel, assets, and obligations held by or available in connection with the agency or office shall be transferred to the Director of Intelligence for appropriate allocation, subject to the approval of the Director of the Office of Management and Budget and in accordance with the provisions of section 1531(a)(2) of title 31, United States Code; and

(2) the Director of Intelligence shall have all functions relating to the agency or office that any other official could by law exercise in relation to the agency immediately before such transfer, and shall have in addition all functions vested in the Director by this Act or other law.

SEC. 433. SAVINGS PROVISIONS.

(a) COMPLETED ADMINISTRATIVE ACTIONS.—(1) Completed administrative actions of an agency or office shall not be affected by the enactment of this Act or the transfer of such agency or office to the Department, but shall continue in effect according to their terms until amended, modified, superseded, terminated, set aside, or revoked in accordance with law by an officer of the United States or a court of competent jurisdiction, or by operation of law.

(2) For purposes of paragraph (1), the term ''completed administrative action'' includes orders, determinations, rules, regulations, personnel actions, permits, agreements, grants, contracts, certificates, licenses, registrations, and privileges.

(b) PENDING PROCEEDINGS.—Subject to the authority of the Director—

(1) pending proceedings in an agency or office, including notices of proposed rulemaking, and applications for licenses, permits, certificates, grants, and financial assistance, shall continue notwithstanding the enactment of this Act or the transfer of the agency or office to the Department, unless discontinued or modified under the same terms and conditions and to the same extent that such discontinuance could have occurred if such enactment or transfer had not occurred; and

(2) orders issued in such proceedings, and appeals therefrom, and payments made pursuant to such orders, shall issue in the same manner and on the same terms as if this Act had not been enacted or the agency or office had not been transferred, and any such orders shall continue in effect until amended, modified, superseded, terminated, set aside, or revoked by an officer of the United States or a court of competent jurisdiction, or by operation of law.

(c) PENDING CIVIL ACTIONS.—Subject to the authority of the Director, pending civil actions shall continue notwithstanding the enactment of this Act or the transfer of an agency or office to the Department, and in such civil actions, proceedings shall be had, appeals taken, and judgments rendered and enforced in the same manner and with the same effect as if such enactment or transfer had not occurred.

(d) REFERENCES.—References relating to an agency or office that is transferred to the Department in statutes, Executive orders, rules, regulations, directives, or delegations of authority that precede such transfer or the date of the enactment of this Act shall be deemed to refer, as appropriate, to the Department, to its officers, employees, or agents, or to its corresponding organizational units or functions. Statutory reporting requirements that applied in relation to such an agency or office immediately before the date of the enactment of this Act shall continue to apply following such transfer if they refer to the agency or office by name.

(e) EMPLOYMENT PROVISIONS.—(1) Notwithstanding the generality of the foregoing (including subsections (a) and (d)), in and for the Department the Director of Intelligence may, in regulations prescribed jointly with the Director of the Office of Personnel Management, adopt the rules, procedures, terms, and conditions, established by statute, rule, or regulation before the date of the enactment of this Act, relating to employment in any agency or office transferred to the Department pursuant to this Act; and

(2) except as otherwise provided in this Act, or under authority granted by this Act, the transfer pursuant to this Act of personnel shall not alter the terms and conditions of employment, including compensation, of any employee so transferred.

(f) STATUTORY REPORTING REQUIREMENTS.—Any statutory reporting requirement that applied to an agency or office transferred to the Department under this Act, immediately before the date of the enactment of this Act shall continue to apply following that transfer if the statutory requirement refers to the agency or office by name.

Subtitle E—Other Matters

SEC. 441. TREATMENT OF DEPARTMENT OF INTELLIGENCE AS EXECUTIVE DEPARTMENT.

Section 101 of title 5, United States Code, is amended by adding at the end the following:

''The Department of Intelligence.''.

SEC. 442. EXECUTIVE SCHEDULE MATTERS.

(a) EXECUTIVE SCHEDULE LEVEL I.—Section 5312 of title 5, United States Code, is amended by adding at the end the following new item:

''Director of Intelligence.''.

(b) EXECUTIVE SCHEDULE LEVEL II.—Section 5313 of title 5, United States Code, is amended by striking the item relating to the Director of Central Intelligence and inserting the following new items:

''Director of Central Intelligence Agency.

''Administrator of the National Counterterrorism Center.''.

(c) EXECUTIVE SCHEDULE LEVEL III.—Section 5314 of title 5, United States Code, is amended by striking the item relating to the Deputy Directors of Central Intelligence and inserting the following new item:

''Deputy Director of Intelligence.''.

(d) EXECUTIVE SCHEDULE LEVEL IV.—Section 5315 of title 5, United States Code, is amended—

(1) by striking the item relating to the Assistant Directors of Central Intelligence;

(2) by striking the item relating to the Inspector General of the Central Intelligence Agency and inserting the following new items:

''Inspector General, Central Intelligence Agency.

''Inspector General, Department of Intelligence.'';

(3) by inserting after the item relating to the General Counsel of the Central Intelligence Agency the following new item:

''General Counsel of the Department of Intelligence.''; and

(4) by adding at the end the following new items:

''Assistant Directors of Intelligence (2).

''Deputy Administrators of the National Counterterrorism Center (2).''.

The PRESIDING OFFICER. The Senator from Indiana is recognized.

Mr. BAYH. Mr. President, it is a privilege for me to join my esteemed colleague Senator SPECTER from Pennsylvania and Senators LIEBERMAN and MCCAIN in this effort to implement the 9/11 Commission recommendations to defend our country.

This is a bipartisan undertaking. We have proven we can rise above partisan politics. It remains to be seen whether we can rise above the bureaucratic inertia, gridlock, and turf jealousy that all too often afflict the Federal Government. I believe we must and I believe we can, if we are to uphold the weighty responsibility placed on us by our fellow American citizens.

The most important thing we can bring to this task is a sense of urgency. What began as a wake-up call on September 11 may not be answered following this November 2, unless we maintain the momentum generated by the recommendations of the 9/11 Commission. All too often the country's attention, this body's attention, can be diverted into other arenas, keeping us from taking a difficult but necessary action that sustained focus and attention can achieve.

So I am very insistent that we regain the momentum, bring a sense of urgency and purpose to this calling, because it is what will be necessary to break down some of the barriers that too often in the past have kept us from doing what we now know to be important in terms of defending this country.

Our proposal is the most comprehensive one before the Congress. It addresses not only identifying and cracking down on terrorists who would threaten to do harm to the American people; it is also the only proposal that deals with the causes—the environment that gives rise to those violent individuals in the first place. We have to do both. If there is one thing I am absolutely certain of, it is no matter what resources, focus, and new structure we bring to the challenge of defending our country, we will not be able to identify and bring to justice every individual who wishes us harm. We have to prevent them from being created in the first place. We need to do both. That is what this calls for.

We emphasize accountability and this is vitally important. If you look at the failings that occurred before 9/11, and at some of the weaknesses exposed by the search for weapons of mass destruction in Iraq, you can see there were some significant problems with our intelligence system. Yet, as far as I know, no individual has been admonished, no individual has been demoted, no individual has been fired. George Tenet fell on his sword and took responsibility. But as far as I know, that is as far as it goes.

Is this the best we can do in terms of having a structure that assigns missions and holds people accountable for successfully fulfilling them? I don't believe it is. This proposal we have placed before this Congress insists upon clearly delineated lines of authority, holds people clearly accountable for carrying out tasks, with consequences that will be easier to impose if people do not do the job we have a right to expect of them. If I were the President asking who was responsible or in charge or accountable for this, you would have a half dozen different individuals. But the only individual you can look at and say this person is in charge of a national security apparatus in this country is the President himself.

Well, that is not good enough because with all the President has to be responsible for, he needs to have someone subordinate to him, who is clearly identifiable, to bring coherence and accountability to the national security apparatus. That is what our proposal would put into place.

Finally, let me say two things. We need to increase the amount of information available to our country in order to provide for our defense. No matter what structure we provide, no matter how comprehensive or how much we emphasize accountability, we simply need to know more about dangerous individuals, dangerous places, and what they are doing in an attempt to harm America. There are glaring blind spots today, when it comes to intelligence, that will make us unable to defend our country. We are in the process of trying to correct some of those blind spots, but more needs to be done.

This report focuses like a laser, particularly on improving the level of human intelligence that will augment our technology, and other sources at our disposal to provide for the common defense.

In conclusion, let me say this. I am reminded of the old adage, ''Fool me once, shame on you; fool me twice, shame on me.'' It is no longer possible to deny there are glaring weaknesses in the national security intelligence apparatus that sprung up following World War II. It was designed for a different time and a different challenge. We must seize this opportunity and put into place truly transformational change that will enable us to defend our country against the threats of the 21st century, not those that threatened us in the recent past.

Those who would temporize, equivocate, and those who would unduly compromise will bear a very heavy burden indeed should another tragedy strike this country. Now is the time for bold action. Now is the time to put aside the bureaucratic turf jealousies, inertia, and divisions that afflict the Congress and the executive branch and unite politically, unite across branches of Government, unite in a common purpose of truly bold reform and change, so that those who follow in our footsteps will know we have done everything humanly possible to protect this country.

Some of the sacrifices need to start with this Congress. Too often people have committee jealousies and they want to protect turf. We need to put that aside and unite as one people, one Congress, to protect this Nation. That is what this legislation does. So I am pleased to join with my colleagues in a bipartisan spirit to move the intelligence system forward and defend America.

I will conclude with a saying I once read. I am a member of the Intelligence Committee. At one of the briefings, we got what was actually a cover sheet of the budget for the intelligence community a couple of years ago. The budget is classified, but this is not. It was a quote from Napoleon Bonaparte, which I found interesting. Napoleon Bonaparte once said ''a well-placed spy is worth at least two divisions.'' Well, today a well-placed spy and access to timely, accurate information could be worth two American cities; it could mean the difference between hundreds of thousands of lives saved or lost.

Let us not get embroiled in political, bureaucratic, or other disputes when the fate of our Nation hangs in the balance. Now is the time to act. I am honored to join with my colleagues in proposing that we do exactly that.

Mr. MCCAIN. Mr. President, I ask unanimous consent that a copy 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. 2774

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

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the ''9/11 Commission Report Implementation Act of 2004''.

(b) TABLE OF CONTENTS.—The table of contents of this Act is as follows:

Sec. 1. Short title; table of contents.

TITLE I—REFORM OF INTELLIGENCE COMMUNITY

Sec. 101. Short title.
Sec. 102. Definitions.

Subtitle A—National Intelligence Authority

Sec. 111. National Intelligence Authority.
Sec. 112. National Intelligence Director.
Sec. 113. Office of the National Intelligence Director.
Sec. 114. Deputy National Intelligence Directors.
Sec. 115. National Intelligence Council.
Sec. 116. General Counsel of the National Intelligence Authority.
Sec. 117. Inspector General of the National Intelligence Authority.
Sec. 118. Intelligence Comptroller.
Sec. 119. Officer for Civil Rights and Civil Liberties of the National Intelligence Authority.
Sec. 120. Privacy Officer of the National Intelligence Authority.
Sec. 121. Chief Information Officer of the National Intelligence Authority.

Subtitle B—Responsibilities and Authorities of National Intelligence Director

Sec. 131. Provision of national intelligence.
Sec. 132. Responsibilities of National Intelligence Director.
Sec. 133. Authorities of National Intelligence Director.
Sec. 134. Enhanced personnel management.

Sec. 135. Role of National Intelligence Director in appointment and termination of certain officials responsible for intelligence-related activities.

Subtitle C—Elements of National Intelligence Authority

Sec. 141. National Counterterrorism Center.
Sec. 142. National intelligence centers.

Subtitle D—Additional Authorities of National Intelligence Authority

Sec. 151. Use of appropriated funds.
Sec. 152. Procurement authorities.
Sec. 153. Personnel matters.
Sec. 154. Ethics matters.

Subtitle E—Additional Improvements of Intelligence Activities

Sec. 161. Availability to public of certain intelligence funding information.
Sec. 162. Merger of Homeland Security Council into National Security Council.
Sec. 163. Reform of Central Intelligence Agency.
Sec. 164. Paramilitary operations.
Sec. 165. Improvement of intelligence capabilities of the Federal Bureau of Investigation.
Sec. 166. Report on implementation of intelligence community reform.

Subtitle F—Conforming and Other Amendments

Sec. 171. Restatement and modification of basic authority of the Central Intelligence Agency.
Sec. 172. Conforming amendments relating to roles of National Intelligence Director and Director of the Central Intelligence Agency.
Sec. 173. Other conforming amendments.
Sec. 174. Elements of intelligence community under National Security Act of 1947.
Sec. 175. Redesignation of National Foreign Intelligence Program as National Intelligence Program.
Sec. 176. Repeal of superseded authorities.
Sec. 177. Clerical amendments to National Security Act of 1947.
Sec. 178. Conforming amendments relating to dual service of certain officials as Deputy National Intelligence Directors.
Sec. 179. Conforming amendment to Inspector General Act of 1978.

Subtitle G—Other Matters

Sec. 181. Transfer of Community Management Staff.
Sec. 182. Transfer of Terrorist Threat Integration Center.
Sec. 183. Termination of positions of Assistant Directors of Central Intelligence.
Sec. 184. Termination of Joint Military Intelligence Program.
Sec. 185. Executive schedule matters.
Sec. 186. Preservation of intelligence capabilities.
Sec. 187. General references.

TITLE II—INFORMATION SHARING

Sec. 201. Information sharing.

TITLE III—CONGRESSIONAL REFORM

Sec. 301. Findings.
Sec. 302. Reorganization of congressional jurisdiction.

TITLE IV—PRESIDENTIAL TRANSITION

Sec. 401. Presidential transition.

TITLE V—THE ROLE OF DIPLOMACY, FOREIGN AID, AND THE MILITARY IN THE WAR ON TERRORISM

Sec. 501. Report on terrorist sanctuaries.
Sec. 502. Role of Pakistan in countering terrorism.
Sec. 503. Aid to Afghanistan.
Sec. 504. The United States-Saudi Arabia relationship.
Sec. 505. Efforts to combat Islamic terrorism by engaging in the struggle of ideas in the Islamic world.
Sec. 506. United States policy toward dictatorships.
Sec. 507. Promotion of United States values through broadcast media.
Sec. 508. Use of United States scholarship and exchange programs in the Islamic world.
Sec. 509. International Youth Opportunity Fund.
Sec. 510. Report on the use of economic policies to combat terrorism.
Sec. 511. Middle East Partnership Initiative.
Sec. 512. Comprehensive coalition strategy for fighting terrorism.
Sec. 513. Detention and humane treatment of captured terrorists.
Sec. 514. Proliferation of weapons of mass destruction.
Sec. 515. Financing of terrorism.

TITLE VI—TERRORIST TRAVEL AND EFFECTIVE SCREENING

Sec. 601. Counterterrorist travel intelligence.
Sec. 602. Integrated screening system.
Sec. 603. Biometric entry and exit data system.
Sec. 604. Travel documents.
Sec. 605. Exchange of terrorist information.
Sec. 606. Minimum standards for identification-related documents.

TITLE VII—TRANSPORTATION SECURITY

Sec. 701. Definitions.
Sec. 702. National Strategy for Transportation Security.
Sec. 703. Use of watchlists for passenger air transportation screening.
Sec. 704. Enhanced passenger and cargo screening.

TITLE VIII—NATIONAL PREPAREDNESS

Sec. 801. Homeland security assistance.
Sec. 802. The incident command system.
Sec. 803. National Capital Region Mutual Aid.
Sec. 804. Assignment of spectrum for public safety.
Sec. 805. Urban area communications capabilities.
Sec. 806. Private sector preparedness.
Sec. 807. Critical infrastructure and readiness assessments.
Sec. 808. Report on Northern Command and defense of the United States homeland.

TITLE IX—PROTECTION OF CIVIL LIBERTIES

Sec. 901. Privacy and Civil Liberties Oversight Board.
Sec. 902. Privacy and Civil Liberties Officers.

TITLE I—REFORM OF INTELLIGENCE COMMUNITY

SEC. 101. SHORT TITLE.

This title may be cited as the ''National Intelligence Authority Act of 2004''.

SEC. 102. DEFINITIONS.

In this title:

(1) The term ''intelligence'' includes foreign intelligence and counterintelligence.

(2) The term ''foreign intelligence'' means information relating to the capabilities, intentions, or activities of foreign governments or elements thereof, foreign organizations, or foreign persons, or international terrorist activities.

(3) The term ''counterintelligence'' means information gathered, and activities conducted, to protect against espionage, other intelligence activities, sabotage, or assassinations conducted by or on behalf of foreign governments or elements thereof, foreign organizations, or foreign persons, or international terrorist activities.

(4) The term ''intelligence community'' includes the following:

(A) The National Intelligence Authority.

(B) The Central Intelligence Agency.

(C) The National Security Agency.

(D) The Defense Intelligence Agency.

(E) The National Geospatial-Intelligence Agency.

(F) The National Reconnaissance Office.

(G) Other offices within the Department of Defense for the collection of specialized national intelligence through reconnaissance programs.

(H) The intelligence elements of the Army, the Navy, the Air Force, the Marine Corps, the Federal Bureau of Investigation, and the Department of Energy.

(I) The Bureau of Intelligence and Research of the Department of State.

(J) The Office of Intelligence and Analysis of the Department of the Treasury.

(K) The elements of the Department of Homeland Security concerned with the analysis of intelligence information, including the Office of Intelligence of the Coast Guard.

(L) Such other elements of any other department or agency as may be designated by the President, or designated jointly by the National Intelligence Director and the head of the department or agency concerned, as an element of the intelligence community.

(5) The terms ''national intelligence'' and ''intelligence related to the national security''—

(A) each refer to intelligence which pertains to the interests of more than one department or agency of the Government; and

(B) do not refer to counterintelligence or law enforcement activities conducted by the Federal Bureau of Investigation except to the extent provided for in procedures agreed to by the National Intelligence Director and the Attorney General, or otherwise as expressly provided for in this title.

(6) The term ''National Intelligence Program''—

(A)(i) refers to all national intelligence programs, projects, and activities of the elements of the intelligence community; and

(ii) includes all programs, projects, and activities (whether or not pertaining to national intelligence) of the National Intelligence Authority, the Central Intelligence Agency, the National Security Agency, the National Geospatial-Intelligence Agency, the National Reconnaissance Office, the Office of Intelligence of the Federal Bureau of Investigation, and the Directorate of Information Analysis and Infrastructure Protection of the Department of Homeland Security; but

(B) does not refer—

(i) to any program, project, or activity pertaining solely to the requirements of a single department, agency, or element of the United States Government; or

(ii) to any program, project, or activity of the military departments to acquire intelligence solely for the planning and conduct of tactical military operations by the United States Armed Forces.

(7) The term ''congressional intelligence committees'' means—

(A) the Select Committee on Intelligence of the Senate; and

(B) the Permanent Select Committee on Intelligence of the House of Representatives.

Subtitle A—National Intelligence Authority

SEC. 111. NATIONAL INTELLIGENCE AUTHORITY.

(a) INDEPENDENT ESTABLISHMENT.—There is hereby established as an independent establishment in the executive branch of government the National Intelligence Authority.

(b) COMPOSITION.—The National Intelligence Authority is composed of the following:

(1) The Office of the National Intelligence Director.

(2) The elements specified in subtitle C.

(3) Such other elements, offices, agencies, and activities as may be designated by law or by the President as part of the Authority.

(c) PRIMARY MISSIONS.—The primary missions of the National Intelligence Authority are as follows:

(1) To unify and strengthen the efforts of the intelligence community.

(2) To ensure the organization of the efforts of the intelligence community in a collective manner relating to intelligence responsibilities.

(3) To provide for the operation of the National Counterterrorism Center and the national intelligence centers under subtitle C.

(4) To eliminate barriers in the conduct of the counterterrorism activities of the United States Government between foreign intelligence activities conducted inside and outside the United States while ensuring the protection of civil liberties.

(5) To establish clear responsibility and accountability for counterterrorism and other intelligence matters relating to the national security of the United States.

(d) SEAL.—The National Intelligence Director shall have a seal for the National Intelligence Authority. The design of the seal is subject to the approval of the President. Judicial notice shall be taken of the seal.

SEC. 112. NATIONAL INTELLIGENCE DIRECTOR.

(a) NATIONAL INTELLIGENCE DIRECTOR.—There is a National Intelligence Director who shall be appointed by the President, by and with the advice and consent of the Senate.

(b) INDIVIDUALS ELIGIBLE FOR NOMINATION.—Any individual nominated for appointment as National Intelligence Director shall have extensive national security expertise.

(c) PRINCIPAL DUTIES AND RESPONSIBILITIES.—The National Intelligence Director shall—

(1) serve as head of the intelligence community in accordance with the provisions of this Act, the National Security Act of 1947 (50 U.S.C. 401 et seq.), and other applicable provisions of law;

(2) act as a principal adviser to the President for intelligence related to the national security;

(3) serve as the head of the National Intelligence Authority (but may not serve as the Director of the Central Intelligence Agency); and

(4) direct, manage, and oversee the execution of the National Intelligence Program.

(d) GENERAL RESPONSIBILITIES AND AUTHORITIES.—In carrying out the duties and responsibilities set forth in subsection (c), the National Intelligence Director shall have the responsibilities set forth in section 132 and the authorities set forth in section 133 and other applicable provisions of law.

SEC. 113. OFFICE OF THE NATIONAL INTELLIGENCE DIRECTOR.

(a) OFFICE OF NATIONAL INTELLIGENCE DIRECTOR.—There is within the National Intelligence Authority an Office of the National Intelligence Director.

(b) FUNCTION.—The function of the Office of the National Intelligence Director is to assist the National Intelligence Director in carrying out the duties and responsibilities of the Director under this Act, the National Security Act of 1947 (50 U.S.C. 401 et seq.), and other applicable provisions of law, and to carry out such other duties as may be prescribed by the President or by law.

(c) COMPOSITION.—The Office of the National Intelligence Director is composed of the following:

(1) The Deputy National Intelligence Director.

(2) The Deputy National Intelligence Director for Foreign Intelligence.

(3) The Deputy National Intelligence Director for Defense Intelligence.

(4) The Deputy National Intelligence Director for Homeland Intelligence.

(5) The National Intelligence Council.

(6) The General Counsel of the National Intelligence Authority.

(7) The Inspector General of the National Intelligence Authority.

(8) The Intelligence Comptroller.

(9) The Officer for Civil Rights and Civil Liberties of the National Intelligence Authority.

(10) The Privacy Officer of the National Intelligence Authority.

(11) The Chief Information Officer of the National Intelligence Authority.

(12) Such other offices and officials as may be established by law or the Director may establish or designate in the Office.

(d) STAFF.—(1) To assist the National Intelligence Director in fulfilling the duties and responsibilities of the Director, the Director shall employ and utilize in the Office of the National Intelligence Director a professional staff having an expertise in matters relating to such duties and responsibilities, and may establish permanent positions and appropriate rates of pay with respect to that staff.

(2) The staff of the Office under paragraph (1) shall include the elements of the Community Management Staff that are transferred to the Office under section 181.

SEC. 114. DEPUTY NATIONAL INTELLIGENCE DIRECTORS.

(a) DEPUTY NATIONAL INTELLIGENCE DIRECTOR.—(1) There is a Deputy National Intelligence Director who shall be appointed by the President, by and with the advice and consent of the Senate.

(2) Any individual nominated for appointment as Deputy National Intelligence Director shall have extensive national security experience and management expertise.

(3) The individual serving as Deputy National Intelligence Director may not serve in any capacity in any other element of the intelligence community.

(4) The Deputy National Intelligence Director shall assist the National Intelligence Director in carrying out the duties and responsibilities of the Director.

(5) The Deputy National Intelligence Director shall act for, and exercise the powers of, the National Intelligence Director during the absence or disability of the National Intelligence Director or during a vacancy in the position of National Director of Intelligence.

(b) DEPUTY NATIONAL INTELLIGENCE DIRECTOR FOR FOREIGN INTELLIGENCE.—(1) There is a Deputy National Intelligence Director for Foreign Intelligence.

(2) The Director of the Central Intelligence Agency under section 103 of the National Security Act of 1947 also serves as the Deputy National Intelligence Director for Foreign Intelligence.

(3) In the capacity as Deputy National Intelligence Director for Foreign Intelligence, the Deputy Director shall—

(A) have the duties and responsibilities specified in subsection (e) with respect to the elements of the intelligence community (as determined by the National Intelligence Director) that are responsible for foreign intelligence matters; and

(B) such other duties, responsibilities, and authorities with respect to foreign intelligence as the Director may assign.

(c) DEPUTY NATIONAL INTELLIGENCE DIRECTOR FOR DEFENSE INTELLIGENCE.—(1) There is a Deputy National Intelligence Director for Defense Intelligence.

(2) The Under Secretary of Defense for Intelligence under section 137 of title 10, United States Code, also serves as the Deputy National Intelligence Director for Defense Intelligence.

(3) In the capacity as Deputy National Intelligence Director for Defense Intelligence, the Deputy Director shall—

(A) have the duties and responsibilities specified in subsection (e) with respect to the elements of the intelligence community (as determined by the National Intelligence Director) that are responsible for defense intelligence matters; and

(B) such other duties, responsibilities, and authorities with respect to foreign intelligence as the Director may assign.

(d) DEPUTY NATIONAL INTELLIGENCE DIRECTOR FOR HOMELAND INTELLIGENCE.—(1) There is a Deputy National Intelligence Director for Homeland Intelligence.

(2)(A) At the election of the National Intelligence Director, one of the officials specified in subparagraph (B) also serves as the Deputy National Intelligence Director for Homeland Intelligence.

(B) The officials specified in this subparagraph are as follows:

(i) The Under Secretary of Homeland Security for Information Analysis and Infrastructure Protection under section 201 of the Homeland Security Act of 2002 (6 U.S.C. 121).

(ii) The Executive Assistant Director for Intelligence of the Federal Bureau of Investigation.

(3) In the capacity as Deputy National Intelligence Director for Homeland Intelligence, the Deputy Director shall—

(A) have the duties and responsibilities specified in subsection (e) with respect to the elements of the intelligence community (as determined by the National Intelligence Director) that are responsible for homeland intelligence matters; and

(B) such other duties, responsibilities, and authorities with respect to homeland intelligence as the Director may assign.

(e) DUTIES AND RESPONSIBILITIES REGARDING SPECIFIC INTELLIGENCE MATTERS.—Each Deputy National Intelligence Director shall assist the National Intelligence Director and the Deputy National Intelligence Director under subsection (a) in—

(1) managing the collection, analysis, production, and dissemination of intelligence in accordance with the standards, requirements, and priorities established by the National Intelligence Director;

(2) ensuring the acquisition of collection systems in accordance with the standards, requirements, and priorities established by the National Intelligence Director;

(3) setting standards, requirements, and priorities for the hiring and training of personnel;

(4) assigning or detailing personnel as staff of the national intelligence centers;

(5) overseeing the performance of the national intelligence centers, subject to the direction of the National Intelligence Director;

(6) ensuring that the intelligence community makes better use of open source information and analysis; and

(7) coordinating among the agencies, elements, and components of the intelligence community.

SEC. 115. NATIONAL INTELLIGENCE COUNCIL.

(a) NATIONAL INTELLIGENCE COUNCIL.—There is a National Intelligence Council.

(b) COMPOSITION.—(1) The National Intelligence Council shall be composed of senior analysts within the intelligence community and substantive experts from the public and private sector, who shall be appointed by, report to, and serve at the pleasure of, the National Intelligence Director.

(2) The Director shall prescribe appropriate security requirements for personnel appointed from the private sector as a condition of service on the Council, or as contractors of the Council or employees of such contractors, to ensure the protection of intelligence sources and methods while avoiding, wherever possible, unduly intrusive requirements which the Director considers to be unnecessary for this purpose.

(c) DUTIES AND RESPONSIBILITIES.—(1) The National Intelligence Council shall—

(A) subject to paragraph (2), produce national intelligence estimates for the United States Government, including, whenever the Council considers appropriate, alternative views held by elements of the intelligence community;

(B) evaluate community-wide collection and production of intelligence by the intelligence community and the requirements and resources of such collection and production; and

(C) otherwise assist the National Intelligence Director in carrying out the responsibilities of the Director under section 131.

(2) The National Intelligence Director shall ensure that the Council satisfies the needs of policymakers and other consumers of intelligence by ensuring that each national intelligence estimate under paragraph (1)—

(A) states separately, and distinguishes between, the intelligence underlying such estimate and the assumptions and judgments of analysts with respect to such intelligence and such estimate;

(B) describes the quality and reliability of the intelligence underlying such estimate;

(C) presents and explains alternative conclusions, if any, with respect to the intelligence underlying such estimate and such estimate; and

(D) characterizes the uncertainties, if any, and confidence in such estimate.

(d) SERVICE AS SENIOR INTELLIGENCE ADVISERS.—Within their respective areas of expertise and under the direction of the National Intelligence Director, the members of the National Intelligence Council shall constitute the senior intelligence advisers of the intelligence community for purposes of representing the views of the intelligence community within the United States Government.

(e) AUTHORITY TO CONTRACT.—Subject to the direction and control of the National Intelligence Director, the National Intelligence Council may carry out its responsibilities under this section by contract, including contracts for substantive experts necessary to assist the Council with particular assessments under this section.

(f) STAFF.—The National Intelligence Director shall make available to the National Intelligence Council such staff as may be necessary to permit the Council to carry out its responsibilities under this section.

(g) AVAILABILITY OF COUNCIL AND STAFF.—(1) The National Intelligence Director shall take appropriate measures to ensure that the National Intelligence Council and its staff satisfy the needs of policymaking officials and other consumers of intelligence.

(2) The Council shall be readily accessible to policymaking officials and other appropriate individuals not otherwise associated with the intelligence community.

(h) SUPPORT.—The heads of the elements of the intelligence community shall, as appropriate, furnish such support to the National Intelligence Council, including the preparation of intelligence analyses, as may be required by the National Intelligence Director.

SEC. 116. GENERAL COUNSEL OF THE NATIONAL INTELLIGENCE AUTHORITY.

(a) GENERAL COUNSEL OF NATIONAL INTELLIGENCE AUTHORITY.—There is a General Counsel of the National Intelligence Authority who shall be appointed from civilian life by the President, by and with the advice and consent of the Senate.

(b) PROHIBITION ON DUAL SERVICE AS GENERAL COUNSEL OF ANOTHER AGENCY.—The individual serving in the position of General Counsel of the National Intelligence Authority may not, while so serving, also serve as the General Counsel of any other department, agency, or element of the United States Government.

(c) SCOPE OF POSITION.—The General Counsel of the National Intelligence Authority is the chief legal officer of the National Intelligence Authority.

(d) FUNCTIONS.—The General Counsel of the National Intelligence Authority shall perform such functions as the National Intelligence Director may prescribe.

SEC. 117. INSPECTOR GENERAL OF THE NATIONAL INTELLIGENCE AUTHORITY.

(a) OFFICE OF INSPECTOR GENERAL OF NATIONAL INTELLIGENCE AUTHORITY.—There is an Office of the Inspector General of the National Intelligence Authority.

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

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

(A) the programs and operations of the National Intelligence Authority;

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

(C) the relationship of the Authority with the other elements of the intelligence community;

(2) provide leadership and recommend policies designed to promote economy, efficiency, and effectiveness in the administration of such programs and operations, and in the relationships described in paragraph (1), and to detect fraud and abuse in such programs, operations, and relationships;

(3) provide a means for keeping the National Intelligence Director fully and currently informed about problems and deficiencies relating to the administration of such programs and operations, and in such relationships, and the necessity for, and the progress of, corrective actions; and

(4) in the manner prescribed by this section, ensure that the congressional intelligence committees are kept similarly informed of significant problems and deficiencies relating to the administration of such programs and operations, and in such relationships, as well as the necessity for, and the progress of, corrective actions.

(c) INSPECTOR GENERAL OF NATIONAL INTELLIGENCE AUTHORITY.—(1) There is an Inspector General of the National Intelligence Authority, who shall be the head of the Office of the Inspector General of the National Intelligence Authority, who shall be appointed from civilian life by the President, by and with the advice and consent of the Senate.

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

(A) without regard to political affiliation;

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

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

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

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

(d) DUTIES AND RESPONSIBILITIES.—It shall be the duty and responsibility of the Inspector General of the National Intelligence Authority—

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

(2) to keep the National Intelligence Director fully and currently informed concerning violations of law and regulations, violations of civil liberties and privacy, and fraud and other serious problems, abuses, and deficiencies that may occur in such programs and operations, and in the relationships described in paragraph (1), and to report the progress made in implementing corrective action;

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

(4) in the execution of the duties and responsibilities under this section, to comply with generally accepted government auditing standards.

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

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

(3) The Director shall advise the Inspector General at the time a report under paragraph (1) is submitted, and, to the extent consistent with the protection of intelligence sources and methods, provide the Inspector General with a copy of such report.

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

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

(2)(A) The Inspector General shall have access to any employee, or any employee of a contractor, of the National Intelligence Authority whose testimony is needed for the performance of the duties of the Inspector General.

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

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

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

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

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

(B) no action constituting a reprisal, or threat of reprisal, for making such complaint or disclosing such information may be taken by any employee of the Authority in a position to take such actions, unless such complaint was made or such information was disclosed with the knowledge that it was false or with willful disregard for its truth or falsity.

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

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

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

(C) The Inspector General may not issue a subpoena for or on behalf of any other element or component of the Authority.

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

(g) STAFF AND OTHER SUPPORT.—(1) The Inspector General of the National Intelligence Authority shall be provided with appropriate and adequate office space at central and field office locations, together with such equipment, office supplies, maintenance services, and communications facilities and services as may be necessary for the operation of such offices.

(2)(A) Subject to applicable law and the policies of the National Intelligence Director, the Inspector General shall select, appoint and employ such officers and employees as may be necessary to carry out the functions of the Inspector General.

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

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

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

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

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

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

(i) A list of the title or subject of each investigation, inspection, or audit conducted during the period covered by such report.

(ii) A description of significant problems, abuses, and deficiencies relating to the administration of programs and operations of the National Intelligence Authority identified by the Inspector General during the period covered by such report.

(iii) A description of the recommendations for corrective action made by the Inspector General during the period covered by such report with respect to significant problems, abuses, or deficiencies identified in clause (ii).

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

(v) An assessment of the effectiveness of all measures in place in the Authority for the protection of civil liberties and privacy of United States persons.

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

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

(viii) Such recommendations as the Inspector General considers appropriate for legislation to promote economy and efficiency in the administration of programs and operations undertaken by the Authority, and to detect and eliminate fraud and abuse in such programs and operations.

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

(2)(A) The Inspector General shall report immediately to the Director whenever the Inspector General becomes aware of particularly serious or flagrant problems, abuses, or deficiencies relating to the administration of programs or operations of the Authority or regarding relationships among the elements of the intelligence community within the National Intelligence Program.

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

(3) In the event that—

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

(B) an investigation, inspection, or audit carried out by the Inspector General should focus on any current or former Authority official who holds or held a position in the Authority that is subject to appointment by the President, by and with the advice and consent of the Senate, including such a position held on an acting basis;

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

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

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

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

(4) Pursuant to title V of the National Security Act of 1947 (50 U.S.C. 413 et seq.), the Director shall submit to the congressional intelligence committees any report or findings and recommendations of an investigation, inspection, or audit conducted by the office which has been requested by the Chairman or Ranking Minority Member of either committee.

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

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

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

(D)(i) If the Inspector General does not find credible under subparagraph (B) a complaint or information submitted under subparagraph (A), or does not transmit the complaint or information to the Director in accurate form under subparagraph (B), the employee (subject to clause (ii)) may submit

the complaint or information to Congress by contacting either or both of the congressional intelligence committees directly.

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

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

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

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

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

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

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

(i) A serious or flagrant problem, abuse, violation of law or Executive order, or deficiency relating to the funding, administration, or operations of an intelligence activity involving classified information, but does not include differences of opinions concerning public policy matters.

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

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

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

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

SEC. 118. INTELLIGENCE COMPTROLLER.

(a) INTELLIGENCE COMPTROLLER.—There is an Intelligence Comptroller who shall be appointed from civilian life by the National Intelligence Director.

(b) SUPERVISION.—The Intelligence Comptroller shall report directly to the National Intelligence Director.

(c) DUTIES.—The Intelligence Comptroller shall—

(1) assist the National Intelligence Director in the preparation and execution of the budget of the elements of the intelligence community within the National Intelligence Program;

(2) assist the Director in participating in the development by the Secretary of Defense of the annual budget for military intelligence programs and activities outside the National Intelligence Program;

(3) provide unfettered access to the Director to financial information under the National Intelligence Program;

(4) perform such other duties as may be prescribed by the Director or specified by law.

SEC. 119. OFFICER FOR CIVIL RIGHTS AND CIVIL LIBERTIES OF THE NATIONAL INTELLIGENCE AUTHORITY.

(a) OFFICER FOR CIVIL RIGHTS AND CIVIL LIBERTIES OF NATIONAL INTELLIGENCE AUTHORITY.—There is an Officer for Civil Rights and Civil Liberties of the National Intelligence Authority who shall be appointed by the National Intelligence Director.

(b) SUPERVISION.—The Officer for Civil Rights and Civil Liberties of the National Intelligence Authority shall report directly to the National Intelligence Director.

(c) DUTIES.—The Officer for Civil Rights and Civil Liberties of the National Intelligence Authority shall—

(1) assist the National Intelligence Director in ensuring that the protection of civil rights and civil liberties is appropriately incorporated in the policies and procedures developed for and implemented by the National Intelligence Authority and in the relationships among the elements of the intelligence community within the National Intelligence Program;

(2) oversee compliance by the Authority, and in the relationships described in paragraph (1), with requirements under the Constitution and all laws, regulations, Executive orders, and implementing guidelines relating to civil rights and civil liberties;

(3) review, investigate, and assess complaints and other information indicating possible abuses of civil rights or civil liberties in the administration of the programs and operations of the Authority, and in the relationships described in paragraph (1), unless, in the determination of the Inspector General of the National Intelligence Authority, the review, investigation, or assessment of a particular complaint or information can better be conducted by the Inspector General; and

(4) perform such other duties as may be prescribed by the Director or specified by law.

