

The legislative clerk read as follows:

A resolution (S. Res. 443) to authorize testimony, document production, and legal representation in United States versus Roberto Martin.

There being no objection, the Senate proceeded to consider the resolution.

Mr. FRIST. Mr. President, this resolution concerns a request for testimony, documents, and representation in a criminal action pending in Florida Federal District Court. In this action, the defendant is charged with impersonating an agent of the Central Intelligence Agency, conspiracy to impersonate a CIA agent, possession of a firearm after a felony conviction, and mail fraud. The indictment alleges that the defendant unjustly enriched himself by obtaining money from third parties upon the false representation that he was working with the CIA on a secret operation to obtain funds allegedly stolen from Cuban leader Fidel Castro. According to the prosecution, in furtherance of the alleged fraud, the defendant or his co-conspirators provided to third parties a fictitious letter purportedly signed by Senator GRAHAM.

The defendant's trial is scheduled to commence on or about November 1, 2004. The prosecution has requested testimony and the production of documents from a member of the Senator's staff who has evidence relevant to the charged offenses. Senator GRAHAM wishes to cooperate with the prosecution's request. Accordingly, the enclosed resolution authorizes that staff member, and any other employees of Senator GRAHAM's office from whom evidence may be required, to testify and produce documents in this action. The enclosed resolution also authorizes representation by the Senate legal counsel of Senator GRAHAM's staff in this action.

Mr. SESSIONS. I ask unanimous consent that the resolution be agreed to, the preamble be agreed to, the motion to reconsider be laid upon the table, and that any statements relating to this matter be printed in the RECORD.

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

The resolution (S. Res. 443) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 443

Whereas, in the case of United States v. Roberto Martin, Crim. No. 04-CR-20075, pending in federal district court in the Southern District of Florida, testimony and documents have been requested from an employee in the office of Senator Bob Graham;

Whereas, pursuant to sections 703(a) and 704(a)(2) of the Ethics in Government Act of 1978, 2 U.S.C. §§288b(a) and 288c(a)(2), the Senate may direct its counsel to represent employees of the Senate with respect to any subpoena, order, or request for testimony relating to their official responsibilities;

Whereas, by the privileges of the Senate of the United States and Rule XI of the Standing Rules of the Senate, no evidence under the control or in the possession of the Senate may, by the judicial or administrative proc-

ess, be taken from such control or possession but by permission of the Senate;

Whereas, when it appears that evidence under the control or in the possession of the Senate may promote the administration of justice, the Senate will take such action as will promote the ends of justice consistent with the privileges of the Senate: Now, therefore, be it

Resolved, That employees of Senator Graham's office from whom testimony or the production of documents may be required are authorized to testify and produce documents in the case of United States v. Roberto Martin, except concerning matters for which a privilege should be asserted.

SEC. 2. The Senate Legal Counsel is authorized to represent Senator Graham's staff in the action referenced in section one of this resolution.

MEASURES PLACED ON THE CALENDAR—S. 2852, H.R. 1084, AND H.R. 1787

Mr. SESSIONS. Mr. President, I understand there are three bills at the desk and due for a second reading. I ask unanimous consent that the clerk read the titles of the bills for a second time, en bloc.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will read the bills by title for the second time.

The legislative clerk read as follows:

A bill (S. 2852) to provide assistance to Special Olympics to support expansion of Special Olympics and development of education programs and a Healthy Athletes Program, and for other purposes.

A bill (H.R. 1084) to provide liability protection to nonprofit volunteer pilot organizations flying for public benefit and to the pilots and staff of such organizations.

A bill (H.R. 1787) to remove civil liability barriers that discourage the donation of fire equipment to volunteer fire companies.

Mr. SESSIONS. I would object to any further consideration, en bloc.

The PRESIDING OFFICER. The objection is heard. The bills will be placed on the calendar.

MEASURE READ THE FIRST TIME—S. 2866

Mr. SESSIONS. Mr. President, I understand there is a bill at the desk, and I ask for its first reading.

The PRESIDING OFFICER. The clerk will read the bill by title for the first time.

The legislative clerk read as follows:

A bill (S. 2866) to amend the Farm Security and Rural Investment Act of 2002 to clarify the authority of the Secretary of Agriculture and the Commodity Credit Corporation to enter into memorandums of understanding with a State regarding the collection of approved State commodity assessments on behalf of the State from the proceeds of marketing assistance loans.