SEC. 120. PRIVACY OFFICER OF THE NATIONAL INTELLIGENCE AUTHORITY.

(a) PRIVACY OFFICER OF NATIONAL INTELLIGENCE AUTHORITY.—There is a Privacy Officer of the National Intelligence Authority who shall be appointed by the National Intelligence Director.

(b) DUTIES.—The Privacy Officer of the National Intelligence Authority shall have primary responsibility for the privacy policy of the National Intelligence Authority, including—

(1) assuring that the use of technologies sustain, and do not erode, privacy protections relating to the use, collection, and disclosure of personal information;

(2) assuring that personal information contained in Privacy Act systems of records is handled in full compliance with fair information practices as set out in the Privacy Act of 1974;

(3) conducting privacy impact assessments when appropriate or as required by law; and

(4) performing such other duties as may be prescribed by the Director or specified by law.

SEC. 121. CHIEF INFORMATION OFFICER OF THE NATIONAL INTELLIGENCE AUTHORITY.

(a) CHIEF INFORMATION OFFICER OF NATIONAL INTELLIGENCE AUTHORITY.—There is a Chief Information Officer of the National Intelligence Authority who shall be appointed by the National Intelligence Director.

(b) DUTIES.—The Chief Information Officer of the National Intelligence Authority shall—

(1) assist the National Intelligence Director in developing and implementing an integrated information technology network, as required by section 132(a)(14);

(2) develop an enterprise architecture for the intelligence community and assist the Director in ensuring that elements of the intelligence community comply with such architecture;

(3) ensure that the elements of the intelligence community have direct and continuous electronic access to all information (including unevaluated intelligence) necessary for appropriately cleared analysts to conduct comprehensive all-source analysis and for appropriately cleared policymakers to perform their duties;

(4) review and provide recommendations to the Director on National Intelligence Program budget requests for information technology and national security systems;

(5) assist the Director in promulgating and enforcing standards on information technology and national security systems that apply throughout the intelligence community;

(6) provide for the elimination of duplicate information technology and national security systems within and between the elements of the intelligence community; and

(7) perform such other duties with respect to the information systems and information technology of the National Intelligence Authority as may be prescribed by the Director or specified by law.

Subtitle B—Responsibilities and Authorities of National Intelligence Director

SEC. 131. PROVISION OF NATIONAL INTELLIGENCE.

(a) IN GENERAL.—Under the direction of the National Security Council, the National Intelligence Director shall be responsible for providing national intelligence—

(1) to the President;

(2) to the heads of other departments and agencies of the executive branch;

(3) to the Chairman of the Joint Chiefs of Staff and senior military commanders; and

(4) where appropriate, to the Senate and House of Representatives and the committees thereof.

(b) NATIONAL INTELLIGENCE.—Such national intelligence should be timely, objective, independent of political considerations, and based upon all sources available to the intelligence community.

SEC. 132. RESPONSIBILITIES OF NATIONAL INTELLIGENCE DIRECTOR.

(a) IN GENERAL.—The National Intelligence Director shall—

(1) develop and present to the President on an annual basis a unified budget for the intelligence and intelligence-related activities of the United States Government;

(2) ensure a unified budget for the intelligence and intelligence-related activities of the United States Government that reflects an appropriate balance among the varieties of technical and human intelligence methods and analysis;

(3) direct and manage the tasking of collection, analysis, and dissemination of national intelligence by elements of the intelligence community, including the establishment of requirements and priorities of such tasking;

(4) approve collection and analysis requirements, determine collection and analysis

priorities, and resolve conflicts in collection and analysis priorities levied on national intelligence collection and analysis assets;

(5) establish and oversee the National Counterterrorism Center under section 141 and the national intelligence centers under section 142;

(6) establish requirements and priorities for foreign intelligence information to be collected under the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1801 et seq.), and provide assistance to the Attorney General to ensure that information derived from electronic surveillance or physical searches under that Act is disseminated so it may be used efficiently and effectively for foreign intelligence purposes, except that the Director shall have no authority to direct, manage, or undertake electronic surveillance or physical search operations pursuant to that Act unless otherwise authorized by statute or Executive order;

(7) develop and implement, in consultation with the heads of the other elements of the intelligence community, personnel policies and programs applicable to the intelligence community that—

(A) facilitate assignments and details of personnel to the National Counterterrorism Center under section 141, to national intelligence centers under section 142, and across agency lines;

(B) set standards for education and training;

(C) ensure that the personnel of the intelligence community is sufficiently diverse for purposes of the collection and analysis of intelligence by ensuring the recruitment and training of women, minorities, and individuals with diverse ethnic, cultural, and linguistic backgrounds;

(D) make service in more than one element of the intelligence community a condition of promotion to such positions within the intelligence community as the Director shall specify;

(E) ensure the effective management and authority of intelligence community personnel who are responsible for intelligence community-wide matters; and

(F) include the enhancements required under section 134;

(8) promote and evaluate the utility of national intelligence to consumers within the United States Government;

(9) ensure that appropriate officials of the United States Government and other appropriate individuals have access to a variety of intelligence assessments and analytical views;

(10) protect intelligence sources and methods from unauthorized disclosure;

(11) establish requirements and procedures for the classification of information and for access to classified information;

(12) establish requirements and procedures for the dissemination of classified information by elements of the intelligence community;

(13) establish information sharing and intelligence reporting guidelines that maximize the dissemination of information while protecting intelligence sources and methods;

(14) develop, in consultation with the heads of appropriate departments and agencies of the United States Government, an integrated information technology network that provides for the efficient and secure exchange of intelligence information among all elements of the intelligence community and such other entities and persons as the Director considers appropriate;

(15) ensure compliance by the elements of the intelligence community with the Constitution and all laws, regulations, Executive orders, and implementing guidelines of the United States, including all laws, regulations, Executive orders, and implementing guidelines relating to the protection of civil liberties and privacy of United States persons;

(16) eliminate waste and unnecessary duplication within the intelligence community; and

(17) perform such other functions as the President may direct.

(b) UNIFORM PROCEDURES FOR SENSITIVE COMPARTMENTED INFORMATION.—The President, acting through the National Intelligence Director, shall—

(1) establish uniform standards and procedures for the grant of access to sensitive compartmented information to any officer or employee of any department, agency, or element of the United States Government, and to employees of contractors of such departments, agencies, and elements;

(2) ensure the consistent implementation of such standards and procedures throughout the departments, agencies, and elements of the United States Government; and

(3) ensure that security clearances granted by individual elements of the intelligence community are recognized by all elements of the intelligence community, and under contracts entered into by such elements.

SEC. 133. AUTHORITIES OF NATIONAL INTELLIGENCE DIRECTOR.

(a) ACCESS TO INTELLIGENCE.—To the extent approved by the President, the National Intelligence Director shall have access to all intelligence related to the national security which is collected by any department, agency, or other element of the United States Government.

(b) DETERMINATION OF BUDGETS FOR NIP AND OTHER INTELLIGENCE ACTIVITIES.—The National Intelligence Director shall determine the annual budget for intelligence and intelligence-related activities of the United States Government by—

(1) developing and presenting to the President an annual budget for the National Intelligence Program, including, in furtherance of such budget, the review, modification, and approval of budgets of the elements of the intelligence community within the National Intelligence Program utilizing the budget authorities in subsection (d)(1);

(2) providing guidance on the development of annual budgets for such elements of the intelligence community as are not within the National Intelligence Program utilizing the budget authorities in subsection (d)(2);

(3) participating in the development by the Secretary of Defense of the annual budget for military intelligence programs and activities outside the National Intelligence Program;

(4) having direct jurisdiction of amounts appropriated or otherwise made available for the National Intelligence Program as specified in subsection (e); and

(5) managing and overseeing the execution, and, if necessary, the modification of the annual budget for the National Intelligence Program, including directing the reprogramming and reallocation of funds, and the transfer of personnel, among and between elements of the intelligence community within the National Intelligence Program utilizing the authorities in subsections (f) and (g).

(c) SCOPE OF NIP AND JMIP.—The National Intelligence Director and the Secretary of Defense shall jointly review the programs, projects, and activities under the Joint Military Intelligence Program in order to identify the programs, projects, and activities within the Joint Military Intelligence Program as of the date of the enactment of this Act that pertain to national intelligence. Any programs, projects, and activities so identified are to be carried out instead within the National Intelligence Program.

(d) BUDGET AUTHORITIES.—(1)(A) The National Intelligence Director shall direct, coordinate, prepare, modify, and present to the President the annual budgets of the elements of the intelligence community within the National Intelligence Program, in consultation with the heads of those elements.

(B) The budget of an element of the intelligence community within the National Intelligence Program may not be provided to the President for transmission to Congress unless the Director has approved such budget.

(2)(A) The Director shall provide guidance for the development of the annual budgets for such elements of the intelligence community as are not within the National Intelligence Program;

(B) The heads of the elements of the intelligence community referred to in subparagraph (A) shall coordinate closely with the Director in the development of the budgets of such elements, before the submission of their recommendations on such budgets to the President.

(e) JURISDICTION OF FUNDS UNDER NIP.—Notwithstanding any other provision of law and consistent with section 504 of the National Security Act of 1947 (50 U.S.C. 414), any amounts appropriated or otherwise made available for the National Intelligence Program shall be appropriated to, and under the direct jurisdiction of, the National Intelligence Director.

(f) ROLE IN REPROGRAMMING.—(1) No funds made available under the National Intelligence Program may be reprogrammed by any element of the intelligence community within the National Intelligence Program without the prior approval of the National Intelligence Director except in accordance with procedures issued by the Director.

(2) The Director shall consult with the appropriate committees of Congress regarding modifications of existing procedures to expedite the reprogramming of funds within the National Intelligence Program.

(g) TRANSFER OF FUNDS OR PERSONNEL WITHIN NATIONAL INTELLIGENCE PROGRAM.—(1)(A) In addition to any other authorities available under law for such purposes, the National Intelligence Director, with the approval of the Director of the Office of Management and Budget, may transfer funds appropriated for a program within the National Intelligence Program to another such program and, in accordance with procedures to be developed by the National Intelligence Director and the heads of the departments and agencies concerned, may transfer personnel authorized for an element of the intelligence community to another such element.

(B) The National Intelligence Director may delegate a duty of the Director under this subsection only to the Deputy National Intelligence Director.

(2) A transfer of funds or personnel may be made under this subsection only if—

(A) the funds or personnel are being transferred to an activity that is a higher priority intelligence activity;

(B) the need for funds or personnel for such activity is based on unforeseen requirements; and

(C) the transfer does not involve a transfer of funds to the Reserve for Contingencies of the Central Intelligence Agency.

(3) Funds transferred under this subsection shall remain available for the same period as the appropriations account to which transferred.

(4) Any transfer of funds under this subsection shall be carried out in accordance with existing procedures applicable to reprogramming notifications for the appropriate congressional committees. Any proposed transfer for which notice is given to the appropriate congressional committees shall be accompanied by a report explaining the nature of the proposed transfer and how

it satisfies the requirements of this subsection. In addition, the congressional intelligence committees shall be promptly notified of any transfer of funds made pursuant to this subsection in any case in which the transfer would not have otherwise required reprogramming notification under procedures in effect as of October 24, 1992.

(5) The National Intelligence Director shall promptly submit to the congressional intelligence committees and, in the case of the transfer of personnel to or from the Department of Defense, the Committee on Armed Services of the Senate and the Committee on Armed Services of the House of Representatives, a report on any transfer of personnel made pursuant to this subsection. The Director shall include in any such report an explanation of the nature of the transfer and how it satisfies the requirements of this subsection.

SEC. 134. ENHANCED PERSONNEL MANAGEMENT.

(a) REWARDS FOR SERVICE IN CERTAIN POSITIONS.—(1) The National Intelligence Director shall, under regulations prescribed by the Director, provide incentives for service on the staff of the national intelligence centers, on the staff of the National Counterterrorism Center, and in other positions in support of the intelligence community management functions of the Director.

(2) Incentives under paragraph (1) may include financial incentives, bonuses, and such other awards and incentives as the Director considers appropriate.

(b) ENHANCED PROMOTION FOR SERVICE UNDER NID.—(1) Notwithstanding any other provision of law, the personnel of an element of the intelligence community who are assigned or detailed to service under the National Intelligence Director shall be promoted at rates equivalent to or better than personnel of such element who are not so assigned or detailed.

(2) The Director may prescribe regulations to carry out this section.

(c) JOINT CAREER MATTERS.—(1) In carrying out section 132(a)(7), the National Intelligence Director shall prescribe mechanisms to facilitate the rotation of personnel of the intelligence community through various elements of the intelligence community in the course of their careers in order to facilitate the widest possible understanding by such personnel of the variety of intelligence requirements, methods, and disciplines.

(2) The mechanisms prescribed under paragraph (1) may include the following:

(A) The establishment of special occupational categories involving service, over the course of a career, in more than one element of the intelligence community.

(B) The provision of rewards for service in positions undertaking analysis and planning of operations involving two or more elements of the intelligence community.

(C) The establishment of requirements for education, training, service, and evaluation that involve service in more than one element of the intelligence community.

(3) It is the sense of Congress that the mechanisms prescribed under this subsection should, to the extent practical, seek to duplicate within the intelligence community the joint officer management policies established by the Goldwater–Nichols Department of Defense Reorganization Act of 1986 (Public Law 99–433) and the amendments on joint officer management made by that Act.

SEC. 135. ROLE OF NATIONAL INTELLIGENCE DIRECTOR IN APPOINTMENT AND TERMINATION OF CERTAIN OFFICIALS RESPONSIBLE FOR INTELLIGENCE-RELATED ACTIVITIES.

(a) RECOMMENDATION OF NID IN CERTAIN APPOINTMENTS.—(1) In the event of a vacancy in a position referred to in paragraph (3), the National Intelligence Director shall recommend to the President an individual for nomination to fill the vacancy.

(2) Paragraph (1) applies to the following positions:

(A) The Deputy National Intelligence Director.

(B) The Deputy National Intelligence Director for Foreign Intelligence.

(b) CONCURRENCE OF SECRETARY OF DEFENSE IN CERTAIN APPOINTMENTS RECOMMENDED BY NID.—(1) In the event of a vacancy in a position referred to in paragraph (2), the National Intelligence Director shall obtain the concurrence of the Secretary of Defense before recommending to the President an individual for nomination to fill such vacancy. If the Secretary does not concur in the recommendation, the Director may make the recommendation to the President without the concurrence of the Secretary, but shall include in the recommendation a statement that the Secretary does not concur in the recommendation.

(2) Paragraph (1) applies to the following positions:

(A) The Director of the National Security Agency.

(B) The Director of the National Reconnaissance Office.

(C) The Director of the National Geospatial-Intelligence Agency.

(c) CONCURRENCE OF NID IN CERTAIN APPOINTMENTS.—(1) In the event of a vacancy in a position referred to in paragraph (2), the head of the department or agency having jurisdiction over the position shall obtain the concurrence of the National Intelligence Director before appointing an individual to fill the vacancy or recommending to the President an individual to be nominated to fill the vacancy. If the Director does not concur in the recommendation, the head of the department or agency concerned may fill the vacancy or make the recommendation to the President (as the case may be) without the concurrence of the Director, but shall notify the President that the Director does not concur in appointment or recommendation (as the case may be).

(2) Paragraph (1) applies to the following positions:

(A) The Under Secretary of Defense for Intelligence.

(B) The Under Secretary of Homeland Security for Information Analysis and Infrastructure Protection.

(C) The Director of the Defense Intelligence Agency.

(D) The Executive Assistant Director for Intelligence of the Federal Bureau of Investigation.

(d) RECOMMENDATION OF NID IN TERMINATION OF SERVICE.—The National Intelligence Director may recommend to the President or the head of the department or agency concerned the termination of service of any individual serving in any position covered by this section.

Subtitle C—Elements of National Intelligence Authority

SEC. 141. NATIONAL COUNTERTERRORISM CENTER.

(a) NATIONAL COUNTERTERRORISM CENTER.—There is within the National Intelligence Authority a National Counterterrorism Center.

(b) DIRECTOR OF NATIONAL COUNTERTERRORISM CENTER.—(1) There is a Director of the National Counterterrorism Center, who shall be the head of the National Counterterrorism Center, who shall be appointed from civilian life by the President, by and with the advice and consent of the Senate.

(2) Any individual nominated for appointment as the Director of the National Counterterrorism Center shall have significant expertise in matters relating to the national security of the United States and matters relating to terrorism that threatens the national security of the United States.

(c) SUPERVISION.—(1) The Director of the National Counterterrorism Center shall report to the National Intelligence Director on—

(A) the budget and programs of the National Counterterrorism Center;

(B) the activities of the Directorate of Intelligence of the National Counterterrorism Center under subsection (f); and

(C) the conduct of intelligence operations implemented by other elements of the intelligence community.

(2) The Director of the National Counterterrorism Center shall report directly to the President and the National Security Council on the planning and progress of joint counterterrorism operations (other than intelligence operations).

(d) PRIMARY MISSIONS.—The primary missions of the National Counterterrorism Center shall be as follows:

(1) To unify strategy for the civilian and military counterterrorism efforts of the United States Government.

(2) To effectively integrate counterterrorism intelligence and operations across agency boundaries, both inside and outside the United States.

(e) DUTIES AND RESPONSIBILITIES OF DIRECTOR.—Notwithstanding any other provision of law, at the direction of the President and the National Security Council, the Director of the National Counterterrorism Center shall—

(1) serve, through the National Intelligence Director, as the principal adviser to the President on intelligence operations relating to counterterrorism;

(2) provide unified strategic direction for the civilian and military counterterrorism efforts of the United States Government and for the effective integration of counterterrorism intelligence and operations across agency boundaries, both inside and outside the United States;

(3) advise the President and the National Intelligence Director on the extent to which the counterterrorism program recommendations and budget proposals of the departments, agencies, and elements of the United States Government conform to the priorities established by the President and the National Security Council;

(4) concur in, or advise the President on, the selections of personnel to head the operating entities of the United States Government with principal missions relating to counterterrorism, including the head of the Central Intelligence Agency's Counterterrorist Center, the head of the Counterterrorism Division of the Federal Bureau of Investigation, the coordinator for counterterrorism of the Department of State, and the commanders of the Special Operations Command and the Northern Command within the Department of Defense; and

(5) perform such other duties as the National Intelligence Director may prescribe or are prescribed by law.

(f) DIRECTORATE OF INTELLIGENCE.—(1) The Director of the National Counterterrorism Center shall establish and maintain within the National Counterterrorism Center a Directorate of Intelligence.

(2) The Directorate shall utilize the capabilities of the Terrorist Threat Integration Center (TTIC) transferred to the Directorate by section 182 and such other capabilities as the Director of the National Counterterrorism Center considers appropriate.

(3) The Directorate shall have primary responsibility within the United States Government for analysis of terrorism and terrorist organizations from all sources of intelligence, whether collected inside or outside the United States.

(4) The Directorate shall—

(A) be the principal repository within the United States Government for all-source information on suspected terrorists, their organizations, and their capabilities;

(B) propose intelligence collection requirements for action by elements of the intelligence community inside and outside the United States;

(C) have primary responsibility within the United States Government for net assessments and warnings about terrorist threats, which assessments and warnings shall be based on a comparison of terrorist capabilities with assessed national vulnerabilities; and

(D) perform such other duties and functions as the Director of the National Counterterrorism Center may prescribe.

(g) DIRECTORATE OF OPERATIONS.—(1) The Director of the National Counterterrorism Center shall establish and maintain within the National Counterterrorism Center a Directorate of Operations.

(2)(A) The Directorate shall have primary responsibility within the United States Government for providing guidance and plans, including strategic plans, for joint counterterrorism operations conducted by the United States Government.

(B) For purposes of subparagraph (A), joint counterterrorism operations are counterterrorism operations that—

(i) involve, or are likely to involve, more than one executive agency of the United States Government (including the Armed Forces of the United States); or

(ii) are designated as joint operations by the Director of the National Counterterrorism Center.

(3) The Directorate shall—

(A) provide guidance, and develop strategy and plans for operations, to counter terrorist activities based on policy objectives and priorities established by the National Security Council;

(B) develop plans under subparagraph (A) utilizing input from personnel in other departments, agencies, and elements of the United States Government who have expertise in the priorities, functions, assets, programs, capabilities, and operations of such departments, agencies, and elements with respect to counterterrorism;

(C) assign responsibilities for counterterrorism operations to the departments, agencies, and elements of the United States Government (including the Department of Defense and the Armed Forces, the Central Intelligence Agency, the Federal Bureau of Investigation, the Department of Homeland Security, and other departments, agencies, and elements of the United States Government), consistent with the authorities of such departments, agencies, and elements, which operations shall be conducted by the department, agency, or element to which assigned and, in the case of operations assigned to units of the Armed Forces, shall require the concurrence of the Secretary of Defense;

(D) monitor the implementation of operations assigned under subparagraph (C) and update plans for such operations as necessary;

(E) report to the President and the National Intelligence Director on the compliance of the departments, agencies, and elements of the United States with the plans developed under subparagraph (A); and

(F) perform such other duties and functions as the Director of the National Counterterrorism Center may prescribe.

(4) The Directorate may not direct the execution of operations assigned under paragraph (3).

(h) STAFF.—(1) The Director of the National Counterterrorism Center may, in the discretion of the Director, appoint deputy directors of the National Counterterrorism Center to oversee such portions of the operations of the National Counterterrorism Center as the Director considers appropriate.

(2) To assist the Director of the National Counterterrorism Center in fulfilling the duties and responsibilities of the Director under this section, the Director shall employ and utilize in the National Counterterrorism Center a professional staff having an expertise in matters relating to such duties and responsibilities.

(3) In providing for a professional staff for the National Counterterrorism Center under paragraph (2), the Director of the National Counterterrorism Center may establish as positions in the excepted service such positions in the Center as the Director considers appropriate.

(4) The Director of the National Counterterrorism Center shall ensure, with the approval of the National Intelligence Director, that the analytical staff of the National Counterterrorism Center is comprised primarily of experts from elements in the intelligence community and from such other personnel in the United States Government as the Director of the National Counterterrorism Center considers appropriate.

(5)(A) In order to meet the requirement in paragraph (4), the National Intelligence Director shall—

(i) transfer to the staff of the National Counterterrorism Center any personnel of another element of the intelligence community that the National Intelligence Director considers appropriate; and

(ii) in the case of personnel from a department, agency, or element of the United States Government outside the intelligence community, request the transfer of such personnel from the department, agency, or element concerned.

(B) The head of a department, agency, or element of the United States Government receiving a request for the transfer of personnel under subparagraph (A)(ii) shall, to the extent practicable, approve the request.

(6) The National Intelligence Director shall ensure that the staff of the National Counterterrorism Center has access to all databases maintained by the elements of the intelligence community that are relevant to the duties of the Center.

(7) The Director of the National Counterterrorism Center shall evaluate the staff of the National Counterterrorism Center in the performance of their duties.

(i) SUPPORT AND COOPERATION OF OTHER AGENCIES.—(1) The elements of the intelligence community and the other departments, agencies, and elements of the United States Government shall support, assist, and cooperate with the National Counterterrorism Center in carrying out its missions under this section.

(2) The support, assistance, and cooperation of a department, agency, or element of the United States Government under this subsection shall include, but not be limited to—

(A) the implementation of plans for operations, whether foreign or domestic, that are developed by the National Counterterrorism Center in a manner consistent with the laws and regulations of the United States;

(B) cooperative work with the Director of the National Counterterrorism Center to ensure that ongoing operations of such department, agency, or element do not conflict with joint operations planned by the Center;

(C) reports, upon request, to the Director of the National Counterterrorism Center on the progress of such department, agency, or element in implementing responsibilities assigned to such department, agency, or element through joint operations plans; and

(D) the provision to the analysts of the National Counterterrorism Center electronic access in real time to information and intelligence collected by such department, agency, or element that is relevant to the mission of the Center.

(3)(A) In the event of a disagreement between the National Counterterrorism Center and the head of a department, agency, or element of the United States Government on a plan developed or responsibility assigned by the Center under this section, the Director of the National Counterterrorism Center shall notify the National Security Council of the disagreement.

(B) The National Security Council shall resolve each disagreement of which the Council is notified under subparagraph (A).

SEC. 142. NATIONAL INTELLIGENCE CENTERS.

(a) NATIONAL INTELLIGENCE CENTERS.—(1) The National Intelligence Director shall establish within the National Intelligence Authority centers (to be known as ''national intelligence centers'') to address intelligence priorities established by the National Security Council.

(2) Each national intelligence center shall be assigned an area of intelligence responsibility, whether expressed in terms of a geographic region, in terms of function, or in other terms.

(3) National intelligence centers shall be established at the direction of the President, as prescribed by law, or upon the initiative of the National Intelligence Director.

(b) ESTABLISHMENT OF CENTERS.—(1) In establishing a national intelligence center, the National Intelligence Director shall assign lead responsibility for such center to an element of the intelligence community selected by the Director for that purpose.

(2) The Director shall determine the structure and size of each national intelligence center.

(3) The Director shall notify Congress of the establishment of a national intelligence center at least 30 days before the date of the establishment of the center.

(c) DIRECTORS OF CENTERS.—(1) Each national intelligence center shall have as its head a Director who shall be appointed by the National Intelligence Director for that purpose.

(2) The Director of a national intelligence center shall serve as the principal adviser to the National Intelligence Director on intelligence matters with respect to the area of intelligence responsibility assigned to the center.

(3) In carrying out duties under paragraph (3), the Director of a national intelligence center shall—

(A) manage the operations of the center;

(B) coordinate the provision of administration and support by the element of the intelligence community with lead responsibility for the center under subsection (b)(1);

(C) submit budget and personnel requests for the center to the National Intelligence Director;

(D) seek such assistance from other departments, agencies, and elements of the United States Government as are needed to fulfill the mission of the center; and

(E) advise the National Intelligence Director of the information technology, personnel, and other requirements of the center for the performance of its mission.

(4) The National Intelligence Director shall ensure that the Director of a national intelligence center has sufficient authority, direction, and control over the center to effectively accomplish the mission of the center.

(d) MISSION OF CENTERS.—(1) Each national intelligence center shall provide all-source analysis of intelligence and propose intelligence collection requirements in the area of intelligence responsibility assigned to the center by the National Intelligence Director pursuant to intelligence priorities established by the National Security Council.

(2) Within its area of intelligence responsibility, a national intelligence center shall—

(A) have primary responsibility for strategic analysis of intelligence, fusing all-source intelligence from foreign and domestic sources;

(B) be the principal repository within the United States Government for all-source information;

(C) identify and propose requirements and priorities for intelligence collection;

(D) have primary responsibility within the United States Government for net assessments, where applicable, and warnings;

(E) ensure that appropriate officials of the United States Government and other appropriate individuals have access to a variety of intelligence assessments and analytical views;

(F) provide advice and guidance to the President, the National Security Council, the National Intelligence Director, and the heads of other appropriate departments, agencies, and elements of the United States Government; and

(G) perform such other duties and responsibilities as the National Intelligence Director may prescribe.

(e) INFORMATION SHARING.—(1) The National Intelligence Director shall ensure that the Directors of the national intelligence centers and the other elements of the intelligence community undertake appropriate sharing of intelligence analysis and plans for operations in order to facilitate the activities of the centers.

(2) In order to facilitate information sharing under paragraph (1), the Directors of the national intelligence centers shall—

(A) report directly to the National Intelligence Director regarding their activities under this section; and

(B) coordinate with the Deputy National Intelligence Director regarding such activities.

(f) TERMINATION OF CENTERS.—(1) The National Intelligence Director may terminate a national intelligence center if the National Intelligence Director determines that the center is no longer required to meet an intelligence priority established by the National Security Council.

(2) The National Intelligence Director shall notify Congress of the termination of a national intelligence center at least 30 days before the date of the termination of the center.

(g) STAFF OF CENTERS.—(1) The head of an element of the intelligence community shall assign or detail to a national intelligence center such personnel as the National Intelligence Director considers appropriate to carry out the mission of the center.

(2) Personnel assigned or detailed to a national intelligence center under paragraph (1) shall be under the authority, direction, and control of the Director of the center on all matters for which the center has been assigned responsibility and for all matters related to the accomplishment of the mission of the center.

(3) Performance evaluations of personnel assigned or detailed to a national intelligence center under this subsection shall be undertaken by the supervisors of such personnel at the center.

(4) The supervisors of the staff of a national center may, with the approval of the National Intelligence Director, reward the staff of the center for meritorious performance by the provision of such performance awards as the National Intelligence Director shall prescribe.

(5) The Director of a national intelligence center may recommend to the National Intelligence Director the reassignment to the home element concerned of any personnel previously assigned or detailed to the center from another element of the intelligence community.

(h) SUPPORT.—The element of the intelligence community assigned lead responsibility for a national intelligence center under subsection (b)(1) shall be responsible for the provision of administrative support for the center, including the provision of funds to the center necessary for the administration of the center.

Subtitle D—Additional Authorities of National Intelligence Authority

SEC. 151. USE OF APPROPRIATED FUNDS.

(a) DISPOSAL OF PROPERTY.—(1) If specifically authorized to dispose of real property of the National Intelligence Authority under any law enacted after the date of the enactment of this Act, the National Intelligence Director shall, subject to paragraph (2), exercise such authority in strict compliance with subchapter IV of chapter 5 of title 40, United States Code.

(2) The Director shall deposit the proceeds of any disposal of property of the National Intelligence Authority into the miscellaneous receipts of the Treasury in accordance with section 3302(b) of title 31, United States Code.

(b) GIFTS.—Gifts or donations of services or property of or for the National Intelligence Authority may not be accepted, used, or disposed of unless specifically permitted in advance in an appropriations Act and only under the conditions and for the purposes specified in such appropriations Act.

SEC. 152. PROCUREMENT AUTHORITIES.

(a) IN GENERAL.—In the performance of its functions, the National Intelligence Authority may exercise the authorities referred to in section 3(a) of the Central Intelligence Agency Act of 1949 (50 U.S.C. 403c(a)).

(b) TREATMENT AS HEAD OF AGENCY.—For the purpose of the exercise of any authority referred to in subsection (a) with respect to the National Intelligence Authority, a reference to the head of an agency shall be deemed to be a reference to the National Intelligence Director or the Deputy National Intelligence Director.

(c) DETERMINATION AND DECISIONS.—(1) Any determination or decision to be made under an authority referred to in subsection (a) by the head of an agency may be made with respect to individual purchases and contracts or with respect to classes of purchases or contracts, and shall be final.

(2) Except as provided in paragraph (3), the National Intelligence Director or the Deputy National Intelligence Director may, in such official's discretion, delegate to any officer or other official of the National Intelligence Authority any authority to make a determination or decision as the head of the agency under an authority referred to in subsection (a).

(3) The limitations and conditions set forth in section 3(d) of the Central Intelligence Agency Act of 1949 (50 U.S.C. 403c(d)) shall apply to the exercise by the National Intelligence Agency of an authority referred to in subsection (a).

(4) Each determination or decision required by an authority referred to in the second sentence of section 3(d) of the Central Intelligence Agency Act of 1949 shall be based upon written findings made by the official making such determination or decision, which findings shall be final and shall be available within the National Intelligence Authority for a period of at least six years following the date of such determination or decision.

SEC. 153. PERSONNEL MATTERS.

(a) IN GENERAL.—In addition to the authorities provided in section 134, the National Intelligence Director may exercise with respect to the personnel of the National Intelligence Authority any authority of the Director of the Central Intelligence Agency with respect to the personnel of the Central Intelligence Agency under the Central Intelligence Agency Act of 1949 (50 U.S.C. 403a et seq.), and other applicable provisions of law, as of the date of the enactment of this Act to the same extent, and subject to the same conditions and limitations, that the Director of the Central Intelligence Agency may exercise such authority with respect to personnel of the Central Intelligence Agency.

(b) RIGHTS AND PROTECTIONS OF EMPLOYEES AND APPLICANTS.—Employees and applicants for employment of the National Intelligence Authority shall have the same rights and protections under the Authority as employees of the Central Intelligence Agency have under the Central Intelligence Agency Act of 1949, and other applicable provisions of law, as of the date of the enactment of this Act.

SEC. 154. ETHICS MATTERS.

(a) POLITICAL SERVICE OF PERSONNEL.—Section 7323(b)(2)(B)(i) of title 5, United States Code, is amended—

(1) in subclause (XII), by striking ''or'' at the end; and

(2) by inserting after subclause (XIII) the following new subclause:

''(XIV) the National Intelligence Authority; or''.

(b) DELETION OF INFORMATION ABOUT FOREIGN GIFTS.—Section 7342(f)(4) of title 5, United States Code, is amended—

(1) by inserting ''(A)'' after ''(4)'';

(2) in subparagraph (A), as so designated, by striking ''the Director of Central Intelligence'' and inserting ''the Director of the Central Intelligence Agency''; and

(3) by adding at the end the following new subparagraph:

''(B) In transmitting such listings for the National Intelligence Authority, the National Intelligence Director may delete the information described in subparagraphs (A) and (C) of paragraphs (2) and (3) if the Director certifies in writing to the Secretary of State that the publication of such information could adversely affect United States intelligence sources.''.

(c) EXEMPTION FROM FINANCIAL DISCLOSURES.—Section 105(a)(1) of the Ethics in Government Act (5 U.S.C. App.) is amended by inserting ''the National Intelligence Authority,'' before ''the Central Intelligence Agency''.

Subtitle E—Additional Improvements of Intelligence Activities

SEC. 161. AVAILABILITY TO PUBLIC OF CERTAIN INTELLIGENCE FUNDING INFORMATION.

(a) AMOUNTS REQUESTED EACH FISCAL YEAR.—The President shall disclose to the public for each fiscal year after fiscal year 2005—

(1) the aggregate amount of appropriations requested in the budget of the President for the fiscal year concerned for the intelligence and intelligence-related activities of the United States Government; and

(2) the aggregate amount of appropriations requested in the budget of the President for the fiscal year concerned for each element or component of the intelligence community.

(b) AMOUNTS APPROPRIATED EACH FISCAL YEAR.—Congress shall disclose to the public for each fiscal year after fiscal year 2005—

(1) the aggregate amount of funds appropriated by Congress for the fiscal year concerned for the intelligence and intelligence-related activities of the United States Government; and

(2) the aggregate amount of funds appropriated by Congress for the fiscal year concerned for each element or component of the intelligence community.

SEC. 162. MERGER OF HOMELAND SECURITY COUNCIL INTO NATIONAL SECURITY COUNCIL.

(a) MERGER OF HOMELAND SECURITY COUNCIL INTO NATIONAL SECURITY COUNCIL.—Section 101 of the National Security Act of 1947 (50 U.S.C. 402) is amended—

(1) in the fourth undesignated paragraph of subsection (a), by striking clauses (5) and (6) and inserting the following new clauses:

''(5) the Attorney General;

''(6) the Secretary of Homeland Security;''; and

(2) in subsection (b)—

(A) in paragraph (1), by striking ''and'' at the end;

(B) in paragraph (2), by striking the period at the end and inserting a semicolon; and

(C) by adding at the end the following new paragraphs:

''(3) assess the objectives, commitments, and risks of the United States in the interests of homeland security and make recommendations to the President based on such assessments;

''(4) oversee and review the homeland security policies of the Federal Government and make recommendations to the President based on such oversight and review; and

''(5) perform such other functions as the President may direct.''.

(c) REPEAL OF SUPERSEDED AUTHORITY.—(1) Title IX of the Homeland Security Act of 2002 (6 U.S.C. 491 et seq.) is repealed.

(2) The table of contents for that Act is amended by striking the items relating to title IX.

SEC. 163. REFORM OF CENTRAL INTELLIGENCE AGENCY.

(a) FINDINGS.—Consistent with the report of the National Commission on Terrorist Attacks Upon the United States, Congress makes the following findings:

(1) Covert operations tend to be highly tactical and require close attention. The Central Intelligence Agency should retain responsibility for the direction and execution of clandestine and covert operations. The Central Intelligence Agency should also concentrate on building capabilities to carry out such operations and on providing personnel who will be directing and executing such operations in the field.

(2) The reconstitution of the analytic and human intelligence collection capabilities of the Central Intelligence Agency requires the undiverted attention of the head of the Central Intelligence Agency.

(b) TRANSFORMATION OF CENTRAL INTELLIGENCE AGENCY.—The Director of the Central Intelligence Agency shall transform the intelligence and intelligence-related capabilities of the Central Intelligence Agency by—

(1) building the human intelligence capabilities of the clandestine service;

(2) building the analytic capabilities of the Agency;

(3) developing a stronger language program;

(4) renewing emphasis on the recruitment of operations officers of diverse background who can blend in more easily in foreign cities;

(5) ensuring a seamless relationship between human source collection and signals collection at the operational level; and

(6) providing for a better balance between unilateral operations and liaison operations.

(c) RETENTION OF RESPONSIBILITY FOR CLANDESTINE AND COVERT OPERATIONS.—The Central Intelligence Agency shall retain responsibility for the direction and execution of clandestine and covert operations as authorized by the President or the National Intelligence Director and assigned by a national intelligence center.

SEC. 164. PARAMILITARY OPERATIONS.

(a) FINDINGS.—Consistent with the report of the National Commission on Terrorist Attacks Upon the United States, Congress makes the following findings:

(1) Prior to September 11, 2001, the Central Intelligence Agency relied on proxies to conduct paramilitary operations, with unsatisfactory results.

(2) The United States cannot afford to build two separate capabilities for carrying out paramilitary operations, and therefore should concentrate responsibility and necessary legal authority for such operations in one entity.

(3) In conducting future paramilitary operations, Central Intelligence Agency experts should be integrated into military training, exercises, and planning, and lead responsibility for directing and executing paramilitary operations should rest with the Department of Defense.

(b) SENSE OF CONGRESS ON LEAD RESPONSIBILITY FOR PARAMILITARY OPERATIONS.—The Secretary of Defense should have lead responsibility for directing and executing paramilitary operations, whether clandestine or covert.

(c) SENSE OF CONGRESS ON DISCHARGE THROUGH SPECIAL OPERATIONS COMMAND.—In carrying out the responsibility under subsection (b) the Secretary of Defense should—

(1) assign the Special Operations Command lead responsibility within the Department of Defense for paramilitary operations; and

(2) consolidate responsibility for such operations with the capabilities for training, direction, and execution of such operations.

(d) SENSE OF CONGRESS ON JOINT PLANNING.—The Secretary of Defense and the Director of the Central Intelligence Agency should work jointly to plan paramilitary operations.

(e) PARAMILITARY OPERATIONS DEFINED.—In this section, the term ''paramilitary operations'' means operations that, by their tactics and requirements in military-type personnel, equipment, and training, approximate conventional military operations, but that are distinguished from conventional military operations through reliance on light infantry, less capability to carry out sustained combat operations involving heavy weapons and less capability of sustaining long-term logistical support.

SEC. 165. IMPROVEMENT OF INTELLIGENCE CAPABILITIES OF THE FEDERAL BUREAU OF INVESTIGATION.

(a) FINDINGS.—Consistent with the report of the National Commission on Terrorist Attacks Upon the United States, Congress makes the following findings:

(1) The Federal Bureau of Investigation has made significant progress in improving its intelligence capabilities.

(2) The Federal Bureau of Investigation must fully institutionalize the shift of the Bureau to a preventive counterterrorism posture.

(b) IMPROVEMENT OF INTELLIGENCE CAPABILITIES.—The Director of the Federal Bureau of Investigation shall continue efforts to improve the intelligence capabilities of the Bureau and to develop and maintain within the Bureau a national security workforce.

(c) NATIONAL SECURITY WORKFORCE.—(1) In developing and maintaining a national security workforce under subsection (b), the Director of the Federal Bureau of Investigation shall, subject to the direction and control of the President, develop and maintain a specialized and integrated national security workforce consisting of agents, analysts, linguists, and surveillance specialists who are recruited, trained, and rewarded in a manner which ensures the existence within the Bureau of an institutional culture with substantial expertise in, and commitment to, the intelligence and national security missions of the Bureau.

(2) Each agent employed by the Bureau after the date of the enactment of this Act shall receive basic training in both criminal justice matters and national security matters.

(3) Each agent employed by the Bureau after the date of the enactment of this Act shall, to the maximum extent practicable, be given the opportunity to undergo, during such agent's early service with the Bureau, meaningful assignments in criminal justice matters and in national security matters.

(4) The Director shall—

(A) require agents and analysts of the Bureau to specialize in either criminal justice matters or national security matters; and

(B) in furtherance of the requirement under subparagraph (A) and to the maximum extent practicable, afford agents and analysts of the Bureau the opportunity to work in the specialty selected by such agents and analysts over their entire career with the Bureau.

(5) The Director shall carry out a program to enhance the capacity of the Bureau to recruit and retain individuals with backgrounds in intelligence, international relations, language, technology, and other skills relevant to the intelligence and national security missions of the Bureau.

(6) The Director shall, to the maximum extent practicable, afford the analysts of the Bureau training and career opportunities commensurate with the training and career opportunities afforded analysts in other elements of the intelligence community.

(7) Commencing as soon as practicable after the date of the enactment of this Act, each senior manager of the Bureau shall be a certified intelligence officer.

(8) The Director shall, to the maximum extent practicable, ensure that the successful completion of advanced training courses, and of one or more assignments to another element of the intelligence community, is a precondition to advancement to higher level national security assignments within the Bureau.

(d) FIELD OFFICE MATTERS.—(1) In improving the intelligence capabilities of the Federal Bureau of Investigation under subsection (b), the Director of the Federal Bureau of Investigation shall ensure that each field office of the Bureau has an official at the deputy level or higher with responsibility for national security matters.

(2) The Director shall provide for such expansion of the secure facilities in the field offices of the Bureau as is necessary to ensure the discharge by the field offices of the intelligence and national security missions of the Bureau.

(3) The Director shall take appropriate actions to ensure the integration of analysts, agents, linguists, and surveillance personnel in the field.

(e) BUDGET MATTERS.—The Director of the Federal Bureau of Investigation shall, in consultation with the Director of the Office of Management and Budget, modify the budget structure of the Federal Bureau of Investigation in order to organize the budget according to the four principal missions of the Bureau as follows:

(1) Intelligence.

(2) Counterterrorism and counterintelligence.

(3) Crime.

(4) Criminal justice services.

(f) REPORTS.—(1)(A) Not later than 180 days after the date of the enactment of this Act, the Director of the Federal Bureau of Investigation shall submit to Congress a report on the progress made as of the date of such report in carrying out the requirements of this section.

(B) The report required by subparagraph (A) shall include an estimate of the resources required to complete the expansion of secure facilities to carry out the national security mission of the field offices of the Federal Bureau of Investigation.

(2) The Director shall include in each semi-annual program review of the Bureau that is submitted to Congress a report on the progress made by each field office of the Bureau during the period covered by such review in addressing Bureau and national program priorities.

(3) Not later than 180 days after the date of the enactment of this Act, and every six months thereafter, the Director shall submit to Congress a report assessing the qualifications, status, and roles of analysts at Bureau headquarters and in the field offices of the Bureau.

(4) Not later than 180 days after the date of the enactment of this Act, and every six months thereafter, the Director shall submit to Congress a report on the progress of the Bureau in implementing information-sharing principles.

(5) A report required by this subsection shall be submitted—

(A) to each committee of Congress that has jurisdiction over the subject matter of such report; and

(B) in an unclassified form, but may include a classified annex.

SEC. 166. REPORT ON IMPLEMENTATION OF INTELLIGENCE COMMUNITY REFORM.

Not later than one year after the date of the enactment of this Act, the National Intelligence Director shall submit to Congress a report on the progress made in the implementation of this title, including the amendments made by this title. The report shall include a comprehensive description of the progress made, and may include such recommendations for additional legislative or administrative action as the Director considers appropriate.

Subtitle F—Conforming and Other Amendments

SEC. 171. RESTATEMENT AND MODIFICATION OF BASIC AUTHORITY OF THE CENTRAL INTELLIGENCE AGENCY.

Title I of the National Security Act of 1947 (50 U.S.C. 402 et seq.) is amended by striking sections 102 through 104 and inserting the following new sections:

''CENTRAL INTELLIGENCE AGENCY

''SEC. 102. (a) CENTRAL INTELLIGENCE AGENCY.—There is a Central Intelligence Agency.

''(b) FUNCTION.—The function of the Central Intelligence Agency is to assist the Director of the Central Intelligence Agency in carrying out the responsibilities specified in section 103(c).

''DIRECTOR OF THE CENTRAL INTELLIGENCE AGENCY

''SEC. 103. (a) DIRECTOR OF CENTRAL INTELLIGENCE AGENCY.—(1) There is a Director of the Central Intelligence Agency who shall be appointed by the President, by and with the advice and consent of the Senate.

''(2) The Director of the Central Intelligence Agency also serves as the Deputy National Intelligence Director for Foreign Intelligence under section 114(b) of the National Intelligence Authority Act of 2004 and, in that capacity, has the duties and responsibilities provided for in paragraph (3) of that section.

''(b) DUTIES.—In the capacity as Director of the Central Intelligence Agency, the Director of the Central Intelligence Agency shall—

''(1) carry out the responsibilities specified in subsection (c); and

''(2) serve as the head of the Central Intelligence Agency.

''(c) RESPONSIBILITIES.—The Director of the Central Intelligence Agency shall—

''(1) collect intelligence through human sources and by other appropriate means, except that the Director of the Central Intelligence Agency shall have no police, subpoena, or law enforcement powers or internal security functions;

''(2) correlate and evaluate intelligence related to the national security and provide appropriate dissemination of such intelligence;

''(3) perform such additional services as are of common concern to the elements of the intelligence community, which services the National Intelligence Director determines can be more efficiently accomplished centrally; and

''(4) perform such other functions and duties related to intelligence affecting the national security as the President, the National Security Council, or the National Intelligence Director may direct.

''(d) TERMINATION OF EMPLOYMENT OF CIA EMPLOYEES.—(1) Notwithstanding the provisions of any other law, the Director of the Central Intelligence Agency may, in the discretion of the Director, terminate the employment of any officer or employee of the Central Intelligence Agency whenever the Director considers the termination of employment of such officer or employee necessary or advisable in the interests of the United States.

''(2) Any termination of employment of an officer or employee under paragraph (1) shall not affect the right of the officer or employee to seek or accept employment in any other department, agency, or element of the United States Government if declared eligible for such employment by the Office of Personnel Management.''.

SEC. 172. CONFORMING AMENDMENTS RELATING TO ROLES OF NATIONAL INTELLIGENCE DIRECTOR AND DIRECTOR OF THE CENTRAL INTELLIGENCE AGENCY.

(a) NATIONAL SECURITY ACT OF 1947.—(1) The National Security Act of 1947 (50 U.S.C. 401 et seq.) is amended by striking ''Director of Central Intelligence'' each place it appears in the following provisions and inserting ''National Intelligence Director'':

(A) Section 3(5)(B) (50 U.S.C. 401a(5)(B)).

(B) Section 101(h)(2)(A) (50 U.S.C. 402(h)(2)(A)).

(C) Section 101(h)(5) (50 U.S.C. 402(h)(5)).

(D) Section 101(i)(2)(A) (50 U.S.C. 402(i)(2)(A)).

(E) Section 101(j) (50 U.S.C. 402(j)).

(F) Section 105(a) (50 U.S.C. 403–5(a)).

(G) Section 105(b)(6)(A) (50 U.S.C. 403–5(b)(6)(A)).

(H) Section 105B(a)(1) (50 U.S.C. 403–5b(a)(1)).

(I) Section 105B(b) (50 U.S.C. 403–5b(b)), the first place it appears.

(J) Section 110(b) (50 U.S.C. 404e(b)).

(K) Section 110(c) (50 U.S.C. 404e(c)).

(L) Section 112(a)(1) (50 U.S.C. 404g(a)(1)).

(M) Section 112(d)(1) (50 U.S.C. 404g(d)(1)).

(N) Section 113(b)(2)(A) (50 U.S.C. 404h(b)(2)(A)).

(O) Section 114(a)(1) (50 U.S.C. 404i(a)(1)).

(P) Section 114(b)(1) (50 U.S.C. 404i(b)(1)).

(R) Section 115(a)(1) (50 U.S.C. 404j(a)(1)).

(S) Section 115(b) (50 U.S.C. 404j(b)).

(T) Section 115(c)(1)(B) (50 U.S.C. 404j(c)(1)(B)).

(U) Section 116(a) (50 U.S.C. 404k(a)).

(V) Section 117(a)(1) (50 U.S.C. 404l(a)(1)).

(W) Section 303(a) (50 U.S.C. 405(a)), both places it appears.

(X) Section 501(d) (50 U.S.C. 413(d)).

(Y) Section 502(a) (50 U.S.C. 413a(a)).

(Z) Section 502(c) (50 U.S.C. 413a(c)).

(AA) Section 503(b) (50 U.S.C. 413b(b)).

(BB) Section 504(a)(3)(C) (50 U.S.C. 414(a)(3)(C)).

(CC) Section 504(d)(2) (50 U.S.C. 414(d)(2)).

(DD) Section 506A(a)(1) (50 U.S.C. 415a–1(a)(1)).

(EE) Section 603(a) (50 U.S.C. 423(a)).

(FF) Section 702(a)(1) (50 U.S.C. 432(a)(1)).

(GG) Section 702(a)(6)(B)(viii) (50 U.S.C. 432(a)(6)(B)(viii)).

(HH) Section 702(b)(1) (50 U.S.C. 432(b)(1)), both places it appears.

(II) Section 703(a)(1) (50 U.S.C. 432a(a)(1)).

(JJ) Section 703(a)(6)(B)(viii) (50 U.S.C. 432a(a)(6)(B)(viii)).

(KK) Section 703(b)(1) (50 U.S.C. 432a(b)(1)), both places it appears.

(LL) Section 704(a)(1) (50 U.S.C. 432b(a)(1)).

(MM) Section 704(f)(2)(H) (50 U.S.C. 432b(f)(2)(H)).

(NN) Section 704(g)(1)) (50 U.S.C. 432b(g)(1)), both places it appears.

(OO) Section 1001(a) (50 U.S.C. 441g(a)).

(PP) Section 1102(a)(1) (50 U.S.C. 442a(a)(1)).

(QQ) Section 1102(b)(1) (50 U.S.C. 442a(b)(1)).

(RR) Section 1102(c)(1) (50 U.S.C. 442a(c)(1)).

(SS) Section 1102(d) (50 U.S.C. 442a(d)).

(2) That Act is further amended by striking ''of Central Intelligence'' each place it appears in the following provisions:

(A) Section 105(a)(2) (50 U.S.C. 403–5(a)(2)).

(B) Section 105B(a)(2) (50 U.S.C. 403–5b(a)(2)).

(C) Section 105B(b) (50 U.S.C. 403–5b(b)), the second place it appears.

(3) That Act is further amended by striking ''Director'' each place it appears in the following provisions and inserting ''National Intelligence Director'':

(A) Section 114(c) (50 U.S.C. 404i(c)).

(B) Section 116(b) (50 U.S.C. 404k(b)).

(C) Section 1001(b) (50 U.S.C. 441g(b)).

(C) Section 1001(c) (50 U.S.C. 441g(c)), the first place it appears.

(D) Section 1001(d)(1)(B) (50 U.S.C. 441g(d)(1)(B)).

(E) Section 1001(e) (50 U.S.C. 441g(e)), the first place it appears.

(4) Section 114A of that Act (50 U.S.C. 404i–1) is amended by striking ''Director of Central Intelligence'' and inserting ''National Intelligence Director, the Director of the Central Intelligence Agency''

(5) Section 504(a)(2) of that Act (50 U.S.C. 414(a)(2)) is amended by striking ''Director of Central Intelligence'' and inserting ''Director of the Central Intelligence Agency''.

(6) Section 701 of that Act (50 U.S.C. 431) is amended—

(A) in subsection (a), by striking ''Operational files of the Central Intelligence Agency may be exempted by the Director of Central Intelligence'' and inserting ''The Director of the Central Intelligence Agency, with the coordination of the National Intelligence Director, may exempt operational files of the Central Intelligence Agency''; and

(B) in subsection (g)(1), by striking ''Director of Central Intelligence'' and inserting ''Director of the Central Intelligence Agency and the National Intelligence Director''.

(7) The heading for section 114 of that Act (50 U.S.C. 404i) is amended to read as follows:

''ADDITIONAL ANNUAL REPORTS FROM THE NATIONAL INTELLIGENCE DIRECTOR''.

(b) CENTRAL INTELLIGENCE AGENCY ACT OF 1949.—(1) The Central Intelligence Agency Act of 1949 (50 U.S.C. 403a et seq.) is amended

by striking ''Director of Central Intelligence'' each place it appears in the following provisions and inserting ''National Intelligence Director'':

(A) Section 6 (50 U.S.C. 403g).

(B) Section 17(f) (50 U.S.C. 403q(f)), both places it appears.

(2) That Act is further amended by striking ''of Central Intelligence'' in each of the following provisions:

(A) Section 2 (50 U.S.C. 403b).

(B) Section 16(c)(1)(B) (50 U.S.C. 403p(c)(1)(B)).

(C) Section 17(d)(1) (50 U.S.C. 403q(d)(1)).

(D) Section 20(c) (50 U.S.C. 403t(c)).

(3) That Act is further amended by striking ''Director of Central Intelligence'' each place it appears in the following provisions and inserting ''Director of the Central Intelligence Agency'':

(A) Section 14(b) (50 U.S.C. 403n(b)).

(B) Section 16(b)(2) (50 U.S.C. 403p(b)(2)).

(C) Section 16(b)(3) (50 U.S.C. 403p(b)(3)), both places it appears.

(D) Section 21(g)(1) (50 U.S.C. 403u(g)(1)).

(E) Section 21(g)(2) (50 U.S.C. 403u(g)(2)).

(c) CENTRAL INTELLIGENCE AGENCY RETIREMENT ACT.—Section 101 of the Central Intelligence Agency Retirement Act (50 U.S.C. 2001) is amended by striking paragraph (2) and inserting the following new paragraph (2):

''(2) DIRECTOR.—The term 'Director' means the Director of the Central Intelligence Agency.''.

(d) CIA VOLUNTARY SEPARATION PAY ACT.—Subsection (a)(1) of section 2 of the Central Intelligence Agency Voluntary Separation Pay Act (50 U.S.C. 2001 note) is amended to read as follows:

''(1) the term 'Director' means the Director of the Central Intelligence Agency;''.

(e) FOREIGN INTELLIGENCE SURVEILLANCE ACT OF 1978.—(1) The Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1801 et seq.) is amended by striking ''Director of Central Intelligence'' each place it appears and inserting ''National Intelligence Director''.

(f) CLASSIFIED INFORMATION PROCEDURES ACT.—Section 9(a) of the Classified Information Procedures Act (5 U.S.C. App.) is amended by striking ''Director of Central Intelligence'' and inserting ''National Intelligence Director''.

(g) INTELLIGENCE AUTHORIZATION ACTS.—

(1) PUBLIC LAW 103–359.—Section 811(c)(6)(C) of the Counterintelligence and Security Enhancements Act of 1994 (title VIII of Public Law 103–359) is amended by striking ''Director of Central Intelligence'' and inserting ''National Intelligence Director''.

(2) PUBLIC LAW 107–306.—(A) The Intelligence Authorization Act for Fiscal Year 2003 (Public Law 107–306) is amended by striking ''Director of Central Intelligence, acting as the head of the intelligence community,'' each place it appears in the following provisions and inserting ''National Intelligence Director'':

(i) Section 313(a) (50 U.S.C. 404n(a)).

(ii) Section 343(a)(1) (50 U.S.C. 404n–2(a)(1))

(B) That Act is further amended by striking ''Director of Central Intelligence'' each place it appears in the following provisions and inserting ''National Intelligence Director'':

(i) Section 902(a)(2) (50 U.S.C. 402b(a)(2)).

(ii) Section 904(e)(4) (50 U.S.C. 402c(e)(4)).

(iii) Section 904(e)(5) (50 U.S.C. 402c(e)(5)).

(iv) Section 904(h) (50 U.S.C. 402c(h)), each place it appears.

(v) Section 904(m) (50 U.S.C. 402c(m)).

(C) Section 341 of that Act (50 U.S.C. 404n–1) is amended by striking ''Director of Central Intelligence, acting as the head of the intelligence community, shall establish in the Central Intelligence Agency'' and inserting ''National Intelligence Director shall establish within the Central Intelligence Agency''.

(D) Section 352(b) of that Act (50 U.S.C. 404–3 note) is amended by striking ''Director'' and inserting ''National Intelligence Director''.

(3) PUBLIC LAW 108–177.—(A) The Intelligence Authorization Act for Fiscal Year 2004 (Public Law 108–177) is amended by striking ''Director of Central Intelligence'' each place it appears in the following provisions and inserting ''National Intelligence Director'':

(i) Section 317(a) (50 U.S.C. 403–3 note).

(ii) Section 317(h)(1).

(iii) Section 318(a) (50 U.S.C. 441g note).

(iv) Section 319(b) (50 U.S.C. 403 note).

(v) Section 341(b) (28 U.S.C. 519 note).

(vi) Section 357(a) (50 U.S.C. 403 note).

(vii) Section 504(a) (117 Stat. 2634), both places it appears.

(B) Section 319(f)(2) of that Act (50 U.S.C. 403 note) is amended by striking ''Director'' the first place it appears and inserting ''National Intelligence Director''.

(C) Section 404 of that Act (18 U.S.C. 4124 note) is amended by striking ''Director of Central Intelligence'' and inserting ''Director of the Central Intelligence Agency''.

SEC. 173. OTHER CONFORMING AMENDMENTS

(a) NATIONAL SECURITY ACT OF 1947.—(1) Section 101(j) of the National Security Act of 1947 (50 U.S.C. 402(j)) is amended by striking ''Deputy Director of Central Intelligence'' and inserting ''Deputy National Intelligence Director''.

(2) Section 112(d)(1) of that Act (50 U.S.C. 404g(d)(1)) is amended by striking ''section 103(c)(6) of this Act'' and inserting ''section 132(a)(9) of the National Intelligence Authority Act of 2004''.

(3) Section 116(b) of that Act (50 U.S.C. 404k(b)) is amended by striking ''to the Deputy Director of Central Intelligence, or with respect to employees of the Central Intelligence Agency, the Director may delegate such authority to the Deputy Director for Operations'' and inserting ''to the Deputy National Intelligence Director, or with respect to employees of the Central Intelligence Agency, to the Director of the Central Intelligence Agency''.

(4) Section 506A(b)(1) of that Act (50 U.S.C. 415a–1(b)(1)) is amended by striking ''Office of the Deputy Director of Central Intelligence'' and inserting ''Office of the National Intelligence Director''.

(5) Section 701(c)(3) of that Act (50 U.S.C. 431(c)(3)) is amended by striking ''Office of the Director of Central Intelligence'' and inserting ''Office of the National Intelligence Director''.

(6) Section 1001(b) of that Act (50 U.S.C. 441g(b)) is amended by striking ''Assistant Director of Central Intelligence for Administration'' and inserting ''Office of the National Intelligence Director''.

(b) CENTRAL INTELLIGENCE ACT OF 1949.—Section 6 of the Central Intelligence Agency Act of 1949 (50 U.S.C. 403g) is amended by striking ''section 103(c)(7) of the National Security Act of 1947 (50 U.S.C. 403–3(c)(7))'' and inserting ''section 132(a)(9) of the National Intelligence Authority Act of 2004''.

(c) CENTRAL INTELLIGENCE AGENCY RETIREMENT ACT.—Section 201(c) of the Central Intelligence Agency Retirement Act (50 U.S.C. 2011(c)) is amended by striking ''paragraph (6) of section 103(c) of the National Security Act of 1947 (50 U.S.C. 403–3(c)) that the Director of Central Intelligence'' and inserting ''section 132(a)(9) of the National Intelligence Authority Act of 2004 that the National Intelligence Director''.

(d) INTELLIGENCE AUTHORIZATION ACTS.—

(1) PUBLIC LAW 107–306.—(A) Section 343(c) of the Intelligence Authorization Act for Fiscal Year 2003 (Public Law 107–306; 50 U.S.C. 404n–2(c)) is amended by striking ''section 103(c)(6) of the National Security Act of 1947 (50 U.S.C. 403–3((c)(6))'' and inserting ''section 132(a)(9) of the National Intelligence Authority Act of 2004''.

(B) Section 904 of that Act (50 U.S.C. 402c) is amended—

(i) in subsection (c), by striking ''Office of the Director of Central Intelligence'' and inserting ''Office of the National Intelligence Director''; and

(ii) in subsection (l), by striking ''Office of the Director of Central Intelligence'' and inserting ''Office of the National Intelligence Director''.

(2) PUBLIC LAW 108–177.—Section 317 of the Intelligence Authorization Act for Fiscal Year 2004 (Public Law 108–177; 50 U.S.C. 403–3 note) is amended—

(A) in subsection (g), by striking ''Assistant Director of Central Intelligence for Analysis and Production'' and inserting ''Deputy National Intelligence Director''; and

(B) in subsection (h)(2)(C), by striking ''Assistant Director'' and inserting ''Deputy National Intelligence Director''.

SEC. 174. ELEMENTS OF INTELLIGENCE COMMUNITY UNDER NATIONAL SECURITY ACT OF 1947.

Paragraph (4) of section 3 of the National Security Act of 1947 (50 U.S.C. 401a) is amended to read as follows:

''(4) The term 'intelligence community' includes the following:

''(A) The National Intelligence Authority.

''(B) The Central Intelligence Agency.

''(C) The National Security Agency.

''(D) The Defense Intelligence Agency.

''(E) The National Geospatial-Intelligence Agency.

''(F) The National Reconnaissance Office.

''(G) Other offices within the Department of Defense for the collection of specialized national intelligence through reconnaissance programs.

''(H) The intelligence elements of the Army, the Navy, the Air Force, the Marine Corps, the Federal Bureau of Investigation, and the Department of Energy.

''(I) The Bureau of Intelligence and Research of the Department of State.

''(J) The Office of Intelligence and Analysis of the Department of the Treasury.

''(K) The elements of the Department of Homeland Security concerned with the analysis of intelligence information, including the Office of Intelligence of the Coast Guard.

''(L) Such other elements of any other department or agency as may be designated by the President, or designated jointly by the National Intelligence Director and the head of the department or agency concerned, as an element of the intelligence community.''.

SEC. 175. REDESIGNATION OF NATIONAL FOREIGN INTELLIGENCE PROGRAM AS NATIONAL INTELLIGENCE PROGRAM.

(a) REDESIGNATION.—Paragraph (6) of section 3 of the National Security Act of 1947 (50 U.S.C. 401a) is amended to read as follows:

''(6) The term 'National Intelligence Program'—

''(A)(i) refers to all national intelligence programs, projects, and activities of the elements of the intelligence community; and

''(ii) includes all programs, projects, and activities (whether or not pertaining to national intelligence) of the National Intelligence Authority, the Central Intelligence Agency, the National Security Agency, the National Geospatial-Intelligence Agency, the National Reconnaissance Office, the Office of Intelligence of the Federal Bureau of Investigation, and the Directorate of Information Analysis and Infrastructure Protection of the Department of Homeland Security; but

''(B) does not refer—

''(i) to any program, project, or activity pertaining solely to the requirements of a single department, agency, or element of the United States Government; or

''(ii) to any program, project, or activity of the military departments to acquire intelligence solely for the planning and conduct of tactical military operations by the United States Armed Forces.''.

(b) CONFORMING AMENDMENTS.—(1) The National Security Act of 1947, as amended by this Act, is further amended by striking ''National Foreign Intelligence Program'' each place it appears in the following provisions and inserting ''National Intelligence Program'':

(A) Section 105(a)(2) (50 U.S.C. 403–5(a)(2)).

(B) Section 105(a)(3) (50 U.S.C. 403–5(a)(3)).

(C) Section 506(a) (50 U.S.C. 415a(a)).

(2) Section 17(f) of the Central Intelligence Agency Act of 1949 (50 U.S.C. 403q(f)) is amended by striking ''National Foreign Intelligence Program'' and inserting ''National Intelligence Program''.

(c) HEADING AMENDMENTS.—(1) The heading of section 105 of that Act is amended by striking ''FOREIGN''.

(2) The heading of section 506 of that Act is amended by striking ''FOREIGN''.

SEC. 176. REPEAL OF SUPERSEDED AUTHORITIES.

(a) APPOINTMENT OF CERTAIN INTELLIGENCE OFFICIALS.—Section 106 of the National Security Act of 1947 (50 U.S.C. 403–6) is repealed.

(b) COLLECTION TASKING AUTHORITY.—Section 111 of the National Security Act of 1947 (50 U.S.C. 404f) is repealed.

SEC. 177. CLERICAL AMENDMENTS TO NATIONAL SECURITY ACT OF 1947.

The table of contents for the National Security Act of 1947 is amended—

(1) by striking the items relating to sections 102 through 104 and inserting the following new items:

''Sec. 102. Central Intelligence Agency.

''Sec. 103. Director of the Central Intelligence Agency.'';

(2) by striking the item relating to section 105 and inserting the following new item:

''Sec 105. Responsibilities of the Secretary of Defense pertaining to the National Intelligence Program.'';

(3) by striking the item relating to section 114 and inserting the following new item:

''Sec. 114. Additional annual reports from the National Intelligence Director.'';

and

(4) by striking the item relating to section 506 and inserting the following new item:

''Sec. 506. Specificity of National Intelligence Program budget amounts for counterterrorism, counterproliferation, counternarcotics, and counterintelligence''.

SEC. 178. CONFORMING AMENDMENTS RELATING TO DUAL SERVICE OF CERTAIN OFFICIALS AS DEPUTY NATIONAL INTELLIGENCE DIRECTORS.

(a) DIRECTOR OF CENTRAL INTELLIGENCE AGENCY.—Section 1 of the Central Intelligence Agency Act of 1949 (50 U.S.C. 403a) is amended—

(1) by redesignating paragraphs (a), (b), and (c) as paragraphs (1), (2), and (3), respectively; and

(2) by striking paragraph (2), as so redesignated, and inserting the following new paragraph (2):

''(2) 'Director' means the Director of the Central Intelligence Agency; and''.

(b) UNDER SECRETARY OF DEFENSE FOR INTELLIGENCE.—Section 137 of title 10, United States Code, is amended—

(1) in subsection (a), by adding at the end the following new sentence: ''The appointment of an individual as Under Secretary is subject to the provisions of section 135(c) of the National Intelligence Authority Act of 2004.''; and

(2) in subsection (b)—

(A) by inserting ''(1)'' after ''(a)''; and

(B) by adding at the end the following new paragraph:

''(2) In addition to the duties and powers provided for under paragraph (1), the Under Secretary of Defense for Intelligence also serves as Deputy National Intelligence Director for Defense Intelligence under section 114(c) of the National Intelligence Authority Act of 2004, and, in that capacity, has the duties and responsibilities set forth in paragraph (3) of such section.''.

(c) UNDER SECRETARY OF HOMELAND SECURITY FOR INFORMATION ANALYSIS AND INFRASTRUCTURE PROTECTION.—Section 201(a) of the Homeland Security Act of 2002 (6 U.S.C. 201(a)) is amended—

(1) in paragraph (1), by adding at the end the following new sentence: ''The appointment of an individual as Under Secretary is subject to the provisions of section 135(c) of the National Intelligence Authority Act of 2004.''; and

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

''(3) CONCURRENT SERVICE AS DEPUTY NATIONAL INTELLIGENCE DIRECTOR FOR HOMELAND INTELLIGENCE.—Upon the election of the National Intelligence Director, the Under Secretary also serves as the Deputy National Intelligence Director for Homeland Intelligence under section 114(d) of the National Intelligence Authority Act of 2004, and, in that capacity, has the duties and responsibilities set forth in paragraph (3) of such section.''.

(d) EXECUTIVE ASSISTANT DIRECTOR FOR INTELLIGENCE OF FBI.—Upon the election of the National Intelligence Director, the Executive Assistant Director for Intelligence of the Federal Bureau of Investigation also serves as the Deputy National Intelligence Director for Homeland Intelligence under section 114(d), and, in that capacity, has the duties and responsibilities set forth in paragraph (3) of such section.

SEC. 179. CONFORMING AMENDMENT TO INSPECTOR GENERAL ACT OF 1978.

Section 8H(a)(1) of the Inspector General Act of 1978 (5 U.S.C. App.) is amended by adding at the end the following new subparagraph:

''(D) An employee of the National Intelligence Authority, or of a contractor of the Authority, who intends to report to Congress a complaint or information with respect to an urgent concern may report the complaint or information to the Inspector General of the National Intelligence Authority in accordance with section 131(h)(5) of the National Intelligence Authority Act of 2004.''.

Subtitle G—Other Matters

SEC. 181. TRANSFER OF COMMUNITY MANAGEMENT STAFF.

(a) TRANSFER.—There shall be transferred to the Office of the National Intelligence Director the staff of the Community Management Staff as of the date of the enactment of this Act, including all functions and activities discharged by the Community Management Staff as of that date.

(b) ADMINISTRATION.—The National Intelligence Director shall administer the Community Management Staff after the date of the enactment of this Act as a component of the Office of the National Intelligence Director under section 113(d)(2).

SEC. 182. TRANSFER OF TERRORIST THREAT INTEGRATION CENTER.

(a) TRANSFER.—There shall be transferred to the National Counterterrorism Center the Terrorist Threat Integration Center (TTIC), including all functions and activities discharged by the Terrorist Threat Integration Center as of the date of the enactment of this Act.

(b) ADMINISTRATION.—The Director of the National Counterterrorism Center shall administer the Terrorist Threat Integration Center after the date of the enactment of this Act as a component of the Directorate of Intelligence of the National Counterterrorism Center under section 141(f)(2).

SEC. 183. TERMINATION OF POSITIONS OF ASSISTANT DIRECTORS OF CENTRAL INTELLIGENCE.

(a) TERMINATION.—The positions within the Central Intelligence Agency referred to in subsection (b) are hereby abolished.

(b) COVERED POSITIONS.—The positions within the Central Intelligence Agency referred to in this subsection are as follows:

(1) The Assistant Director of Central Intelligence for Collection.

(2) The Assistant Director of Central Intelligence for Analysis and Production.

(3) The Assistant Director of Central Intelligence for Administration.

SEC. 184. TERMINATION OF JOINT MILITARY INTELLIGENCE PROGRAM.

Effective as of October 1, 2005, the Joint Military Intelligence Program is abolished.

SEC. 185. EXECUTIVE SCHEDULE MATTERS.

(a) EXECUTIVE SCHEDULE LEVEL I.—Section 5312 of title 5, United States Code, is amended by adding the end the following new item:

''National Intelligence Director.''.

(b) EXECUTIVE SCHEDULE LEVEL II.—Section 5313 of title 5, United States Code, is amended by adding at the end the following new items:

''Deputy National Intelligence Director.

''Director of the National Counterterrorism Center.''.

(c) EXECUTIVE SCHEDULE LEVEL IV.—Section 5315 of title 5, United States Code, is amended by striking the item relating to the Assistant Directors of Central Intelligence.

SEC. 186. PRESERVATION OF INTELLIGENCE CAPABILITIES.

The National Intelligence Director, the Director of the Central Intelligence Agency, and the Secretary of Defense shall jointly take such actions as are appropriate to preserve the intelligence capabilities of the United States during the establishment of the National Intelligence Authority under this title.

SEC. 187. GENERAL REFERENCES.

(a) DIRECTOR OF CENTRAL INTELLIGENCE AS HEAD OF INTELLIGENCE COMMUNITY.—Any reference to the Director of Central Intelligence or the Director of the Central Intelligence Agency in the Director's capacity as the head of the intelligence community in any law, regulation, document, paper, or other record of the United States shall be deemed to be a reference to the National Intelligence Director.

(b) DIRECTOR OF CENTRAL INTELLIGENCE AS HEAD OF CIA.—Any reference to the Director of Central Intelligence or the Director of the Central Intelligence Agency in the Director's capacity as the head of the Central Intelligence Agency in any law, regulation, document, paper, or other record of the United States shall be deemed to be a reference to the Director of the Central Intelligence Agency.

(c) COMMUNITY MANAGEMENT STAFF.—Any reference to the Community Management Staff in any law, regulation, document, paper, or other record of the United States shall be deemed to be a reference to the staff of the Office of the National Intelligence Director.

TITLE II—INFORMATION SHARING

SEC. 201. INFORMATION SHARING.

(a) DEFINITIONS.—In this section:

(1) NETWORK.—The term ''Network'' means the Information Sharing Network described in subsection (c).

(2) TERRORISM INFORMATION.—The term ''terrorism information'' means all information, whether collected, produced, or distributed by intelligence, law enforcement, military, homeland security, or other activities, relating to—

(A) the existence, organization, capabilities, plans, intentions, vulnerabilities, means of finance or material support, or activities of foreign or international terrorist groups or individuals, or of domestic groups or individuals involved in transnational terrorism;

(B) threats posed by such groups or individuals to the United States, United States persons, or United States interests, or to those of other nations;

(C) communications of or by such groups or individuals; or

(D) information relating to groups or individuals reasonably believed to be assisting or associated with such groups or individuals.

(b) FINDINGS.—Consistent with the report of the National Commission on Terrorist Attacks Upon the United States, Congress makes the following findings:

(1) The effective use of information, from all available sources, is essential to the fight against terror and the protection of our homeland. The biggest impediment to all-source analysis, and to a greater likelihood of ''connecting the dots'', is resistance to sharing information.

(2) The United States Government has access to a vast amount of information, including not only traditional intelligence but also other government databases, such as those containing customs or immigration information. But the United States Government has a weak system for processing and using the information it has.

(3) In the period leading up to September 11, 2001, there were instances of potentially helpful information that was available but that no person knew to ask for; information that was distributed only in compartmented channels; and information that was requested but could not be shared.

(4) Current security requirements nurture overclassification and excessive compartmentalization of information among agencies. Each agency's incentive structure opposes sharing, with risks, including criminal, civil, and administrative sanctions, but few rewards for sharing information.

(5) The current system, in which each intelligence agency has its own security practices, requires a demonstrated ''need to know'' before sharing. This approach assumes that it is possible to know, in advance, who will need to use the information. An outgrowth of the cold war, such a system implicitly assumes that the risk of inadvertent disclosure outweighs the benefits of wider sharing. Such assumptions are no longer appropriate. Although counterintelligence concerns are still real, the costs of not sharing information are also substantial. The current ''need-to-know'' culture of information protection needs to be replaced with a ''need-to-share'' culture of integration.

(6) A new approach to the sharing of terrorism information is urgently needed. An important conceptual model for a new ''trusted information network'' is the Systemwide Homeland Analysis and Resource Exchange (SHARE) Network proposed by a task force of leading professionals assembled by the Markle Foundation and described in reports issued in October 2002 and December 2003.

(7) No single agency can create a meaningful information sharing system on its own. Alone, each agency can only modernize stovepipes, not replace them. Presidential leadership is required to bring about governmentwide change.

(c) INFORMATION SHARING NETWORK.—

(1) ESTABLISHMENT.—The President shall establish an information sharing network to promote the sharing of terrorism information, in a manner consistent with national security and the protection of privacy and civil liberties.

(2) ATTRIBUTES.—The Network shall promote coordination, communication and collaboration of people and information among all relevant Federal departments and agencies, State, tribal, and local authorities, and relevant private sector entities, including owners and operators of critical infrastructure, by using policy guidelines and technologies that support—

(A) a decentralized, distributed, and coordinated environment that connects existing systems where appropriate and allows users to share information horizontally across agencies, vertically between levels of government, and, as appropriate, with the private sector;

(B) building on existing systems capabilities at relevant agencies;

(C) utilizing industry best practices, including minimizing the centralization of data and seeking to use common tools and capabilities whenever possible;

(D) employing an information rights management approach that controls access to data rather than to whole networks;

(E) facilitating the sharing of information at and across all levels of security by using policy guidelines and technologies that support writing information that can be broadly shared;

(F) providing directory services for locating people and information;

(G) incorporating protections for individuals' privacy and civil liberties;

(H) incorporating mechanisms for information security; and

(I) access controls, authentication and authorization, audits, and other strong mechanisms for information security and privacy guideline enforcement across all levels of security, in order to enhance accountability and facilitate oversight.