Mr. SESSIONS. I now ask for its second reading and, in order to place the bill on the calendar under the provisions of rule XIV, object to further proceedings on this matter.

The PRESIDING OFFICER. The bill will be read for the second time on the next legislative day.

TAX TREATMENT OF BONDS AND OTHER OBLIGATIONS ISSUED BY THE GOVERNMENT OF AMERICAN SAMOA

Mr. SESSIONS. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of Calendar No. 655, H.R. 982.

The PRESIDING OFFICER. The clerk will report the bill by title.

The legislative clerk read as follows:

A bill (H.R. 982) to clarify the tax treatment of bonds and other obligations issued by the Government of American Samoa.

There being no objection, the Senate proceeded to consider the bill.

Mr. SESSIONS. I ask unanimous consent the bill be read a third time and passed, the motion to reconsider be laid upon the table, and any statements be printed in the RECORD.

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

The bill (H.R. 982) was read the third time and passed.

REAUTHORIZATION OF THE CONGRESSIONAL AWARD ACT

Mr. SESSIONS. I ask unanimous consent that the Senate proceed to the immediate consideration of Calendar No. 693, S. 2639, the Congressional Award Act Reauthorization bill.

The PRESIDING OFFICER. The clerk will report the bill by title.

The legislative clerk read as follows: A bill (S. 2639) to reauthorize the Congressional Award Act.

There being no objection, the Senate proceeded to consider the bill.

Mr. SESSIONS. I ask unanimous consent the Craig amendment, which is at the desk, be agreed to, the bill as amended be read a third time and passed, the motion to reconsider be laid upon the table, and that any statement relating to the bill be printed in the RECORD.

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

The amendment (No. 3784) was agreed to, as follows:

(Purpose: To clarify acceptance of Federal funds and resources)

After section 1, insert the following:

SEC. 2. FEDERAL FUNDS AND RESOURCES.

(a) TECHNICAL AMENDMENTS; CLARIFICATION OF ACCEPTANCE OF FEDERAL FUNDS AND RESOURCES.—Section 106 of the Congressional Award Act (2 U.S.C. 806) is amended—

(1) in subsection (a)(1), by striking "from sources other than the Federal Government";

(2) in the heading of subsection (e), by striking "NON-FEDERAL FUNDS AND RESOURCES; INDIRECT RESOURCES" and inserting "FUNDS AND RESOURCES";

(3) in subsection (e)—

(A) in paragraph (1), by striking "Subject to the provisions of paragraph (2), the" and inserting "The"; and

(B) by striking paragraph (2) and inserting the following:

"(2) The Board—

"(A) may benefit from in-kind and indirect resources provided by Offices of Members of Congress;

"(B) is not prohibited from receiving benefits from efforts or activities undertaken in

collaboration with entities which receive Federal funds or resources; and

“(C) may not accept more than one-half of all funds accepted from Federal sources.”; and

(4) adding at the end the following:

“(j) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Board to carry out this Act \$750,000 for each of fiscal years 2005, 2006, 2007, 2008, and 2009.”.

The bill (S. 2639), as amended, was read the third time and passed, as follows:

S. 2639

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

SECTION 1. REAUTHORIZATION OF THE CONGRESSIONAL AWARD ACT.

(a) EXTENSION OF REQUIREMENTS REGARDING FINANCIAL OPERATIONS OF CONGRESSIONAL AWARD PROGRAM; NONCOMPLIANCE WITH REQUIREMENTS.—Section 104(c)(2)(A) of the Congressional Award Act (2 U.S.C. 804(c)(2)(A)) is amended by striking “and 2004” and inserting “2004, 2005, 2006, 2007, 2008, and 2009”.

(b) TERMINATION.—Section 108 of the Congressional Award Act (2 U.S.C. 808) is amended by striking “October 1, 2004” and inserting “October 1, 2009”.

(c) TECHNICAL AMENDMENTS.—The Congressional Award Act is amended—

(1) in section 103(b)(3)(B) (2 U.S.C. 803(b)(3)(B)), by striking “section” each place it appears and inserting “subsection”; and

(2) in section 104(c)(2)(A) (2 U.S.C. 804(c)(2)(A)), by inserting a comma after “1993”.

SEC. 2. FEDERAL FUNDS AND RESOURCES.