(d) IMMEDIATE STEPS.—Not later than 90 days after the date of enactment of this Act, the President, through the Director of Management and Budget and in consultation with the National Intelligence Director, the Attorney General, the Secretary of Homeland Security, the Secretary of Defense, the Secretary of State, the Director of the Federal Bureau of Investigation, the Director of the Central Intelligence Agency, and such other Federal officials as the President shall designate, shall—

(1) establish electronic directory services to assist in locating in the Federal Government terrorism information and people with relevant knowledge about terrorism information; and

(2) conduct a review of relevant current Federal agency capabilities, including a baseline inventory of current Federal systems that contain terrorism information, the money currently spent to maintain those systems, and identification of other information that should be included in the Network.

(e) GUIDELINES.—As soon as possible, but in no event later than 180 days after the date of enactment of this Act, the President shall—

(1) in consultation with the National Intelligence Director and the Advisory Council on Information Sharing established in subsection (g), issue guidelines for acquiring, accessing, sharing, and using terrorism information, including guidelines to ensure such information is provided in its most shareable form, such as by separating out data from the sources and methods by which they are obtained;

(2) in consultation with the Privacy and Civil Liberties Oversight Board established under section 901, issue guidelines that—

(A) protect privacy and civil liberties in the development and use of the Network; and

(B) shall be made public, unless, and only to the extent that, nondisclosure is clearly necessary to protect national security;

(3) establish objective, systemwide performance measures to enable the assessment of progress toward achieving full implementation of the Network; and

(4) require Federal departments and agencies to promote a culture of information sharing by—

(A) reducing disincentives to information sharing, including overclassification of information and unnecessary requirements for originator approval; and

(B) providing affirmative incentives for information sharing, such as the incorporation of information sharing performance measures into agency and managerial evaluations, and employee awards for promoting innovative information sharing practices.

(f) SYSTEM DESIGN AND IMPLEMENTATION PLAN.—Not later than 270 days after the date of enactment of this Act, the President shall submit to Congress a system design and implementation plan for the Network. The plan shall be prepared by the President through the Director of Management and Budget and in consultation with the National Intelligence Director, the Attorney General, the Secretary of Homeland Security, the Secretary of Defense, the Secretary of State, the Director of the Federal Bureau of Investigation, the Director of the Central Intelligence Agency, and such other Federal officials as the President shall designate, and shall include—

(1) a description of the parameters of the proposed Network, including functions, capabilities, and resources;

(2) a description of the technological, legal, and policy issues presented by the creation of the Network described in subsection (c), and the ways in which these issues will be addressed;

(3)(A) a delineation of the roles of the Federal departments and agencies that will participate in the development of the Network, including—

(i) identification of any agency that will build the infrastructure needed to operate and manage the Network (as distinct from the individual agency components that are to be part of the Network); and

(ii) identification of any agency that will operate and manage the Network (as distinct from the individual agency components that are to be part of the Network);

(B) a provision that the delineation of roles under subparagraph (A) shall—

(i) be consistent with the authority of the National Intelligence Director, under this Act, to set standards for information sharing and information technology throughout the intelligence community; and

(ii) recognize the role of the Department of Homeland Security in coordinating with State, tribal, and local officials and the private sector;

(4) a description of the technological requirements to appropriately link and enhance existing networks and a description of the system design that will meet these requirements;

(5) a plan, including a time line, for the development and phased implementation of the Network;

(6) total budget requirements to develop and implement the Network, including the estimated annual cost for each of the 5 years following the date of enactment of this Act; and

(7) proposals for any legislation that the President believes necessary to implement the Network.

(g) ADVISORY COUNCIL ON INFORMATION SHARING.—

(1) ESTABLISHMENT.—There is established an Advisory Council on Information Sharing (in this subsection referred to as the ''Council'').

(2) MEMBERSHIP.—No more than 25 individuals may serve as members of the Council, which shall include—

(A) the National Intelligence Director, who shall serve as Chairman of the Council;

(B) the Secretary of Homeland Security;

(C) the Secretary of Defense;

(D) the Attorney General;

(E) the Secretary of State;

(F) the Director of the Central Intelligence Agency;

(G) the Director of the Federal Bureau of Investigation;

(H) the Director of Management and Budget;

(I) such other Federal officials as the President shall designate;

(J) representatives of State, tribal, and local governments, to be appointed by the President;

(K) individuals from outside government with expertise in relevant technology, security and privacy concepts, to be appointed by the President; and

(L) individuals who are employed in private businesses or nonprofit organizations that own or operate critical infrastructure, to be appointed by the President.

(3) RESPONSIBILITIES.—The Council shall—

(A) advise the President and the heads of relevant Federal departments and agencies on the implementation of the Network;

(B) ensure that there is coordination among participants in the Network in the development and implementation of the Network;

(C) review, on an ongoing basis, policy, legal and technology issues related to the implementation of the Network; and

(D) establish a dispute resolution process to resolve disagreements among departments and agencies about whether particular terrorism information should be shared and in what manner.

(4) INAPPLICABILITY OF FEDERAL ADVISORY COMMITTEE ACT.—The Council shall not be subject to the requirements of the Federal Advisory Committee Act (5 U.S.C. App.).

(5) INFORMING THE PUBLIC.—The Council shall hold public hearings and otherwise inform the public of its activities, as appropriate and in a manner consistent with the protection of classified information and applicable law.

(6) COUNCIL REPORTS.—Not later than 1 year after the date of enactment of this Act and annually thereafter, the National Intelligence Director, in the capacity of Chairman of the Council, shall submit a report to Congress that shall include—

(A) a description of the activities and accomplishments of the Council in the preceding year; and

(B) the number and dates of the meetings held by the Council and a list of attendees at each meeting.

(h) PRESIDENTIAL REPORTS.—Not later than 1 year after the date of enactment of this Act, and semiannually thereafter, the President shall submit a report to Congress on the state of the Network. The report shall include—

(1) a progress report on the extent to which the Network has been implemented, including how the Network has fared on the governmentwide and agency-specific performance measures and whether the performance goals set in the preceding year have been met;

(2) objective systemwide performance goals for the following year;

(3) an accounting of how much was spent on the Network in the preceding year;

(4) actions taken to ensure that agencies procure new technology that is consistent with the Network and information on whether new systems and technology are consistent with the Network;

(5) the extent to which, in appropriate circumstances, all terrorism watch lists are available for combined searching in real time through the Network and whether there are consistent standards for placing individuals on, and removing individuals from, the watch lists, including the availability of processes for correcting errors;

(6) the extent to which unnecessary roadblocks or disincentives to information sharing, including the inappropriate use of paper-only intelligence products and requirements for originator approval, have been eliminated;

(7) the extent to which positive incentives for information sharing have been implemented;

(8) the extent to which classified information is also made available through the Network, in whole or in part, in unclassified form;

(9) the extent to which State, tribal, and local officials—

(A) are participating in the Network;

(B) have systems which have become integrated into the Network;

(C) are providing as well as receiving information; and

(D) are using the Network to communicate with each other;

(10) the extent to which—

(A) private sector data, including information from owners and operators of critical infrastructure, is incorporated in the Network; and

(B) the private sector is both providing and receiving information;

(11) where private sector data has been used by the Government or has been incorporated into the Network—

(A) the measures taken to protect sensitive business information; and

(B) where the data involves information about individuals, the measures taken to ensure the accuracy of such data;

(12) the measures taken by the Federal Government to ensure the accuracy of other information on the Network and, in particular, the accuracy of information about individuals;

(13) an assessment of the Network's privacy protections, including actions taken in the preceding year to implement or enforce privacy protections and a report of complaints received about interference with an individual's privacy or civil liberties; and

(14) an assessment of the security protections of the Network.

(i) AGENCY PLANS AND REPORTS.—Each Federal department or agency that possesses or uses terrorism information or that otherwise participates, or expects to participate, in the Network, shall submit to the Director of Management and Budget and to Congress—

(1) not later than 1 year after the enactment of this Act, a report including—

(A) a strategic plan for implementation of the Network's requirements within the department or agency;

(B) objective performance measures to assess the progress and adequacy of the department's or agency's information sharing efforts; and

(C) budgetary requirements to integrate the department or agency into the Network, including projected annual expenditures for each of the following 5 years following the submission of the reports; and

(2) annually thereafter, reports including—

(A) an assessment of the department's or agency's progress in complying with the Network's requirements, including how well the department or agency has performed on the objective measures developed under paragraph (1);

(B) the department's or agency's expenditures to implement and comply with the Network's requirements in the preceding year;

(C) the department's or agency's plans for further implementation of the Network in the year following the submission of the report.

(j) PERIODIC ASSESSMENTS.—

(1) IN GENERAL.—Not later than 1 year after the date of enactment of this Act, and periodically thereafter, the Government Accountability Office shall review and evaluate the implementation of the Network, both generally and, at its discretion, within specific departments and agencies, to determine the extent of compliance with the Network's requirements and to assess the effectiveness of the Network in improving information sharing and collaboration and in protecting privacy and civil liberties, and shall report to Congress on its findings.

(2) INSPECTORS GENERAL.—The Inspector General in any Federal department or agency that possesses or uses terrorism information or that otherwise participates in the Network shall, at the discretion of the Inspector General—

(A) conduct audits or investigations to—

(i) determine the compliance of that department or agency with the Network's requirements; and

(ii) assess the effectiveness of that department or agency in improving information sharing and collaboration and in protecting privacy and civil liberties; and

(B) issue reports on such audits and investigations.

(k) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated—

(1) $50,000,000 to the Director of Management and Budget to carry out this section for fiscal year 2005; and

(2) such sums as are necessary to carry out this section in each fiscal year thereafter, to be disbursed and allocated in accordance with the Network system design and implementation plan required by subsection (f).

TITLE III—CONGRESSIONAL REFORM

SEC. 301. FINDINGS.

Consistent with the report of the National Commission on Terrorist Attacks Upon the United States, Congress makes the following findings:

(1) The American people are not served well by current congressional rules and resolutions governing intelligence and homeland security oversight.

(2) A unified Executive Branch effort on fighting terrorism will not be effective unless it is matched by a unified effort in Congress, specifically a strong, stable, and capable congressional committee structure to give the intelligence agencies and Department of Homeland Security sound oversight, support, and leadership.

(3) The intelligence committees of the Senate and the House of Representatives are not organized to provide strong leadership and oversight for intelligence and counterterrorism.

(4) Jurisdiction over the Department of Homeland Security, which is scattered among many committees in each chamber, does not allow for the clear authority and responsibility needed for effective congressional oversight.

(5) Congress should either create a new, joint Senate-House intelligence authorizing committee modeled on the former Joint

Committee on Atomic Energy, or establish new intelligence committees in each chamber with combined authorization and appropriations authority.

(6) Congress should establish a single, principal point of oversight and review in each chamber for the Department of Homeland Security and the report of the National Commission on Terrorist Attacks Upon the United States stated that ''Congressional leaders are best able to judge what committee should have jurisdiction over this department and its duties.''.

(7) In August 2004, the joint Senate leadership created a bipartisan working group to examine how best to implement the Commission's recommendations with respect to reform of the Senate's oversight of intelligence and homeland security, and directed the working group to begin its work immediately and to present its findings and recommendations to Senate leadership as expeditiously as possible.

SEC. 302. REORGANIZATION OF CONGRESSIONAL JURISDICTION.

The 108th Congress shall not adjourn until each House of Congress has adopted the necessary changes to its rules such that, effective the start of the 109th Congress—

(1) jurisdiction over proposed legislation, messages, petitions, memorials, and other matters relating to the Department of Homeland Security shall be consolidated in a single committee in each House and such committee shall have a nonpartisan staff; and

(2) jurisdiction over proposed legislation, messages, petitions, memorials, and other matters related to intelligence shall reside in—

(A) either a joint Senate-House authorizing committee modeled on the former Joint Committee on Atomic Energy, or a committee in each chamber with combined authorization and appropriations authority; and

(B) regardless of which committee structure is selected, the intelligence committee or committees shall have—

(i) not more than 9 members in each House, who shall serve without term limits and of which at least 1 each shall also serve on a committee on Armed Services, Judiciary, and Foreign Affairs and at least 1 on a Defense Appropriations subcommittee;

(ii) authority to issue subpoenas;

(iii) majority party representation that does not exceed minority party representation by more than 1 member in each House, and a nonpartisan staff; and

(iv) a subcommittee devoted solely to oversight.

TITLE IV—PRESIDENTIAL TRANSITION

SEC. 401. PRESIDENTIAL TRANSITION.

(a) SERVICES PROVIDED PRESIDENT-ELECT.—Section 3 of the Presidential Transition Act of 1963 (3 U.S.C. 102 note) is amended—

(1) by adding after subsection (a)(8)(A)(iv) the following:

''(v) Activities under this paragraph shall include the preparation of a detailed classified, compartmented summary by the relevant outgoing executive branch officials of specific operational threats to national security; major military or covert operations; and pending decisions on possible uses of military force. This summary shall be provided to the President-elect as soon as possible after the date of the general elections held to determine the electors of President and Vice President under section 1 or 2 of title 3, United States Code.'';

(2) by redesignating subsection (f) as subsection (g); and

(3) by adding after subsection (e) the following:

''(f)(1) The President-elect should submit to the agency designated by the President under section 401(d) of the 9/11 Commission Report Implementation Act of 2004 the names of candidates for high level national security positions through the level of undersecretary of cabinet departments as soon as possible after the date of the general elections held to determine the electors of President and Vice President under section 1 or 2 of title 3, United States Code.

''(2) The Federal Bureau of Investigation, and any other appropriate agency, shall undertake and complete as expeditiously as possible the background investigations necessary to provide appropriate security clearances to the individuals who are candidates described under paragraph (1) before the date of the inauguration of the President-elect as President and the inauguration of the Vice-President-elect as Vice President.''.

(b) SENSE OF THE SENATE REGARDING EXPEDITED CONSIDERATION OF NATIONAL SECURITY NOMINEES.—It is the sense of the Senate that—

(1) the President-elect should submit the nominations of candidates for high-level national security positions, through the level of undersecretary of cabinet departments, to the Senate by the date of the inauguration of the President-elect as President; and

(2) for all national security nominees received by the date of inauguration, the Senate committees to which these nominations are referred should, to the fullest extent possible, complete their consideration of these nominations, and, if such nominations are reported by the committees, the full Senate should vote to confirm or reject these nominations, within 30 days of their submission.

(c) SECURITY CLEARANCES FOR TRANSITION TEAM MEMBERS.—

(1) DEFINITION.—In this section, the term ''major party'' shall have the meaning given under section 9002(6) of the Internal Revenue Code of 1986.

(2) IN GENERAL.—Each major party candidate for President, except a candidate who is the incumbent President, may submit, before the date of the general election, requests for security clearances for prospective transition team members who will have a need for access to classified information to carry out their responsibilities as members of the President-elect's transition team.

(3) COMPLETION DATE.—Necessary background investigations and eligibility determinations to permit appropriate prospective transition team members to have access to classified information shall be completed, to the fullest extent practicable, by the day after the date of the general election.

(d) CONSOLIDATION OF RESPONSIBILITY FOR PERSONNEL SECURITY INVESTIGATIONS.—

(1) CONSOLIDATION.—

(A) IN GENERAL.—Not later than 45 days after the date of enactment of this Act, the President shall select a single Federal agency to provide and maintain all security clearances for Federal employees and Federal contractor personnel who require access to classified information, including conducting all investigation functions.

(B) CONSIDERATIONS.—In selecting an agency under this paragraph, the President shall fully consider requiring the transfer of investigation functions to the Office of Personnel Management as described under section 906 of the National Defense Authorization Act for Fiscal Year 2004 (5 U.S.C. 1101 note).

(C) COORDINATION AND CONSOLIDATION OF RESPONSIBILITIES.—The Federal agency selected under this paragraph shall—

(i) take all necessary actions to carry out the responsibilities under this subsection, including entering into a memorandum of understanding with any agency carrying out such responsibilities before the date of enactment of this Act; and

(ii) identify any legislative actions necessary to further implement this subsection.

(D) DATABASE.—The agency selected shall, as soon as practicable, establish and maintain a single database for tracking security clearance applications, investigations and eligibility determinations and ensure that security clearance investigations are conducted according to uniform standards, including uniform security questionnaires and financial disclosure requirements.

(E) POLYGRAPHS.—The President shall direct the agency selected under this paragraph to administer any polygraph examinations on behalf of agencies that require them.

(2) ACCESS.—The President, acting through the National Intelligence Director, shall—

(A) establish uniform standards and procedures for the grant of access to classified information to any officer or employee of any agency or department of the United States and to employees of contractors of those agencies and departments;

(B) ensure the consistent implementation of those standards and procedures throughout such agencies and departments; and

(C) ensure that security clearances granted by individual elements of the intelligence community are recognized by all elements of the intelligence community, and under contracts entered into by such elements.

TITLE V—THE ROLE OF DIPLOMACY, FOREIGN AID, AND THE MILITARY IN THE WAR ON TERRORISM

SEC. 501. REPORT ON TERRORIST SANCTUARIES.

(a) FINDINGS.—Consistent with the report of the National Commission on Terrorist Attacks Upon the United States, Congress makes the following findings:

(1) Complex terrorist operations require locations that provide such operations sanctuary from interference by government or law enforcement personnel.

(2) A terrorist sanctuary existed in Afghanistan before September 11, 2001.

(3) The terrorist sanctuary in Afghanistan provided direct and indirect value to members of al Qaeda who participated in the terrorist attacks on the United States on September 11, 2001 and in other terrorist operations.

(4) Terrorist organizations have fled to some of the least governed and most lawless places in the world to find sanctuary.

(5) During the twenty-first century, terrorists are focusing on remote regions and failing states as locations to seek sanctuary.

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

(1) the United States Government should identify and prioritize locations that are or that could be used as terrorist sanctuaries;

(2) the United States Government should have a realistic strategy that includes the use of all elements of national power to keep possible terrorists from using a location as a sanctuary; and

(3) the United States Government should reach out, listen to, and work with countries in bilateral and multilateral fora to prevent locations from becoming sanctuaries and to prevent terrorists from using locations as sanctuaries.

(c) STRATEGY ON TERRORIST SANCTUARIES.—

(1) REPORT REQUIRED.—Not later than 180 days after the date of the enactment of this Act, the President shall submit to Congress a report that describes a strategy for addressing and, where possible, eliminating terrorist sanctuaries.

(2) CONTENT.—The report required under this section shall include the following:

(A) A description of actual and potential terrorist sanctuaries, together with an assessment of the priorities of addressing and eliminating such sanctuaries.

(B) An outline of strategies for disrupting or eliminating the security provided to terrorists by such sanctuaries.

(C) A description of efforts by the United States Government to work with other countries in bilateral and multilateral fora to address or eliminate actual or potential terrorist sanctuaries and disrupt or eliminate the security provided to terrorists by such sanctuaries.

(D) A description of long-term goals and actions designed to reduce the conditions that allow the formation of terrorist sanctuaries, such as supporting and strengthening host governments, reducing poverty, increasing economic development, strengthening civil society, securing borders, strengthening internal security forces, and disrupting logistics and communications networks of terrorist groups.

SEC. 502. ROLE OF PAKISTAN IN COUNTERING TERRORISM.

(a) FINDINGS.—Consistent with the report of the National Commission on Terrorist Attacks Upon the United States, Congress makes the following findings:

(1) The Government of Pakistan has a critical role to perform in the struggle against Islamist terrorism.

(2) The endemic poverty, widespread corruption, and frequent ineffectiveness of government in Pakistan create opportunities for Islamist recruitment.

(3) The poor quality of education in Pakistan is particularly worrying, as millions of families send their children to madrassahs, some of which have been used as incubators for violent extremism.

(4) The vast unpoliced regions in Pakistan make the country attractive to extremists seeking refuge and recruits and also provide a base for operations against coalition forces in Afghanistan.

(5) A stable Pakistan, with a government advocating ''enlightened moderation'' in the Muslim world, is critical to stability in the region.

(6) There is a widespread belief among the people of Pakistan that the United States has long treated them as allies of convenience.

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

(1) the United States should make a long-term commitment to assisting in ensuring a promising, stable, and secure future in Pakistan, as long as its leaders remain committed to combatting extremists and implementing a strategy of ''enlightened moderation'';

(2) the United States aid to Pakistan should be fulsome and, at a minimum, sustained at the fiscal year 2004 levels;

(3) the United States should support the Government of Pakistan with a comprehensive effort that extends from military aid to support for better education; and

(4) the United States Government should devote particular attention and resources to assisting in the improvement of the quality of education in Pakistan.

(c) REPORT ON SUPPORT FOR PAKISTAN.—

(1) REPORT REQUIRED.—Not later than 180 days after the date of the enactment of this Act, the President shall submit to Congress a report on the efforts of the United States Government to support Pakistan and encourage moderation in that country.

(2) CONTENT.—The report required under this section shall include the following:

(A) An examination of the desirability of establishing a Pakistan Education Fund to direct resources toward improving the quality of secondary schools in Pakistan.

(B) Recommendations on the funding necessary to provide various levels of educational support.

(C) An examination of the current composition and levels of United States military aid to Pakistan, together with any recommendations for changes in such levels and composition that the President considers appropriate.

(D) An examination of other major types of United States financial support to Pakistan, together with any recommendations for changes in the levels and composition of such support that the President considers appropriate.

SEC. 503. AID TO AFGHANISTAN.

(a) FINDINGS.—Consistent with the report of the National Commission on Terrorist Attacks Upon the United States, Congress makes the following findings:

(1) The United States and its allies in the international community have made progress in promoting economic and political reform within Afghanistan, including the establishment of a central government with a democratic constitution, a new currency, and a new army, the increase of personal freedom, and the elevation of the standard of living of many Afghans.

(2) A number of significant obstacles must be overcome if Afghanistan is to become a secure and prosperous democracy, and such a transition depends in particular upon—

(A) improving security throughout the country;

(B) disarming and demobilizing militias;

(C) curtailing the rule of the warlords;

(D) promoting equitable economic development;

(E) protecting the human rights of the people of Afghanistan;

(F) holding elections for public office; and

(G) ending the cultivation and trafficking of narcotics.

(3) The United States and the international community must make a long-term commitment to addressing the deteriorating security situation in Afghanistan and the burgeoning narcotics trade, endemic poverty, and other serious problems in Afghanistan in order to prevent that country from relapsing into a sanctuary for international terrorism.

(b) POLICY.—It shall be the policy of the United States to take the following actions with respect to Afghanistan:

(1) Working with other nations to obtain long-term security, political, and financial commitments and fulfillment of pledges to the Government of Afghanistan to accomplish the objectives of the Afghanistan Freedom Support Act of 2002 (22 U.S.C. 7501 et seq.), especially to ensure a secure, democratic, and prosperous Afghanistan that respects the rights of its citizens and is free of international terrorist organizations.

(2) Using the voice and vote of the United States in relevant international organizations, including the North Atlantic Treaty Organization and the United Nations Security Council, to strengthen international commitments to assist the Government of Afghanistan in enhancing security, building national police and military forces, increasing counter-narcotics efforts, and expanding infrastructure and public services throughout the country.

(3) Taking appropriate steps to increase the assistance provided under programs of the Department of State and the United States Agency for International Development throughout Afghanistan and to increase the number of personnel of those agencies in Afghanistan as necessary to support the increased assistance.

(c) AUTHORIZATION OF APPROPRIATIONS.—

(1) FISCAL YEAR 2005.—There are authorized to be appropriated to the President for fiscal year 2005 for assistance for Afghanistan, in addition to any amounts otherwise available for the following purposes, the following amounts:

(A) For Development Assistance to carry out the provisions of sections 103, 105, and 106 of the Foreign Assistance Act of 1961 (22 U.S.C. 2151a, 2151c, and 2151d), $400,000,000.

(B) For the Child Survival and Health Program Fund to carry out the provisions of section 104 of the Foreign Assistance Act of 1961 (22 U.S.C. 2151b), $100,000,000.

(C) For the Economic Support Fund to carry out the provisions of chapter 4 of part II of the Foreign Assistance Act of 1961 (22 U.S.C. 2346 et seq.), $550,000,000.

(D) For International Narcotics and Law Enforcement to carry out the provisions of section 481 of the Foreign Assistance Act of 1961 (22 U.S.C. 2291), $360,000,000.

(E) For Nonproliferation, Anti-Terrorism, Demining, and Related Programs, $50,000,000.

(F) For International Military Education and Training to carry out the provisions of section 541 of the Foreign Assistance Act of 1961 (22 U.S.C. 2347), $2,000,000.

(G) For Foreign Military Financing Program grants to carry of the provision of section 23 of the Arms Export Control Act (22 U.S.C. 2763), $880,000,000.

(H) For Peacekeeping Operations to carry out the provisions of section 551 of the Foreign Assistance Act of 1961 (22 U.S.C. 2348), $60,000,000.

(2) FISCAL YEARS 2006 THROUGH 2009.—There are authorized to be appropriated to the President for each of fiscal years 2006 through 2009 such sums as may be necessary for financial and other assistance to Afghanistan.

(3) CONDITIONS FOR ASSISTANCE.—Assistance provided by the President under this subsection—

(A) shall be consistent with the Afghanistan Freedom Support Act of 2002; and

(B) shall be provided with reference to the ''Securing Afghanistan's Future'' document published by the Government of Afghanistan.

(d) SENSE OF CONGRESS.—It is the sense of Congress that Congress should, in consultation with the President, update and revise, as appropriate, the Afghanistan Freedom Support Act of 2002.

(e) STRATEGY AND SUPPORT REGARDING UNITED STATES AID TO AFGHANISTAN.—

(1) REQUIREMENT FOR STRATEGY.—Not later than 180 days after the date of the enactment of this Act, the President shall submit to Congress a 5-year strategy for providing aid to Afghanistan.

(2) CONTENT.—The strategy required under paragraph (1) shall describe the resources that will be needed during the next 5 years to achieve specific objectives in Afghanistan, including in the following areas:

(A) Fostering economic development.

(B) Curtailing the cultivation of opium.

(C) Achieving internal security and stability.

(D) Eliminating terrorist sanctuaries.

(E) Increasing governmental capabilities.

(F) Improving essential infrastructure and public services.

(G) Improving public health services.

(H) Establishing a broad-based educational system.

(I) Promoting democracy and the rule of law.

(J) Building national police and military forces.

(3) UPDATES.—Beginning not later than 1 year after the strategy is submitted to Congress under paragraph (1), the President shall submit to Congress an annual report—

(A) updating the progress made toward achieving the goals outlined in the strategy under this subsection; and

(B) identifying shortfalls in meeting those goals and the resources needed to fully achieve them.

SEC. 504. THE UNITED STATES-SAUDI ARABIA RELATIONSHIP.

(a) FINDINGS.—Consistent with the report of the National Commission on Terrorist Attacks Upon the United States, Congress makes the following findings:

(1) Despite a long history of friendly relations with the United States, Saudi Arabia has been a problematic ally in combating Islamic extremism.

(2) Cooperation between the Governments of the United States and Saudi Arabia has traditionally been carried out in private.

(3) The Government of Saudi Arabia has not always responded promptly and fully to United States requests for assistance in the global war on Islamist terrorism.

(4) Counterterrorism cooperation between the Governments of the United States and Saudi Arabia has improved significantly since the terrorist bombing attacks in Riyadh, Saudi Arabia, on May 12, 2003.

(5) The Government of Saudi Arabia is now aggressively pursuing al Qaeda and appears to be acting to build a domestic consensus for some internal reforms.

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

(1) the problems in the relationship between the United States and Saudi Arabia must be confronted openly, and the opportunities for cooperation between the countries must be pursued openly by those governments;

(2) both governments must build a relationship that they can publicly defend and that is based on other national interests in addition to their national interests in oil;

(3) this relationship should include a shared commitment to political and economic reform in Saudi Arabia; and

(4) this relationship should also include a shared interest in greater tolerance and respect for other cultures in Saudi Arabia and a commitment to fight the violent extremists who foment hatred in the Middle East.

(c) REPORT.—

(1) REPORT REQUIRED.—Not later than 180 days after the date of the enactment of this Act, the President shall submit to Congress a strategy for expanding collaboration with the Government of Saudi Arabia on subjects of mutual interest and of importance to the United States.

(2) SCOPE.—As part of this strategy, the President shall consider the utility of undertaking a periodic, formal, and visible high-level dialogue between senior United States Government officials of cabinet level or higher rank and their counterparts in the Government of Saudi Arabia to address challenges in the relationship between the 2 governments and to identify areas and mechanisms for cooperation.

(3) CONTENT.—The strategy under this subsection shall encompass—

(A) intelligence and security cooperation in the fight against Islamist terrorism;

(B) ways to advance the Middle East peace process;

(C) political and economic reform in Saudi Arabia and throughout the Middle East; and

(D) the promotion of greater tolerance and respect for cultural and religious diversity in Saudi Arabia and throughout the Middle East.

SEC. 505. EFFORTS TO COMBAT ISLAMIC TERRORISM BY ENGAGING IN THE STRUGGLE OF IDEAS IN THE ISLAMIC WORLD.

(a) FINDINGS.—Consistent with the report of the National Commission on Terrorist Attacks Upon the United States, Congress makes the following findings:

(1) While support for the United States has plummeted in the Islamic world, many negative views are uninformed, at best, and, at worst, are informed by coarse stereotypes and caricatures.

(2) Local newspapers in Islamic countries and influential broadcasters who reach Islamic audiences through satellite television often reinforce the idea that the people and Government of the United States are anti-Muslim.

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

(1) the Government of the United States should offer an example of moral leadership in the world that includes a commitment to treat all people humanely, abide by the rule of law, and be generous and caring to the people and governments of other countries;

(2) the United States should cooperate with governments of Islamic countries to foster agreement on respect for human dignity and opportunity, and to offer a vision of a better future that includes stressing life over death, individual educational and economic opportunity, widespread political participation, contempt for indiscriminate violence, respect for the rule of law, openness in discussing differences, and tolerance for opposing points of view;

(3) the United States should encourage reform, freedom, democracy, and opportunity for Arabs and Muslims and promote moderation in the Islamic world; and

(4) the United States should work to defeat extremist ideology in the Islamic world by providing assistance to moderate Arabs and Muslims to combat extremist ideas.

(c) REPORT ON THE STRUGGLE OF IDEAS IN THE ISLAMIC WORLD.—

(1) REPORT REQUIRED.—Not later than 180 days after the date of the enactment of this Act, the President shall submit to Congress a report that contains a cohesive long-term strategy for the United States Government to help win the struggle of ideas in the Islamic world.

(2) CONTENT.—The report required under this section shall include the following:

(A) A description of specific goals related to winning this struggle of ideas.

(B) A description of the range of tools available to the United States Government to accomplish these goals and the manner in which such tools will be employed.

(C) A list of benchmarks for measuring success and a plan for linking resources to the accomplishment of these goals.

(D) A description of any additional resources that may be necessary to help win this struggle of ideas.

(E) Any recommendations for the creation of, and United States participation in, international institutions for the promotion of democracy and economic diversification in the Islamic world, and intra-regional trade in the Middle East.

(F) An estimate of the level of United States financial assistance that would be sufficient to convince United States allies and people in the Islamic world that engaging in the struggle of ideas in the Islamic world is a top priority of the United States and that the United States intends to make a substantial and sustained commitment toward winning this struggle.

SEC. 506. UNITED STATES POLICY TOWARD DICTATORSHIPS.

(a) FINDING.—Consistent with the report of the National Commission on Terrorist Attacks Upon the United States, Congress finds that short-term gains enjoyed by the United States through cooperation with the world's most repressive and brutal governments are too often outweighed by long-term setbacks for the stature and interests of the United States.

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

(1) United States foreign policy should promote the value of life and the importance of individual educational and economic opportunity, encourage widespread political participation, condemn indiscriminate violence, and promote respect for the rule of law, openness in discussing differences among people, and tolerance for opposing points of view; and

(2) the United States Government must prevail upon the governments of all predominantly Muslim countries, including those that are friends and allies of the United States, to condemn indiscriminate violence, promote the value of life, respect and promote the principles of individual education and economic opportunity, encourage widespread political participation, and promote the rule of law, openness in discussing differences among people, and tolerance for opposing points of view.

SEC. 507. PROMOTION OF UNITED STATES VALUES THROUGH BROADCAST MEDIA.

(a) FINDINGS.—Consistent with the report of the National Commission on Terrorist Attacks Upon the United States, Congress makes the following findings:

(1) Although the United States has demonstrated and promoted its values in defending Muslims against tyrants and criminals in Somalia, Bosnia, Kosovo, Afghanistan, and Iraq, this message is not always clearly presented in the Islamic world.

(2) If the United States does not act to vigorously define its message in the Islamic world, the image of the United States will be defined by Islamic extremists who seek to demonize the United States.

(3) Recognizing that many Arab and Muslim audiences rely on satellite television and radio, the United States Government has launched promising initiatives in television and radio broadcasting to the Arab world, Iran, and Afghanistan.

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

(1) the United States must do more to defend and promote its values and ideals to the broadest possible audience in the Islamic world;

(2) United States efforts to defend and promote these values and ideals are beginning to ensure that accurate expressions of these values reach large audiences in the Islamic world and should be robustly supported;

(3) the United States Government could and should do more to engage the Muslim world in the struggle of ideas; and

(4) the United States Government should more intensively employ existing broadcast media in the Islamic world as part of this engagement.

(c) REPORT ON OUTREACH STRATEGY.—

(1) REPORT REQUIRED.—Not later than 180 days after the date of the enactment of this Act, the President shall submit to Congress a report on the strategy of the United States Government for expanding its outreach to foreign Muslim audiences through broadcast media.

(2) CONTENT.—The report shall include the following:

(A) The initiatives of the Broadcasting Board of Governors and the public diplomacy activities of the Department of State with respect to outreach to foreign Muslim audiences.

(B) An outline of recommended actions that the United States Government should take to more regularly and comprehensively present a United States point of view through indigenous broadcast media in countries with sizable Muslim populations, including increasing appearances by United States Government officials, experts, and citizens.

(C) An assessment of potential incentives for, and costs associated with, encouraging United States broadcasters to dub or subtitle into Arabic and other relevant languages their news and public affairs programs broadcast in the Muslim world in order to

present those programs to a much broader Muslim audience than is currently reached.

(D) Any recommendations the President may have for additional funding and legislation necessary to achieve the objectives of the strategy.

(d) AUTHORIZATIONS OF APPROPRIATIONS.—There are authorized to be appropriated to the President to carry out United States Government broadcasting activities under the United States Information and Educational Exchange Act of 1948 (22 U.S.C. 1431 et seq.), the United States International Broadcasting Act of 1994 (22 U.S.C. 6201 et seq.), and the Foreign Affairs Reform and Restructuring Act of 1998 (22 U.S.C. 6501 et seq.), and to carry out other activities under this section consistent with the purposes of such Acts, the following amounts:

(1) INTERNATIONAL BROADCASTING OPERATIONS.—For International Broadcasting Operations—

(A) $717,160,000 for fiscal year 2005; and

(B) such sums as may be necessary for each of the fiscal years 2006 through 2009.

(2) BROADCASTING CAPITAL IMPROVEMENTS.—For Broadcasting Capital Improvements—

(A) $11,040,000 for fiscal year 2005; and

(B) such sums as may be necessary for each of the fiscal years 2006 through 2009.

SEC. 508. USE OF UNITED STATES SCHOLARSHIP AND EXCHANGE PROGRAMS IN THE ISLAMIC WORLD.

(a) FINDINGS.—Consistent with the report of the National Commission on Terrorist Attacks Upon the United States, Congress makes the following findings:

(1) Exchange, scholarship, and library programs are effective ways for the United States Government to promote internationally the values and ideals of the United States.

(2) Exchange, scholarship, and library programs can expose young people from other countries to United States values and offer them knowledge and hope.

(b) SENSE OF CONGRESS.—It is the sense of Congress that the United States should expand its exchange, scholarship, and library programs, especially those that benefit people in the Arab and Muslim worlds.

(c) DEFINITIONS.—In this section:

(1) ELIGIBLE COUNTRY.—The term ''eligible country'' means a country or entity in Africa, the Middle East, Central Asia, South Asia, or Southeast Asia that—

(A) has a sizable Muslim population; and

(B) is designated by the Secretary of State as eligible to participate in programs under this section.

(2) SECRETARY.—Except as otherwise specifically provided, the term ''Secretary'' means the Secretary of State.

(3) UNITED STATES ENTITY.—The term ''United States entity'' means an entity that is organized under the laws of the United States, any State, the District of Columbia, the Commonwealth of Puerto Rico, Guam, the United States Virgin Islands, the Commonwealth of the Northern Mariana Islands, American Samoa, or any other territory or possession of the United States.

(4) UNITED STATES SPONSORING ORGANIZATION.—The term ''United States sponsoring organization'' means a nongovernmental organization that is—

(A) based in the United States; and

(B) controlled by a citizen of the United States or a United States entity that is designated by the Secretary, pursuant to regulations, to carry out a program authorized by subsection (e).

(d) EXPANSION OF EDUCATIONAL AND CULTURAL EXCHANGES.—

(1) PURPOSE.—The purpose of this subsection is to provide for the expansion of international educational and cultural exchange programs between the United States and eligible countries.

(2) SPECIFIC PROGRAMS.—In carrying out this subsection, the Secretary is authorized to conduct or initiate programs in eligible countries as follows:

(A) FULBRIGHT EXCHANGE PROGRAM.—

(i) INCREASED NUMBER OF AWARDS.—The Secretary is authorized to substantially increase the number of awards under the J. William Fulbright Educational Exchange Program.

(ii) INTERNATIONAL SUPPORT FOR FULBRIGHT PROGRAM.—The Secretary shall work to increase support for the J. William Fulbright Educational Exchange Program in eligible countries in order to enhance academic and scholarly exchanges with those countries.

(B) HUBERT H. HUMPHREY FELLOWSHIPS.—The Secretary is authorized to substantially increase the number of Hubert H. Humphrey Fellowships awarded to candidates from eligible countries.

(C) SISTER INSTITUTIONS PROGRAMS.—The Secretary is authorized to facilitate the establishment of sister institution programs between cities and municipalities and other institutions in the United States and in eligible countries in order to enhance mutual understanding at the community level.

(D) LIBRARY TRAINING EXCHANGES.—The Secretary is authorized to develop a demonstration program, including training in the library sciences, to assist governments in eligible countries to establish or upgrade the public library systems of such countries for the purpose of improving literacy.

(E) INTERNATIONAL VISITORS PROGRAM.—The Secretary is authorized to expand the number of participants from eligible countries in the International Visitors Program.

(F) YOUTH AMBASSADORS.—

(i) IN GENERAL.—The Secretary is authorized to establish a youth ambassadors program for visits by middle and secondary school students from eligible countries to the United States to participate in activities, including cultural and educational activities, that are designed to familiarize participating students with United States society and values.

(ii) VISITS.—The visits of students who are participating in the youth ambassador program under clause (i) shall be scheduled during the school holidays in the home countries of the students and may not exceed 4 weeks.

(iii) CRITERIA.—Students selected to participate in the youth ambassador program shall reflect the economic and geographic diversity of eligible countries.

(G) EDUCATION REFORM.—The Secretary is authorized—

(i) to expand programs that seek to improve the quality of primary and secondary school systems in eligible countries; and

(ii) in order to foster understanding of the United States, to promote civic education through teacher exchanges, teacher training, textbook modernization, and other efforts.

(H) PROMOTION OF RELIGIOUS FREEDOM.—The Secretary is authorized to establish a program to promote dialogue and exchange among leaders and scholars of all faiths from the United States and eligible countries.

(I) BRIDGING THE DIGITAL DIVIDE.—The Secretary is authorized to establish a program to help foster access to information technology among underserved populations and by civil society groups in eligible countries.

(J) PEOPLE-TO-PEOPLE DIPLOMACY.—The Secretary is authorized to expand efforts to promote United States public diplomacy interests in eligible countries through cultural, arts, entertainment, sports and other exchanges.

(K) COLLEGE SCHOLARSHIPS.—

(i) IN GENERAL.—The Secretary is authorized to establish a program to offer scholarships to permit individuals to attend eligible colleges and universities.

(ii) ELIGIBILITY FOR PROGRAM.—To be eligible for the scholarship program, an individual shall be a citizen or resident of an eligible country who has graduated from a secondary school in an eligible country.

(iii) ELIGIBLE COLLEGE OR UNIVERSITY DEFINED.—In this subparagraph, the term ''eligible college or university'' means a college or university that is organized under the laws of the United States, a State, or the District of Columbia, accredited by an accrediting agency recognized by the Secretary of Education, and primarily located in, but not controlled by, an eligible country.

(L) LANGUAGE TRAINING PROGRAM.—The Secretary is authorized to provide travel and subsistence funding for students who are United States citizens to travel to eligible countries to participate in immersion training programs in languages used in such countries and to develop regulations governing the provision of such funding.

(e) SECONDARY SCHOOL EXCHANGE PROGRAM.—

(1) IN GENERAL.—The Secretary is authorized to establish an international exchange visitor program, modeled on the Future Leaders Exchange Program established under the FREEDOM Support Act (22 U.S.C. 5801 et seq.), for eligible students to—

(A) attend public secondary school in the United States;

(B) live with a host family in the United States; and

(C) participate in activities designed to promote a greater understanding of United States and Islamic values and culture.

(2) ELIGIBLE STUDENT DEFINED.—In this subsection, the term ''eligible student'' means an individual who—

(A) is a national of an eligible country;

(B) is at least 15 years of age but not more than 18 years and 6 months of age at the time of enrollment in the program;

(C) is enrolled in a secondary school in an eligible country;

(D) has completed not more than 11 years of primary and secondary education, exclusive of kindergarten;

(E) demonstrates maturity, good character, and scholastic aptitude, and has the proficiency in the English language necessary to participate in the program;

(F) has not previously participated in an exchange program in the United States sponsored by the Government of the United States; and

(G) is not prohibited from entering the United States under any provision of the Immigration and Nationality Act (8 U.S.C. 1101 et seq.) or any other provision of law related to immigration and nationality.

(3) COMPLIANCE WITH VISA REQUIREMENTS.—An eligible student may not participate in the exchange visitor program authorized by paragraph (1) unless the eligible student has the status of nonimmigrant under section 101(a)(15)(J) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(15)(J)).

(4) BROAD PARTICIPATION.—Whenever appropriate, the Secretary shall make special provisions to ensure the broadest possible participation in the exchange visitor program authorized by paragraph (1), particularly among females and less advantaged citizens of eligible countries.

(5) DESIGNATED EXCHANGE VISITOR PROGRAM.—The exchange visitor program authorized by paragraph (1) shall be a designated exchange visitor program for the purposes of section 641 of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (8 U.S.C. 1372).

(6) REGULAR REPORTING TO THE SECRETARY.—If the Secretary utilizes a United States sponsoring organization to carry out

the exchange visitor program authorized by paragraph (1), such United States sponsoring organization shall report regularly to the Secretary on the progress it has made to implement such program.

(f) REPORT ON EXPEDITING VISAS FOR PARTICIPANTS IN EXCHANGE, SCHOLARSHIP, AND VISITORS PROGRAMS.—

(1) REQUIREMENT.—Not later than 180 days after the date of the enactment of this Act, the Secretary and the Secretary of Homeland Security shall submit to Congress a report on expediting the issuance of visas to individuals who are entering the United States for the purpose of participating in a scholarship, exchange, or visitor program authorized in subsection (d) or (e) without compromising the security of the United States.

(2) RECOMMENDATIONS.—The report required by paragraph (1) shall include—

(A) the recommendations of the Secretary and the Secretary of Homeland Security, if any, for methods to expedite the processing of requests for such visas; and

(B) a proposed schedule for implementing any recommendations described in subparagraph (A).

(g) AUTHORIZATION OF APPROPRIATIONS.—Of the amounts authorized to be appropriated for educational and cultural exchange programs for fiscal year 2005, there is authorized to be appropriated to the Department of State $60,000,000 to carry out programs under this section.

SEC. 509. INTERNATIONAL YOUTH OPPORTUNITY FUND.

(a) FINDINGS.—Consistent with the report of the National Commission on Terrorist Attacks Upon the United States, Congress makes the following findings:

(1) Education that teaches tolerance, the dignity and value of each individual, and respect for different beliefs is a key element in any global strategy to eliminate Islamist terrorism.

(2) Education in the Middle East about the world outside that region is weak.

(3) The United Nations has rightly equated literacy with freedom.

(4) The international community is moving toward setting a concrete goal of reducing by half the illiteracy rate in the Middle East by 2010, through the implementation of education programs targeting women and girls and programs for adult literacy, and by other means.

(5) To be effective, the effort to improve education in the Middle East must also include—

(A) support for the provision of basic education tools, such as textbooks that translate more of the world's knowledge into local languages and local libraries to house such materials; and

(B) more vocational education in trades and business skills.

(6) The Middle East can benefit from some of the same programs to bridge the digital divide that already have been developed for other regions of the world.

(b) INTERNATIONAL YOUTH OPPORTUNITY FUND.—

(1) ESTABLISHMENT.—

(A) IN GENERAL.—The President shall establish an International Youth Opportunity Fund (hereafter in this section referred to as the ''Fund'').

(B) INTERNATIONAL PARTICIPATION.—The President shall seek the cooperation of the international community in establishing and generously supporting the Fund.

(2) PURPOSE.—The purpose of the Fund shall be to provide financial assistance for the improvement of public education in the Middle East, including assistance for the construction and operation of primary and secondary schools in countries that have a sizable Muslim population and that commit to sensibly investing their own financial resources in public education.

(3) ELIGIBILITY FOR ASSISTANCE.—

(A) DETERMINATION.—The Secretary of State, in coordination with the Administrator of the United States Agency for International Development, shall determine which countries are eligible for assistance through the Fund.

(B) CRITERIA.—In determining whether a country is eligible for assistance, the Secretary shall consider whether the government of that country is sensibly investing financial resources in public education and is committed to promoting a system of education that teaches tolerance, the dignity and value of each individual, and respect for different beliefs.

(4) USE OF FUNDS.—Financial assistance provided through the Fund shall be used for expanding literacy programs, providing textbooks, reducing the digital divide, expanding vocational and business education, constructing and operating public schools, establishing local libraries, training teachers in modern education techniques, and promoting public education that teaches tolerance, the dignity and value of each individual, and respect for different beliefs.

(c) REPORT.—

(1) IN GENERAL.—Not later than 180 days after the date of the enactment of this Act, and annually thereafter, the Secretary of State and the Administrator of the United States Agency for International Development shall jointly prepare and submit to Congress a report on the improvement of education in the Middle East.

(2) CONTENT.—Reports submitted under this subsection shall include the following:

(A) A general strategy for working with eligible host governments in the Middle East toward establishing the International Youth Opportunity Fund and related programs.

(B) A listing of countries that are eligible for assistance under such programs.

(C) A description of the specific programs initiated in each eligible country and the amount expended in support of such programs.

(D) A description of activities undertaken to close the digital divide and expand vocational and business skills in eligible countries.

(E) A listing of activities that could be undertaken if additional funding were provided and the amount of funding that would be necessary to carry out such activities.

(F) A strategy for garnering programmatic and financial support from international organizations and other countries in support of the Fund and activities related to the improvement of public education in eligible countries.

(d) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the President for the establishment of the International Youth Opportunity Fund, in addition to any amounts otherwise available for such purpose, $40,000,000 for fiscal year 2005 and such sums as may be necessary for fiscal years 2006 through 2009.

SEC. 510. REPORT ON THE USE OF ECONOMIC POLICIES TO COMBAT TERRORISM.

(a) FINDINGS.—Consistent with the report of the National Commission on Terrorist Attacks Upon the United States, Congress makes the following findings:

(1) While terrorism is not caused by poverty, breeding grounds for terrorism are created by backward economic policies and repressive political regimes.

(2) Policies that support economic development and reform also have political implications, as economic and political liberties are often linked.

(3) The United States is working toward creating a Middle East Free Trade Area by 2013 and implementing a free trade agreement with Bahrain, and free trade agreements exist between the United States and Israel and the United States and Jordan.

(4) Existing and proposed free trade agreements between the United States and Islamic countries are drawing interest from other countries in the Middle East region, and Islamic countries can become full participants in the rules-based global trading system, as the United States considers lowering its barriers to trade with the poorest Arab countries.

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

(1) a comprehensive United States strategy to counter terrorism should include economic policies that encourage development, open societies, and opportunities for people to improve the lives of their families and to enhance prospects for their children's future;

(2) 1 element of such a strategy should encompass the lowering of trade barriers with the poorest countries that have a significant population of Arab or Muslim individuals;

(3) another element of such a strategy should encompass United States efforts to promote economic reform in countries that have a significant population of Arab or Muslim individuals, including efforts to integrate such countries into the global trading system; and

(4) given the importance of the rule of law in promoting economic development and attracting investment, the United States should devote an increased proportion of its assistance to countries in the Middle East to the promotion of the rule of law.

(c) REPORT.—

(1) IN GENERAL.—Not later than 180 days after the date of the enactment of this Act, the President shall submit to Congress a report on the efforts of the United States Government to encourage development and promote economic reform in countries that have a significant population of Arab or Muslim individuals.

(2) CONTENT.—The report required under this subsection shall describe—

(A) efforts to integrate countries with significant populations of Arab or Muslim individuals into the global trading system; and

(B) actions that the United States Government, acting alone and in partnership with other governments in the Middle East, can take to promote intra-regional trade and the rule of law in the region.

SEC. 511. MIDDLE EAST PARTNERSHIP INITIATIVE.

(a) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated for fiscal year 2005 $200,000,000 for the Middle East Partnership Initiative.

(b) SENSE OF CONGRESS.—It is the sense of Congress that, given the importance of the rule of law and economic reform to development in the Middle East, a significant portion of the funds authorized to be appropriated under subsection (a) should be made available to promote the rule of law in the Middle East.

SEC. 512. COMPREHENSIVE COALITION STRATEGY FOR FIGHTING TERRORISM.

(a) FINDINGS.—Consistent with the report of the National Commission on Terrorist Attacks Upon the United States, Congress makes the following findings:

(1) Almost every aspect of the counterterrorism strategy of the United States relies on international cooperation.

(2) Since September 11, 2001, the number and scope of United States Government contacts with foreign governments concerning counterterrorism have expanded significantly, but such contacts have often been ad hoc and not integrated as a comprehensive and unified approach.

(b) INTERNATIONAL CONTACT GROUP ON COUNTERTERRORISM.—

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

(A) should seek to engage the leaders of the governments of other countries in a process of advancing beyond separate and uncoordinated national counterterrorism strategies to develop with those other governments a comprehensive coalition strategy to fight Islamist terrorism; and

(B) to that end, should seek to establish an international counterterrorism policy contact group with the leaders of governments providing leadership in global counterterrorism efforts and governments of countries with sizable Muslim populations, to be used as a ready and flexible international means for discussing and coordinating the development of important counterterrorism policies by the participating governments.

(2) AUTHORITY.—The President is authorized to establish an international counterterrorism policy contact group with the leaders of governments referred to in paragraph (1) for purposes as follows:

(A) To develop in common with such other countries important policies and a strategy that address the various components of international prosecution of the war on terrorism, including policies and a strategy that address military issues, law enforcement, the collection, analysis, and dissemination of intelligence, issues relating to interdiction of travel by terrorists, counterterrorism-related customs issues, financial issues, and issues relating to terrorist sanctuaries.

(B) To address, to the extent (if any) that the President and leaders of other participating governments determine appropriate, such long-term issues as economic and political reforms that can contribute to strengthening stability and security in the Middle East.

SEC. 513. DETENTION AND HUMANE TREATMENT OF CAPTURED TERRORISTS.

(a) FINDINGS.—Consistent with the report of the National Commission on Terrorist Attacks Upon the United States, Congress makes the following findings:

(1) Carrying out the global war on terrorism requires the development of policies with respect to the detention and treatment of captured international terrorists that is adhered to by all coalition forces.

(2) Article 3 of the Convention Relative to the Treatment of Prisoners of War, done at Geneva August 12, 1949 (6 UST 3316) was specifically designed for cases in which the usual rules of war do not apply, and the minimum standards of treatment pursuant to such Article are generally accepted throughout the world as customary international law.

(b) DEFINITIONS.—In this section:

(1) CRUEL, INHUMAN, OR DEGRADING TREATMENT OR PUNISHMENT.—The term ''cruel, inhuman, or degrading treatment or punishment'' means the cruel, unusual, and inhumane treatment or punishment prohibited by the 5th amendment, 8th amendment, or 14th amendment to the Constitution.

(2) GENEVA CONVENTIONS.—The term ''Geneva Conventions'' means—

(A) the Convention for the Amelioration of the Condition of the Wounded and Sick in Armed Forces in the Field, done at Geneva August 12, 1949 (6 UST 3114);

(B) the Convention for the Amelioration of the Condition of the Wounded, Sick, and Shipwrecked Members of Armed Forces at Sea, done at Geneva August 12, 1949 (6 UST 3217);

(C) the Convention Relative to the Treatment of Prisoners of War, done at Geneva August 12, 1949 (6 UST 3316); and

(D) the Convention Relative to the Protection of Civilian Persons in Time of War, done at Geneva August 12, 1949 (6 UST 3516).

(3) PRISONER.—The term ''prisoner'' means a foreign individual captured, detained, interned, or otherwise held in the custody of the United States.

(4) SECRETARY.—The term ''Secretary'' means the Secretary of Defense.

(5) TORTURE.—The term ''torture'' has the meaning given that term in section 2340 of title 18, United States Code.

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

(1) the United States should engage countries that are participating in the coalition to fight terrorism to develop a common approach toward the detention and humane treatment of captured international terrorists; and

(2) an approach toward the detention and humane treatment of captured international terrorists developed by the countries participating in the coalition to fight terrorism could draw upon Article 3 of the Convention Relative to the Treatment of Prisoners of War, the principles of which are commonly accepted as minimum basic standards for humane treatment of captured individuals.

(d) POLICY.—It is the policy of the United States—

(1) to treat any prisoner humanely and in accordance with standards that the Government of the United States would determine to be consistent with international law if such standards were applied to personnel of the United States captured by an enemy in the war on terrorism;

(2) if there is any doubt as to whether a prisoner is entitled to the protections afforded by the Geneva Conventions, to provide the prisoner such protections until the status of the prisoner is determined under the procedures authorized by paragraph 1–6 of Army Regulation 190–8 (1997); and

(3) to expeditiously prosecute cases of terrorism or other criminal acts alleged to have been committed by prisoners in the custody of the United States Armed Forces at Guantanamo Bay, Cuba, in order to avoid the indefinite detention of such prisoners.

(e) PROHIBITION ON TORTURE OR CRUEL, INHUMAN, OR DEGRADING TREATMENT OR PUNISHMENT.—

(1) IN GENERAL.—No prisoner shall be subject to torture or cruel, inhuman, or degrading treatment or punishment that is prohibited by the Constitution, laws, or treaties of the United States.

(2) RELATIONSHIP TO GENEVA CONVENTIONS.—Nothing in this section shall affect the status of any person under the Geneva Conventions or whether any person is entitled to the protections of the Geneva Conventions.

(f) RULES, REGULATIONS, AND GUIDELINES.—

(1) REQUIREMENT.—Not later than 180 days after the date of the enactment of this Act, the Secretary shall prescribe the rules, regulations, or guidelines necessary to ensure compliance with the prohibition in subsection (e)(1) by the members of the Armed Forces of the United States and by any person providing services to the Department of Defense on a contract basis.

(2) REPORT TO CONGRESS.—The Secretary shall submit to Congress the rules, regulations, or guidelines prescribed under paragraph (1), and any modifications to such rules, regulations, or guidelines—

(A) not later than 30 days after the effective date of such rules, regulations, guidelines, or modifications; and

(B) in a manner and form that will protect the national security interests of the United States.

(g) REPORT ON POSSIBLE VIOLATIONS.—

(1) REQUIREMENT.—The Secretary shall submit, on a timely basis and not less than twice each year, a report to Congress on the circumstances surrounding any investigation of a possible violation of the prohibition in subsection (e)(1) by a member of the Armed Forces of the United States or by a person providing services to the Department of Defense on a contract basis.

(2) FORM OF REPORT.—A report required under paragraph (1) shall be submitted in a manner and form that—

(A) will protect the national security interests of the United States; and

(B) will not prejudice any prosecution of an individual involved in, or responsible for, a violation of the prohibition in subsection (e)(1).

(h) REPORT ON A COALITION APPROACH TOWARD THE DETENTION AND HUMANE TREATMENT OF CAPTURED TERRORISTS.—Not later than 180 days after the date of the enactment of this Act, the President shall submit to Congress a report describing the efforts of the United States Government to develop an approach toward the detention and humane treatment of captured international terrorists that will be adhered to by all countries that are members of the coalition against terrorism.

SEC. 514. PROLIFERATION OF WEAPONS OF MASS DESTRUCTION.

(a) FINDINGS.—Consistent with the report of the National Commission on Terrorist Attacks Upon the United States, Congress makes the following findings:

(1) Al Qaeda has tried to acquire or make weapons of mass destruction since 1994 or earlier.

(2) The United States doubtless would be a prime target for use of any such weapon by al Qaeda.

(3) Although the United States Government has redoubled its international commitments to supporting the programs for Cooperative Threat Reduction and other nonproliferation assistance programs, nonproliferation experts continue to express deep concern about the United States Government's commitment and approach to securing the weapons of mass destruction and related highly dangerous materials that are still scattered among Russia and other countries of the former Soviet Union.

(4) The cost of increased investment in the prevention of proliferation of weapons of mass destruction and related dangerous materials is greatly outweighed by the potentially catastrophic cost to the United States of use of weapons of mass destruction or related dangerous materials by the terrorists who are so eager to acquire them.

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

(1) maximum effort to prevent the proliferation of weapons of mass destruction, wherever such proliferation may occur, is warranted; and

(2) the programs of the United States Government to prevent or counter the proliferation of weapons of mass destruction, including the Proliferation Security Initiative, the programs for Cooperative Threat Reduction, and other nonproliferation assistance programs, should be expanded, improved, and better funded to address the global dimensions of the proliferation threat.

(c) REQUIREMENT FOR STRATEGY.—Not later than 180 days after the date of the enactment of this Act, the President shall submit to Congress—

(1) a strategy for expanding and strengthening the Proliferation Security Initiative, the programs for Cooperative Threat Reduction, and other nonproliferation assistance programs; and

(2) an estimate of the funding necessary to execute that strategy.

(d) REPORT ON REFORMING THE COOPERATIVE THREAT REDUCTION PROGRAM AND OTHER NON-PROLIFERATION ASSISTANCE PROGRAMS.—Not later than 180 days after the date of the enactment of this Act, the President shall submit to Congress a report evaluating whether the United States could more effectively address the global threat of nuclear proliferation by—

(1) establishing a central coordinator for the programs for Cooperative Threat Reduction;

(2) eliminating the requirement that the President spend no more than $50,000,000 annually on programs for Cooperative Threat Reduction and other non-proliferation assistance programs carried out outside the former Soviet Union; or

(3) repealing the provisions of the Soviet Nuclear Threat Reduction Act of 1991 (22 U.S.C. 2551 note) that place conditions on assistance to the former Soviet Union unrelated to bilateral cooperation on weapons dismantlement.

SEC. 515. FINANCING OF TERRORISM.

(a) FINDINGS.—Consistent with the report of the National Commission on Terrorist Attacks Upon the United States, Congress makes the following findings:

(1) While efforts to designate and freeze the assets of terrorist financiers have been relatively unsuccessful, efforts to target the relatively small number of al Qaeda financial facilitators have been valuable and successful.

(2) The death or capture of several important financial facilitators has decreased the amount of money available to al Qaeda, and has made it more difficult for al Qaeda to raise and move money.

(3) The capture of al Qaeda financial facilitators has provided a windfall of intelligence that can be used to continue the cycle of disruption.

(4) The United States Government has rightly recognized that information about terrorist money helps in understanding terror networks, searching them out, and disrupting their operations.

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

(1) the primary weapon in the effort to stop terrorist financing should be the targeting of terrorist financial facilitators by intelligence and law enforcement agencies; and

(2) efforts to track terrorist financing must be paramount in United States counter-terrorism efforts.

(c) REPORT ON TERRORIST FINANCING.—

(1) IN GENERAL.—Not later than 180 days after the date of the enactment of this Act, the President shall submit to Congress a report evaluating the effectiveness of United States efforts to curtail the international financing of terrorism.

(2) CONTENTS.—The report required by paragraph (1) shall evaluate and make recommendations on—

(A) the effectiveness of efforts and methods to track terrorist financing;

(B) ways to improve international governmental cooperation in this effort;

(C) ways to improve performance of financial institutions in this effort;

(D) the adequacy of agency coordination in this effort and ways to improve that coordination; and

(E) recommendations for changes in law and additional resources required to improve this effort.

TITLE VI—TERRORIST TRAVEL AND EFFECTIVE SCREENING

SEC. 601. COUNTERTERRORIST TRAVEL INTELLIGENCE.

(a) FINDINGS.—Consistent with the report of the National Commission on Terrorist Attacks Upon the United States, Congress makes the following findings:

(1) Travel documents are as important to terrorists as weapons since terrorists must travel clandestinely to meet, train, plan, case targets, and gain access to attack sites.

(2) International travel is dangerous for terrorists because they must surface to pass through regulated channels, present themselves to border security officials, or attempt to circumvent inspection points.

(3) Terrorists use evasive, but detectable, methods to travel, such as altered and counterfeit passports and visas, specific travel methods and routes, liaisons with corrupt government officials, human smuggling networks, supportive travel agencies, and immigration and identity fraud.

(4) Before September 11, 2001, no Federal agency systematically analyzed terrorist travel strategies. If an agency had done so, the agency could have discovered the ways in which the terrorist predecessors to al Qaeda had been systematically, but detectably, exploiting weaknesses in our border security since the early 1990s.

(5) Many of the hijackers were potentially vulnerable to interception by border authorities. Analyzing their characteristic travel documents and travel patterns could have allowed authorities to intercept some of the hijackers and a more effective use of information available in Government databases could have identified some of the hijackers.

(6) The routine operations of our immigration laws and the aspects of those laws not specifically aimed at protecting against terrorism inevitably shaped al Qaeda's planning and opportunities.

(7) New insights into terrorist travel gained since September 11, 2001, have not been adequately integrated into the front lines of border security.

(8) The small classified terrorist travel intelligence collection and analysis program currently in place has produced useful results and should be expanded.

(b) STRATEGY.—

(1) IN GENERAL.—Not later than 1 year after the date of enactment of this Act, the Secretary of Homeland Security shall submit to Congress unclassified and classified versions of a strategy for combining terrorist travel intelligence, operations, and law enforcement into a cohesive effort to intercept terrorists, find terrorist travel facilitators, and constrain terrorist mobility domestically and internationally. The report to Congress should include a description of the actions taken to implement the strategy.

(2) ACCOUNTABILITY.—The strategy submitted under paragraph (1) shall—

(A) describe a program for collecting, analyzing, disseminating, and utilizing information and intelligence regarding terrorist travel tactics and methods; and

(B) outline which Federal intelligence, diplomatic, and law enforcement agencies will be held accountable for implementing each element of the strategy.

(3) COORDINATION.—The strategy shall be developed in coordination with all relevant Federal agencies, including—

(A) the National Counterterrorism Center;

(B) the Department of Transportation;

(C) the Department of State;

(D) the Department of the Treasury;

(E) the Department of Justice;

(F) the Department of Defense;

(G) the Federal Bureau of Investigation;

(H) the Drug Enforcement Agency; and

(I) the agencies that comprise the intelligence community.

(4) CONTENTS.—The strategy shall address—

(A) the intelligence and law enforcement collection, analysis, operations, and reporting required to identify and disrupt terrorist travel practices and trends, and the terrorist travel facilitators, document forgers, human smugglers, travel agencies, and corrupt border and transportation officials who assist terrorists;

(B) the initial and ongoing training and training materials required by consular, border, and immigration officials to effectively detect and disrupt terrorist travel described under subsection (c)(3);

(C) the new procedures required and actions to be taken to integrate existing counterterrorist travel and mobility intelligence into border security processes, including consular, port of entry, border patrol, maritime, immigration benefits, and related law enforcement activities;

(D) the actions required to integrate current terrorist mobility intelligence into military force protection measures;

(E) the additional assistance to be given to the interagency Human Smuggling and Trafficking Center for purposes of combatting terrorist travel, including further developing and expanding enforcement and operational capabilities that address terrorist travel;

(F) the additional resources to be given to the Directorate of Information and Analysis and Infrastructure Protection to aid in the sharing of information between the frontline border agencies of the Department of Homeland Security and classified and unclassified sources of counterterrorist travel intelligence and information elsewhere in the Federal Government, including the Human Smuggling and Trafficking Center;

(G) the development and implementation of procedures to enable the Human Smuggling and Trafficking Center to timely receive terrorist travel intelligence and documentation obtained at consulates and ports of entry, and by law enforcement officers and military personnel;

(H) the use of foreign and technical assistance to advance border security measures and law enforcement operations against terrorist travel facilitators;

(I) the development of a program to provide each consular, port of entry, and immigration benefits office with a counterterrorist travel expert trained and authorized to use the relevant authentication technologies and cleared to access all appropriate immigration, law enforcement, and intelligence databases;

(J) the feasibility of digitally transmitting passport information to a central cadre of specialists until such time as experts described under subparagraph (I) are available at consular, port of entry, and immigration benefits offices; and

(K) granting consular officers the security clearances necessary to access law enforcement sensitive databases.

(c) FRONTLINE COUNTERTERRORIST TRAVEL TECHNOLOGY AND TRAINING.—

(1) TECHNOLOGY ACQUISITION AND DISSEMINATION PLAN.—Not later than 180 days after the date of enactment of this Act, the Secretary of Homeland Security, in conjunction with the Secretary of State, shall submit to Congress a plan describing how the Department of Homeland Security and the Department of State can acquire and deploy, to all consulates, ports of entry, and immigration benefits offices, technologies that facilitate document authentication and the detection of potential terrorist indicators on travel documents.

(2) CONTENTS OF PLAN.—The plan submitted under paragraph (1) shall—

(A) outline the timetable needed to acquire and deploy the authentication technologies;

(B) identify the resources required to—

(i) fully disseminate these technologies; and

(ii) train personnel on use of these technologies; and

(C) address the feasibility of using these technologies to screen every passport submitted for identification purposes to a United States consular, border, or immigration official.

(3) TRAINING PROGRAM.—

(A) IN GENERAL.—The Secretary of Homeland Security and the Secretary of State shall develop and implement an initial and annual training program for consular, border, and immigration officials to teach such officials how to effectively detect and disrupt terrorist travel. The Secretary may assist State, local, and tribal governments, and private industry, in establishing training programs related to terrorist travel intelligence.

(B) TRAINING TOPICS.—The training developed under this paragraph shall include training in—

(i) methods for identifying fraudulent documents;

(ii) detecting terrorist indicators on travel documents;

(iii) recognizing travel patterns, tactics, and behaviors exhibited by terrorists;

(iv) the use of information contained in available databases and data systems and procedures to maintain the accuracy and integrity of such systems; and

(v) other topics determined necessary by the Secretary of Homeland Security and the Secretary of State.

(C) CERTIFICATION.—Not later than 1 year after the date of enactment of this Act—

(i) the Secretary of Homeland Security shall certify to Congress that all border and immigration officials have received training under this paragraph; and

(ii) the Secretary of State shall certify to Congress that all consular officers have received training under this paragraph.

(4) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Secretary for each of the fiscal years 2005 through 2009 such sums as may be necessary to carry out the provisions of this subsection.

(d) ENHANCING CLASSIFIED COUNTERTERRORIST TRAVEL EFFORTS.—

(1) IN GENERAL.—The National Intelligence Director shall significantly increase resources and personnel to the small classified program that collects and analyzes intelligence on terrorist travel.

(2) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated for each of the fiscal years 2005 through 2009 such sums as may be necessary to carry out this subsection.

SEC. 602. INTEGRATED SCREENING SYSTEM.

(a) IN GENERAL.—The Secretary of Homeland Security shall develop a plan for a comprehensive integrated screening system.

(b) DESIGN.—The system planned under subsection (a) shall be designed to—

(1) encompass an integrated network of screening points that includes the Nation's border security system, transportation system, and critical infrastructure or facilities that the Secretary determines need to be protected against terrorist attack;

(2) build upon existing border enforcement and security activities, and to the extent practicable, private sector security initiatives, in a manner that will enable the utilization of a range of security check points in a continuous and consistent manner throughout the Nation's screening system;

(3) allow access to government databases to detect terrorists; and

(4) utilize biometric identifiers that the Secretary determines to be appropriate and feasible.

(c) STANDARDS FOR SCREENING PROCEDURES.—

(1) AUTHORIZATION.—The Secretary may promulgate standards for screening procedures for—

(A) entering and leaving the United States;

(B) accessing Federal facilities that the Secretary determines need to be protected against terrorist attack;

(C) accessing critical infrastructure that the Secretary determines need to be protected against terrorist attack; and

(D) accessing modes of transportation that the Secretary determines need to be protected against terrorist attack.

(2) SCOPE.—Standards prescribed under this subsection may address a range of factors, including technologies required to be used in screening and requirements for secure identification.

(3) REQUIREMENTS.—In promulgating standards for screening procedures, the Secretary shall—

(A) consider and incorporate appropriate civil liberties and privacy protections;

(B) comply with the Administrative Procedure Act; and

(C) consult with other Federal, State, local, and tribal governments, and other interested parties, as appropriate.

(4) LIMITATION.—This section does not confer to the Secretary new statutory authority, or alter existing authorities, over systems, critical infrastructure, and facilities.

(5) NOTIFICATION.—If the Secretary determines that additional regulatory authority is needed to fully implement the plan for an integrated screening system, the Secretary shall immediately notify Congress.

(d) COMPLIANCE.—The Secretary may issue regulations to ensure compliance with the standards promulgated under this section.

(e) CONSULTATION.—For those systems, critical infrastructure, and facilities that the Secretary determines need to be protected against terrorist attack, the Secretary shall consult with other Federal agencies, State, local, and tribal governments, and the private sector to ensure the development of consistent standards and consistent implementation of the integrated screening system.

(f) BIOMETRIC IDENTIFIERS.—In carrying out this section, the Secretary shall continue to review biometric technologies and existing Federal and State programs using biometric identifiers. Such review shall consider the accuracy rate of available technologies.

(g) IMPLEMENTATION.—

(1) PHASE I.—The Secretary shall—

(A) issue standards for driver's licenses, personal identification cards, and birth certificates, as required under section 606;

(B) develop plans for, and begin implementation of, a single program for registered travelers to expedite travel across the border, as required under section 603(e);

(C) continue the implementation of a biometric exit and entry data system that links to relevant databases and data systems, as required by subsections (b) and (c) of section 603 and other existing authorities;

(D) centralize the ''no-fly'' and ''automatic-selectee'' lists, making use of improved terrorists watch lists, as required by section 703;

(E) develop plans, in consultation with other relevant agencies, for the sharing of terrorist information with trusted governments, as required by section 605;

(F) initiate any other action determined appropriate by the Secretary to facilitate the implementation of this paragraph; and

(G) report to Congress on the implementation of phase I, including—

(i) the effectiveness of actions taken, the efficacy of resources expended, compliance with statutory provisions, and safeguards for privacy and civil liberties; and

(ii) plans for the development and implementation of phases II and III.

(2) PHASE II.—The Secretary shall—

(A) complete the implementation of a single program for registered travelers to expedite travel across the border, as required by section 603(e);

(B) complete the implementation of a biometric entry and exit data system that links to relevant databases and data systems, as required by subsections (b) and (c) of section 603, and other existing authorities;

(C) in cooperation with other relevant agencies, engage in dialogue with foreign governments to develop plans for the use of common screening standards;

(D) initiate any other action determined appropriate by the Secretary to facilitate the implementation of this paragraph; and

(E) report to Congress on the implementation of phase II, including—

(i) the effectiveness of actions taken, the efficacy of resources expended, compliance with statutory provisions, and safeguards for privacy and civil liberties; and

(ii) the plans for the development and implementation of phase III.

(3) PHASE III.—The Secretary shall—

(A) finalize and deploy the integrated screening system required by subsection (a);

(B) in cooperation with other relevant agencies, promote the implementation of common screening standards by foreign governments; and

(C) report to Congress on the implementation of Phase III, including—

(i) the effectiveness of actions taken, the efficacy of resources expended, compliance with statutory provisions, and safeguards for privacy and civil liberties; and

(ii) the plans for the ongoing operation of the integrated screening system.

(h) REPORT.—After phase III has been implemented, the Secretary shall submit a report to Congress every 3 years that describes the ongoing operation of the integrated screening system, including its effectiveness, efficient use of resources, compliance with statutory provisions, and safeguards for privacy and civil liberties.

(i) AUTHORIZATIONS.—There are authorized to be appropriated to the Secretary for each of the fiscal years 2005 through 2009, such sums as may be necessary to carry out the provisions of this section.

SEC. 603. BIOMETRIC ENTRY AND EXIT DATA SYSTEM.

(a) FINDINGS.—Consistent with the report of the National Commission on Terrorist Attacks Upon the United States, Congress finds that completing a biometric entry and exit data system as expeditiously as possible is an essential investment in efforts to protect the United States by preventing the entry of terrorists.

(b) PLAN AND REPORT.—

(1) DEVELOPMENT OF PLAN.—The Secretary of Homeland Security shall develop a plan to accelerate the full implementation of an automated biometric entry and exit data system required by applicable sections of—

(A) the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (Public Law 104–208);

(B) the Immigration and Naturalization Service Data Management Improvement Act of 2000 (Public Law 106–205);

(C) the Visa Waiver Permanent Program Act (Public Law 106–396);

(D) the Enhanced Border Security and Visa Entry Reform Act of 2002 (Public Law 107–173); and

(E) the Uniting and Strengthening America by Providing Appropriate Tools Required to Intercept and Obstruct Terrorism (USA PATRIOT ACT) Act of 2001 (Public Law 107–56).

(2) REPORT.—Not later than 180 days after the date of enactment of this Act, the Secretary shall submit a report to Congress on the plan developed under paragraph (1), which shall contain—

(A) a description of the current functionality of the entry and exit data system, including—

(i) a listing of ports of entry with biometric entry data systems in use and whether such screening systems are located at primary or secondary inspection areas;

(ii) a listing of ports of entry with biometric exit data systems in use;

(iii) a listing of databases and data systems with which the automated entry and exit data system are interoperable;

(iv) a description of—

(I) identified deficiencies concerning the accuracy or integrity of the information contained in the entry and exit data system;

(II) identified deficiencies concerning technology associated with processing individuals through the system; and

(III) programs or policies planned or implemented to correct problems identified in subclause (I) or (II); and

(v) an assessment of the effectiveness of the entry and exit data system in fulfilling its intended purposes, including preventing terrorists from entering the United States;

(B) a description of factors relevant to the accelerated implementation of the biometric entry and exit system, including—

(i) the earliest date on which the Secretary estimates that full implementation of the biometric entry and exit data system can be completed;

(ii) the actions the Secretary will take to accelerate the full implementation of the biometric entry and exit data system at all ports of entry through which all aliens must pass that are legally required to do so; and

(iii) the resources and authorities required to enable the Secretary to meet the implementation date described in clause (i);

(C) a description of any improvements needed in the information technology employed for the entry and exit data system; and

(D) a description of plans for improved or added interoperability with any other databases or data systems.