(a) TECHNICAL AMENDMENTS; CLARIFICATION OF ACCEPTANCE OF FEDERAL FUNDS AND RESOURCES.—Section 106 of the Congressional Award Act (2 U.S.C. 806) is amended—

(1) in subsection (a)(1), by striking “from sources other than the Federal Government”;

(2) in the heading of subsection (e), by striking “NON-FEDERAL FUNDS AND RESOURCES; INDIRECT RESOURCES” and inserting “FUNDS AND RESOURCES”;

(3) in subsection (e)—

(A) in paragraph (1), by striking “Subject to the provisions of paragraph (2), the” and inserting “The”; and

(B) by striking paragraph (2) and inserting the following:

“(2) The Board—

“(A) may benefit from in-kind and indirect resources provided by Offices of Members of Congress;

“(B) is not prohibited from receiving benefits from efforts or activities undertaken in collaboration with entities which receive Federal funds or resources; and

“(C) may not accept more than one-half of all funds accepted from Federal sources.”; and

(4) adding at the end the following:

“(j) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Board to carry out this Act \$750,000 for each of fiscal years 2005, 2006, 2007, 2008, and 2009.”.

DEPARTMENT OF HOMELAND SECURITY FINANCIAL ACCOUNTABILITY ACT

Mr. SESSIONS. Mr. President, I ask unanimous consent that the Governmental Affairs Committee be discharged from further consideration of H.R. 4259, and the Senate proceed to its immediate consideration.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will report the bill by title.

The legislative clerk read as follows:

A bill (H.R. 4259) 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.

There being no objection, the Senate proceeded to consider the bill.

HOMELAND SECURITY STRATEGY

Mr. LIEBERMAN. Mr. President, I rise to call attention to a critical piece of this legislation—the requirement in section 5 of H.R. 4259, the Department of Homeland Security Financial Accountability Act, for an annual homeland security strategy.

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

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

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

The administration did produce a “National Strategy for Homeland Security” in July 2002 that correctly identified many of the challenges we face in preparing to meet the threat of terrorism. But that document predates the creation of the Department of Homeland Security and is already badly out of date.

More significantly, as the highly regarded Gilmore Commission on terrorism noted in its final report last December:

Much is still required in order to achieve an effective, comprehensive, unified national strategy and to translate vision into action. Notably, absent is a clear prioritization for the use of scarce resources against a diffuse, unclear threat as part of the spectrum of threats—some significantly more common than terrorism. The panel has serious concerns about the current state of homeland security efforts along the full spectrum from

awareness to recovery and is worried that efforts by the government may provide the perception of enhanced security that causes the nation to become complacent about the many critical actions still required.

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

That is why I am pleased that the legislation before us calls upon the administration to develop and update its homeland security strategy in connection with its budgeting process for the Department of Homeland Security. More specifically, the legislation requires that the Secretary for Homeland Security:

... set forth the homeland security strategy of the department, which shall be developed and updated as appropriate annually . . .

and explain how that strategy relates to the Department's planned budgeting.

As it does so, the administration should adhere to the guiding principles laid out in the February 3, 2004 report by the General Accounting Office, GAO, now referred to as the Government Accountability Office, regarding the Nation's various strategies related to terrorism and homeland security. In that report, the GAO surveyed 7 existing Federal strategies related to terrorism—including the National Strategy for Homeland Security—and laid out guiding principles to improve these strategies. These principles stress accountability and prioritization as requirements for a sound strategy. The new strategy must employ risk assessment and analysis to help prioritize strategic goals, then indicate the specific activities needed to achieve those goals, as well as the likely costs and how such funds should be generated. In other words, the strategy must make real choices about priorities and resources. The current strategy identifies many goals, but rarely provides real deadlines for action, standards or performance measures to assess progress, or details on the resources required for stated initiatives.

The strategy should clearly spell out organizational roles and responsibilities, including the proper roles of State, local, private and international actors and the coordinating mechanisms to bring these actors together. Almost 3 years after 9/11, we still too often must ask “who is in charge?” of key pieces of our homeland security agenda. And, critically, the homeland security strategy must address how it relates to other Federal strategies regarding terrorist threats, and how the strategies will be integrated.

Such a strategy must also provide more leadership on critical components of our homeland effort, such as a thoroughgoing strategy to maximize information sharing related to homeland security throughout the Federal Government and with state and local officials