(c) INTEGRATION REQUIREMENT.—Not later than 2 years after the date of enactment of this Act, the Secretary shall integrate the biometric entry and exit data system with all databases and data systems maintained by the United States Citizenship and Immigration Services that process or contain information on aliens.

(d) MAINTAINING ACCURACY AND INTEGRITY OF ENTRY AND EXIT DATA SYSTEM.—

(1) IN GENERAL.—The Secretary, in consultation with other appropriate agencies, shall establish rules, guidelines, policies, and operating and auditing procedures for collecting, removing, and updating data maintained in, and adding information to, the entry and exit data system, and databases and data systems linked to the entry and exit data system, that ensure the accuracy and integrity of the data.

(2) REQUIREMENTS.—The rules, guidelines, policies, and procedures established under paragraph (1) shall—

(A) incorporate a simple and timely method for—

(i) correcting errors; and

(ii) clarifying information known to cause false hits or misidentification errors; and

(B) include procedures for individuals to seek corrections of data contained in the data systems.

(e) EXPEDITING REGISTERED TRAVELERS ACROSS INTERNATIONAL BORDERS.—

(1) FINDINGS.—Consistent with the report of the National Commission on Terrorist Attacks Upon the United States, Congress finds that—

(A) expediting the travel of previously screened and known travelers across the borders of the United States should be a high priority; and

(B) the process of expediting known travelers across the border can permit inspectors to better focus on identifying terrorists attempting to enter the United States.

(2) DEFINITION.—The term ''registered traveler program'' means any program designed to expedite the travel of previously screened and known travelers across the borders of the United States.

(3) REGISTERED TRAVEL PLAN.—

(A) IN GENERAL.—As soon as is practicable, the Secretary shall develop and implement a plan to expedite the processing of registered travelers who enter and exit the United States through a single registered traveler program.

(B) INTEGRATION.—The registered traveler program developed under this paragraph shall be integrated into the automated biometric entry and exit data system described in this section.

(C) REVIEW AND EVALUATION.—In developing the program under this paragraph, the Secretary shall—

(i) review existing programs or pilot projects designed to expedite the travel of registered travelers across the borders of the United States;

(ii) evaluate the effectiveness of the programs described in clause (i), the costs associated with such programs, and the costs to travelers to join such programs; and

(iii) increase research and development efforts to accelerate the development and implementation of a single registered traveler program.

(4) REPORT.—Not later than 1 year after the date of enactment of this Act, the Secretary shall submit to Congress a report describing the Department's progress on the development and implementation of the plan required by this subsection.

(e) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Secretary, for each of the fiscal years 2005 through 2009, such sums as may be necessary to carry out the provisions of this section.

SEC. 604. TRAVEL DOCUMENTS.

(a) FINDINGS.—Consistent with the report of the National Commission on Terrorist Attacks Upon the United States, Congress finds that—

(1) existing procedures allow many individuals to enter the United States by showing minimal identification or without showing any identification;

(2) the planning for the terrorist attacks of September 11, 2001, demonstrates that terrorists study and exploit United States vulnerabilities; and

(3) additional safeguards are needed to ensure that terrorists cannot enter the United States.

(b) BIOMETRIC PASSPORTS.—

(1) DEVELOPMENT OF PLAN.—The Secretary of Homeland Security, in consultation with the Secretary of State, shall develop and implement a plan as expeditiously as possible to require biometric passports or other identification deemed by the Secretary to be at least as secure as a biometric passport, for all travel into the United States by United States citizens and by categories of individuals for whom documentation requirements have previously been waived under section 212(d)(4)(B) of the Immigration and Nationality Act (8 U.S.C. 1182(d)(4)(B)).

(2) REQUIREMENT TO PRODUCE DOCUMENTATION.—The plan developed under paragraph (1) shall require all United States citizens, and categories of individuals for whom documentation requirements have previously been waived under section 212(d)(4)(B) of such Act, to carry and produce the documentation described in paragraph (1) when traveling from foreign countries into the United States.

(c) TECHNICAL AND CONFORMING AMENDMENTS.—After the complete implementation of the plan described in subsection (b)—

(1) the Secretary of State and the Attorney General may no longer exercise discretion under section 212(d)(4)(B) of such Act to waive documentary requirements for travel into the United States; and

(2) the President may no longer exercise discretion under section 215(b) of such Act to waive documentary requirements for United States citizens departing from or entering, or attempting to depart from or enter, the United States, unless the Secretary of State determines that the alternative documentation that is the basis for the waiver of the documentary requirement is at least as secure as a biometric passport.

(d) TRANSIT WITHOUT VISA PROGRAM.—The Secretary of State shall not use any authorities granted under section 212(d)(4)(C) of such Act until the Secretary, in conjunction with the Secretary of Homeland Security, completely implements a security plan to fully ensure secure transit passage areas to prevent aliens proceeding in immediate and continuous transit through the United States from illegally entering the United States.

SEC. 605. EXCHANGE OF TERRORIST INFORMATION.

(a) FINDINGS.—Consistent with the report of the National Commission on Terrorist Attacks Upon the United States, Congress finds that—

(1) the exchange of terrorist information with other countries, consistent with privacy requirements, along with listings of lost and stolen passports, will have immediate security benefits; and

(2) the further away from the borders of the United States that screening occurs, the more security benefits the United States will gain.

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

(1) the United States Government should exchange terrorist information with trusted allies;

(2) the United States Government should move toward real-time verification of passports with issuing authorities;

(3) where practicable the United States Government should conduct screening before a passenger departs on a flight destined for the United States;

(4) the United States Government should work with other countries to ensure effective inspection regimes at all airports;

(5) the United States Government should work with other countries to improve passport standards and provide foreign assistance to countries that need help making the transition to the global standard for identification; and

(6) the Department of Homeland Security, in coordination with the Department of State and other agencies, should implement the initiatives called for in this subsection.

(c) REPORT REGARDING THE EXCHANGE OF TERRORIST INFORMATION.—

(1) IN GENERAL.—Not later than 180 days after the date of enactment of this Act, the Secretary of State and the Secretary of Homeland Security, working with other agencies, shall submit to the appropriate committees of Congress a report on Federal efforts to collaborate with allies of the United States in the exchange of terrorist information.

(2) CONTENTS.—The report shall outline—

(A) strategies for increasing such collaboration and cooperation;

(B) progress made in screening passengers before their departure to the United States; and

(C) efforts to work with other countries to accomplish the goals described under this section.

SEC. 606. MINIMUM STANDARDS FOR IDENTIFICATION-RELATED DOCUMENTS.

(a) IN GENERAL.—Subtitle H of title VIII of the Homeland Security Act of 2002 (6 U.S.C. 451 et seq.) is amended by adding at the end the following:

"SEC. 890A. MINIMUM STANDARDS FOR BIRTH CERTIFICATES.

''(a) DEFINITION.—In this section, the term 'birth certificate' means a certificate of birth—

''(1) for an individual (regardless of where born)—

''(A) who is a citizen or national of the United States at birth; and

''(B) whose birth is registered in the United States; and

''(2) that—

''(A) is issued by a Federal, State, or local government agency or authorized custodian of record and produced from birth records maintained by such agency or custodian of record; or

''(B) is an authenticated copy, issued by a Federal, State, or local government agency or authorized custodian of record, of an original certificate of birth issued by such agency or custodian of record.

''(b) STANDARDS FOR ACCEPTANCE BY FEDERAL AGENCIES.—

''(1) IN GENERAL.—Beginning 2 years after the promulgation of minimum standards under paragraph (2), no Federal agency may accept a birth certificate for any official purpose unless the certificate conforms to such standards.

''(2) MINIMUM STANDARDS.—Within 1 year after the date of enactment of this section, the Secretary shall by regulation establish minimum standards for birth certificates for use by Federal agencies for official purposes that—

''(A) at a minimum, shall require certification of the birth certificate by the State or local government custodian of record that issued the certificate, and shall require the use of safety paper, the seal of the issuing custodian of record, and other features designed to prevent tampering, counterfeiting, or otherwise duplicating the birth certificate for fraudulent purposes;

''(B) shall establish requirements for proof and verification of identity as a condition of issuance of a birth certificate, with additional security measures for the issuance of a birth certificate for a person who is not the applicant;

''(C) may not require a single design to which birth certificates issued by all States must conform; and

''(D) shall accommodate the differences between the States in the manner and form in which birth records are stored and birth certificates are produced from such records.

''(3) CONSULTATION WITH GOVERNMENT AGENCIES.—In promulgating the standards required by paragraph (2), the Secretary shall consult with State vital statistics offices and appropriate Federal agencies.

''(4) EXTENSION OF EFFECTIVE DATE.—The Secretary may extend the 2-year date under paragraph (1) by up to 2 additional years for birth certificates issued before that 2-year date if the Secretary determines that the States are unable to comply with such date after making reasonable efforts to do so.

''(c) GRANTS TO STATES.—

''(1) ASSISTANCE IN MEETING FEDERAL STANDARDS.—

''(A) IN GENERAL.—Beginning on the date a final regulation is promulgated under subsection (b)(2), the Secretary shall make grants to States to assist them in conforming to the minimum standards for birth certificates set forth in the regulation.

''(B) ALLOCATION OF GRANTS.—The Secretary shall make grants to States under this paragraph based on the proportion that the estimated average annual number of birth certificates issued by a State applying for a grant bears to the estimated average annual number of birth certificates issued by all States.

''(2) ASSISTANCE IN MATCHING BIRTH AND DEATH RECORDS.—

''(A) IN GENERAL.—The Secretary, in coordination with other appropriate Federal agencies, shall make grants to States to assist them in—

''(i) computerizing their birth and death records;

''(ii) developing the capability to match birth and death records within each State and among the States; and

''(iii) noting the fact of death on the birth certificates of deceased persons.

''(B) ALLOCATION OF GRANTS.—The Secretary shall make grants to States under this paragraph based on the proportion that the estimated annual average number of birth and death records created by a State applying for a grant bears to the estimated annual average number of birth and death records originated by all States.

''(d) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Secretary for each of the fiscal years 2005 through 2009 such sums as may be necessary to carry out this section.

"SEC. 890B. DRIVER'S LICENSES AND PERSONAL IDENTIFICATION CARDS.

''(a) DEFINITIONS.—In this section:

''(1) DRIVER'S LICENSE.—The term 'driver's license' means a motor vehicle operator's license as defined in section 30301(5) of title 49, United States Code.

''(2) PERSONAL IDENTIFICATION CARD.—The term 'personal identification card' means an identification document (as defined in section 1028(d)(3) of title 18, United States Code) issued by a State.

''(b) STANDARDS FOR ACCEPTANCE BY FEDERAL AGENCIES.—

''(1) IN GENERAL.—

''(A) LIMITATION ON ACCEPTANCE.—No Federal agency may accept, for any official purpose, a driver's license or personal identification card issued by a State more than 2 years after the promulgation of the minimum standards under paragraph (2) unless the driver's license or personal identification card conforms to such minimum standards.

''(B) DATE FOR CONFORMANCE.—The Secretary shall establish a date after which no driver's license or personal identification card shall be accepted by a Federal agency for any official purpose unless such driver's license or personal identification card conforms to the minimum standards established under paragraph (2). The date shall be as early as the Secretary determines it is practicable for the States to comply with such date with reasonable efforts.

''(2) MINIMUM STANDARDS.—Within 1 year after the date of enactment of this section, the Secretary shall by regulation establish minimum standards for driver's licenses or personal identification cards issued by a State for use by Federal agencies for identification purposes that shall include—

''(A) standards for documentation required as proof of identity of an applicant for a driver's license or identification card;

''(B) standards for third-party verification of the authenticity of documents used to obtain a driver's license or identification card;

''(C) standards for the processing of applications for driver's licenses and identification cards to prevent fraud;

''(D) security standards to ensure that driver's licenses and identification cards are—

''(i) resistant to tampering, alteration, or counterfeiting; and

''(ii) capable of accommodating a digital photograph or other unique identifier; and

''(E) a requirement that a State confiscate a driver's license or identification card if any component or security feature of the license or identification card is compromised.

''(3) CONTENT OF REGULATIONS.—The regulations required by paragraph (2)—

''(A) shall facilitate communication between the chief driver licensing official of a State and an appropriate official of a Federal agency to verify the authenticity of documents issued by such Federal agency and presented to prove the identity of an individual;

''(B) may not directly or indirectly infringe on a State's power to set eligibility criteria for obtaining a driver's license or identification card from that State; and

''(C) may not require a State to comply with any such regulation that conflicts with or otherwise interferes with the full enforcement of such eligibility criteria by the State.

''(4) CONSULTATION WITH GOVERNMENT AGENCIES.—In promulgating the standards required by paragraph (2), the Secretary shall consult with the Department of Transportation, the chief driver licensing official of each State, any other State organization that issues personal identification cards, and any organization, determined appropriate by the Secretary, that represents the interests of the States.

''(c) GRANTS TO STATES.—

''(1) ASSISTANCE IN MEETING FEDERAL STANDARDS.—Beginning on the date a final regulation is promulgated under subsection (b)(2), the Secretary shall make grants to States to assist them in conforming to the minimum standards for driver's licenses and personal identification cards set forth in the regulation.

''(2) ALLOCATION OF GRANTS.—The Secretary shall make grants to States under this subsection based on the proportion that the estimated average annual number of driver's licenses and personal identification cards issued by a State applying for a grant bears to the average annual number of such documents issued by all States.

''(d) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Secretary for each of the fiscal years 2005 through 2009, such sums as may be necessary to carry out this section.

"SEC. 890C. SOCIAL SECURITY CARDS.

''(a) SECURITY ENHANCEMENTS.—The Commissioner of Social Security shall—

''(1) within 180 days after the date of enactment of this section, issue regulations to restrict the issuance of multiple replacement social security cards to any individual to minimize fraud;

''(2) within 1 year after the date of enactment of this section, require independent verification of all records provided by an applicant for an original social security card, other than for purposes of enumeration at birth; and

''(3) within 18 months after the date of enactment of this section, add death, fraud, and work authorization indicators to the social security number verification system.

''(b) INTERAGENCY SECURITY TASK FORCE.—The Secretary and the Commissioner of Social Security shall form an interagency task force for the purpose of further improving the security of social security cards and

numbers. Within 1 year after the date of enactment of this section, the task force shall establish security requirements, including—

''(1) standards for safeguarding social security cards from counterfeiting, tampering, alteration, and theft;

''(2) requirements for verifying documents submitted for the issuance of replacement cards; and

''(3) actions to increase enforcement against the fraudulent use or issuance of social security numbers and cards.

''(c) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Commissioner of Social Security for each of the fiscal years 2005 through 2009, such sums as may be necessary to carry out this section.''.

(b) TECHNICAL AND CONFORMING AMENDMENTS.—

(1) Section 656 of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (5 U.S.C. 301 note) is repealed.

(2) Section 1(b) of the Homeland Security Act of 2002 (Public Law 107–296; 116 Stat. 2135) is amended by inserting after the item relating to section 890 the following:

''Sec. 890A. Minimum standards for birth certificates.

''Sec. 890B. Driver's licenses and personal identification cards.

''Sec. 890C. Social security cards.''.

TITLE VII—TRANSPORTATION SECURITY

SEC. 701. DEFINITIONS.

In this title, the terms ''air carrier'', ''air transportation'', ''aircraft'', ''airport'', ''cargo'', ''foreign air carrier'', and ''intrastate air transportation'' have the meanings given such terms in section 40102 of title 49, United States Code.

SEC. 702. NATIONAL STRATEGY FOR TRANSPORTATION SECURITY.

(a) REQUIREMENT FOR STRATEGY.—

(1) RESPONSIBILITIES OF SECRETARY OF HOMELAND SECURITY.—The Secretary of Homeland Security shall—

(A) develop and implement a National Strategy for Transportation Security; and

(B) revise such strategy whenever necessary to improve or to maintain the currency of the strategy or whenever the Secretary otherwise considers it appropriate to do so.

(2) CONSULTATION WITH SECRETARY OF TRANSPORTATION.—The Secretary of Homeland Security shall consult with the Secretary of Transportation in developing and revising the National Strategy for Transportation Security under this section.

(b) CONTENT.—The National Strategy for Transportation Security shall include the following matters:

(1) An identification and evaluation of the transportation assets within the United States that, in the interests of national security, must be protected from attack or disruption by terrorist or other hostile forces, including aviation, bridge and tunnel, commuter rail and ferry, highway, maritime, pipeline, rail, urban mass transit, and other public transportation infrastructure assets that could be at risk of such an attack or disruption.

(2) The development of the risk-based priorities, and realistic deadlines, for addressing security needs associated with those assets.

(3) The most practical and cost-effective means of defending those assets against threats to their security.

(4) A forward-looking strategic plan that assigns transportation security roles and missions to departments and agencies of the Federal Government (including the Armed Forces), State governments (including the Army National Guard and Air National Guard), local governments, and public utilities, and establishes mechanisms for encouraging private sector cooperation and participation in the implementation of such plan.

(5) A comprehensive delineation of response and recovery responsibilities and issues regarding threatened and executed acts of terrorism within the United States.

(6) A prioritization of research and development objectives that support transportation security needs, giving a higher priority to research and development directed toward protecting vital assets.

(7) A budget and recommendations for appropriate levels and sources of funding to meet the objectives set forth in the strategy.

(c) SUBMISSIONS TO CONGRESS.—

(1) THE NATIONAL STRATEGY.—

(A) INITIAL STRATEGY.—The Secretary of Homeland Security shall submit the National Strategy for Transportation Security developed under this section to Congress not later than April 1, 2005.

(B) SUBSEQUENT VERSIONS.—After 2005, the Secretary of Homeland Security shall submit the National Strategy for Transportation Security, including any revisions, to Congress not less frequently than April 1 of each even-numbered year.

(2) PERIODIC PROGRESS REPORT.—

(A) REQUIREMENT FOR REPORT.—Each year, in conjunction with the submission of the budget to Congress under section 1105(a) of title 31, United States Code, the Secretary of Homeland Security shall submit to Congress an assessment of the progress made on implementing the National Strategy for Transportation Security.

(B) CONTENT.—Each progress report under this paragraph shall include, at a minimum, the following matters:

(i) An assessment of the adequacy of the resources committed to meeting the objectives of the National Strategy for Transportation Security.

(ii) Any recommendations for improving and implementing that strategy that the Secretary, in consultation with the Secretary of Transportation, considers appropriate.

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

(d) PRIORITY STATUS.—

(1) IN GENERAL.—The National Strategy for Transportation Security shall be the governing document for Federal transportation security efforts.

(2) OTHER PLANS AND REPORTS.—The National Strategy for Transportation Security shall include, as an integral part or as an appendix—

(A) the current National Maritime Transportation Security Plan under section 70103 of title 46, United States Code;

(B) the report of the Secretary of Transportation under section 44938 of title 49, United States Code; and

(C) any other transportation security plan or report that the Secretary of Homeland Security determines appropriate for inclusion.

SEC. 703. USE OF WATCHLISTS FOR PASSENGER AIR TRANSPORTATION SCREENING.

(a) IN GENERAL.—The Secretary of Homeland Security, acting through the Transportation Security Administration, as soon as practicable after the date of the enactment of this Act but in no event later than 90 days after that date, shall—

(1) implement a procedure under which the Transportation Security Administration compares information about passengers who are to be carried aboard a passenger aircraft operated by an air carrier or foreign air carrier in air transportation or intrastate air transportation for flights and flight segments originating in the United States with a comprehensive, consolidated database containing information about known or suspected terrorists and their associates; and

(2) use the information obtained by comparing the passenger information with the information in the database to prevent known or suspected terrorists and their associates from boarding such flights or flight segments or to subject them to specific additional security scrutiny, through the use of ''no fly'' and ''automatic selectee'' lists or other means.

(b) AIR CARRIER COOPERATION.—The Secretary of Homeland Security, in coordination with the Secretary of Transportation, shall by order require air carriers to provide the passenger information necessary to implement the procedure required by subsection (a).

(c) MAINTAINING THE ACCURACY AND INTEGRITY OF THE ''NO FLY'' AND ''AUTOMATIC SELECTEE'' LISTS.—

(1) WATCHLIST DATABASE.—The Secretary of Homeland Security, in consultation with the Director of the Federal Bureau of Investigation, shall design guidelines, policies, and operating procedures for the collection, removal, and updating of data maintained, or to be maintained, in the watchlist database described in subsection (a)(1) that are designed to ensure the accuracy and integrity of the database.

(2) ACCURACY OF ENTRIES.—In developing the ''no fly'' and ''automatic selectee'' lists under subsection (a)(2), the Secretary of Homeland Security shall establish a simple and timely method for correcting erroneous entries, for clarifying information known to cause false hits or misidentification errors, and for updating relevant information that is dispositive in the passenger screening process. The Secretary shall also establish a process to provide individuals whose names are confused with, or similar to, names in the database with a means of demonstrating that they are not a person named in the database.

SEC. 704. ENHANCED PASSENGER AND CARGO SCREENING.

(a) AIRCRAFT PASSENGER SCREENING AT CHECKPOINTS.—

(1) DETECTION OF EXPLOSIVES.—

(A) IMPROVEMENT OF CAPABILITIES.—As soon as practicable after the date of the enactment of this Act, the Secretary of Homeland Security shall take such action as is necessary to improve the capabilities at passenger screening checkpoints, especially at commercial airports, to detect explosives carried aboard aircraft by passengers or placed aboard aircraft by passengers.

(B) INTERIM ACTION.—Until measures are implemented that enable the screening of all passengers for explosives, the Secretary shall take immediate measures to require Transportation Security Administration or other screeners to screen for explosives any individual identified for additional screening before that individual may board an aircraft.

(2) IMPLEMENTATION REPORT.—

(A) REQUIREMENT FOR REPORT.—Within 90 days after the date of the enactment of this Act, the Secretary of Homeland Security shall transmit to the Senate and the House of Representatives a report on how the Secretary intends to achieve the objectives of the actions required under paragraph (1). The report shall include an implementation schedule.

(B) CLASSIFIED INFORMATION.—The Secretary may submit separately in classified form any information in the report under subparagraph (A) that involves information that is properly classified under criteria established by Executive order.

(b) ACCELERATION OF RESEARCH AND DEVELOPMENT ON, AND DEPLOYMENT OF, DETECTION OF EXPLOSIVES.—

(1) REQUIRED ACTION.—The Secretary of Homeland Security, in consultation with the Secretary of Transportation, shall take such action as may be necessary to accelerate research and development and deployment of technology for screening aircraft passengers for explosives during or before the aircraft boarding process.

(2) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Secretary such sums as are necessary to carry out this subsection for each of fiscal years 2005 through 2009.

(c) IMPROVEMENT OF SCREENER JOB PERFORMANCE.—

(1) REQUIRED ACTION.—The Secretary of Homeland Security shall take such action as may be necessary to improve the job performance of airport screening personnel.

(2) HUMAN FACTORS STUDY.—In carrying out this subsection, the Secretary shall, not later than 180 days after the date of the enactment of this Act, conduct a human factors study in order better to understand problems in screener performance and to set attainable objectives for individual screeners and screening checkpoints.

(d) CHECKED BAGGAGE AND CARGO.—

(1) IN-LINE BAGGAGE SCREENING.—The Secretary of Homeland Security shall take such action as may be necessary to expedite the installation and use of advanced in-line baggage-screening equipment at commercial airports.

(2) CARGO SECURITY.—The Secretary shall take such action as may be necessary to ensure that the Transportation Security Administration increases and improves its efforts to screen potentially dangerous cargo.

(3) HARDENED CONTAINERS.—The Secretary, in consultation with the Secretary of Transportation, shall require air carriers to deploy at least 1 hardened container for containing baggage or cargo items in each passenger aircraft that also carries cargo.

(e) COST-SHARING.—Not later than 45 days after the date of the enactment of this Act, the Secretary of Homeland Security, in consultation with representatives of air carriers, airport operators, and other interested parties, shall submit to the Senate and the House of Representatives—

(1) a proposed formula for cost-sharing, for the advanced in-line baggage screening equipment required by this title, between and among the Federal Government, State and local governments, and the private sector that reflects proportionate national security benefits and private sector benefits for such enhancement; and

(2) recommendations, including recommended legislation, for an equitable, feasible, and expeditious system for defraying the costs of the advanced in-line baggage screening equipment required by this title, which may be based on the formula proposed under paragraph (1).

TITLE VIII—NATIONAL PREPAREDNESS

SEC. 801. HOMELAND SECURITY ASSISTANCE.

(a) DEFINITIONS.—In this section:

(1) COMMUNITY.—The term ''community'' means a State, local government, or region.

(2) HOMELAND SECURITY ASSISTANCE.—The term ''homeland security assistance'' means grants or other financial assistance provided by the Department of Homeland Security under the State Homeland Security Grants Program, the Urban Areas Security Initiative, or the Law Enforcement Terrorism Prevention Program.

(3) LOCAL GOVERNMENT.—The term ''local government'' has the meaning given that term in section 2(10) of the Homeland Security Act of 2002 (6 U.S.C. 101(10)).

(4) REGION.—The term ''region'' means any intrastate or interstate consortium of local governments.

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

(6) STATE.—The term ''State'' has the meaning given that term in section 2(14) of the Homeland Security Act of 2002 (6 U.S.C. 101(14)).

(7) UNDER SECRETARY.—The term ''Under Secretary'' means the Under Secretary of Homeland Security for Information Analysis and Infrastructure Protection.

(b) IN GENERAL.—The Secretary shall allocate homeland security assistance to communities based on—

(1) the level of threat faced by a community, as determined by the Secretary through the Under Secretary, in consultation with the National Intelligence Director;

(2) the critical infrastructure in the community, and the risks to and vulnerability of that infrastructure, as identified and assessed by the Secretary through the Under Secretary;

(3) the community's population and population density;

(4) such other indicia of a community's risk and vulnerability as the Secretary determines is appropriate;

(5) the benchmarks developed under subsection (d)(4)(A); and

(6) the goal of achieving and enhancing essential emergency preparedness and response capabilities throughout the Nation.

(c) REALLOCATION OF ASSISTANCE.—A State receiving homeland security assistance may reallocate such assistance, in whole or in part, among local governments or other entities, only if such reallocation is made on the basis of an assessment of threats, risks, and vulnerabilities of the local governments or other entities that is consistent with the criteria set forth in subsection (b).

(d) ADVISORY PANEL.—

(1) ESTABLISHMENT.—Not later than 60 days after the date of enactment of this Act, the Secretary shall establish an advisory panel to assist the Secretary in determining how to allocate homeland security assistance funds most effectively among communities, consistent with the criteria set out in subsection (b).

(2) SELECTION OF MEMBERS.—The Secretary shall appoint no fewer than 10 individuals to serve on the advisory panel. The individuals shall—

(A) be chosen on the basis of their knowledge, achievements, and experience;

(B) be from diverse geographic and professional backgrounds; and

(C) have demonstrated expertise in homeland security or emergency preparedness and response.

(3) TERM.—Each member of the advisory panel appointed by the Secretary shall serve a term the length of which is to be determined by the Secretary, but which shall not exceed 5 years.

(4) RESPONSIBILITIES.—The advisory panel shall—

(A) develop benchmarks by which the needs and capabilities of diverse communities throughout the Nation with respect to potential terrorist attacks may be assessed, and review and revise those benchmarks as appropriate; and

(B) advise the Secretary on means of establishing appropriate priorities for the allocation of funding among applicants for homeland security assistance.

(5) REPORTS.—Not later than 1 year after the date of enactment of this Act, and annually thereafter, the advisory panel shall provide the Secretary and Congress with a report on the benchmarks it has developed under paragraph (4)(A), including any revisions or modifications to such benchmarks.

(6) APPLICABILITY OF FEDERAL ADVISORY COMMITTEE ACT.—The Federal Advisory Committee Act (5 U.S.C. App.) shall apply to the advisory panel.

(7) ADMINISTRATIVE SUPPORT SERVICES.—The Secretary shall provide administrative support services to the advisory panel.

(e) TECHNICAL AND CONFORMING AMENDMENT.—Section 1014(c) of the USA PATRIOT ACT of 2001 (42 U.S.C. 3714(c)) is amended by striking paragraph (3).

SEC. 802. THE INCIDENT COMMAND SYSTEM.

(a) FINDINGS.—Consistent with the report of the National Commission on Terrorist Attacks Upon the United States, Congress makes the following findings:

(1) The attacks on September 11, 2001, demonstrated that even the most robust emergency response capabilities can be overwhelmed if an attack is large enough.

(2) Teamwork, collaboration, and cooperation at an incident site are critical to a successful response to a terrorist attack.

(3) Key decision makers who are represented at the incident command level help to ensure an effective response, the efficient use of resources, and responder safety.

(4) Regular joint training at all levels is essential to ensuring close coordination during an actual incident.

(5) Beginning with fiscal year 2005, the Department of Homeland Security is requiring that entities adopt the Incident Command System and other concepts of the National Incident Management System in order to qualify for funds distributed by the Office of State and Local Government Coordination and Preparedness.

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

(1) emergency response agencies nationwide should adopt the Incident Command System;

(2) when multiple agencies or multiple jurisdictions are involved, they should follow a unified command system; and

(3) the Secretary of Homeland Security should require, as a further condition of receiving homeland security preparedness funds from the Office of State and Local Government Coordination and Preparedness, that grant applicants document measures taken to fully and aggressively implement the Incident Command System and unified command procedures.

SEC. 803. NATIONAL CAPITAL REGION MUTUAL AID.

(a) DEFINITIONS.—In this section:

(1) AUTHORIZED REPRESENTATIVE OF THE FEDERAL GOVERNMENT.—The term ''authorized representative of the Federal Government'' means any individual or individuals designated by the President with respect to the executive branch, the Chief Justice with respect to the Federal judiciary, or the President of the Senate and Speaker of the House of Representatives with respect to Congress, or their designees, to request assistance under a Mutual Aid Agreement for an emergency or public service event.

(2) CHIEF OPERATING OFFICER.—The term ''chief operating officer'' means the official designated by law to declare an emergency in and for the locality of that chief operating officer.

(3) EMERGENCY.—The term ''emergency'' means a major disaster or emergency declared by the President, or a state of emergency declared by the Mayor of the District of Columbia, the Governor of the State of Maryland or the Commonwealth of Virginia, or the declaration of a local emergency by the chief operating officer of a locality, or their designees, that triggers mutual aid under the terms of a Mutual Aid Agreement.

(4) EMPLOYEE.—The term ''employee'' means the employees of the party, including

its agents or authorized volunteers, who are committed in a Mutual Aid Agreement to prepare for or who respond to an emergency or public service event.

(5) LOCALITY.—The term ''locality'' means a county, city, or town within the State of Maryland or the Commonwealth of Virginia and within the National Capital Region.

(6) MUTUAL AID AGREEMENT.—The term ''Mutual Aid Agreement'' means an agreement, authorized under subsection (b) for the provision of police, fire, rescue and other public safety and health or medical services to any party to the agreement during a public service event, an emergency, or preplanned training event.

(7) NATIONAL CAPITAL REGION OR REGION.—The term ''National Capital Region'' or ''Region'' means the area defined under section 2674(f)(2) of title 10, United States Code, and those counties with a border abutting that area and any municipalities therein.

(8) PARTY.—The term ''party'' means the State of Maryland, the Commonwealth of Virginia, the District of Columbia, and any of the localities duly executing a Mutual Aid Agreement under this section.

(9) PUBLIC SERVICE EVENT.—The term ''public service event''—

(A) means any undeclared emergency, incident or situation in preparation for or response to which the Mayor of the District of Columbia, an authorized representative of the Federal Government, the Governor of the State of Maryland, the Governor of the Commonwealth of Virginia, or the chief operating officer of a locality in the National Capital Region, or their designees, requests or provides assistance under a Mutual Aid Agreement within the National Capital Region; and

(B) includes Presidential inaugurations, public gatherings, demonstrations and protests, and law enforcement, fire, rescue, emergency health and medical services, transportation, communications, public works and engineering, mass care, and other support that require human resources, equipment, facilities or services supplemental to or greater than the requesting jurisdiction can provide.

(10) STATE.—The term ''State'' means the State of Maryland, the Commonwealth of Virginia, and the District of Columbia.

(11) TRAINING.—The term ''training'' means emergency and public service event-related exercises, testing, or other activities using equipment and personnel to simulate performance of any aspect of the giving or receiving of aid by National Capital Region jurisdictions during emergencies or public service events, such actions occurring outside actual emergency or public service event periods.

(b) MUTUAL AID AUTHORIZED.—

(1) IN GENERAL.—The Mayor of the District of Columbia, any authorized representative of the Federal Government, the Governor of the State of Maryland, the Governor of the Commonwealth of Virginia, or the chief operating officer of a locality, or their designees, acting within his or her jurisdictional purview, may, subject to State law, enter into, request or provide assistance under Mutual Aid Agreements with localities, the Washington Metropolitan Area Transit Authority, the Metropolitan Washington Airports Authority, and any other governmental agency or authority for—

(A) law enforcement, fire, rescue, emergency health and medical services, transportation, communications, public works and engineering, mass care, and resource support in an emergency or public service event;

(B) preparing for, mitigating, managing, responding to or recovering from any emergency or public service event; and

(C) training for any of the activities described under subparagraphs (A) and (B).

(2) FACILITATING LOCALITIES.—The State of Maryland and the Commonwealth of Virginia are encouraged to facilitate the ability of localities to enter into interstate Mutual Aid Agreements in the National Capital Region under this section.

(3) APPLICATION AND EFFECT.—This section—

(A) does not apply to law enforcement security operations at special events of national significance under section 3056(e) of title 18, United States Code, or other law enforcement functions of the United States Secret Service;

(B) does not diminish any authorities, express or implied, of Federal agencies to enter into Mutual Aid Agreements in furtherance of their Federal missions; and

(C) does not—

(i) preclude any party from entering into supplementary Mutual Aid Agreements with fewer than all the parties, or with another party; or

(ii) affect any other agreement in effect before the date of enactment of this Act among the States and localities, including the Emergency Management Assistance Compact.

(4) RIGHTS DESCRIBED.—Other than as described in this section, the rights and responsibilities of the parties to a Mutual Aid Agreement entered into under this section shall be as described in the Mutual Aid Agreement.

(c) DISTRICT OF COLUMBIA.—

(1) IN GENERAL.—The District of Columbia may purchase liability and indemnification insurance or become self insured against claims arising under a Mutual Aid Agreement authorized under this section.

(2) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as may be necessary to carry out paragraph (1).

(d) LIABILITY AND ACTIONS AT LAW.—

(1) IN GENERAL.—Any responding party or its officers or employees rendering aid or failing to render aid to the District of Columbia, the Federal Government, the State of Maryland, the Commonwealth of Virginia, or a locality, under a Mutual Aid Agreement authorized under this section, and any party or its officers or employees engaged in training activities with another party under such a Mutual Aid Agreement, shall be liable on account of any act or omission of its officers or employees while so engaged or on account of the maintenance or use of any related equipment, facilities, or supplies, but only to the extent permitted under the laws and procedures of the State of the party rendering aid.

(2) ACTIONS.—Any action brought against a party or its officers or employees on account of an act or omission in the rendering of aid to the District of Columbia, the Federal Government, the State of Maryland, the Commonwealth of Virginia, or a locality, or failure to render such aid or on account of the maintenance or use of any related equipment, facilities, or supplies may be brought only under the laws and procedures of the State of the party rendering aid and only in the Federal or State courts located therein. Actions against the United States under this section may be brought only in Federal courts.

(3) GOOD FAITH EXCEPTION.—

(A) DEFINITION.—In this paragraph, the term ''good faith'' shall not include willful misconduct, gross negligence, or recklessness.

(B) EXCEPTION.—No State or locality, or its officers or employees, rendering aid to another party, or engaging in training, under a Mutual Aid Agreement shall be liable under Federal law on account of any act or omission performed in good faith while so engaged, or on account of the maintenance or use of any related equipment, facilities, or supplies performed in good faith.

(4) IMMUNITIES.—This section shall not abrogate any other immunities from liability that any party has under any other Federal or State law.

(d) WORKERS COMPENSATION.—

(1) COMPENSATION.—Each party shall provide for the payment of compensation and death benefits to injured members of the emergency forces of that party and representatives of deceased members of such forces if such members sustain injuries or are killed while rendering aid to the District of Columbia, the Federal Government, the State of Maryland, the Commonwealth of Virginia, or a locality, under a Mutual Aid Agreement, or engaged in training activities under a Mutual Aid Agreement, in the same manner and on the same terms as if the injury or death were sustained within their own jurisdiction.

(2) OTHER STATE LAW.—No party shall be liable under the law of any State other than its own for providing for the payment of compensation and death benefits to injured members of the emergency forces of that party and representatives of deceased members of such forces if such members sustain injuries or are killed while rendering aid to the District of Columbia, the Federal Government, the State of Maryland, the Commonwealth of Virginia, or a locality, under a Mutual Aid Agreement or engaged in training activities under a Mutual Aid Agreement.

(e) LICENSES AND PERMITS.—If any person holds a license, certificate, or other permit issued by any responding party evidencing the meeting of qualifications for professional, mechanical, or other skills and assistance is requested by a receiving jurisdiction, such person will be deemed licensed, certified, or permitted by the receiving jurisdiction to render aid involving such skill to meet a public service event, emergency or training for any such events.

SEC. 804. ASSIGNMENT OF SPECTRUM FOR PUBLIC SAFETY.

Section 309(j)(14) of the Communications Act of 1934 (47 U.S.C. 309(j)(14)) is amended by adding at the end the following:

''(E) EXTENSIONS NOT PERMITTED FOR CHANNELS (63, 64, 68 AND 69) REASSIGNED FOR PUBLIC SAFETY SERVICES.—Notwithstanding subparagraph (B), the Commission shall not grant any extension under such subparagraph from the limitation of subparagraph (A) with respect to the frequencies assigned, under section 337(a)(1), for public safety services. The Commission shall take all actions necessary to complete assignment of the electromagnetic spectrum between 764 and 776 megahertz, inclusive, and between 794 and 806 megahertz, inclusive, for public safety services and to permit operations by public safety services on those frequencies commencing not later than January 1, 2007.''.

SEC. 805. URBAN AREA COMMUNICATIONS CAPABILITIES.

(a) IN GENERAL.—Title V of the Homeland Security Act of 2002 (6 U.S.C. 311 et seq.) is amended by adding at the end the following:

''SEC. 510. HIGH RISK URBAN AREA COMMUNICATIONS CAPABILITIES.

''The Secretary, in consultation with the Federal Communications Commission and the Secretary of Defense, and with appropriate governors, mayors, and other State and local government officials, shall encourage and support the establishment of consistent and effective communications capabilities in the event of an emergency in urban areas determined by the Secretary to

be at consistently high levels of risk from terrorist attack. Such communications capabilities shall ensure the ability of all levels of government agencies, including military authorities, and of first responders, hospitals, and other organizations with emergency response capabilities to communicate with each other in the event of an emergency. Additionally, the Secretary, in conjunction with the Secretary of Defense, shall develop plans to provide back-up and additional communications support in the event of an emergency.''.

(b) TECHNICAL AND CONFORMING AMENDMENT.—Section 1(b) of that Act is amended by inserting after the item relating to section 509 the following:

''Sec. 510. High risk urban area communications capabilities.''.

SEC. 806. PRIVATE SECTOR PREPAREDNESS.

(a) FINDINGS.—Consistent with the report of the National Commission on Terrorist Attacks Upon the United States, Congress makes the following findings:

(1) Private sector organizations own 85 percent of the Nation's critical infrastructure and employ the vast majority of the Nation's workers.

(2) Unless a terrorist attack targets a military or other secure government facility, the first people called upon to respond will likely be civilians.

(3) Despite the exemplary efforts of some private entities, the private sector remains largely unprepared for a terrorist attack, due in part to the lack of a widely accepted standard for private sector preparedness.

(4) Preparedness in the private sector and public sector for rescue, restart and recovery of operations should include—

(A) a plan for evacuation;

(B) adequate communications capabilities; and

(C) a plan for continuity of operations.

(5) The American National Standards Institute recommends a voluntary national preparedness standard for the private sector based on the existing American National Standard on Disaster/Emergency Management and Business Continuity Programs (NFPA 1600), with appropriate modifications. This standard would establish a common set of criteria and terminology for preparedness, disaster management, emergency management, and business continuity programs.

(6) The mandate of the Department of Homeland Security extends to working with the private sector, as well as government entities.

(b) PRIVATE SECTOR PREPAREDNESS PROGRAM.—

(1) IN GENERAL.—Title V of the Homeland Security Act of 2002 (6 U.S.C. 311 et seq.), as amended by section 805, is amended by adding at the end the following:

''SEC. 511. PRIVATE SECTOR PREPAREDNESS PROGRAM.

''The Secretary shall establish a program to promote private sector preparedness for terrorism and other emergencies, including promoting the adoption of a voluntary national preparedness standard such as the private sector preparedness standard developed by the American National Standards Institute and based on the National Fire Protection Association 1600 Standard on Disaster/Emergency Management and Business Continuity Programs.''.

(2) TECHNICAL AND CONFORMING AMENDMENT.—Section 1(b) of that Act, as amended by section 805, is amended by inserting after the item relating to section 510 the following:

''Sec. 511. Private sector preparedness program.''.

(c) SENSE OF CONGRESS.—It is the sense of Congress that insurance and credit-rating industries should consider compliance with the voluntary national preparedness standard, the adoption of which is promoted by the Secretary of Homeland Security under section 511 of the Homeland Security Act of 2002, as added by subsection (b), in assessing insurability and credit worthiness.

SEC. 807. CRITICAL INFRASTRUCTURE AND READINESS ASSESSMENTS.

(a) FINDINGS.—Congress finds the following:

(1) Under section 201 of the Homeland Security Act of 2002 (6 U.S.C 121), the Department of Homeland Security, through the Under Secretary for Information Analysis and Infrastructure Protection, has the responsibility—

(A) to carry out comprehensive assessments of the vulnerabilities of the key resources and critical infrastructure of the United States, including the performance of risk assessments to determine the risks posed by particular types of terrorist attacks within the United States;

(B) to identify priorities for protective and supportive measures; and

(C) to develop a comprehensive national plan for securing the key resources and critical infrastructure of the United States.

(2) Under Homeland Security Presidential Directive 7, issued on December 17, 2003, the Secretary of Homeland Security was given 1 year to develop a comprehensive plan to identify, prioritize, and coordinate the protection of critical infrastructure and key resources.

(3) Consistent with the report of the National Commission on Terrorist Attacks Upon the United States, the Secretary of Homeland Security should—

(A) identify those elements of the United States' transportation, energy, communications, financial, and other institutions that need to be protected;

(B) develop plans to protect that infrastructure; and

(C) exercise mechanisms to enhance preparedness.

(b) REPORTS ON RISK ASSESSMENT AND READINESS.—Not later than 180 days after the date of enactment of this Act and annually thereafter, the Secretary of Homeland Security shall submit a report to Congress on—

(1) the Department of Homeland Security's progress in completing vulnerability and risk assessments of the Nation's critical infrastructure;

(2) the adequacy of the Government's plans to protect such infrastructure; and

(3) the readiness of the Government to respond to threats against the United States.

SEC. 808. REPORT ON NORTHERN COMMAND AND DEFENSE OF THE UNITED STATES HOMELAND.

(a) FINDINGS.—Consistent with the report of the National Commission on Terrorist Attacks Upon the United States, Congress makes the following findings:

(1) The primary responsibility for national defense is with the Department of Defense and the secondary responsibility for national defense is with the Department of Homeland Security, and the 2 departments must have clear delineations of responsibility.

(2) Before September 11, 2001, the North American Aerospace Defense Command (hereafter in this section referred to as ''NORAD''), which had responsibility for defending United States airspace on September 11, 2001—

(A) focused on threats coming from outside the borders of the United States; and

(B) had not increased its focus on terrorism within the United States, even though the intelligence community had gathered intelligence on the possibility that terrorists might turn to hijacking and even the use of airplanes as missiles within the United States.

(3) The United States Northern Command has been established to assume responsibility for defense within the United States.

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

(1) the Secretary of Defense should regularly assess the adequacy of United States Northern Command's plans and strategies with a view to ensuring that the United States Northern Command is prepared to respond effectively to all military and paramilitary threats within the United States; and

(2) the Committee on Armed Services of the Senate and the Committee on Armed Services of the House of Representatives should periodically review and assess the adequacy of such plans and strategies.

(c) REPORT.—Not later than 180 days after the date of the enactment of this Act, and every 180 days thereafter, the Secretary of Defense shall submit to the Committee on Armed Services of the Senate and the Committee on Armed Services of the House of Representatives a report describing the United States Northern Command's plans and strategies to defend the United States against military and paramilitary threats within the United States.

TITLE IX—PROTECTION OF CIVIL LIBERTIES

SEC. 901. PRIVACY AND CIVIL LIBERTIES OVERSIGHT BOARD.

(a) IN GENERAL.—There is established within the Executive Office of the President a Privacy and Civil Liberties Oversight Board (referred to in this title as the ''Board'').

(b) FINDINGS.—Consistent with the report of the National Commission on Terrorist Attacks Upon the United States, Congress makes the following findings:

(1) In conducting the war on terrorism, the Government may need additional powers and may need to enhance the use of its existing powers.

(2) This shift of power and authority to the Government calls for an enhanced system of checks and balances to protect the precious liberties that are vital to our way of life and to ensure that the Government uses its powers for the purposes for which the powers were given.

(c) PURPOSE.—The Board shall—

(1) analyze and review actions the Executive Branch takes to protect the Nation from terrorism; and

(2) ensure that liberty concerns are appropriately considered in the development and implementation of laws, regulations, and policies related to efforts to protect the Nation against terrorism.

(d) FUNCTIONS.—

(1) ADVICE AND COUNSEL ON POLICY DEVELOPMENT AND IMPLEMENTATION.—The Board shall—

(A) review proposed legislation, regulations, and policies related to efforts to protect the Nation from terrorism, including the development and adoption of information sharing guidelines under section 201(e);

(B) review the implementation of new and existing legislation, regulations, and policies related to efforts to protect the Nation from terrorism, including the implementation of information sharing guidelines under section 201(e);

(C) advise the President and Federal executive departments and agencies to ensure that privacy and civil liberties are appropriately considered in the development and implementation of such legislation, regulations, policies, and guidelines; and

(D) in providing advice on proposals to retain or enhance a particular governmental power, consider whether the executive department or agency has explained—

(i) that the power actually materially enhances security; and

(ii) that there is adequate supervision of the executive's use of the power to ensure protection of civil liberties.

(2) OVERSIGHT.—The Board shall continually review—

(A) the regulations, policies, and procedures and the implementation of the regulations, policies, procedures, and related laws of Federal executive departments and agencies to ensure that privacy and civil liberties are protected;

(B) the information sharing practices of Federal executive departments and agencies to determine whether they appropriately protect privacy and civil liberties and adhere to the information sharing guidelines promulgated under section 201(e) and to other governing laws, regulations, and policies regarding privacy and civil liberties; and

(C) other actions by the Executive Branch related to efforts to protect the Nation from terrorism to determine whether such actions—

(i) appropriately protect privacy and civil liberties; and

(ii) are consistent with governing laws, regulations, and policies regarding privacy and civil liberties.

(3) RELATIONSHIP WITH PRIVACY AND CIVIL LIBERTIES OFFICERS.—The Board shall review and assess the activities of privacy and civil liberties officers described in section 902 and, where appropriate, shall coordinate their activities.

(e) REPORTS.—

(1) IN GENERAL.—The Board shall—

(A) receive and review reports from privacy and civil liberties officers described in section 902; and

(B) periodically submit, not less than semiannually, reports to Congress and the President.

(2) CONTENTS.—Not less than 2 reports submitted each year under paragraph (1)(B) shall include—

(A) a description of the major activities of the Board during the relevant period; and

(B) information on the findings, conclusions, and recommendations of the Board resulting from its advice and oversight functions under subsection (d).

(f) INFORMING THE PUBLIC.—The Board shall hold public hearings, release public reports, and otherwise inform the public of its activities, as appropriate and in a manner consistent with the protection of classified information and applicable law.

(g) ACCESS TO INFORMATION.—

(1) AUTHORIZATION.—If determined by the Board to be necessary to carry out its responsibilities under this section, the Board may—

(A) secure directly from any Federal executive department or agency, or any Federal officer or employee, all relevant records, reports, audits, reviews, documents, papers, or recommendations, including classified information consistent with applicable law;

(B) interview, take statements from, or take public testimony from personnel of any Federal executive department or agency or any Federal officer or employee;

(C) request information or assistance from any State, tribal, or local government; and

(D) require, by subpoena, persons other than Federal executive departments and agencies to produce any relevant information, documents, reports, answers, records, accounts, papers, and other documentary or testimonial evidence.

(2) ENFORCEMENT OF SUBPOENA.—In the case of contumacy or failure to obey a subpoena issued under paragraph (1)(D), the United States district court for the judicial district in which the subpoenaed person resides, is served, or may be found may issue an order requiring such person to produce the evidence required by such subpoena.

(h) MEMBERSHIP.—

(1) MEMBERS.—The Board shall be composed of a chairman and 4 additional members, who shall be appointed by the President, by and with the advice and consent of the Senate.

(2) QUALIFICATIONS.—Members of the Board shall be selected solely on the basis of their professional qualifications, achievements, public stature, and relevant experience, and without regard to political affiliation.

(3) INCOMPATIBLE OFFICE.—An individual appointed to the Board may not, while serving on the Board, be an elected official, an officer, or an employee of the Federal Government, other than in the capacity as a member of the Board.

(i) COMPENSATION AND TRAVEL EXPENSES.—

(1) COMPENSATION.—

(A) CHAIRMAN.—The chairman shall be compensated at a rate equal to the daily equivalent of the annual rate of basic pay in effect for a position at level III of the Executive Schedule under section 5314 of title 5, United States Code, for each day during which the chairman is engaged in the actual performance of the duties of the Board.

(B) MEMBERS.—Each member of the Board shall be compensated at a rate equal to the daily equivalent of the annual rate of basic pay in effect for a position at level IV of the Executive Schedule under section 5315 of title 5, United States Code, for each day during which that member is engaged in the actual performance of the duties of the Board.

(2) TRAVEL EXPENSES.—Members of the Board shall be allowed travel expenses, including per diem in lieu of subsistence, at rates authorized for persons employed intermittently by the Government under section 5703(b) of title 5, United States Code, while away from their homes or regular places of business in the performance of services for the Board.

(j) STAFF.—

(1) APPOINTMENT AND COMPENSATION.—The Chairman, in accordance with rules agreed upon by the Board, shall appoint and fix the compensation of an executive director and such other personnel as may be necessary to enable the Board to carry out its functions, without regard to the provisions of title 5, United States Code, governing appointments in the competitive service, and without regard to the provisions of chapter 51 and subchapter III of chapter 53 of such title relating to classification and General Schedule pay rates, except that no rate of pay fixed under this subsection may exceed the equivalent of that payable for a position at level V of the Executive Schedule under section 5316 of title 5, United States Code.

(2) DETAILEES.—Any Federal employee may be detailed to the Board without reimbursement from the Board, and such detailee shall retain the rights, status, and privileges of the detailee's regular employment without interruption.

(3) CONSULTANT SERVICES.—The Board may procure the temporary or intermittent services of experts and consultants in accordance with section 3109 of title 5, United States Code, at rates that do not exceed the daily rate paid a person occupying a position at level IV of the Executive Schedule under section 5315 of such title.

(k) SECURITY CLEARANCES.—The appropriate Federal executive departments and agencies shall cooperate with the Board to expeditiously provide the Board members and staff with appropriate security clearances to the extent possible under existing procedures and requirements, except that no person shall be provided with access to classified information under this section without the appropriate security clearances.

(l) TREATMENT AS AGENCY, NOT AS ADVISORY COMMITTEE.—The Board—

(1) is an agency (as defined in section 551(1) of title 5, United States Code); and

(2) is not an advisory committee (as defined in section 3(2) of the Federal Advisory Committee Act (5 U.S.C. App.)).

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

SEC. 902. PRIVACY AND CIVIL LIBERTIES OFFICERS.

(a) DESIGNATION AND FUNCTIONS.—The Attorney General, Secretary of Defense, Secretary of Homeland Security, Secretary of State, Secretary of the Treasury, Secretary of Health and Human Services, National Intelligence Director, Director of the Central Intelligence Agency, and the head of any other executive department or agency designated by the Privacy and Civil Liberties Oversight Board to be appropriate for coverage under this section shall designate not less than 1 senior officer to—

(1) assist the department or agency head and other department or agency officials in appropriately considering privacy and civil liberties concerns when such officials are proposing, developing, or implementing laws, regulations, policies, procedures, or guidelines related to efforts to protect the Nation against terrorism;

(2) periodically investigate and review department or agency actions, policies, procedures, guidelines, and related laws and their implementation to ensure that the department or agency is adequately considering privacy and civil liberties in its actions;

(3) ensure that the department or agency has adequate procedures to receive, investigate, and respond to complaints from individuals who allege the department or agency has violated their privacy or civil liberties; and

(4) in providing advice on proposals to retain or enhance a particular governmental power the officer shall consider whether the department or agency has explained—

(i) that the power actually materially enhances security; and

(ii) that there is adequate supervision of the department's or agency's use of the power to ensure protection of civil liberties.

(b) EXCEPTION TO DESIGNATION AUTHORITY.—

(1) PRIVACY OFFICERS.—In any department or agency referenced in subsection (a) or designated by the Board, which has a statutorily created privacy officer, such officer shall perform the functions specified in subsection (a) with respect to privacy.

(2) CIVIL LIBERTIES OFFICERS.—In any department or agency referenced in subsection (a) or designated by the Board, which has a statutorily created civil liberties officer, such officer shall perform the functions specified in subsection (a) with respect to civil liberties.

(c) SUPERVISION AND COORDINATION.—Each privacy or civil liberties officer described in subsection (a) or (b) shall—

(1) report directly to the department or agency head; and

(2) coordinate their activities with the Inspector General of the agency to avoid duplication of effort.

(d) AGENCY COOPERATION.—Each department or agency head shall ensure that each privacy and civil liberties officer—

(1) has the information and material necessary to fulfill the officer's functions;

(2) is advised of proposed policy changes;

(3) is consulted by decision makers; and

(4) is given access to material and personnel the officer determines to be necessary to carry out the officer's functions.

(e) PERIODIC REPORTS.—

(1) IN GENERAL.—The privacy and civil liberties officers of each department or agency referenced or designated under subsection (a) shall periodically, but not less than quarterly, submit a report on the officers' activities to Congress, the department or agency head, and the Privacy and Civil Liberties Oversight Board.

(2) CONTENTS.—Each report submitted under paragraph (1) shall include information on the discharge of each of the officer's functions, including—

(A) information on the number and types of reviews undertaken;

(B) the type of advice provided and the response given to such advice;

(C) the number and nature of the complaints received by the agency for alleged violations; and

(D) a summary of the disposition of such complaints, the reviews and inquiries conducted, and the impact of the officer's activities.

By Mr. SPECTER.

S. 2776. A bill to require the Secretary of Veterans Affairs to carry out a program of outreach to veterans of World War II and the Korean conflict on the nature and availability of benefits for veterans, and for other purposes; to the Committee on Veterans' Affairs.

Mr. SPECTER. Mr. President, I have sought recognition to comment on legislation I am introducing today which would direct the Department of Veterans Affairs (VA) to provide a new, targeted program of outreach to veterans of World War II and the Korean conflict. The purpose of the program would be to inform these veterans, most of whom are now over the age of 70, of the veterans benefits to which they may be entitled, and to encourage them to apply for those benefits. The center piece of the new outreach program would be a $35 million nationwide public service announcement campaign through various print, radio, and television media outlets. I believe such a campaign would be the most effective, and efficient, way to ''get the word out'' about VA benefits and services, but my legislation gives VA flexibility to devise other means if appropriate.

I am concerned that there are a number of older veterans who served during World War II and the Korean conflict, and who are entitled to benefits from VA, are simply not aware of that fact. A recent article in the Philadelphia Inquirer told the story of a World War II veteran from Missouri who filed a claim for benefits in 1947 for a cold-weather injury suffered while wading through an icy French harbor. The claim was denied, but because of intensive outreach conducted the State of Missouri over 50 years later, the veteran recently was awarded 100 percent disability compensation. The same article cities survey data from VA which suggest that over one-half million veterans might be eligible for VA compensation benefits—if only they would file claims. A similar inference can be drawn from data from the Veterans Benefits Administration Fiscal year 2003 Annual Benefits Report which show that even though veterans of World War II and the Korean conflict comprise 31.6 percent of the total veteran population, only 23.2 percent of the total number of veterans actually receiving VA disability compensation are veterans of WWII and the Korean conflict. Further, it is a fact that Korean conflict and World War II veterans who are receiving compensation are compensated for fewer disabilities, on average, than are later generations of veterans.

I suspect that one reason for these discrepancies might be found in the fact that VA and the Department of Defense (DoD) now do a far better job than in prior years of educating service members of the benefits to which they are entitled. This year, VA compiled a report on its outreach activities—a report that was requested by Senator Russ Feingold and me—which outlines at great length programs—all laudable programs—of outreach specifically targeting service members and veterans recently discharged from service. For example, VA has a presence at 136 military installations which enables service members to receive complete medical examinations and disability ratings prior to discharge from service. VA and DoD also cooperate in providing intensive transition workshops for departing service members. I commend both VA and DoD for their outreach activities, particularly for such activities that target service members returning from Iraq and Afghanistan. Clearly, VA and DoD have made great strides in informing service members and veterans of their benefits at the point in their lives when such information is most useful, namely, at discharge from service. However, the intensity and breadth of outreach activities that are now the norm for the current generation of newly discharged veterans simply were not undertaken when World War II and Korean conflict veterans left service.

The Nation recently honored the World War II generation with the dedication of the World War II Memorial in Washington, and with celebrations of the 60th anniversary of the Normandy invasion. Just last year, we marked the 50th anniversary of the end of the Korean conflict. While the fan fare surrounding these events has waned, our efforts on behalf of veterans of these wars must not. It is imperative we make final attempts to let them, and their families, known of the benefits to which they are entitled. The legislation provides a first step to that end. I ask my colleagues for their support, and 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. 2776

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

SECTION 1. PROGRAM OF OUTREACH TO VETERANS OF WORLD WAR II AND KOREAN CONFLICT ON VETERANS BENEFITS.

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

(1) Veterans of World War II and the Korean conflict represent 31.6 percent of the current population of veterans. However, veterans of World War II and the Korean conflict represent only 23.2 percent of the total number of veterans currently receiving disability compensation from the Department of Veterans Affairs.

(2) Veterans of World War II and the Korean conflict who receive disability compensation have, on average, 1.94 and 2.12 disabilities per veteran, respectively, whereas veterans of the Vietnam era and the Persian Gulf War who receive disability compensation have, on average, 2.88 and 3.48 disabilities per veteran, respectively.

(3) Advances in medical science and technology have improved the understanding of the origins of diseases and disabilities which are associated with military service, including diseases and disabilities that manifest long after the completion of military service.

(4) Unlike veterans of later periods, veterans of World War II and the Korean conflict did not have the benefit of extensive transition assistance and outreach services now routinely provided by the Department and other government agencies.

(5) Veterans of World War II and the Korean conflict are dying at the aggregate rate of 1,400 per day.

(6) It is in the interest of the Nation that the Secretary make every effort to inform veterans of World War II and the Korean conflict of the benefits to which they may be entitled.

(b) OUTREACH.—(1) The Secretary of Veterans Affairs shall carry out a program to provide outreach to veterans of World War II and of the Korean conflict on the nature and availability of benefits for veterans.

(2) The purpose of the program is to make veterans of World War II and of the Korean conflict aware of the veterans benefits to which they may be entitled and to encourage such veterans to apply for such benefits.

(3)(A) The program shall include a nationwide public service campaign consisting of such elements, and appearing in and through such media, as the Secretary considers appropriate for the program.

(B) Of the amount authorized to be appropriated by subsection (e) for the program, $35,000,000 shall be available for the public service campaign described in subparagraph (A).

(4) As part of the program, the Secretary shall establish performance measures for the outreach under the program to permit the on-going evaluation of the extent and success of the outreach under the program.

(c) REPORT.—Not later than 24 months after the date of the enactment of this Act, the Secretary shall submit to Congress a report on the program under this section. The report shall include the following:

(1) A description of the program, including a detailed description of the outreach conducted under the program.

(2) A statement of the amount expended on the program.

(3) An assessment of the effectiveness of the program.

(d) DEFINITIONS.—In this section, the terms ''World War II'' and ''Korean conflict'' have the meanings given such terms in section 101 of title 38, United States Code.

(e) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to the Secretary of Veterans Affairs such sums as may be necessary to carry out this section.

AMENDMENTS SUBMITTED AND PROPOSED

SA 3576. Mr. INOUYE submitted an amendment intended to be proposed by him to the bill S. 344, expressing the policy of the United States regarding the United States relationship with Native Hawaiians and to provide a process for the recognition by the United States of the Native Hawaiian governing entity, and for other purposes; which was ordered to lie on the table.

TEXT OF AMENDMENTS

SA 3576. Mr. INOUYE submitted an amendment intended to be proposed by him to the bill S. 344, expressing the policy of the United States regarding the United States relationship with Native Hawaiians and to provide a process for the recognition by the United States of the Native Hawaiian governing entity, and for other purposes; which was ordered to lie on the table; as follows:

Strike all after the enacting clause and insert the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Native Hawaiian Government Reorganization Act of 2004''.

SEC. 2. FINDINGS.

Congress finds that—

(1) the Constitution vests Congress with the authority to address the conditions of the indigenous, native people of the United States;

(2) Native Hawaiians, the native people of the Hawaiian archipelago that is now part of the United States, are indigenous, native people of the United States;

(3) the United States has a special political and legal responsibility to promote the welfare of the native people of the United States, including Native Hawaiians;

(4) under the treaty making power of the United States, Congress exercised its constitutional authority to confirm treaties between the United States and the Kingdom of Hawaii, and from 1826 until 1893, the United States—

(A) recognized the sovereignty of the Kingdom of Hawaii;

(B) accorded full diplomatic recognition to the Kingdom of Hawaii; and

(C) entered into treaties and conventions with the Kingdom of Hawaii to govern commerce and navigation in 1826, 1842, 1849, 1875, and 1887;

(5) pursuant to the Hawaiian Homes Commission Act, 1920 (42 Stat. 108, chapter 42), the United States set aside approximately 203,500 acres of land to address the conditions of Native Hawaiians in the Federal territory that later became the State of Hawaii;

(6) by setting aside 203,500 acres of land for Native Hawaiian homesteads and farms, the Hawaiian Homes Commission Act assists the members of the Native Hawaiian community in maintaining distinct native settlements throughout the State of Hawaii;

(7) approximately 6,800 Native Hawaiian families reside on the Hawaiian Home Lands and approximately 18,000 Native Hawaiians who are eligible to reside on the Hawaiian Home Lands are on a waiting list to receive assignments of Hawaiian Home Lands;

(8)(A) in 1959, as part of the compact with the United States admitting Hawaii into the Union, Congress established a public trust (commonly known as the ''ceded lands trust''), for 5 purposes, 1 of which is the betterment of the conditions of Native Hawaiians;

(B) the public trust consists of lands, including submerged lands, natural resources, and the revenues derived from the lands; and

(C) the assets of this public trust have never been completely inventoried or segregated;

(9) Native Hawaiians have continuously sought access to the ceded lands in order to establish and maintain native settlements and distinct native communities throughout the State;

(10) the Hawaiian Home Lands and other ceded lands provide an important foundation for the ability of the Native Hawaiian community to maintain the practice of Native Hawaiian culture, language, and traditions, and for the survival and economic self-sufficiency of the Native Hawaiian people;

(11) Native Hawaiians continue to maintain other distinctly native areas in Hawaii;

(12) on November 23, 1993, Public Law 103–150 (107 Stat. 1510) (commonly known as the ''Apology Resolution'') was enacted into law, extending an apology on behalf of the United States to the native people of Hawaii for the United States' role in the overthrow of the Kingdom of Hawaii;

(13) the Apology Resolution acknowledges that the overthrow of the Kingdom of Hawaii occurred with the active participation of agents and citizens of the United States and further acknowledges that the Native Hawaiian people never directly relinquished to the United States their claims to their inherent sovereignty as a people over their national lands, either through the Kingdom of Hawaii or through a plebiscite or referendum;

(14) the Apology Resolution expresses the commitment of Congress and the President—

(A) to acknowledge the ramifications of the overthrow of the Kingdom of Hawaii;

(B) to support reconciliation efforts between the United States and Native Hawaiians; and

(C) to consult with Native Hawaiians on the reconciliation process as called for in the Apology Resolution;

(15) despite the overthrow of the government of the Kingdom of Hawaii, Native Hawaiians have continued to maintain their separate identity as a distinct native community through cultural, social, and political institutions, and to give expression to their rights as native people to self-determination, self-governance, and economic self-sufficiency;

(16) Native Hawaiians have also given expression to their rights as native people to self-determination, self-governance, and economic self-sufficiency—

(A) through the provision of governmental services to Native Hawaiians, including the provision of—

(i) health care services;

(ii) educational programs;

(iii) employment and training programs;

(iv) economic development assistance programs;

(v) children's services;

(vi) conservation programs;

(vii) fish and wildlife protection;

(viii) agricultural programs;

(ix) native language immersion programs;

(x) native language immersion schools from kindergarten through high school;

(xi) college and master's degree programs in native language immersion instruction;

(xii) traditional justice programs, and

(B) by continuing their efforts to enhance Native Hawaiian self-determination and local control;

(17) Native Hawaiians are actively engaged in Native Hawaiian cultural practices, traditional agricultural methods, fishing and subsistence practices, maintenance of cultural use areas and sacred sites, protection of burial sites, and the exercise of their traditional rights to gather medicinal plants and herbs, and food sources;

(18) the Native Hawaiian people wish to preserve, develop, and transmit to future generations of Native Hawaiians their lands and Native Hawaiian political and cultural identity in accordance with their traditions, beliefs, customs and practices, language, and social and political institutions, to control and manage their own lands, including ceded lands, and to achieve greater self-determination over their own affairs;

(19) this Act provides a process within the framework of Federal law for the Native Hawaiian people to exercise their inherent rights as a distinct, indigenous, native community to reorganize a Native Hawaiian governing entity for the purpose of giving expression to their rights as native people to self-determination and self-governance;

(20) Congress—

(A) has declared that the United States has a special responsibility for the welfare of the native peoples of the United States, including Native Hawaiians;

(B) has identified Native Hawaiians as a distinct group of indigenous, native people of the United States within the scope of its authority under the Constitution, and has enacted scores of statutes on their behalf; and

(C) has delegated broad authority to the State of Hawaii to administer some of the United States' responsibilities as they relate to the Native Hawaiian people and their lands;

(21) the United States has recognized and reaffirmed the special political and legal relationship with the Native Hawaiian people through the enactment of the Act entitled, ''An Act to provide for the admission of the State of Hawaii into the Union'', approved March 18, 1959 (Public Law 86–3; 73 Stat. 4), by—

(A) ceding to the State of Hawaii title to the public lands formerly held by the United States, and mandating that those lands be held as a public trust for 5 purposes, 1 of which is for the betterment of the conditions of Native Hawaiians; and

(B) transferring the United States' responsibility for the administration of the Hawaiian Home Lands to the State of Hawaii, but retaining the authority to enforce the trust, including the exclusive right of the United States to consent to any actions affecting the lands that comprise the corpus of the trust and any amendments to the Hawaiian Homes Commission Act, 1920 (42 Stat. 108, chapter 42) that are enacted by the legislature of the State of Hawaii affecting the beneficiaries under the Act;

(22) the United States has continually recognized and reaffirmed that—

(A) Native Hawaiians have a cultural, historic, and land-based link to the aboriginal, indigenous, native people who exercised sovereignty over the Hawaiian Islands;

(B) Native Hawaiians have never relinquished their claims to sovereignty or their sovereign lands;

(C) the United States extends services to Native Hawaiians because of their unique status as the indigenous, native people of a once-sovereign nation with whom the United States has a political and legal relationship; and

(D) the special trust relationship of American Indians, Alaska Natives, and Native Hawaiians to the United States arises out of their status as aboriginal, indigenous, native people of the United States; and

(23) the State of Hawaii supports the reaffirmation of the political and legal relationship between the Native Hawaiian governing entity and the United States as evidenced by 2 unanimous resolutions enacted by the Hawaii State Legislature in the 2000 and 2001

sessions of the Legislature and by the testimony of the Governor of the State of Hawaii before the Committee on Indian Affairs of the Senate on February 25, 2003.

SEC. 3. DEFINITIONS.

In this Act:

(1) ABORIGINAL, INDIGENOUS, NATIVE PEOPLE.—The term ''aboriginal, indigenous, native people'' means people whom Congress has recognized as the original inhabitants of the lands that later became part of the United States and who exercised sovereignty in the areas that later became part of the United States.

(2) ADULT MEMBER.—The term ''adult member'' means a Native Hawaiian who has attained the age of 18 and who elects to participate in the reorganization of the Native Hawaiian governing entity.

(3) APOLOGY RESOLUTION.—The term ''Apology Resolution'' means Public Law 103–150, (107 Stat. 1510), a Joint Resolution extending an apology to Native Hawaiians on behalf of the United States for the participation of agents of the United States in the January 17, 1893 overthrow of the Kingdom of Hawaii.

(4) COMMISSION.—The term ''commission'' means the Commission established under section 7(b) to provide for the certification that those adult members of the Native Hawaiian community listed on the roll meet the definition of Native Hawaiian set forth in section 3(8).

(5) COUNCIL.—The term ''council'' means the Native Hawaiian Interim Governing Council established under section 7(c)(2).

(6) INDIGENOUS, NATIVE PEOPLE.—The term ''indigenous, native people'' means the lineal descendants of the aboriginal, indigenous, native people of the United States.

(7) INTERAGENCY COORDINATING GROUP.—The term ''Interagency Coordinating Group'' means the Native Hawaiian Interagency Coordinating Group established under section 6.

(8) NATIVE HAWAIIAN.—For the purpose of establishing the roll authorized under section 7(c)(1) and before the reaffirmation of the political and legal relationship between the United States and the Native Hawaiian governing entity, the term ''Native Hawaiian'' means—

(A) an individual who is one of the indigenous, native people of Hawaii and who is a direct lineal descendant of the aboriginal, indigenous, native people who—

(i) resided in the islands that now comprise the State of Hawaii on or before January 1, 1893; and

(ii) occupied and exercised sovereignty in the Hawaiian archipelago, including the area that now constitutes the State of Hawaii; or

(B) an individual who is one of the indigenous, native people of Hawaii and who was eligible in 1921 for the programs authorized by the Hawaiian Homes Commission Act (42 Stat. 108, chapter 42) or a direct lineal descendant of that individual.

(9) NATIVE HAWAIIAN GOVERNING ENTITY.—The term ''Native Hawaiian Governing Entity'' means the governing entity organized by the Native Hawaiian people pursuant to this Act.

(10) OFFICE.—The term ''Office'' means the United States Office for Native Hawaiian Relations established under section 5(a).

(11) SECRETARY.—The term ''Secretary'' means the Secretary of the Department of the Interior.

SEC. 4. UNITED STATES POLICY AND PURPOSE.

(a) POLICY.—The United States reaffirms that—

(1) Native Hawaiians are a unique and distinct, indigenous, native people with whom the United States has a special political and legal relationship;

(2) the United States has a special political and legal relationship with the Native Hawaiian people which includes promoting the welfare of Native Hawaiians;

(3) Congress possesses the authority under the Constitution, including but not limited to Article I, section 8, clause 3, to enact legislation to address the conditions of Native Hawaiians and has exercised this authority through the enactment of—

(A) the Hawaiian Homes Commission Act, 1920 (42 Stat. 108, chapter 42);

(B) the Act entitled ''An Act to provide for the admission of the State of Hawaii into the Union'', approved March 18, 1959 (Public Law 86–3, 73 Stat. 4); and

(C) more than 150 other Federal laws addressing the conditions of Native Hawaiians;

(4) Native Hawaiians have—

(A) an inherent right to autonomy in their internal affairs;

(B) an inherent right of self-determination and self-governance;

(C) the right to reorganize a Native Hawaiian governing entity; and

(D) the right to become economically self-sufficient; and

(5) the United States shall continue to engage in a process of reconciliation and political relations with the Native Hawaiian people.

(b) PURPOSE.—The purpose of this Act is to provide a process for the reorganization of the Native Hawaiian governing entity and the reaffirmation of the political and legal relationship between the United States and the Native Hawaiian governing entity for purposes of continuing a government-to-government relationship.

SEC. 5. UNITED STATES OFFICE FOR NATIVE HAWAIIAN RELATIONS.

(a) ESTABLISHMENT.—There is established within the Office of the Secretary of the United States Office for Native Hawaiian Relations.

(b) DUTIES.—The Office shall—

(1) continue the process of reconciliation with the Native Hawaiian people in furtherance of the Apology Resolution;

(2) upon the reaffirmation of the political and legal relationship between the Native Hawaiian governing entity and the United States, effectuate and coordinate the special political and legal relationship between the Native Hawaiian governing entity and the United States through the Secretary, and with all other Federal agencies;

(3) fully integrate the principle and practice of meaningful, regular, and appropriate consultation with the Native Hawaiian governing entity by providing timely notice to, and consulting with, the Native Hawaiian people and the Native Hawaiian governing entity before taking any actions that may have the potential to significantly affect Native Hawaiian resources, rights, or lands;

(4) consult with the Interagency Coordinating Group, other Federal agencies, the Governor of the State of Hawaii and relevant agencies of the State of Hawaii on policies, practices, and proposed actions affecting Native Hawaiian resources, rights, or lands; and

(5) prepare and submit to the Committee on Indian Affairs and the Committee on Energy and Natural Resources of the Senate, the Committee on Resources of the House of Representatives, an annual report detailing the activities of the Interagency Coordinating Group that are undertaken with respect to the continuing process of reconciliation and to effect meaningful consultation with the Native Hawaiian governing entity and providing recommendations for any necessary changes to Federal law or regulations promulgated under the authority of Federal law.

SEC. 6. NATIVE HAWAIIAN INTERAGENCY COORDINATING GROUP.

(a) ESTABLISHMENT.—In recognition that Federal programs authorized to address the conditions of Native Hawaiians are largely administered by Federal agencies other than the Department of the Interior, there is established an interagency coordinating group to be known as the ''Native Hawaiian Interagency Coordinating Group''.

(b) COMPOSITION.—The Interagency Coordinating Group shall be composed of officials, to be designated by the President, from—

(1) each Federal agency that administers Native Hawaiian programs, establishes or implements policies that affect Native Hawaiians, or whose actions may significantly or uniquely impact Native Hawaiian resources, rights, or lands; and

(2) the Office.

(c) LEAD AGENCY.—

(1) IN GENERAL.—The Department of the Interior shall serve as the lead agency of the Interagency Coordinating Group.

(2) MEETINGS.—The Secretary shall convene meetings of the Interagency Coordinating Group.

(d) DUTIES.—The Interagency Coordinating Group shall—

(1) coordinate Federal programs and policies that affect Native Hawaiians or actions by any agency or agencies of the Federal Government that may significantly or uniquely affect Native Hawaiian resources, rights, or lands;

(2) ensure that each Federal agency develops a policy on consultation with the Native Hawaiian people, and upon the reaffirmation of the political and legal relationship between the Native Hawaiian governing entity and the United States, consultation with the Native Hawaiian governing entity; and

(3) ensure the participation of each Federal agency in the development of the report to Congress authorized in section 5(b)(5).

SEC. 7. PROCESS FOR THE REORGANIZATION OF THE NATIVE HAWAIIAN GOVERNING ENTITY AND THE REAFFIRMATION OF THE POLITICAL AND LEGAL RELATIONSHIP BETWEEN THE UNITED STATES AND THE NATIVE HAWAIIAN GOVERNING ENTITY.

(a) RECOGNITION OF THE NATIVE HAWAIIAN GOVERNING ENTITY.—The right of the Native Hawaiian people to reorganize the Native Hawaiian governing entity to provide for their common welfare and to adopt appropriate organic governing documents is recognized by the United States.

(b) COMMISSION.—

(1) IN GENERAL.—There is authorized to be established a Commission to be composed of nine members for the purposes of—

(A) preparing and maintaining a roll of the adult members of the Native Hawaiian community who elect to participate in the reorganization of the Native Hawaiian governing entity; and

(B) certifying that the adult members of the Native Hawaiian community proposed for inclusion on the roll meet the definition of Native Hawaiian in section 3(8).

(2) MEMBERSHIP.—

(A) APPOINTMENT.—Within 180 days of the date of enactment of this Act, the Secretary shall appoint the members of the Commission in accordance with subclause (B). Any vacancy on the Commission shall not affect its powers and shall be filled in the same manner as the original appointment.

(B) REQUIREMENTS.—The members of the Commission shall be Native Hawaiian, as defined in section 3(8), and shall have expertise in the determination of Native Hawaiian ancestry and lineal descendancy.

(3) 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.

(4) DUTIES.—The Commission shall—

(A) prepare and maintain a roll of the adult members of the Native Hawaiian community who elect to participate in the reorganization of the Native Hawaiian governing entity; and

(B) certify that each of the adult members of the Native Hawaiian community proposed for inclusion on the roll meet the definition of Native Hawaiian in section 3(8).

(5) STAFF.—

(A) IN GENERAL.—The Commission may, without regard to the civil service laws (including regulations), appoint and terminate an executive director and such other additional personnel as are necessary to enable the Commission to perform the duties of the Commission.

(B) COMPENSATION.—

(i) IN GENERAL.—Except as provided in clause (ii), the Commission may fix the compensation of the executive director and other personnel without regard to the provisions of chapter 51 and subchapter III of chapter 53 of title 5, United States Code, relating to classification of positions and General Schedule pay rates.

(ii) MAXIMUM RATE OF PAY.—The rate of pay for the executive director and other personnel shall not exceed the rate payable for level V of the Executive Schedule under section 5316 of title 5, United States Code.

(6) DETAIL OF FEDERAL GOVERNMENT EMPLOYEES.—

(A) IN GENERAL.—An employee of the Federal Government may be detailed to the Commission without reimbursement.

(B) CIVIL SERVICE STATUS.—The detail of the employee shall be without interruption or loss of civil service status or privilege.

(7) PROCUREMENT OF TEMPORARY AND INTERMITTENT SERVICES.—The Commission may procure temporary and intermittent services in accordance with section 3109(b) of title 5, United States Code, at rates for individuals that do not exceed the daily equivalent of the annual rate of basic pay prescribed for level V of the Executive Schedule under section 5316 of that title.

(8) EXPIRATION.—The Secretary shall dissolve the Commission upon the reaffirmation of the political and legal relationship between the Native Hawaiian governing entity and the United States.

(c) PROCESS FOR THE REORGANIZATION OF THE NATIVE HAWAIIAN GOVERNING ENTITY.—

(1) ROLL.—

(A) CONTENTS.—The roll shall include the names of the adult members of the Native Hawaiian community who elect to participate in the reorganization of the Native Hawaiian governing entity and are certified to be Native Hawaiian as defined in section 3(8) by the Commission.

(B) FORMATION OF ROLL.—Each adult member of the Native Hawaiian community who elects to participate in the reorganization of the Native Hawaiian governing entity shall submit to the Commission documentation in the form established by the Commission that is sufficient to enable the Commission to determine whether the individual meets the definition of Native Hawaiian in section 3(8).

(C) DOCUMENTATION.—The Commission shall—

(i) identify the types of documentation that may be submitted to the Commission that would enable the Commission to determine whether an individual meets the definition of Native Hawaiian in section 3(8);

(ii) establish a standard format for the submission of documentation; and

(iii) publish information related to subclauses (i) and (ii) in the Federal Register;

(D) CONSULTATION.—In making determinations that each of the adult members of the Native Hawaiian community proposed for inclusion on the roll meets the definition of Native Hawaiian in section 3(8), the Commission may consult with Native Hawaiian organizations, agencies of the State of Hawaii including but not limited to the Department of Hawaiian Home Lands, the Office of Hawaiian Affairs, and the State Department of Health, and other entities with expertise and experience in the determination of Native Hawaiian ancestry and lineal descendancy.

(E) CERTIFICATION AND SUBMITTAL OF ROLL TO SECRETARY.—The Commission shall—

(i) submit the roll containing the names of the adult members of the Native Hawaiian community who meet the definition of Native Hawaiian in section 3(8) to the Secretary within two years from the date on which the Commission is fully composed; and

(ii) certify to the Secretary that each of the adult members of the Native Hawaiian community proposed for inclusion on the roll meets the definition of Native Hawaiian in section 3(8).

(F) PUBLICATION.—Upon certification by the Commission to the Secretary that those listed on the roll meet the definition of Native Hawaiian in section 3(8), the Secretary shall publish the roll in the Federal Register.

(G) APPEAL.—The Secretary may establish a mechanism for an appeal for any person whose name is excluded from the roll who claims to meet the definition of Native Hawaiian in section 3(8) and to be 18 years of age or older.

(H) PUBLICATION; UPDATE.—The Secretary shall—

(i) publish the roll regardless of whether appeals are pending;

(ii) update the roll and the publication of the roll on the final disposition of any appeal;

(iii) update the roll to include any Native Hawaiian who has attained the age of 18 and who has been certified by the Commission as meeting the definition of Native Hawaiian in section 3(8) after the initial publication of the roll or after any subsequent publications of the roll.

(I) FAILURE TO ACT.—If the Secretary fails to publish the roll, not later than 90 days after the date on which the roll is submitted to the Secretary, the Commission shall publish the roll notwithstanding any order or directive issued by the Secretary or any other official of the Department of the Interior to the contrary.

(J) EFFECT OF PUBLICATION.—The publication of the initial and updated roll shall serve as the basis for the eligibility of adult members of the Native Hawaiian community whose names are listed on those rolls to participate in the reorganization of the Native Hawaiian governing entity.

(2) ORGANIZATION OF THE NATIVE HAWAIIAN INTERIM GOVERNING COUNCIL.—

(A) ORGANIZATION.—The adult members of the Native Hawaiian community listed on the roll published under this section may—

(i) develop criteria for candidates to be elected to serve on the Native Hawaiian Interim Governing Council;

(ii) determine the structure of the Council; and

(iii) elect members from individuals listed on the roll published under this subsection to the Council.

(B) POWERS.—

(i) IN GENERAL.—The Council—

(I) may represent those listed on the roll published under this section in the implementation of this Act; and

(II) shall have no powers other than powers given to the Council under this Act.

(ii) FUNDING.—The Council may enter into a contract with, or obtain a grant from, any Federal or State agency to carry out clause (iii).

(iii) ACTIVITIES.—

(I) IN GENERAL.—The Council may conduct a referendum among the adult members of the Native Hawaiian community listed on the roll published under this subsection for the purpose of determining the proposed elements of the organic governing documents of the Native Hawaiian governing entity, including but not limited to—

(aa) the proposed criteria for citizenship of the Native Hawaiian governing entity;

(bb) the proposed powers and authorities to be exercised by the Native Hawaiian governing entity, as well as the proposed privileges and immunities of the Native Hawaiian governing entity;

(cc) the proposed civil rights and protection of the rights of the citizens of the Native Hawaiian governing entity and all persons affected by the exercise of governmental powers and authorities of the Native Hawaiian governing entity; and

(dd) other issues determined appropriate by the Council.

(II) DEVELOPMENT OF ORGANIC GOVERNING DOCUMENTS.—Based on the referendum, the Council may develop proposed organic governing documents for the Native Hawaiian governing entity.

(III) DISTRIBUTION.—The Council may distribute to all adult members of the Native Hawaiian community listed on the roll published under this subsection—

(aa) a copy of the proposed organic governing documents, as drafted by the Council; and

(bb) a brief impartial description of the proposed organic governing documents;

(IV) ELECTIONS.—The Council may hold elections for the purpose of ratifying the proposed organic governing documents, and on certification of the organic governing documents by the Secretary in accordance with paragraph (4), hold elections of the officers of the Native Hawaiian governing entity pursuant to paragraph (5).

(3) SUBMITTAL OF ORGANIC GOVERNING DOCUMENTS.—Following the reorganization of the Native Hawaiian governing entity and the adoption of organic governing documents, the Council shall submit the organic governing documents of the Native Hawaiian governing entity to the Secretary.

(4) CERTIFICATIONS.—

(A) IN GENERAL.—Within the context of the future negotiations to be conducted under the authority of section 8(b)(1), and the subsequent actions by the Congress and the State of Hawaii to enact legislation to implement the agreements of the three governments, not later than 90 days after the date on which the Council submits the organic governing documents to the Secretary, the Secretary shall certify that the organic governing documents—

(i) establish the criteria for citizenship in the Native Hawaiian governing entity;

(ii) were adopted by a majority vote of the adult members of the Native Hawaiian community whose names are listed on the roll published by the Secretary;

(iii) provide authority for the Native Hawaiian governing entity to negotiate with Federal, State, and local governments, and other entities;

(iv) provide for the exercise of governmental authorities by the Native Hawaiian governing entity, including any authorities that may be delegated to the Native Hawaiian governing entity by the United States and the State of Hawaii following negotiations authorized in section 8(b)(1) and the enactment of legislation to implement the agreements of the three governments;

(v) prevent the sale, disposition, lease, or encumbrance of lands, interests in lands, or other assets of the Native Hawaiian governing entity without the consent of the Native Hawaiian governing entity;

(vi) provide for the protection of the civil rights of the citizens of the Native Hawaiian governing entity and all persons affected by the exercise of governmental powers and authorities by the Native Hawaiian governing entity; and

(vii) are consistent with applicable Federal law and the special political and legal relationship between the United States and the indigenous, native people of the United States; provided that the provisions of Public Law 103–454, 25 U.S.C. 479a, shall not apply.

(B) RESUBMISSION IN CASE OF NONCOMPLIANCE WITH THE REQUIREMENTS OF SUBPARAGRAPH (A).—

(i) RESUBMISSION BY THE SECRETARY.—If the Secretary determines that the organic governing documents, or any part of the documents, do not meet all of the requirements set forth in subparagraph (A), the Secretary shall resubmit the organic governing documents to the Council, along with a justification for each of the Secretary's findings as to why the provisions are not in full compliance.

(ii) AMENDMENT AND RESUBMISSION OF ORGANIC GOVERNING DOCUMENTS.—If the organic governing documents are resubmitted to the Council by the Secretary under clause (i), the Council shall—

(I) amend the organic governing documents to ensure that the documents meet all the requirements set forth in subparagraph (A); and

(II) resubmit the amended organic governing documents to the Secretary for certification in accordance with this paragraph.

(C) CERTIFICATIONS DEEMED MADE.—The certifications under paragraph (4) shall be deemed to have been made if the Secretary has not acted within 90 days after the date on which the Council has submitted the organic governing documents of the Native Hawaiian governing entity to the Secretary.

(5) ELECTIONS.—On completion of the certifications by the Secretary under paragraph (4), the Council may hold elections of the officers of the Native Hawaiian governing entity.

(6) REAFFIRMATION.—Notwithstanding any other provision of law, upon the certifications required under paragraph (4) and the election of the officers of the Native Hawaiian governing entity, the political and legal relationship between the United States and the Native Hawaiian governing entity is hereby reaffirmed and the United States extends Federal recognition to the Native Hawaiian governing entity as the representative governing body of the Native Hawaiian people.

SEC. 8. REAFFIRMATION OF DELEGATION OF FEDERAL AUTHORITY; NEGOTIATIONS; CLAIMS.

(a) REAFFIRMATION.—The delegation by the United States of authority to the State of Hawaii to address the conditions of the indigenous, native people of Hawaii contained in the Act entitled ''An Act to provide for the admission of the State of Hawaii into the Union'' approved March 18, 1959 (Public Law 86–3, 73 Stat. 5), is reaffirmed.

(b) NEGOTIATIONS.—

(1) IN GENERAL.—Upon the reaffirmation of the political and legal relationship between the United States and the Native Hawaiian governing entity, the United States and the State of Hawaii may enter into negotiations with the Native Hawaiian governing entity designed to lead to an agreement addressing such matters as—

(A) the transfer of lands, natural resources, and other assets, and the protection of existing rights related to such lands or resources;

(B) the exercise of governmental authority over any transferred lands, natural resources, and other assets, including land use;

(C) the exercise of civil and criminal jurisdiction;

(D) the delegation of governmental powers and authorities to the Native Hawaiian governing entity by the United States and the State of Hawaii; and

(E) any residual responsibilities of the United States and the State of Hawaii.

(2) AMENDMENTS TO EXISTING LAWS.—Upon agreement on any matter or matters negotiated with the United States, the State of Hawaii, and the Native Hawaiian governing entity, the parties shall submit—

(A) to the Committee on Indian Affairs of the Senate, the Committee on Energy and Natural Resources of the Senate, and the Committee on Resources of the House of Representatives, recommendations for proposed amendments to Federal law that will enable the implementation of agreements reached between the three governments; and

(B) to the Governor and the legislature of the State of Hawaii, recommendations for proposed amendments to State law that will enable the implementation of agreements reached between the three governments.

(c) CLAIMS.—

(1) IN GENERAL.—Nothing in this Act serves as a settlement of any claim against the United States.

(2) STATUTE OF LIMITATIONS.—Any claim against the United States arising under Federal law that—

(A) is in existence on the date of enactment of this Act;

(B) is asserted by the Native Hawaiian governing entity on behalf of the Native Hawaiian people; and

(C) relates to the legal and political relationship between the United States and the Native Hawaiian people;

shall be brought in the court of jurisdiction over such claims not later than 20 years after the date on which Federal recognition is extended to the Native Hawaiian governing entity under section 7(c)(6).

SEC. 9. APPLICABILITY OF CERTAIN FEDERAL LAWS.

(a) INDIAN GAMING REGULATORY ACT.—Nothing in this Act shall be construed to authorize the Native Hawaiian governing entity to conduct gaming activities under the authority of the Indian Gaming Regulatory Act (25 U.S.C. 2701 et seq.).

(b) BUREAU OF INDIAN AFFAIRS.—Nothing contained in this Act provides an authorization for eligibility to participate in any programs and services provided by the Bureau of Indian Affairs for any persons not otherwise eligible for the programs or services.

SEC. 10. SEVERABILITY.

If any section or provision of this Act is held invalid, it is the intent of Congress that the remaining sections or provisions shall continue in full force and effect.

SEC. 11. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated such sums as are necessary to carry out this Act.

NOTICES OF HEARINGS/MEETINGS COMMITTEE ON INDIAN AFFAIRS

SUBCOMMITTEE ON PUBLIC LANDS AND FORESTS

Mr. CRAIG. Mr. President, I would like to announce for the information of the Senate and the public that a hearing has been scheduled before the Subcommittee on Public Lands and Forests of the Committee on Energy and Natural Resources.

The hearing will be held on Tuesday, September 14th at 2:30 p.m. in Room SD–366 of the Dirksen Senate Office Building.

The purpose of the hearing is to receive testimony on the following bills: S. 2532, to establish wilderness areas, promote conservation, improve public land, and provide for the high quality development in Lincoln County, NV, and for other purposes; S. 2723, to designate certain land in the State of Oregon as wilderness, and for other purposes; and S. 2709, to provide for the reforestation of appropriate forest cover on forest land derived from the public domain, and for other purposes.

Because of the limited time available for the hearing, witnesses may testify by invitation only. However, those wishing to submit written testimony for the hearing record should send two copies of their testimony to the Committee on Energy and Natural Resources, United States Senate, Washington, DC 20510–6150.

For further information, please contact Dick Bouts at 202–224–7574 Frank Gladics at 202–224–2878 or Amy Millet at 202–224–8276.

AUTHORITY FOR COMMITTEES TO MEET

SELECT COMMITTEE ON INTELLIGENCE

Mr. MCCAIN. Mr. President, I ask unanimous consent that the Select Committee on Intelligence be authorized to meet during the session of the Senate on September 7, 2004 at 2:30 p.m. to hold a hearing on intelligence matters.

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

PRIVILEGE OF THE FLOOR

Mr. HARKIN. I ask unanimous consent Milan Dalal of my staff be granted the privilege of the floor for the duration of today's session.

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

FOREIGN TRAVEL FINANCIAL REPORTS

In accordance with the appropriate provisions of law, the Secretary of the Senate herewith submits the following reports for standing committees of the Senate, certain joint committees of the Congress, delegations and groups, and select and special committees of the Senate, relating to expenses incurred in the performance of authorized foreign travel:

CONSOLIDATED REPORT OF EXPENDITURE OF FUNDS FOR FOREIGN TRAVEL BY MEMBERS AND EMPLOYEES OF THE U.S. SENATE, UNDER AUTHORITY OF SEC. 22, P.L. 95–384—22 U.S.C. 1754(b), COMMITTEE ON AGRICULTURE, NUTRITION AND FORESTRY FOR TRAVEL FROM APR. 1 TO JUNE 30, 2004

Name and country	Name of currency	Per diem		Transportation		Miscellaneous		Total	
		Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency
Senator Patrick Leahy:									
France	Dollar		513.00						513.00
Luke Albee:									
France	Dollar		513.00						513.00
Senator Zell Miller:									
France	Dollar		513.00						513.00
Hunt Shipman:									
Hong Kong	Dollar		858.00		5,526.00				6,384.50
Thailand	Dollar		564.00						564.00
Vietnam	Dollar		849.00						849.00
China	Dollar		598.00						598.00
Patricia Doty:									
Hong Kong	Dollar		858.00		5,526.50				6,384.50
Thailand	Dollar		564.00						564.00
Vietnam	Dollar		849.00						849.00
China	Dollar		598.00						598.00
West Higginbothom:									
Hong Kong	Dollar		858.00		5,526.50				6,384.50
Thailand	Dollar		564.00						564.00
Vietnam	Dollar		849.00						849.00
China	Dollar		598.00						598.00
Martha Scott Poindexter:									
Hong Kong	Dollar		858.00		5,526.50				6,384.50
Thailand	Dollar		564.00						564.00
Vietnam	Dollar		849.00						849.00
China	Dollar		598.00						598.00
Delegation Expenses:									
France	Dollar						1,072.00		1,072.00
Delegation Expenses:									
Thailand	Dollar						2,229.15		2,229.15
Delegation Expenses:									
Vietnam	Dollar				297.22		1,363.53		1,660.75
Delegation Expenses:									
Hong Kong	Dollar						3,516.01		3,516.01
Delegation Expenses:									
China	Dollar				52.03		1,461.20		1,513.23
John Zilkowski:									
Hong Kong	Dollar		858.00		5,526.50				6,384.50
Thailand	Dollar		564.00						564.00
Vietnam	Dollar		849.00						849.00
China	Dollar		598.00						598.00
Robert Holifield:									
Hong Kong	Dollar		858.00		5,526.50				6,384.50
Thailand	Dollar		563.97						563.97
Vietnam	Dollar		849.00						849.00
China	Dollar		598.00						598.00
Total			18,752.97		33,508.25		9,641.89		61,903.11

THAD COCHRAN,
Chairman, Committee on Agriculture, Nutrition and Forestry, July 19, 2004.

CONSOLIDATED REPORT OF EXPENDITURE OF FUNDS FOR FOREIGN TRAVEL BY MEMBERS AND EMPLOYEES OF THE U.S. SENATE, UNDER AUTHORITY OF SEC. 22, P.L. 95–384—22 U.S.C. 1754(b), COMMITTEE ON APPROPRIATIONS FOR TRAVEL FROM APR. 1 TO JUNE 30, 2004

Name and country	Name of currency	Per diem		Transportation		Miscellaneous		Total	
		Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency
Senator Conrad Burns:									
Ireland	Euro		249.50						249.50
Kazakhstan	Tenge		410.00						410.00
Ireland	Euro		157.00						157.00
Michael D. Rawson:									
Ireland	Euro		249.50						249.50
Kazakhstan	Tenge		410.00						410.00
Ireland	Euro		157.00						157.00
Total			1,633.00						1,633.00

TED STEVENS,
Chairman, Committee on Appropriations, June 23, 2004.

CONSOLIDATED REPORT OF EXPENDITURE OF FUNDS FOR FOREIGN TRAVEL BY MEMBERS AND EMPLOYEES OF THE U.S. SENATE, UNDER AUTHORITY OF SEC. 22, P.L. 95–384—22 U.S.C. 1754(b), COMMITTEE ON COMMERCE, SCIENCE, AND TRANSPORTATION, FOR TRAVEL FROM APR. 1 TO JUNE 30, 2004

Name and country	Name of currency	Per diem		Transportation		Miscellaneous		Total	
		Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency
Senator Gordon Smith:									
France	Euro		513.00		4,431.57				4,944.57
Delegation Expenses:									
France	Euro						2,142.86		2,142.86
Total			513.00		4,431.57		2,142.86		7,087.43

JOHN McCAIN,
Chairman, Committee on Commerce, Science, and Transportation, July 8, 2004.

AMENDED—CONSOLIDATED REPORT OF EXPENDITURE OF FUNDS FOR FOREIGN TRAVEL BY MEMBERS AND EMPLOYEES OF THE U.S. SENATE, UNDER AUTHORITY OF SEC. 22, P.L. 95–384—22 U.S.C. 1754(b), COMMITTEE ON FOREIGN RELATIONS, FOR TRAVEL FROM JAN. 1 TO MAR. 31, 2004

Name and country	Name of currency	Per diem		Transportation		Miscellaneous		Total	
		Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency
Nilmini Rubin:									
Paraguay	Guarini		1,323.00		492.19				1,815.19
Kim Savit:									
Qatar	Rial						532.62		532.62
Total			1,323.00		492.19		532.62		2,347.81

DICK LUGAR,
Chairman, Committee on Foreign Relations, July 15, 2004.

CONSOLIDATED REPORT OF EXPENDITURE OF FUNDS FOR FOREIGN TRAVEL BY MEMBERS AND EMPLOYEES OF THE U.S. SENATE, UNDER AUTHORITY OF SEC. 22, P.L. 95–384—22 U.S.C. 1754(b), COMMITTEE ON FOREIGN RELATIONS, FOR TRAVEL FROM APR. 1 TO JUNE 30, 2004

Name and country	Name of currency	Per diem		Transportation		Miscellaneous		Total	
		Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency
Senator Lamar Alexander:									
Japan	Yen		1,008.82						1,008.82
United States	Dollar				7,926.93				7,926.93
Senator Sam Brownback:									
United Arab Emirates	Dirham				998.00				998.00
United States	Dollar				4,200.00				4,200.00
Senator Michael Enzi:									
Belgium	Euro		566.41				22.00		588.41
Germany	Euro		36.50						36.50
Antony Blinken:									
France	Euro		758.00						758.00
United States	Dollar				6,396.30				6,396.30
Jay Branegan:									
Hong Kong	Dollar		142.64						142.64
Cambodia	Dollar		1,298.00						1,298.00
United States	Dollar				7,525.88				7,525.88
Peter Contostavlos:									
Dominican Republic	Peso		313.00						313.00
Venezuela	Bolivar		400.00						400.00
United States	Dollar				2,366.44				2,366.44
Heather Flynn:									
Liberia	Dollar		855.00						855.00
Cote d' Ivoire	Franc		554.00						554.00
United States	Dollar				6,537.89				6,537.89
Chad	Franc		1,450.00						1,450.00
United States	Dollar				8,934.56				8,934.56
Michael Haltzel:									
Ukraine	Hryvnia		1,250.00						1,250.00
United States	Dollar				4,227.08				4,227.08
Michael Mattler:									
Russia	Ruble		1,800.00						1,800.00
United States	Dollar				5,632.00				5,632.00
Carl Meacham:									
Venezuela	Bolivar		1,132.00						1,132.00
United States	Dollar				2,454.54				2,454.54
Jennifer Simon:									
Venezuela	Bolivar		1,132.00						1,132.00
United States	Dollar				2,454.54				2,454.54
Manisha Singh:									
Chile	Peso		726.00						726.00
Costa Rica	Colon		377.00						377.00
United States	Dollar				4,743.24				4,743.24
Matt Sonnesyn:									
Japan	Yen		1,107.75						1,107.75
United States	Dollar				7,926.84				7,926.84
Sean Woo:									
Sudan	Dinar		70.00						70.00
United States	Dollar				7,748.97				7,748.97
Total			14,977.12		80,073.21		22.00		95,072.33

DICK LUGAR,
Chairman, Committee on Foreign Relations, July 15, 2004.

CONSOLIDATED REPORT OF EXPENDITURE OF FUNDS FOR FOREIGN TRAVEL BY MEMBERS AND EMPLOYEES OF THE U.S. SENATE, UNDER AUTHORITY OF SEC. 22, P.L. 95–384—22 U.S.C. 1754(b), COMMITTEE ON GOVERNMENTAL AFFAIRS FOR TRAVEL FROM APR. 1 TO JUNE 30, 2004

Name and country	Name of currency	Per diem		Transportation		Miscellaneous		Total	
		Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency
Senator Frank Lautenberg:									
France	Euro		2,655.86						2,655.86
Richard Kessler:									
France	Euro		2,238.00						2,238.00
Total			4,893.86						4,893.86

SUSAN COLLINS,
Chairman, Committee on Governmental Affairs, July 1, 2004.

CONSOLIDATED REPORT OF EXPENDITURE OF FUNDS FOR FOREIGN TRAVEL BY MEMBERS AND EMPLOYEES OF THE U.S. SENATE, UNDER AUTHORITY OF SEC. 22, P.L. 95–384—22 U.S.C. 1754(b), COMMITTEE ON THE JUDICIARY, FOR TRAVEL FROM APR. 1 TO JUNE 30, 2004

Name and country	Name of currency	Per diem		Transportation		Miscellaneous		Total	
		Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency
Senator John Cornyn:									
Guatemala	Quetzal		612.40						612.40
Honduras	Lempira		410.00						410.00
El Salvador	Colon		20.00						20.00
Nicaragua	Cordoba Oro		530.23						530.23
Costa Rica	Colon		543.00						543.00
Katherine Bloemendal:									
Guatemala	Quetzal		529.55						529.55
Honduras	Lempira		350.00						350.00
El Salvador	Colon		106.90						106.90
Nicaragua	Cordoba Oro		423.51						423.51
Costa Rica	Colon		400.00						400.00
Romanita Matta:									
Mexico	Pesos		1,105.04						1,105.04
United States	Dollar				575.75				575.75
Total			5,030.63		575.75				5,606.38

ORRIN HATCH,
Chairman, Committee on the Judiciary, July 19, 2004.

CONSOLIDATED REPORT OF EXPENDITURE OF FUNDS FOR FOREIGN TRAVEL BY MEMBERS AND EMPLOYEES OF THE U.S. SENATE, UNDER AUTHORITY OF SEC. 22, P.L. 95–384—22 U.S.C. 1754(b), CODEL LOTT U.S.-RUSSIA IPG FOR TRAVEL FROM JAN. 1 TO MAR. 31, 2004.

Name and country	Name of currency	Per diem		Transportation		Miscellaneous		Total	
		Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency
Senator Trent Lott:									
Germany	Euro		816.00						816.00
Russia	Ruble		736.00						736.00
Czech Republic	Crown		636.00						636.00
Senator Jeff Sessions:									
Germany	Euro		786.00						786.00
Russia	Ruble		706.00						706.00
Czech Republic	Crown		606.00						606.00
Senator Lamar Alexander:									
Germany	Euro		796.00						796.00
Russia	Ruble		716.00						716.00
Czech Republic	Crown		616.00						616.00
Senator John Cornyn:									
Germany	Euro		777.00						777.00
Russia	Ruble		697.00						697.00
Czech Republic	Crown		597.00						597.00
Julia Hart:									
Germany	Euro		791.00						791.00
Russia	Ruble		711.00						711.00
Czech Republic	Crown		586.00						586.00
William Gotshall:									
Germany	Euro		816.00						816.00
Russia	Ruble		736.00						736.00
Czech Republic	Crown		636.00						636.00
Tom Ingram:									
Germany	Euro		816.00						816.00
Russia	Ruble		736.00						736.00
Czech Republic	Crown		636.00						636.00
Russ Thomasson									
Germany	Euro		683.50						683.50
Russia	Ruble		603.50						603.50
Czech Republic	Crown		636.00						636.00
Mitch Waldman:									
Germany	Euro		816.00						816.00
Russia	Ruble		736.00						736.00
Czech Republic	Crown		636.00						636.00
Delegation Expenses:*									
Germany	Euro						17,543.85		17,543.85
Russia	Ruble						9,683.62		9,683.62
Czech Republic	Crown						5,249.96		5,249.96
Total			19,060.00				32,477.43		51,537.43

*Delegation expense include payments to the Department of State under the authority of Sec. 502(b) of the Mutual Security Act of 1954, as amended by Sec. 22 of P.L. 95–384 and S. Res. 179 agreed to May 25, 1977.

BILL FRIST,
Majority Leader, July 10, 2004.

CONSOLIDATED REPORT OF EXPENDITURE OF FUNDS FOR FOREIGN TRAVEL BY MEMBERS AND EMPLOYEES OF THE U.S. SENATE, UNDER AUTHORITY OF SEC. 22, P.L. 95–384—22 U.S.C. 1754(b), OFFICE OF THE VICE PRESIDENT FOR TRAVEL FROM APR. 1 TO JUNE 30, 2004

Name and country	Name of currency	Per diem		Transportation		Miscellaneous		Total	
		Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency
Brenda Becker:									
United Kingdom	Pound		181.00						181.00
France	Euro		389.00						389.00
Total			570.00						570.00

DICK CHENEY,
Vice President of the United States, July 20, 2004.

AUTHORIZATION TO SIGN BILLS AND RESOLUTIONS

Mr. McCONNELL. Mr. President, I ask unanimous consent that during this adjournment of the Senate the junior Senator from Missouri be authorized to sign newly enrolled bills or joint resolutions.

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

MEASURE READ THE FIRST TIME—S. 2774

Mr. McCONNELL. I understand that S. 2774 is at the desk and I ask for its first reading.

The PRESIDING OFFICER. The clerk will read the title of the bill for the first time.

The assistant legislative clerk read as follows:

A bill (S. 2774) to implement the recommendations of the National Commission on Terrorist Attacks upon the United States, and for other purposes.

Mr. McCONNELL. I ask for its second reading, and in order to place the bill on the calendar under the provision of rule XIV I object to proceeding to the matter.

The PRESIDING OFFICER. The objection having been heard, the bill will be read the second time on the next legislative day.

APPOINTMENT

The PRESIDING OFFICER. The Chair, on behalf of the Majority Leader, pursuant to Public Law 108–199, Title VI, Section 637, appoints the following individual to serve as a member of the Helping to Enhance the Livelihood of People (HELP) Around the Globe Commission: Thomas Chandler Kleine of Virginia.

ORDERS FOR WEDNESDAY, SEPTEMBER 8, 2004

Mr. McCONNELL. Mr. President, I ask unanimous consent when the Senate completes its business today it adjourn until 10:30 a.m. on Wednesday, September 8. I further ask that following the prayer and pledge, the morning hour be deemed expired, the Journal of proceedings be approved to date, the time for the two leaders be reserved for their use later in the day, and the Senate then begin a period of morning business for statements only until 11:30 a.m, with the first half of the time under the control of the Democratic leader or his designee and the remaining time under the control of the majority leader or his designee; provided that at 11:30 a.m. the Senate proceed to consideration of Calendar No. 588, H.R. 4567, the Homeland Security appropriations bill, as provided under the previous order.

I further ask consent that the Senate recess from 12:30 until 2:15 p.m. for weekly party luncheons.

Mr. REID. No objection.

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

PROGRAM

Mr. McCONNELL. For the information of all Senators, following morning business the Senate will begin consideration of the Homeland Security appropriations bill. We will begin the amending process tomorrow morning and Senators should expect rollcall votes during tomorrow's session. It is our intention to move this bill to completion in a timely manner and those Senators who wish to offer amendments should contact the bill managers as soon as possible.

ADJOURNMENT UNTIL TOMORROW AT 10:30 A.M.

Mr. McCONNELL. Mr. President, if there is no further business to come before the Senate, I ask unanimous consent the Senate stand in adjournment under the previous order.

There being no objection, the Senate, at 8:07 p.m., adjourned until Wednesday, September 8, 2004, at 10:30 a.m.

NOMINATIONS

Executive nominations received by the Senate September 7, 2004:

MORRIS K. UDALL SCHOLORSHIP AND EXCELLENCE IN NATIONAL ENVIRONMENTAL POLICY FOUNDATION

D. MICHAEL RAPPOPORT, OF ARIZONA, TO BE A MEMBER OF THE BOARD OF TRUSTEES OF THE MORRIS K. UDALL SCHOLARSHIP AND EXCELLENCE IN NATIONAL ENVIRONMENTAL POLICY FOUNDATION FOR A TERM EXPIRING OCTOBER 6, 2008. (REAPPOINTMENT)

THE JUDICIARY

PAUL A. CROTTY, OF NEW YORK, TO BE UNITED STATES DISTRICT JUDGE FOR THE SOUTHERN DISTRICT OF NEW YORK, VICE HAROLD BAER, JR., RETIRING.

CENTRAL INTELLIGENCE

PORTER J. GOSS, OF FLORIDA, TO BE DIRECTOR OF CENTRAL INTELLIGENCE, VICE GEORGE JOHN TENET, RESIGNED.

IN THE COAST GUARD

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES COAST GUARD TO THE GRADE INDICATED UNDER TITLE 14, U.S.C., SECTION 271:

To be rear admiral (lower half)

CAPT. GARY T. BLORE, 3199
CAPT. CRAIG E. BONE, 6477
CAPT. ROBERT S. BRANHAM, 6546
CAPT. JOHN P. CURRIER, 0852
CAPT. RONALD T. HEWITT, 6030
CAPT. JOSEPH L. NIMMICH, 9821
CAPT. JOEL R. WHITEHEAD, 5138

IN THE AIR FORCE

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES AIR FORCE TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

To be general

GEN. GREGORY S. MARTIN, 6337

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES AIR FORCE TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

To be general

LT. GEN. BRUCE A. WRIGHT, 5759

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES AIR FORCE TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

To be general

LT. GEN. RONALD E. KEYS, 5357

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES AIR FORCE TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

To be lieutenant general

MAJ. GEN. STEPHEN R. LORENZ, 2664

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES AIR FORCE TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

To be lieutenant general

MAJ. GEN. DENNIS R. LARSEN, 3094

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES AIR FORCE TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

To be lieutenant general

MAJ. GEN. KEVIN P. CHILTON, 1863, 6603

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES AIR FORCE TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

To be lieutenant general

MAJ. GEN. WILLIAM M. FRASER III, 9314

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES AIR FORCE TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

To be lieutenant general

LT. GEN. CARROL H. CHANDLER, 9115

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES AIR FORCE TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

To be lieutenant general

MAJ. GEN. STEPHEN G. WOOD, 7553

IN THE ARMY

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES ARMY TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

To be lieutenant general

MAJ. GEN. ROBERT T. DAIL, 5056

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES ARMY TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

To be lieutenant general

MAJ. GEN. DAVID F. MELCHER, 8170

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT IN THE RESERVE OF THE ARMY TO THE GRADES INDICATED UNDER TITLE 10, U.S.C., SECTION 12203:

To be major general

BRIG. GEN. JAMES E. ARCHER, 6923
BRIG. GEN. STEVEN P. BEST, 7173
BRIG. GEN. PETER S. COOKE, 6590
BRIG. GEN. MICHAEL A. KUEHR, 0757
BRIG. GEN. JACK C. STULTZ, 5861

To be brigadier general

COL. NORMAN H. ANDERSSON, 9151
COL. EDWARD L. ARNTSON II, 5208
COL. MARGRIT M. FARMER, 0260
COL. GLENN J. LESNIAK, 8435
COL. ADOLPH MC QUEEN JR., 8120
COL. JACK F. NEVIN, 0497
COL. MAYNARD J. SANDERS, 3264
COL. GREGORY A. SCHUMACHER, 9676
COL. KEITH L. THURGOOD, 0611

IN THE MARINE CORPS

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES MARINE CORPS TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

To be lieutenant general

LT. GEN. EDWARD HANLON JR., 2430

IN THE NAVY

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES NAVY TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

To be vice admiral

REAR ADM. JAMES K. MORAN, 5752

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES NAVY TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

TO BE VICE ADMIRAL

REAR ADM. JOSEPH A. SESTAK JR., 0962

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES NAVY TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

To be vice admiral

REAR ADM. MARK P. FITZGERALD, 2694

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES NAVY TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

To be vice admiral

VICE ADM. GARY ROUGHEAD, 6126

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES NAVY TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 624:

To be rear admiral

REAR ADM. (LH) ANDREW M. SINGER, 1084

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES NAVY TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 624:

To be rear admiral

REAR ADM. (LH) ROBERT B. MURRETT, 7287

IN THE COAST GUARD

THE FOLLOWING NAMED OFFICER OF THE UNITED STATES COAST GUARD TO THE POSITION OF COAST GUARD BAND DIRECTOR IN THE GRADE INDICATED UNDER TITLE 14, U.S.C., SECTION 336:

To be lieutenant

KENNETH W. MEGAN, 5106

CONFIRMATIONS

Executive nominations confirmed by the Senate September 7, 2004:

THE JUDICIARY

MICHAEL H. WATSON, OF OHIO, TO BE UNITED STATES DISTRICT JUDGE FOR THE SOUTHERN DISTRICT OF OHIO.

VIRGINIA MARIA HERNANDEZ COVINGTON, OF FLORIDA, TO BE UNITED STATES DISTRICT JUDGE FOR THE MIDDLE DISTRICT OF FLORIDA.

MICHAEL H. SCHNEIDER, SR., OF TEXAS, TO BE UNITED STATES DISTRICT JUDGE FOR THE EASTERN DISTRICT OF TEXAS.